

# TEXAS SOUTHERN UNIVERSITY STUDENT LIFE POLICIES

## TSU Student Code of Conduct

### **Purpose**

Texas Southern University's Student Code of Conduct ("Code") has been developed for the express purpose of acquainting students with the rules and regulations of Texas Southern University (also referred to as "University" and "TSU") necessary to ensure the orderly conduct of its students while attaining its lawful goals and objectives.

The Student Code of Conduct establishes the University's internal disciplinary system. Texas Southern University has both the right and obligation to promulgate discipline as a necessary part of the University's educational process and to ensure the attainment of the University's lawful goals and objectives.

The policies contained in this document supersede all policies previously published in other Student Code of Conduct manuals. Authority to administer the Student Code of Conduct and student judiciary systems is delegated to the Vice President for Student Services/Dean of Students. In addition, the University reserves the right, for educational purposes, to review any action taken by civil and criminal authorities regarding students. It also has the obligation to introduce counseling and/or disciplinary action if the student's conduct has interfered with the University's exercise of its educational objectives or responsibilities to its members. Disciplinary action taken on this basis shall conform to the terms of the Student Code of Conduct.

Texas Southern University supports the concept of educational discipline. A student admitted to Texas Southern University accepts the responsibility to conform to all Texas Southern University rules and regulations. When a student is not a danger to the university community, or when a repetition of misconduct is unlikely, the University will make an effort to educate the student through a sanction; but should the student demonstrate unwillingness to obey the rules governing conduct, the student will be subjected to the following sanctions: expulsion, suspension, disciplinary probation, disciplinary warning, disciplinary reprimand and any enforcement needed to administer a fair standard of discipline for violations. Students are expected to adhere, and will be held accountable for adhering, to all federal, state, and local laws in addition to all university policies and regulations.

Although the University will make every reasonable effort to make the rules and regulations available, students are responsible for becoming familiar with them. Proven failure to meet this obligation will justify appropriate disciplinary actions including, but not limited to, expulsion, suspension, disciplinary probation, or reprimand.

### **Jurisdiction**

The Code applies to conduct that occurs on University premises; at activities sponsored, conducted, or authorized by the University or by registered student organizations; and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for

admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

## **Section I**

### **Student Rights, Responsibilities And Requirements**

Students at Texas Southern University have all the rights and privileges expressed in the constitutions and laws of the United States and of the State of Texas. Basic to these rights is the guarantee of freedom of speech and assembly. However, these rights and freedoms must be exercised in a manner that neither disrupts nor interferes with the academic programs and administrative processes of the University.

Each student at Texas Southern University is expected to become familiar with all published policies, rules, and regulations of the University. The Office of the Vice President for Student Services/Dean of Students will make every effort to ensure that these published policies are available to each student. The student is responsible for any violation of the policies, rules, and regulations.

The University requires each student to be responsible for the following:

1. Identification Cards – All TSU students are required to carry a TSU I.D. card at all times and be willing to produce it promptly upon request of any University official acting within proper authority. TSU I.D. cards are not transferable, and lost cards must be reported to the campus police and the Office of the Vice President for Student Services/Dean of Students within 24 hours of the student's first awareness of loss. Students failing to comply with this directive will be held accountable for any abuse of the I.D. card and must bear the cost of replacement.
2. Correct Current Address – Every TSU student is required to have a current local and permanent home address on file in the Registrar's office. Students are held accountable for any communication sent by the University to the student's address of record. Every student is required to file an address through which close relatives may be contacted in the event of an emergency. A campus or U.S. post office box mailing address is an insufficient local address for campus residents and must be augmented by the student's physical address.
3. Automobile Registration and Parking – All TSU students operating motor vehicles and motor bikes on campus must register such vehicles with the University Police Department. Vehicles which are not registered and cited for violations are subject to towing at the owner's expense.
4. Withdrawal From the University – A student who voluntarily withdraws from the University must surrender their TSU I.D. card to the University's Registrar. Any student who is involuntarily separated from the University through the disciplinary process must surrender their TSU I.D. card to the Vice President for Student Services/Dean of Students.

## **Section II**

### **Campus Alcohol And Drug Policy**

Texas Southern University adheres to and complies with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which requires an Institution of Higher Education to certify with the United States Department of Education that it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by students and its employees. The Drug-Free Schools Act, that has been adopted by the University, will be published and disseminated to students and employees periodically and will be enforced under this section.

#### **Texas State Laws**

In 1985 Texas amended its legal definition of “minor” to mean a person younger than 21 years of age. Minors are prohibited by Section 106.02(a) of the Alcoholic Beverage Code from purchasing alcoholic beverages. Further, Section 106.03(a) makes it unlawful for a person to sell alcoholic beverages to a minor. Section 106.06(a) prohibits anyone from purchasing alcoholic beverages for a minor. The only exception to section 106.06(a) is for an adult parent, guardian, spouse or other adults to whom the courts have given custody of the minor under Section 106.06(a).

#### **Alcoholic Beverage Policy at Texas Southern University**

The possession of alcoholic beverages on the campus of Texas Southern University or at University- sponsored activities is prohibited, except as described in the following University policies designed to provide for specific interpretations and implementation of this regulation, including, but not limited to the following:

1. No student who is below the chronological age of 21 years will be served alcoholic beverages of any kind while on the University campus or at University-sponsored activities.
2. The Office of the Vice President for Student Services must approve in advance the sale and distribution of alcoholic beverages dispensed on the campus of TSU or on properties or at events sanctioned by Texas Southern University.
3. Alcoholic beverages have been approved for distribution and consumption only through the Office of the Vice President for Student Services in the Sterling Student Life Center (for approved activities and special events) and in other areas designated by the appropriate University authorities.
4. Permission to serve or consume alcoholic beverages is restricted to approved University departments and approved non-university organizations which meet the conditions associated with renting an approved University facility and/or engaging the services of the University’s approved vendor for the distribution and sale of alcoholic beverages.
5. No organization, even though otherwise qualified, may serve alcohol. The University’s approved vendor will supply staff to monitor, distribute, and secure all alcoholic beverages. The event host must bring all alcoholic beverages to the University’s approved vendor at a time and place arranged prior to the event.

## **Drug Policy**

The use, possession, acquisition, or distribution of any illicit drug or controlled substance on the University campus, at University-sponsored activities, or on buses or other conveyances engaged by the University to transport students to and from a University event is expressly prohibited. Students found in violation of this policy will be subject to strict enforcement of sanctions as outlined in Section IV and possible criminal charges. Illicit drugs include, but are not limited to PCP, marijuana, cocaine, heroin, crack, amphetamines, LSD, sedatives, hypnotics, and inhalants.

## **Alcohol or Drug Possession Disclosure**

Texas Southern University retains the right to notify parents or legal guardians of a student regarding any violation of federal, state, or local law or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance, regardless of whether or not that information is contained in the student's education records, if:

1. the student is under the age of 21 at the time of the disclosure to the parent, and
2. the University determines that the student has committed a disciplinary violation with respect to such use or possession.

Such notices must be approved by the Office of the Vice President for Student Affairs/Dean of Students.

## **Section III**

### **Freedom of Expression Policy**

Texas Southern University is committed to fostering a learning environment where free inquiry and expression are encouraged. The purpose of Texas Southern University's Freedom of Expression Policy is to provide for organized expressive activities to be conducted on the grounds of the University in a manner consistent with these principles. The University expects that persons engaging in expressive activities will comply with University policies and applicable local, state, and federal laws. Texas Southern University maintains its right to place reasonable time, place and manner restrictions on expressive activities. Additionally, any activities that are unlawful or disruptive to the normal operations of the University, including classes and University business activities, will not be tolerated. Groups or individuals engaging in disruptive activities or failing to comply with University policies and applicable local, state, and federal laws may face immediate removal from the campus and other appropriate actions by University officials and University police.

Freedom of Expression is applicable to students, faculty and staff, who wish to engage in extracurricular, organized expressive activities including public speaking, literature distribution, poster displays, sign displays, any other type of graphic exhibitions, expressive performances, petitioning, or similar noncommercial activities at locations on University property. These guidelines do not apply to official University activities. University grounds and buildings are reserved for use by Texas Southern University students, faculty, and staff, except as otherwise permitted by policies of the University. Expressive activities permitted under these guidelines do not imply official endorsement by the University. Groups or individuals engaged in expressive activities are responsible for the content of their expression.

A copy of Texas Southern University Freedom of Expression Policy may be obtained online at [www.tsu.edu/student\\_services](http://www.tsu.edu/student_services) or in the Dean of Students Office, Recreation Center, 2nd floor.

## **Section IV**

### **Definition of Sanctions**

The Board of Regents and the President of Texas Southern University have delegated primary responsibility for student discipline to the Vice President for Student Services/Dean of Students. The Vice President for Student Services/Dean of Students is assigned direct operational responsibility for the administration of the Student Code of Conduct within the University. Consistent with this responsibility, certain disciplinary sanctions may be imposed on students found in violation of the Student Code of Conduct. These sanctions for violations of disciplinary rules and regulations may consist of, but are not limited to the following:

1. **Expulsion:** Permanent involuntary separation from the University, prohibits a student from ever attending the University, enrolling in any University courses and/or being present on University premises (i.e. property owned, leased, controlled, used, or occupied by the University, including property physically removed from the main campus), without the prior written permission of the Vice President for Student Services/Dean of Students. Expulsion will be noted on the student's permanent record.
2. **Suspension:** Involuntary separation or withdrawal from the University for a specified period of time, which prohibits the student from being on the University premises without the prior written permission of the Vice President for Student Services/Dean of Students. It also involves the loss of the privilege of registration for any University courses. A suspended student must petition the Vice President for Student Services/Dean of Students for readmission. Suspension will be noted on the student's permanent record.
3. **Status of Students Suspended for Disciplinary Reasons:** Students under disciplinary suspension are required to disassociate themselves from the University except for appointments that have been made to conduct official university business approved in advance by the Office of the Vice President for Student Services/Dean of Students.
4. **Disciplinary Probation:** Conditions imposed for a definite period of time, with or without a loss of privileges. During this time the student's behavior is monitored and critically examined. Any misconduct while on disciplinary probation may result in a more serious sanction or expulsion. Probation will be noted on the student's permanent record during the period of probation.
5. **Disciplinary Warning:** An official written notice of unacceptable behavior, emphasizing the fact that further misconduct may result in the more serious disciplinary sanction of probation, suspension, or expulsion.
6. **Disciplinary Reprimand:** An official written criticism for the first violation of the Student Code of Conduct when misconduct is less serious.
7. **Revocation of Admission and/or Degree:** revocation of admission and/or degree may be imposed for fraud, misrepresentation, or other violations of University rules/policies in

obtaining admission or a degree, or for other serious violations committed by an applicant or by a student prior to the awarding of the degree.

8. **Other Sanctions:** Any enforcement/sanctions needed to administer a fair standard of discipline, including but not limited to:
  1. Restitution.
  2. Counseling referral.
  3. Assignment of a special project.
  4. Assignment of community service.
  5. Restriction from membership, participation or holding office in student organizations or other elective office during the probationary period.
  6. Restriction to the campus and to those activities required of all students by the University.
  7. Restrictions from participating in University-sponsored activities, other extracurricular activities, residence hall activities, and/or athletics.
  8. Expulsion/suspension from the residence halls or a disciplinary room change.
  9. Revocation of the right to represent Texas Southern University in any honorary position: "Miss TSU", student delegate, etc.
  10. Restriction from using an automobile on the campus for a designated period of time.
  11. Restriction from voting, campaigning for another student, or attending organizational meetings during the probationary period.

## **Section V**

### **Judicial Holds**

The Office of the Vice President for Student Services may place a Judicial Hold on a student with the Office of the Registrar for non-compliance with required sanctions, for nonpayment of fines or other assessments after judicial action, for not cooperating with the judicial process under the Code, for having pending Student Code of Conduct allegations, and for other causes as necessary. In general, students with Judicial Holds may not register for classes, receive copies of their transcripts or grades, have their transcript released to other parties, or graduate. The Judicial Hold is an administrative action authorized by the Office of the Vice President for Student Services and is not a disciplinary sanction under the Code for purposes of the internal records of the student.

***Special Note: The University administration and the Office of the Vice President for Student Services/Dean of Students reserve the right to develop techniques and methods of discipline to contend with any violation of University policies, the lawful mission of the University, this Student Code of Conduct, or any other violation it has failed to anticipate.***

## **Section VI**

### **Student Code of Conduct Violations**

The University deems the following acts unacceptable and violations of the Student Code of Conduct. Acting under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Disciplinary Code. This list may not be all inclusive of inappropriate behavior or misconduct. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Section IV.

- 6.1 **Repeated Disciplinary Violations** - any violation of the terms of any disciplinary sanction.
- 6.2 **Academic Misconduct** – Engaging in any form of academic dishonesty with respect to examinations, course assignments, research projects, grades, and/or academic records, including, but not limited to plagiarism, cheating on exams, changing grades, and taking another student’s exam.
- 6.3 **Violation of Laws** - Commission of an act which violates local, state, or federal laws.
- 6.4 **Campus Disturbance** - Willfully engaging in acts which obstruct, disrupt, or interfere with normal University functions or University-sponsored activities and services including, but not limited to studying, teaching, research, or fire, police and emergency services.
- 6.5 **Dangerous Weapons** - Unauthorized possession or use of firearms (pistols, rifles, etc.), deadly weapons (knives, clubs, etc.), dangerous chemicals, or explosive devices on the University campus or at University- sponsored activities.
- 6.6 **Mental or Bodily Harm** – (a) Intentionally inflicting mental or bodily harm upon any person; (b) taking any action for the purpose of inflicting mental or bodily harm upon any person; (c) taking any reckless, but not accidental action from which mental or bodily harm could result to any person; (d) engaging in conduct (including, but not limited to stalking) that causes a person to believe that the offender may cause mental or bodily harm; (e) “Any person” as used in this section may include oneself.
- 6.7 **Use, Manufacture, Distribution, Sale, Offer for Sale, or Possession of Controlled Substances or Drug Paraphernalia** – The use, manufacture, distribution, sale, offer for sale, or possession of any drug paraphernalia or controlled substances, including but not limited to, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana, except as expressly permitted by Texas law. Controlled Substances and Drug Paraphernalia are defined by Texas Law.
- 6.8 **Unauthorized Use of Alcoholic Beverages** – a. Possession, distribution, or consumption of alcoholic beverages except during events or in circumstances authorized by university officials and/or failure to comply with state or university regulations regarding the use or sale of alcoholic beverages.  
b. Public Intoxication – Presenting a threat to oneself or others due to being under the influence of alcoholic beverages.
- 6.9 **Theft** – Taking without the consent of the owner personal property or services or the property or services of the University.
- 6.10 **Possession of Stolen Property** - Knowingly possessing stolen property on campus or at University sponsored activities or events.

- 6.11 **Destruction of Property** - Deliberately destroying, damaging, or mutilating University property or the property of another person while on the University campus.
- 6.12 **Burglary** - Unlawful and/or forcible entry by a person or any physical object connected with the person's body into a building, office, room, vehicle, or coin-operated machine on the University campus with the intent to commit theft.
- 6.13 **Discrimination** - Intentional discrimination against a person or group of people on the basis of race, sex, color, age, religion, disability, national origin, sexual orientation or veteran status.
- 6.14 **Hazing** – is defined in more detail in the University's "Hazing Policy" and Texas law; includes any intentional, knowing, or reckless act, occurring on or off the University's campus, by one or more persons alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student and/or which demeans, disgraces or degrades a student, for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization whose members are or include students of the University.
- 6.15 **Fraud** - Intentionally attempting by illegal schemes and techniques to avoid the payment of tuition or fees legally due the University and the State of Texas or to obtain surreptitiously or under false pretext money, goods, favors or services from persons at the University or in the name of the University.
- 6.16 **Forgery** - Illegally altering or misusing official documents or instruments of identification used by the University.
- 6.17 **Unauthorized Use of the University's Name** – Unauthorized use of the name of Texas Southern University and/or its service marks. Use of University's name/service marks for solicitation purposes must receive prior written approval from the University's Office of Institutional Advancement.
- 6.18 **Rendering False Information** - Knowingly furnishing false information to a University official, a hearing body, or an investigating official. Knowingly misrepresenting facts against persons at the University with the expressed purpose of maliciously attacking, defaming, or subjecting the person to public scorn.
- 6.19 **Insubordination** - Deliberately disregarding or disobeying a lawful directive from a University official acting in an official capacity.
- 6.20 **Failure to Answer a Summons** - Following proper notification, failing to appear before the Vice President for Student Services/Dean of Students, a hearing body, or an administrative officer of the University.
- 6.21 **Gambling, Wagering, and/or Bookmaking** – Gambling, wagering, and/or bookmaking as defined by federal, state and/or local laws on University grounds (owned or leased) or by using University equipment and services .
- 6.22 **Unauthorized Entry/Trespass** -Unauthorized entry to any University facility or property.
- 6.23 **Failure to Identify** - Failure to carry a valid TSU I.D. Card on one's person and produce same upon request from any duly authorized University official.

- 6.24 **Misuse of TSU I.D. Card** - Illegal use, transfer, alteration, or forgery of a TSU I.D. Card.
- 6.25 **Disorderly Conduct** – Obstructing or interfering with teaching, research, administration, disciplinary proceedings or other University functions or activities, including the University’s public service functions on or off campus. Disturbing the peace and good order of the University by, among other things fighting, quarreling, and disruptive behavior or excessive noise, including but not limited to, a disruption by use of all types of cameras, electronic tablets, cell phones, and/or other communication devices.
- 6.26 **Misuse of Safety Equipment** - Unauthorized use or tampering with fire safety systems or other emergency equipment.
- 6.27 **Defacing University Property** - Unauthorized attachment of signs, posters, and other items of publicity to doors, walls, windows, etc., except on bulletin boards as prescribed by the University’s administration.
- 6.28 **Unauthorized Sales and Solicitations** - Unauthorized buying and/or selling goods and products on the University campus or at University-sponsored events.
- 6.29 **Parking and Traffic Violations** - Failure to comply with the University parking and traffic regulations; illegally registering or attempting to register an automobile and/or acquiring or attempting to acquire a TSU parking permit.
- 6.30 **Student Election Fraud** - Tampering with a student election with the intent of influencing the outcome of the election.
- 6.31 **Failure to Provide Correct Current Address** - Failure to update the University with the student’s correct current address.
- 6.32 **Aiding and Abetting** - Knowingly encouraging or assisting a student to attempt or commit a violation of the Student Code of Conduct.
- 6.33 **Sexual Misconduct** – Violation of the University’s Sexual Harassment Policy and/or the University’s Title IX Grievance Procedure including, but not limited to, engaging in or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, sexual harassment, dating violence, domestic violence and/or stalking.
- 6.34 **Misuse or Abuse of Computers** – Unauthorized use or misuse of any University computer, computer system, service, program, data, network, cable television network, or communication network. The inappropriate or disproportionate use of an information technology resource owned or controlled by the University or use of an information technology resource for an illegal, threatening, harassing, abusive, or intentionally destructive purpose. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Breach of computer security, harmful access or invasion of privacy.
- 6.35 **Photographing or Videotaping** – Photographing, videotaping, filming, digitally recording, or by any other means, secretly viewing with or without a device, another person without that person’s consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section

does not apply to lawful security surveillance filming, or recording that is authorized by law enforcement or authorized University officials.

- 6.36 **Undisclosed recording** – Making, attempting to make, or transmitting an audio or video recording of private, non-public conversations and/or meetings on University premises without the knowledge and consent of all participants subject to such recordings. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement purposes.
- 6.37 **Bullying, Intimidation, and harassment** – a) Making or causing to be made any communication (including electronic or through social media) to another person in any manner likely to cause alarm; b) subjecting another person or threatening to subject another person to striking, kicking, shoving, or offensive touching; c) threatening to reveal personal information or media about a person electronically or through other means of communication; and/or d) engaging in any other course of alarming conduct or repeatedly committing acts with the purpose of seriously alarming another person.

A person's behavior should be sufficiently severe, pervasive, or persistent as to substantially disrupt or interfere with the orderly operation of the institution or the rights of a student to participate in or benefit from the educational program.

- 6.38 **Stalking** – Any course of conduct directed at a specific person that would cause a reasonable person to be fearful of serious harm or danger to himself or herself or to individuals close to him or her. Examples of stalking include non-consensual communication and physical contact; following or pursuing the other person; waiting or showing up at locations visited by the other person; spying on a person; trespassing; vandalism; gathering of information about a person from others; or manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the victim.
- 6.39 **Violation of University Policies and Procedures** – Violation of other University policies and procedures.

Students may be held accountable for their behavior through both the criminal justice system and the University's conduct code process. University conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Office of the Vice President for Student Services/Dean of Students.

## **Section VII**

### **Disciplinary Procedures**

#### **Complaint**

Any member of the University community may file a written complaint with the Office of the Vice President for Student Services/Dean of Students charging a student with violation of the Student Code of Conduct. The complaint must include sufficient facts which would enable the Office of the Vice President for Student Services/Dean of Students to decide if further fact finding is

necessary. An allegation of violation of the Student Code of Conduct must include the name of the complainant and should include pertinent facts including, but not limited to, a description of the alleged violation, the date of the alleged violation, the name(s) of the students involved, the time that the alleged violation took place, the location of the alleged violation, and the name(s) of any witnesses.

If an incident which involves an alleged/potential violation of the Student Code of Conduct occurs in University Housing, Housing staff will file an Incident Report form with the Office of the Vice President for Student Services/Dean of Students. Whenever a campus police officer responds to an incident which involves an alleged/potential violation of the Student Code of Conduct, the officer will file a Student Life Referral form with the Office of the Vice President for Student Services/Dean of Students..

The Incident Report form and the Student Life Referral form will list the following:

1. Date, location and approximate time of the incident.
2. The specific alleged violation.
3. Names and student numbers of persons involved.
4. Names of all available witnesses.
5. Actions taken.

Officers at Texas Southern University are certified peace officers of the State of Texas. It is their duty to enforce and preserve the public peace by all means. They have the authority to arrest and detain persons who violate local, state and federal laws.

### **Notice of Complaint**

Upon receipt of a written complaint, a campus police Student Life Referral form and/or a campus Housing Incident Report form, the Office of the Vice President for Student Services/Dean of Students will immediately initiate some combination of the following:

1. Investigate the complaint, and if the circumstances surrounding the complaint indicate that a violation of the Student Code of Conduct may have occurred, disciplinary charges may be issued. If the preliminary investigation reveals no violation of the Student Code of Conduct, dismiss the complaint as unfounded.
2. Send or cause to be sent to the student's address of record a written notice directing the student/respondent to appear before the Office of the Vice President for Student Services/Dean of Students at a specified time after the receipt of the notice for a procedural interview. Copies of the following documents will be made available to the student/respondent at the time of the procedural interview: a copy of the Student Code of Conduct; a copy of the referral notice, incident report and/or complaint filed against the student/respondent.
3. Determine if the complaint can be disposed of administratively without a hearing by mutual consent of the parties involved on a basis acceptable to the Office of the Vice President for Student Services/Dean of Students. Such disposition shall be confirmed in writing and

signed by the parties. The disposition shall be final and there shall be no subsequent proceedings. If a student/respondent admits to violating the Student Code of Conduct, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

4. If the complaint is not disposed of administratively as described above, the student/respondent will be advised that he/she must confirm in writing within 48 hours of the procedural interview whether he/she desires to proceed with a Disciplinary Conference (Conference) with the Director of Judicial Affairs and Assistant Vice President for Student Services ("Director/Assistant VP) or a hearing (Hearing) before the Student-Faculty-Staff Disciplinary Committee. A student/respondent's failure to provide written confirmation within the specified time will be considered a waiver of the student/respondent's right to proceed with a Hearing before the Student-Faculty-Staff Disciplinary Committee. A "Disciplinary Conference" will be scheduled.

### **Notice to Students**

All written notices to students will be considered received upon the occurrence of one or more of the following: placing the written notice addressed to the student's current local or permanent address as listed in the Registrar's records in the United States Postal Service mail or campus mail, sending written correspondence to the student's official University email address, or hand delivering written notice to the student. Receipt will constitute full and adequate notice.

### **Notice of Disciplinary Conference or Hearing**

The Office of the Vice President for Student Services/Dean of Students is responsible for scheduling the "Disciplinary Conference" or the Hearing before the Student-Faculty-Staff Disciplinary Committee. The Office will:

1. Provide the student/respondent with written notice of the date, time and place of the Disciplinary Conference (Conference) or the Hearing before Student-Faculty-Staff Disciplinary Committee at least five business days prior to the scheduled Conference or Hearing, citing the specific charges.
2. Include in the written notice the possible disciplinary sanctions that may be imposed if the charges are proven.
3. Advise the student/respondent of his/her right to present evidence and witnesses in support of his/her position.
4. Advise the student/respondent of his/her right to have access to the case file at least three (3) business days prior to and during the Conference or Hearing.
5. Inform the student/respondent in the written notice of the right to select an advisor, who may be an attorney, but who sits in an advisory capacity and who addresses the board only upon permission from the Chair. The student/respondent who wishes to have an attorney attend the Conference or the Hearing as their advisor shall notify the Office of the Vice President for Student Services/Dean of Students of the attorney's name and phone number at least three business days prior to the Conference or Hearing. If the student/respondent fails to provide the required notice, the student/respondent must proceed without an attorney

advisor. If the student/respondent advisor is an attorney, the University may have a University attorney present at the Conference or Hearing. Advisors may not appear in lieu of the student/respondent.

When a student/respondent is charged with a violation of the Student Code of Conduct to the extent that a Disciplinary Conference or Hearing is necessary, the University is obliged to observe standards of fairness in conducting the disciplinary proceedings. Procedural due process does not require a student to be represented by legal counsel.

### **Request for Postponement**

A student/respondent may request a postponement of the Disciplinary Conference or Hearing because of circumstances beyond the student/respondent's control. The request must be in writing, must cite the reasons for the requested postponement, and must be received in the Office of the Vice President for Student Services/Dean of Students at least two business days (by 5 p.m.) before the scheduled Conference or Hearing.

### **Disciplinary Conference Procedures**

The Director/Assistant VP (or their designee) will investigate the complaint, including but not limited to reviewing incident reports, reviewing witness statements and interviewing witnesses. Before a decision is rendered, the student/respondent will be given an opportunity to respond to the information obtained by the Director/Assistant VP (or designee). If the student/respondent fails to appear for the Disciplinary Conference, the Director/Assistant VP (or designee) will decide the case and impose an appropriate sanction based upon the information obtained in the investigation. No adviser may appear in place of the accused student/respondent.

The Director/Assistant VP will simultaneously advise the complainant and the student/respondent in writing of the decision within five (5) business days from the close of the investigation. At the same time, the Director/Assistant VP will make a copy thereof available to the complainant and the student/respondent in the Dean of Students Office.

## **Student-Faculty-Staff Disciplinary Committee and Procedures**

### **Committee**

1. The Student-Faculty-Staff Disciplinary Committee shall be composed of five students appointed by the Student Government Association, two faculty members appointed by the Faculty Senate, and two staff members appointed by the Staff Council.
2. There will be five alternates; three appointed by the Student Government Association, one appointed by the Faculty Senate, and one appointed by the Staff Council.

3. Faculty and Staff Committee members and alternates shall serve two (2) year terms. Student Committee members and alternates shall serve one (1) year terms. Committee members and alternates may be appointed to serve consecutive terms.
3. A quorum shall consist of five persons, at least three of which shall be students and one shall be faculty or staff. If quorum is not met and at least three people are present with one being a student, the student/respondent can request that the Hearing proceed with those in attendance.
4. The chair will be selected by the Office of the Vice President for Student Services/Dean of Students to serve for an academic year. If the chair is unable to attend a Hearing, the Office of the Vice President for Student Services/Dean of Students shall appoint an interim chair for that Hearing.
5. The Office of the Vice President for Student Services/Dean of Students may remove a committee member for justifiable cause.
6. If a committee member resigns, cannot serve, or is removed from office, the Office of the Vice President for Student Services/Dean of Students will select one of the alternates to fill the vacancy.

#### **Procedures**

1. The chair will control the Hearing and take whatever action is necessary to ensure an equitable, orderly, and expeditious Hearing. As presiding officer, the chair may remove anyone who is not in compliance with the rulings and/or disrupting the Hearing.
2. Any party may challenge a committee member on the grounds of personal bias. Committee members may be disqualified upon a majority vote of the remaining members of the Committee, conducted by secret ballot.
3. Hearings will be closed to the public except when the student/respondent requests an open hearing. This request must be made in writing to the Vice President for Student Services/Dean of Students at least three business days prior to the hearing.
4. If a student/respondent fails to appear, the Hearing may proceed without him/her.
5. Prospective witnesses, other than the complainant and student/respondent, may be excluded from the Hearing during the testimony of other witnesses. All participants shall be excluded during Committee deliberations.
6. The chair shall determine what evidence is admissible. Formal rules of evidence shall not apply.
7. The student/respondent, complainant, and Committee members may examine the written evidence offered. Questions for all witnesses shall be directed through the Chair.
8. The student/respondent will not be forced to testify against himself or herself and their silence shall not be used to their detriment.
9. Individuals referred to in the statements of student/respondent, complainant, and witnesses have a right to respond briefly. Individuals wanting to exercise this privilege during the

Hearing must direct their request in writing or orally to the chair. The chair shall determine the length of the response and when it shall be heard during the Hearing.

10. Formal rules of process, procedure and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in disciplinary proceedings conducted pursuant to this Conduct Code.
11. The student/respondent's advisor may speak only at the request of the chair. The advisor will not be allowed to question members of the Committee, the complainant, or any witnesses.
12. Witnesses will be heard one at a time and may be excused from the Hearing by the chair after testifying.
13. After all available evidence and witnesses have been examined and questioned, all persons except members of the Committee must leave the room.
14. Members of the Committee will then make a determination of the case, including sanctions, which shall be forwarded to the Office of the Vice President for Student Services/Dean of Students. The Committee's determination shall be made by majority vote on the basis of whether it is more likely than not that the accused student/respondent violated the Student Code of Conduct.

## **Section VIII Sanctions**

Where it is determined that the Student Code of Conduct has been violated and sanctions of less than suspension or expulsion are imposed, the decision of the Student-Faculty-Staff Disciplinary Committee or the Disciplinary Conference shall be final and will be communicated to the student/respondent by the Office of the Vice President for Student Services/Dean of Students. Where it is determined that the Student Code of Conduct has been violated and expulsion or suspension is recommended, the Vice President for Student Services/Dean of Students will review and either affirm, reject or modify the action taken by the Student-Faculty-Staff Disciplinary Committee or the Disciplinary Conference. Should he/she reject the sanction, the Vice President for Student Services/Dean of Students will return the recommendation to the Disciplinary Conference or the chair of the Committee with a request for reconsideration of the sanction. If the sanction(s) is approved or modified by the Vice President, the Office of the Vice President for Student Services/Dean of Students shall notify the student/respondent in writing.

## **Section IX Appeals**

An appeal is not an opportunity to re-hear the original conduct case and will not be granted based on a student/respondent's or student organization's disagreement with the outcome of the original conduct case decision. Any sanction(s) imposed by the Student-Faculty-Staff Disciplinary Committee or the Disciplinary Conference shall remain in force during the appeal process. A student/respondent has a right to file an appeal only where it has been determined that the Student Code of Conduct has been violated and the sanction imposed is expulsion or

suspension. A student organization has a right to file an appeal only where it has been determined that the Student Code of Conduct has been violated and the sanction imposed is suspension or cancellation of the organization's registration/recognized status with the University.

An appeal may only be based on the following grounds:

1. New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.
2. Procedural error that resulted in material harm or prejudice to the student/respondent or organization (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.
3. The sanction imposed as the result of the original hearing was excessively severe in relation to the violation that the student/respondent or organization was found to have committed. Appeals submitted on a claim that the sanction was excessively severe do not have bearing on the finding of "in violation" and relate only to the sanctions imposed.

Student/respondents or organizations may appeal a decision of the Disciplinary Conference or the Student-Faculty-Staff Disciplinary Committee by filing a written appeal, including a detailed explanation of the reason(s) for the appeal consistent with the grounds for appeal outlined above, with the appropriate appeal Committee within five (5) business days after receiving written notification of the decision. The appeal Committee will render a decision and simultaneously notify the complainant, the student/respondent or organization in writing within ten (10) business days of receipt of the appeal. The appeal Committee may affirm, reverse or modify the original conduct code decision.

The Student-Faculty-Staff Disciplinary Committee will hear appeals of decisions from the "Disciplinary Conference." The Office of the Vice President for Student Services/Dean of Students will present the charges and facts of the case to the Student-Faculty-Staff Disciplinary Committee.

The Vice President for Student Services Appeal and Review Committee will hear appeals of decisions from the Student-Faculty-Staff Disciplinary Committee. The Vice President for Student Services Appeal and Review Committee shall consist of one student, one faculty member and one staff member appointed by the Vice President for Student Services. Faculty/staff Committee members shall serve two (2) year terms and student Committee members shall serve one (1) year terms. Committee members may serve consecutive terms. The Office of the Vice President for Student Services/Dean of Students will present the charges and facts of the case to the Review Committee.

The decision of the appeal Committee shall be final. If the appeal Committee upholds the decision, the student/respondent or student organization has exhausted all University appeal sources and must abide by the sanction(s) imposed.

## **Section X Mediation**

Appropriate matters may be referred by the Office of the Vice President for Student Services/Dean of Students or the Student-Faculty-Staff Disciplinary Committee (as appropriate) for mediation. Students who are referred to mediation must attend a mediation session and make a good faith effort to resolve the dispute. If the matter is successfully mediated, such result is final, and there shall be no subsequent proceedings or appeals. The parties to the mediation will be provided with a written statement of the mediation results. If the matter is not resolved by mediation, disciplinary proceedings will continue.

Mediators have no authority to make a decision about the outcome of the dispute. The mediator's role is to use his or her skills (developed through a lengthy training process) to help the participants communicate with each other, determine their underlying needs and interests, develop potential solutions, and reach an agreement as to how to resolve the dispute. In general, the participants will meet with two co-mediators, who will ask each person to describe the conflict from their point of view. The mediators will ask questions to find out more about the conflict and each person's underlying needs and concerns. The mediators may then meet with each participant separately, for more private conversation. Also included in the process is helping the participants come up with creative options for resolving the dispute, and assisting them in moving toward reaching an agreement.

## **Section XI Student Organization Discipline and Organizational Responsibility for Violations**

Registered student organizations may be charged with violations of the Student Code of Conduct or University Policy. An organization violates the Student Code of Conduct or University Policy, when:

- One or more of its officers or authorized representatives acting in the scope of their organizational capacities commit(s) the violation;
- One or more of its members commit(s) the violation after the action that constitutes the violation was approved by majority vote of the organization present and voting members;
- One or more members of a committee of the organization commit(s) the violation while acting in the scope of the committee's assignment;
- A member of an organization acting with apparent authority of the organization commits the violation;
- One or more members of an organization or its officers permit, encourage, aid, or assist any of its members in committing a violation;
- One or more members of an organization or its officers, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fail(s) to prevent that action; or
- One or more members of an organization fail(s) to promptly report to appropriate University or civil authorities their knowledge or any reasonable information about a violation.

## **Disciplinary Procedures**

When the Office of the Vice President for Student Affairs/Dean of Students receives a complaint that an organization has allegedly violated the Student Code of Conduct or University Policy, the Office of the Vice President of Student Services/Dean of Students shall follow the Disciplinary Procedures set forth in Section VII. A student may be disciplined for a violation under the Student Code of Conduct even if the organization of which the student is a member is penalized under these procedures for the same violation.

## **Disciplinary Sanctions**

The Vice President for Student Services/Dean of Students may impose one or more of the following sanctions on an organization for violation of the Student Code of Conduct or University Policy:

- Letter of Reprimand;
- Social Probation;
- Require restitution, educational seminars, and/or community service;
- Suspend the organization's right to do one or more of the following:
  - publicly post signs;
  - set up a table or exhibit;
  - publicly raise funds or make a solicitation;
  - reserve the use of University rooms or spaces;
  - participate in intramural sports tournaments and events; or
  - hold events for a defined period of time.
- Disciplinary Probation
- Suspend or cancel the organization's registration of the organization;
- Deferred suspension/cancellation of the organization's registration.

Failure to satisfy the conditions of the sanction imposed may be considered an additional violation of the Student Code of Conduct.

## **Notice**

The Office of the Vice President for Student Services/Dean of Students shall provide written notice of the decision to the President of the accused organization. A copy of the letter may be sent to the organization's University Advisors, Alumni Advisors, Chapter Advisors, National Headquarters, and the governing council of the organization.

## **General Procedures for Appeal**

See Section IX

## **Section XII**

### **Disciplinary Withdrawal**

If withdrawal of a student occurs as a result of disciplinary action by the University, the student is held accountable for the full term for payments owed the University for the semester in which the disciplinary action was taken.

### **Section XIII Official Withdrawal**

The Office of the Vice President for Student Affairs/Dean of Students may place a “Judicial Hold” on the records of any student who withdraws from the University prior to the resolution of pending disciplinary action. The Office may also place a notation on the student’s official transcript indicating “disciplinary proceedings are pending.”

### **Section XIV Medical Mandatory Withdrawals**

Students who prominently display (a) mental disorders, (b) emotional disorders, and (c) other psychological or physical behavior which strongly suggest that the student may do serious harm to self, others in the University environment, and/or to personal or University property may be administratively withdrawn from the University under one or more of the following conditions:

1. The student is unable to meet reasonable standards of conduct required of all students by the University;
2. The student continues to engage in behavior expressly prohibited by the Student Code of Conduct;
3. The student functions either by attempt or repeated threats (including but not limited to written, physical, verbal, nonverbal, etc.) in a consistent manner suggesting suicide, intention to do harm to one’s self or others; and/or
4. The student presents imminent danger to others in a written, physical, verbal, nonverbal, etc. manner.

Any student found in such circumstances, except in extreme emergencies, will be provided a statement indicating the type of behavior exhibited and the evidence which indicates that the student has failed to meet reasonable University standards of academic or social conduct. The statement will also indicate that because of these circumstances, the student may be subjected to involuntary medical withdrawal from the University and must be presented to a psychiatrist or licensed mental health provider. The student must be assessed by a psychiatrist or a psychologist within 30 days of suspension and provide verifiable proof thereof. The student is strongly encouraged to provide written consent allowing his/her mental health provider to communicate with the Director of Counseling at the Student Services University Counseling Center.

The psychiatric review serves as a condition for readmission. If the evaluation of the psychiatrist or the mental health professional supports withdrawal from the University, the student will be provided an informal hearing or an informal meeting with the appropriate Student Services administrator who may be accompanied by the University’s mental health professional. A member of the student’s immediately family, the University’s mental health professional, a Student Services administrator, and/or a faculty member within the student’s major discipline may accompany the student to the mental health facility, and/or disciplinary hearing, with the

student's consent. These professionals may also serve in the capacity of the student's advisors, with the student's consent.

If the student is suicidal, he/she must be assessed by either a psychiatrist or medical doctor immediately to determine if psychiatric hospitalization is required. If psychiatric hospitalization is not recommended by a psychiatrist or medical doctor, the student must schedule an intake assessment at the Student Services University Counseling Center by calling (713) 313-7804 within 72 hours and participate in counseling services. If psychiatric hospitalization is recommended, the student is strongly encouraged to provide written consent for the Director of Counseling at the Student Services University Counseling Center to communicate with their psychiatrist.

Any student withdrawn from the University for medical and/or emotional or psychological or physical reasons may return upon written application for readmission sent to the Vice President of Student Services/Dean of Students or his/her designee. If the sanctions and conditions imposed for the inappropriate behavior have been satisfied and a psychiatrist or licensed mental health professional recommends in writing that the risk of threat to self, others, or personal or private property by the student is sufficiently diminished or non-existent to the extent that the student's presence in the University environment is no longer dangerous to anyone, the student must then appear before the Office of the Vice President for Student Services in an informal manner as a prior condition to readmission. The same individuals present at the informal hearing used to withdraw the student may also be present at the readmission hearing. A student may be readmitted with the understanding that any reoccurrence of similar behavior may reactivate the withdrawal process.

## **Section XV Interim Suspension**

The Vice President for Student Services/Dean of Students or designee may immediately suspend a student or student organization on an interim basis prior to a hearing when the Vice President/Dean for Student Services or designee has reasonable cause to believe that the student's or student organization's presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of themselves, others, or to property. Failure to respond to a summons may also result in temporary suspension. The interim suspension will be confirmed in writing and shall remain in effect until the conclusion of the disciplinary process (unless modified by the Vice President/Dean of Students or designee). A procedural interview with the student or student organization shall be scheduled within five (5) business days of the interim suspension. Consideration will be given during the procedural interview to whether the interim suspension should end or remain in effect until the conclusion of the disciplinary process. If the interim suspension remains in effect throughout the disciplinary process, the Office of the Vice President for Student Services/Dean of Students will expedite the scheduling of a date for the Disciplinary Conference or Hearing. It is the student's responsibility to find a place to stay pending completion of the hearing process.

## **Section XVI**

## **Interim No Contact Orders**

The Vice President for Student Services/Dean of Students or designee may immediately issue a no contact order on an interim basis prior to a Disciplinary Conference or Hearing if it is believed necessary to protect a person's safety and/or preserve a safe environment. A no contact order prohibits a student's or a student organization's contact with a specific individual or individuals.

## **Section XVII**

### **Procedures for Readmission from Disciplinary Suspension**

A student suspended for disciplinary reasons must request in writing a readmission interview with the Office of the Vice President for Student Services/Dean of Students. Suspended students are eligible to apply for the readmission interview two weeks prior to the end of the stipulated ineligibility period. When a suspension is for an indefinite period of time, the student may apply at the beginning of any long term semester other than the one immediately following the semester during which the student was initially suspended. No student will be permitted readmission following suspension until after the time period cited in the communication suspending the student from the University. Eligibility to apply for readmission does not mandate it. Abiding by the terms and conditions of the suspension is the most reliable indicator of a favorable reaction to a readmission request. After the readmission interview, the Office of the Vice President for Student Services/Dean of Students will decide whether the student should be readmitted. The Office's decision shall be communicated to the student in writing.

## **Section XVIII**

### **Counseling Referrals**

The Assistant Vice President for Student Services or the Director of Judicial Affairs may refer any student, who exhibits behavior that interferes with the student's normal functioning, to the University Counseling Center (UCC) or the Student Health Center. The University Counseling Center (UCC) or the Student Health Center may, with written permission of the student, discuss the results of the referral with the Assistant Vice President for Student Services or the Director of Judicial Affairs. The student may refuse to submit to a consultation without penalty, at which time the disciplinary process will continue as if no referral was made.

## **Section XIX**

### **Emergency Powers**

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community, including the right, in cases of actual or perceived threats of danger, to act to temporarily bar students from the campus without prior notice.

## **Section XX**

### **Title IX**

In all Student Conduct Code disciplinary proceedings that involve allegations of sexual assault, sexual harassment, sex discrimination, dating violence, domestic violence, stalking and/or any other conduct prohibited by Title IX of the Educational Amendments of 1972, the complainant will be provided with the same procedural protections provided to the respondent, including but not limited to the right to:

- a. receive notice of the Disciplinary Conference or Disciplinary Hearing;
- b. select and be accompanied and assisted by an advisor;
- c. present witnesses and evidence in support of her/his position;
- d. appeal the determination of the Disciplinary Conference or the Disciplinary Hearing Committee;
- e. notice of the outcome of the complaint and any appeal at the same time the respondent receives notice

Further, the complainant and respondent will not be allowed to personally question or cross-examine each other during disciplinary hearing/proceedings. Finally, all evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of the Student Conduct Code occurred).

## **Section XXI**

### **Special Disciplinary Provisions Governing Acts of Academic Dishonesty**

Academic dishonesty is both an academic matter between a student and his/her faculty member and a violation under the Student Code of Conduct subject to University disciplinary action. An act of academic dishonesty may and should be handled by the faculty member, the student, and if appropriate, the faculty member's department head and/or dean over that particular academic department. Sanctions that can be assigned by a faculty member range from giving a reduced grade on the particular work in question to failing the student for the entire course. In addition, some academic departments and programs have their own policies for dealing with academic dishonesty and/or violations of Professional Codes of Ethics which allow the department or program to impose sanctions ranging from probation to program dismissal. A sanction assigned by a faculty member and/or an academic department or program is an academic, not a disciplinary sanction.

If the matter is resolved satisfactorily between the student and the faculty member, and the faculty member decides not to refer the student for University disciplinary action, the faculty member may still report the incident to the Office of the Vice President for Student Services/Dean of Students. The Office of the Vice President for Student Services/Dean of Students will maintain a record of the reported incident and may elect to pursue University disciplinary action against a student who is reported to that office for a subsequent act of academic dishonesty.

If the faculty member decides that a stronger sanction is needed instead of or in addition to any academic sanctions assigned by that faculty member, the incident may be referred to the Office

of the Vice President for Student Services/Dean of Students for review and possible University disciplinary action. Once the referral is made to the Office of the Vice President for Student Services/Dean of Students, the incident will be handled in the same manner as would any other allegation under the Student Code of Conduct.

In cases where the student denies the allegation of academic dishonesty, the faculty member may elect to postpone assigning an academic sanction until after the student has gone through the University disciplinary process. If at the end of that process, the charge of academic dishonesty is upheld, the faculty member may then assign an academic sanction. The academic sanction is independent of any disciplinary actions taken against the student by the University.

Academic sanctions assigned by the faculty member in agreement with the student or assigned by the faculty member after the charge of academic dishonesty has been validated through the University disciplinary system cannot be grieved under the University's Grade Grievance Procedure.

