Texas Woman's University
University Regulation and Procedure

Regulation and Procedure Name:	**Student Code of Conduct**
Regulation and Procedure Number:	**URP: 06.200**
Policy Owner:	**Student Life**

POLICY STATEMENT

Texas Woman's University ("TWU" or "University") is an academic community committed to transformational learning, discovery, and service in a caring environment that promotes the wellbeing of its students. As an academic community, the University has an interest in the education, ethics, safety, and welfare of all members of this community and in fostering an environment consistent with the educational mission, purpose, and processes of the University. When students voluntarily enter the University, they assume obligations of performance and behavior reflective of the University's mission and values. Expectations of students in the University community are higher than those of other citizens.

As members of Texas Woman's University, students have rights and responsibilities. In addition, the University has expectations regarding the behavior of its members which extend beyond the classroom into all aspects of life. The mission of the Texas Woman's University Student Accountability and Growth Education Center ("SAGE Center" or "SAGE") is to facilitate the development of thoughtful, responsible, and engaged members of the community. The SAGE Center's purpose reflects and promotes the core values of Texas Woman's University including striving for collaboration and treating one another with care while keeping the safety and well-being of all a priority. The Student Code of Conduct ("Code") addresses behaviors that undermine academic success and detract from the educational mission of the University; ensures the health and safety of the University community; and provides timely support and resources for students. This process is designed to be educational in nature.

APPLICABILITY

This policy applies to individual TWU students and student organizations. Student organizations are accountable for the conduct and actions of their members when the behavior occurs in connection with an organized activity or event of the organization OR when the behavior is done as an extension of the student's membership in the organization.

An individual who is not currently enrolled as a University student remains subject to the disciplinary process for conduct that occurred while a student. Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters, including conduct that is discovered after the awarding of a degree.

A student is accountable for conduct that occurs on or off campus. University officials will review off-campus conduct pursuant to this policy when:

i. The incident occurs in connection with any TWU official activity.

ii. The incident has a connection to the University or impacts or interferes with any institutional activity, mission, function, or administrative process.

iii. The behavior is prohibited by University policy regardless of where it occurs; including but not limited to internships, practicums, clinical assignments, field trips, and service projects.

The University may institute disciplinary action against a student that potentially violates civil/criminal law irrespective of whether civil or criminal litigation in court or criminal arrest and prosecution occurs. At the discretion of the Dean of Students, the processes in the policy outlined below may be conducted prior to, simultaneously to, or following any off-campus proceedings. Determinations made following this policy will not be subject to change based upon an off-campus resolution.

i. University proceedings follow a “preponderance of the evidence” standard.

ii. A student may be found responsible through the disciplinary processes even if criminal/civil charges are dismissed.

iii. A student remains subject to discipline for prohibited conduct that occurs while suspended.

DEFINITIONS

Unless the context requires a different meaning, the definitions following apply to this Student Code of Conduct and University Policy. As used in the Code, the following terms shall have the following meanings:

A. “Academic Integrity” means all scholarly work should be the student’s own, with appropriate citation, accurately and honestly reported, and without unauthorized assistance. Academic integrity is fundamental in academic work and responsible scholarship.

B. “Academic Penalty” means sanctions from SAGE, as well as an academic consequence determined by the faculty responsible for the course, in cases

of academic dishonesty. Academic consequences will be identified by the faculty at the time of referral should the student be found responsible.

C. “Administrative Officer” means, typically, a staff member in the SAGE Center, but may also be an appointed trained designee.

D. “Advisor” means a person who provides support to the student(s) throughout the conduct process. The advisor may only confer with and advise a student. The advisor may not verbally advocate to the Investigator or Hearing Panel/Hearing Officer on behalf of a student. If a student is participating in a Title IX live hearing, their Advisor may cross-examine the other parties participating in the hearing. An advisor may be any individual (including an attorney) selected by the student or in Title IX cases provided by the University when requested.

E. “Antisemitism” means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

F. “Business Day” means Monday through Friday during regular TWU business hours (8:00 a.m. – 5:00 p.m. Central Time) when TWU offices are open.

G. “Clery Act” means the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092 (f)) and its implementing regulations (34 CFR Part 668), as amended.

H. “Code” means the Texas Woman’s University’s Student Code of Conduct.

I. “Complainant,” also known as the “reporting party,” means the individual(s) who file(s) a Student Code of Conduct Complaint/Report with the University. The complainant may be an official of the University.

J. “Consent” means a voluntary, mutually understandable agreement between individuals that clearly indicates a willingness to engage in each instance of a mutually agreed upon activity.

K. “Dean of Students” means the Dean of Students, or their designee, who has oversight of the Student Code of Conduct.

L. “Disciplinary Action” means the imposition of disciplinary measures, including a notice, official warning, probation, suspension, or expulsion for which the University creates a disciplinary record.

M. "Faculty" means a person who is employed by TWU as a member of the faculty and whose duties include teaching, research, service, and

administration. Professional librarians and graduate assistant titles are excluded from the definition of faculty.

N. “FERPA” means the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) and its implementing regulations (34 CFR Part 99), as amended.

O. “Guest” means any individual not affiliated with TWU.

P. "Hearing Officer" means individuals selected from the trained pool of faculty and staff of the TWU community to oversee and be a primary decision maker in hearings.

Q. “Hearing Panel Member” means individuals selected from the trained pool of students, faculty, and staff of the TWU community who participate on a panel of decision makers in hearings where a panel decision is required.

R. “Investigator” means the individual(s) responsible for investigating alleged violations of the Student Code of Conduct. The Investigator(s) is/are trained to conduct a thorough, impartial, and neutral investigation with no prior assumptions of responsibility or non-responsibility of the Respondent or Responding Party(s).

S. "May" is used in the permissive sense.

T. “Preponderance of the evidence” means such evidence as when weighed with that opposed to it has more convincing force and the greater probability of truth.

U. “Registered Student Organization” means any number of persons who have complied with University requirements for registration as a Registered Student Organization whether sponsored by the University or operating independently.

V. "Respondent" means the student or student group alleged to have violated the Student Code of Conduct.

W. "Staff" means each classified, administrative, and professional employee who is appointed to work at least 20 hours each week for a period of four and one-half months, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching or research positions classified as faculty.

X. "Student" means a person taking courses at TWU, a person who is not currently enrolled in courses but who has a continuing academic relationship with TWU, or a person who has been admitted or readmitted to TWU.

Y. “University Housing Facilities” means any on or off-campus buildings, residence halls, apartments, suites, units, pods, houses or other temporary or permanent facilities that are owned, leased, rented or controlled by the University for the purpose of allowing Students to reside therein full or part time.

Z. “University Premises” means buildings or grounds owned, leased, operated or controlled by the University.

AA. “University Approved Activity” means any activity on or off campus that is initiated, authorized, or supervised by the University or a Registered Student Organization.

BB. "Sanction" means an educational activity or consequence imposed in response to a violation of the Student Code of Conduct or a University policy, policies or procedures.

CC. “Witness” means any person, excluding experts, called upon to furnish relevant knowledge or information relating to an incident who is not a Complainant or Respondent.

REGULATION AND PROCEDURE

I. Student Code of Conduct

Texas Woman's University is committed to a fair and impartial process for student conduct proceedings. The process by which TWU educates students who violate the Student Code of Conduct is through investigations and the impositions of disciplinary action and educational sanctions. The University is committed to creating an educational and developmental process that balances the rights and interests of the individual students and the entire University community. The TWU Student Code of Conduct serves as general notice of prohibited conduct. The Code and its regulations should be read broadly and are not designed to define misconduct in exhaustive terms. Students at Texas Woman’s University are responsible for knowing the information, policies, and procedures outlined in the Code of Conduct. The University reserves the right to make changes to this code as necessary and will inform students of any substantive changes and post updated versions of policies and procedures online.

II. Authority and Jurisdiction

A. Authority of the University

The Dean of Students has full authority in the regulation of the Student Code of Conduct and may delegate such authority to University administrators or other officials as set forth in this Code or in other appropriate policies,

regulations, or rules. The Dean of Students has delegated this authority through the staff of the SAGE Center. The Director of the SAGE Center shall administer the provisions of the Student Code of Conduct and oversee the day-to-day operations.

B. Authority of the Student Code of Conduct

This Code is the University's primary policy governing student behavior. The provisions of this Code are not a contractual agreement, and the University reserves the right to change this Code at any time. Such changes will be communicated to members of the University community through various means. The official Code is found online. Each student is responsible for maintaining current knowledge of this Code.

C. Jurisdiction

Jurisdiction extends to conduct that occurs on University Premises, in Study Abroad programs and/or at off-campus University events, programs, or activities. Jurisdiction also extends to other off-campus misconduct that has the potential to adversely affect the University, Students, the University's reputation or goodwill, and/or the pursuit of the University's mission, goals, and objectives.

1. The Code may be applied to behavior conducted online, via email, social sites, and other electronic or digital mediums.

2. Students are responsible, and may be held accountable, for the conduct of their Guests.

3. There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the more difficult it may be to make determinations regarding alleged violations.

4. Anonymous complaints are permitted, but doing so may limit the University's ability to adequately investigate and respond to a complaint.

D. Communication

Students should expect that emails transmitted to University-assigned email accounts serves as the University's official form of communication, and as such, SAGE's primary communication will be through the student's official University email account. SAGE may also, at its discretion, communicate to Students via any one or more of the following methods: U.S. Mail or parcel delivery (e.g., FedEx) to the student's permanent address on file and/or personal hand delivery. Students are held

responsible and accountable for retrieving communications from their official University email account on a daily basis. Failure to do so is not an acceptable excuse for avoiding or delaying the Student Code of Conduct process.

E. Knowledge and Awareness of University Policies and the Code

Students are expected to know and understand University policies, including the Student Code of Conduct. Lack of awareness of such policies or the Code will not be accepted as an excuse or defense for violations and will generally subject the Respondent to the same consequences as deliberate violations.

F. Registered Student Organizations

Registered Student Organizations may be charged with the violation of any section of the Code or violation of any published University policies and procedures. A Registered Student Organization and its officers may be held collectively and individually responsible when those violations occur as part of official organizational events or actions. The officer(s), leader(s), or any identifiable spokesperson(s) for a Registered Student Organization may be directed by the Dean of Students, or designee, to take appropriate action designed to prevent or end the behavior that may violate the Code by the Registered Student Organization. Sanctions for organizational misconduct may include revocation of recognition or denial of registration, as well as any other appropriate sanction, pursuant to Section VI of the Code.

SAGE may notify any and all necessary University officials as well as officially registered off-campus advisors or regional/national associations who act in a liaison or advisory capacity for the subject Registered Student Organization(s) about any alleged violations and the outcome of proceedings.

III. Violations of Law and the Student Code of Conduct

Students may be subject to criminal, civil, and University proceedings for acts that constitute violations of federal, state, or local law and the Student Conduct Code. Because of the need to protect the academic environment, student life, and University operations, Student Code of Conduct Code proceedings are independent and will normally proceed efficiently, effectively, and promptly without regard to the pending criminal or civil proceedings. Students subject to potential or actual criminal charges relating to conduct alleged in pending Student Conduct Code proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Conduct Code proceedings. While no inference of responsibility for Student Conduct Code violations will be drawn because of the assertion of the Fifth Amendment privilege, the

Conduct Administrator(s) will evaluate based upon the evidence available at the time of the student conduct process.

IV. Prohibited Conduct

Texas Woman's University has rules and regulations to ensure the campus maintains a safe and conducive environment for all members of its academic community, and each student is accountable for knowledge of and compliance with the Student Code of Conduct and other university policies. While this policy outlines specific prohibited conduct, this is not an exhaustive list of behaviors that may fall subject to disciplinary proceedings. The Dean of Students may initiate disciplinary proceedings against a student who engages in any of the following:

General Misconduct Definitions

A. Violation of Federal, State, or Local Law
Violating or attempting to violate federal, state, or local laws including, but not limited to, the Texas Penal Code, Education Code, and Transportation Code, and City and county ordinances, regardless of whether the conduct results in the imposition of the penalty prescribed by federal, state, or local law.

B. Violation of University policy, regulation, or rule
Violating or attempting to violate University policies, regulations, or rules. This applies to institutional and departmental policies, regulations, and rules.

C. Failure to Comply
Failure to comply with the reasonable order or directions of any University official acting in the performance of their official university duties. This includes failure to provide proof of identity or University status to any public service officer or University official requesting such information.

D. Harmful Behavior
Engaging in any behavior, intentional or otherwise, which attempts to cause or causes psychological or physical harm or endangers the health, safety, or welfare to any person. Including but not limited to:

a. Threat of violence (written or verbal, direct or indirect)

b. Bullying (online or otherwise)

c. Stalking

d. Simple assault

e. Assault

f. Aggravated assault

g. Negligence resulting in harm

E. Harassment

Between students, harassment means conduct that is so severe, pervasive, and objectively offensive that it deprives a reasonable person access to education or the intended benefits of the University's resources and opportunities. Such conduct may include, but is not limited to, bullying and cyberbullying.

The exercise of rights protected under the First Amendment shall not be considered a violation of the Code of Student Conduct. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not typically rise to the level of harassment for the purposes of this policy. To constitute a policy violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people.

Harassing behavior may include, but not be limited to, epithets, derogatory comments or slurs, lewd propositions, physical assault, impeding or blocking movement, bullying, cyberbullying, offensive touching or physical interference with normal movement, and visual harassment, such as derogatory photos, pictures, or cartoons.

F. Disruptive and/or Obstructive Conduct

Behavior or conduct that interferes with or attempts to disrupt, either alone or with others, the academic, instructional, research, administrative, disciplinary, student life, public service, athletic event, or public performance or any other activity or event authorized to be conducted on campus, including virtual activities and functions.

This includes, but is not limited to:

a. Engaging in disorderly or obscene conduct;

b. Breaching the peace, or aiding, abetting, or inciting another to breach the peace;

c. Engaging in the following disruptive activity:

    i. Obstructing or restraining a person from exiting or entering the campus or a facility;

ii. Seizing control of a building or portion of a building in interference with an administrative, educational, research, or other authorized activity;

iii. Preventing or attempting to prevent by force or violence or the threat of force or violence an individual from engaging in expressive activity or participating in a lawful assembly conducted in accordance with University policy;

iv. This section should not be construed to infringe on any right of free speech, assembly or expression guaranteed by the Constitutions of the United States and Texas.

G. Alcohol Violation

a. Engaging in the unauthorized use or possession of any intoxicating beverage by a minor (under age twenty-one).

b. Public intoxication or public disturbance resulting from intoxication.

c. Improper possession/consumption or open container violation.

d. Allowing minors access to any intoxicating beverage.

e. Driving under the influence or while intoxicated.

f. Any violation of URP 01.250: Alcohol Use.

The University affords amnesty to any student seeking aid in a medical emergency if the student:

1- Requests emergency medical assistance in response to the possible alcohol overdose of any person.

2- Was the first person (or group of persons) requesting medical assistance.

3- Remain on the scene until medical assistance arrives.

4- Cooperate with medical assistance and law enforcement personnel.

H. Drug Violation

a. Distribution or possession for purposes of distribution of any controlled substance, illegal drug, prescription drug, or drug paraphernalia.

b. Use, possession, storage, being under the influence, or knowingly being in the presence of any controlled substance or illegal drug, misuse of prescription drug, or using any substance or material (e.g.,

paint, glue, nitrous oxide, bath salts) in a manner other than prescribed or directed with the intent to alter a student's mental state through intoxication or euphoria.

c. Possession or use of drug-related material(s), including, but not limited to, drug pipes, bongs, grinders, scales, or other drug paraphernalia.

The University affords amnesty to any student seeking aid in a medical emergency if the student:

1- Requests emergency medical assistance in response to the possible drug overdose of any person.

2- Was the first person (or group of persons) requesting medical assistance.

3- Remain on the scene until the medical assistance arrives

4- *Cooperate with medical assistance and law enforcement personnel.*

I. Providing False Information

Intentionally initiating or causing to be initiated any false report, warning, or threat to the University, University activities, or members of the University community. Intentionally or knowingly providing false information to a TWU staff member (e.g., falsifying application materials during a conduct investigation).

J. Falsification, Forgery, or Unauthorized Use

Altering or assisting in the altering of any official University, government, or other official record. Unauthorized use, forgery, or unauthorized alteration of any University mark, logo or intellectual property, document, instrument, card, certificate, record, instrument of identification, or student electronic employment timecard.

K. Fire and Safety Equipment

Intentionally or recklessly misusing, disabling, tampering with, covering, or damaging University-related fire safety equipment, doors, and signs.

L. Sexual Misconduct

Any violation of the University's policies that prohibit sexual misconduct including, but not limited to, domestic violence, dating violence, sexual assault, stalking, or sexual harassment as detailed in the linked policies.

a. Regent Policy B.20010: Sexual Misconduct Policy

b. URP 01.220: Title IX Policy

c. URP 01.225: Prohibition of Sexual Misconduct

M. Hazing

Any violation of the state of Texas hazing law or TWU hazing policy. A person commits a hazing offense if the person:

- Engages in hazing.
- Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.
- Intentionally, knowingly or recklessly permits hazing to occur.
- Has firsthand knowledge of the planning of a specific hazing incident involving a student or has firsthand knowledge that a specific hazing incident has occurred (including those being subjected to hazing activities) and knowingly fails to report said knowledge in writing to the Office of Student Life, the SAGE office or other appropriate entity or official of the institution.

For the purpose of this policy, hazing is defined as "any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization whose members are or include students at Texas Woman's University if the act:

1. Is any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk or harm, or which adversely affects the mental or physical health or safety of the student.
4. Is any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.
5. Involves coercing the student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe that the student is intoxicated.

N. Theft

Theft of property, funds, or services on University premises, University facilities, or at University-approved activities, or knowingly possessing stolen property on University premises, University facilities, or at University-approved activities.

O. Misuse of ID Card

Possessing, distributing, or attempting to distribute a fake governmental identification card or TWU ID Card. Intentionally furnishing false information and/or identification, to any University officer, administrator, or official. Failing to provide, upon the request of a University employee, valid official picture identification, including, the TWU ID Card and/or a government-issued identification card. This includes providing false information, impersonating or providing use of a TWU ID Card to another individual other than the person to whom it was assigned.

P. Unauthorized Presence or Misuse of University Premises

Unauthorized presence in, use, or misuse of University property or facilities. This includes, but is not limited to, entry into secure facilities and presence in buildings outside posted operating hours unless expressly authorized to enter, sleeping in public locations, or use of campus property to create a domicile or encampment.

Q. Property Damage/Vandalism

Damaging, defacing, mutilating, destroying, tampering with any property, equipment, supplies, buildings or facilities, including University-owned or operated security or other technology, or any other third party without authorization by owner.

R. Weapons, Explosives, Firearms, and Hazardous Materials

Possession or use of any type of explosive, firearm, imitation weapon, ammunition, hazardous chemical, weapons or object(s) that are dangerous, flammable, or could cause damage to property, or possession of shields, body armor, or other protective gear that in combination with other materials could be construed as body armor while on campus or on any property or in any building owned or controlled by Texas Woman's University unless expressly authorized by law and in adherence with the restrictions of said law.

S. Unauthorized Use of University Equipment

Accessing, utilizing, or participating with others in utilizing any University equipment, resources, records, supplies, or technology system in a manner other than expressly permitted by institutional policies. This includes the prohibited use of the University’s network, copyright infringement, transmitting spam email, sharing passwords, or any other violation of URP 04.700: Computer & Software Acceptable Use Policy.

T. Violation of Suspension
Engaging in any behavior prohibited by the terms of suspension outlined in formal notification of interim or actual suspension from the University.

U. Privacy Violation
Engaging in surveillance, recording, or photography of any type without the subject's knowledge or consent in areas where there is a reasonable expectation of privacy (e.g., personal residence hall or bedroom, bathroom, locker room) and/or the broadcasting or distribution of such material.

V. Retaliation
Acts of retaliation against any person who was fulfilling their responsibilities as a University employee, public servant, or witness or who reported a potential violation of this policy or participated in any manner of investigation or resolution.

Retaliation includes, but is not limited to, threats, intimidation, reprisals, filing counter reports, or taking adverse actions which may impact a student's employment, education, or reputation. Individuals who believe they are experiencing retaliation are encouraged to file a complaint with the University.

Academic Misconduct

Engaging in any activity on an assignment, examination, or other academic exercise offered for credit, participation points, or hours. In instances where a student is found responsible for academic misconduct, the faculty member will issue a grading penalty which will be identified at the point of referral to the SAGE Center. Each student is accountable for work submitted, including group projects.

A. **Cheating**: Includes, but is not limited to, the following:

1. Use of, attempted use of, or providing to others unauthorized materials, information, or study aids. This includes the unauthorized use of electronic or digital devices such as calculators, cell phones, smart watches, camera phones, scanner pens, etc.

2. Copying the work of another, allowing someone to copy, engaging in written, oral, or any other means of communication with another, or giving aid to or seeking aid from another when not permitted by the instructor.

3. Using sources beyond those authorized by the instructor in completing any academic exercise.

4. Taking or attempting to take an examination for another student or allowing another to take or attempt to take an examination on one's behalf.

5. Resubmission of work that has previously been submitted for course credit without the prior approval of both faculty members.

6. Posting or uploading course materials including, but not limited to, exams, lab reports, papers, or notes to a public forum without the authorization of the faculty member.

7. Any act not otherwise outlined above which is intended to afford an unfair or unethical advantage.

B. **Collaboration and/or Collusion:** Seeking aid from any unauthorized source or providing aid to another student in completion of any assignment submitted for academic credit without explicit authorization from the faculty member. The exception is consultation with instructional support services associated with the University (Write Site, tutors, librarians) unless explicitly prohibited by the faculty member. Students utilizing off-campus support services, like private tutors, should obtain advance authorization from their faculty member.

C. **Fabrication:** The falsification or creation of information, data, or citation in an academic exercise or on a document.

D. **Plagiarism:** The adoption or reproduction of ideas, words, statements, images, or works of another as one's own or work offered for credit without appropriate attribution. This includes self-plagiarism, which occurs when a student submits academic work, exact or substantially similar, that was used to satisfy requirements in a different class and fails to use proper citation or approval from their professor.

V. Disciplinary Process

The SAGE Center has the authority to investigate all allegations that a student has engaged in conduct that violates this policy. Investigators under this policy have the authority to summon students who are alleged to have violated policy, reported policy violations, or are otherwise involved, including as a potential witness.

If there is a more specific policy for investigation, such as the Title IX policy, that policy will govern; however, all the powers provided within this Code to the staff of the SAGE Center for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades, and degrees, may be delegated to the investigator designated to that policy. Action under this policy may

proceed regardless of other possible or pending administrative, civil, or criminal proceedings arising out of the same or other events.

Referrals

Suspected violations of the Code, including those discovered during the adjudication and/or investigation of Student Conduct Code proceedings, shall be submitted to SAGE. Persons making such referrals are required to provide information pertinent to the case and may be asked to provide testimony through the process outlined in this code. Anonymous reports will be accepted and if enough independent information is corroborated, then Student Conduct Code proceedings may be initiated.

All faculty, staff, Students, and other members of the University community are encouraged to report suspected violations of the Code utilizing the online reporting form.

Investigation and Preliminary Action

A. Investigation

1. The SAGE Center investigates any complaints or allegations received directly or indirectly. Complaints will be promptly investigated and, where appropriate, adjudicated following the procedures set out in this Code.

2. Investigations under this policy are intended to be tailored reasonably and appropriately to the facts and circumstances of a particular case. Typically, it will include interviews with the complainant, the respondent, and the witnesses and review of all available evidence. In sum, the investigation is intended to provide for the reasonable gathering of reliable and relevant facts. The process is intended to be thorough, prompt, impartial, and respectful of the individuals involved. Where possible, the privacy of individuals will be respected within reason and the limits of the law.

B. Summoning a Student

1. The SAGE Center has the authority to summon any student for the purposes of investigation and/or discussion regarding allegations of a violation of this code.

    i. The summons will be provided in writing via TWU email and will specify a time, place, and date for the meeting.

    ii. The summons will provide at least a two-day notice and take into consideration the student's course schedule.

2. If the student fails to appear without valid reason they may be charged with a violation of the code (or if they are the responding student, the decision may be rendered in their absence).

C. Faculty Resolution

1. In cases of Academic Dishonesty where the student does not dispute the facts upon which the allegations are based and waives the right to an administrative meeting with the SAGE Center, they can sign the faculty resolution form and the faculty member can impose the grading penalty indicated on the form.

2. The signed copy of the faculty resolution form should be submitted to the SAGE Center in a timely manner for sanctions and disciplinary action to be sent to the student.

3. If the student does not accept responsibility, faculty should assign a grade of "I" for the course or assignment until being notified of final resolution through the SAGE Center.

D. Remote Resolution

1. In cases where the likely resolution for a case will be a non-reportable disciplinary action (on-notice or official warning) the student may be provided with the opportunity to resolve the complaint via a remote resolution process.

2. Students eligible for this type of resolution will receive communication from the SAGE Center with a detailing of the referral and facts of the case as submitted in the incident report or complaint along with the proposed sanctions and disciplinary action should the student accept responsibility.

3. Student may elect to sign a remote resolution accepting responsibility. This action waives their right to an administrative meeting and appeals process.

4. Should a student wish to contest the charges or the sanction, the case will proceed to an administrative resolution process.

E. Administrative Resolution

The appropriate SAGE Center staff have the authority following a preliminary investigation and administrative meeting to take any of the following actions:

1. Dismiss the allegations in cases where the allegations do not on the surface meet the definition of a policy violation or where there is insufficient evidence for which to move forward.

2. Proceed to administratively resolve the charges in cases where the student does not dispute the charges or where suspension or expulsion are not recommended.

   In cases of administrative resolution, the following outcomes may be reached:

   (i) A student fails to attend the administrative resolution meeting, and the SAGE Conduct Administrator makes a finding in their absence in cases not resulting in suspension or expulsion. In this resolution the student retains the right to appeal the finding or sanction(s).

   (ii) A student attends the administrative resolution meeting and accepts responsibility for the charges and is issued sanctions by the SAGE Conduct Administrator. In this resolution the student retains the right to appeal the sanction(s) only.

   (iii) A student attends the administrative resolution meeting and does not accept responsibility for the charges. A SAGE Conduct Administrator may find the student responsible or not responsible and issue sanctions of less than a suspension or expulsion. In this resolution the student retains the right to appeal the finding or sanction(s).

   (iv) In any case where the student either fails to attend or contests the charges AND in which the SAGE Conduct Administrator's recommended sanction(s) results in suspension or expulsion, the case shall proceed to notice and formal hearing.

3. Proceed with notice and formal hearing.

4. In any case alleging a violation of the Sexual Misconduct Policy and/or the Title IX Policy, the case will proceed as specified in that policy unless both the complainant and responding party agree to participate in the administrative resolution process.

5. In any case where a student has been issued Interim Disciplinary Action, the student case will move directly to a formal hearing following the proceedings outlined below.

   i. When interim disciplinary action has been taken, the hearing will be conducted within ten days of the action being taken.

   ii. At the discretion of the SAGE Director, this ten-day window may be shortened or extended. The window will not be extended beyond an additional ten days except at the request of the student under interim action.

F. Formal Hearing

The SAGE Conduct Administrator has the authority to determine that a case requires a formal hearing due to the specific alleged violation or following an administrative resolution process where the recommended sanctions include suspension or expulsion, and the student disputes the charges or fails to participate in the administrative resolution process. In these cases, the following process occurs:

1. The Director for SAGE decides, based upon the nature of the allegations and case specifics, whether the case will be heard by a Hearing Panel or a Hearing Officer.

2. In cases where a panel is convened, the panel will consist of at least three hearing panel members of which at least one must be a faculty member.

3. In cases where a hearing officer is being assigned and the case involves an alleged violation of the Academic Dishonesty Policy, the Hearing Officer must be a faculty member of the University.

4. A Hearing Panel or Hearing Officer is entitled to have the advice and assistance of legal counsel from the Office of General Counsel for Texas Woman's University and may request legal representation.

5. All hearing panel members and hearing officers will receive decision-maker training on at least an annual basis.

Hearing Process

1. Notice of Hearing

i. Except in those cases where interim action was taken, all parties will be provided at least ten days' written notice of the date, time, and location of the formal hearing.

ii. This notice will provide the name of the Hearing officer/panel.

iii. The notice will provide a statement of the charges, names of witnesses and a summary of their testimony, copies of any witness statements gathered during the investigation, and a summary of the evidence that supports the charge(s).

iv. In cases of Title IX and/or Sexual Misconduct allegations, both parties shall be provided access to the final investigation report prepared by the Investigator. This report will include the time, date, and place where the alleged behavior/misconduct is said to have

occurred that makes up the basis for the charge(s). Students are not permitted to share investigation reports beyond specific access granted by SAGE. Investigation reports may not be copied, printed, reproduced, screenshot, or otherwise shared with parties not expressly authorized by this process.

v. The notice will advise the parties of their rights during the hearing, which include:

   a. The right to a private hearing.

   b. The right to appear in person and have an advisor of choice at the hearing.

   c. The right to challenge the impartiality of the hearing officer/panel members.

   d. The right to know each witness who will provide information.

   e. The right to present their own witnesses and evidence on their own behalf.

   f. The right to question each witness who appears at the hearing.

   g. In Title IX and/or Sexual Misconduct cases, the right to question the other party(ies) via an Advisor.

vi. The hearing notice will be delivered to all parties TWU email via the Maxient student conduct software to provide additional security for the recipient.

vii. The date for a hearing may be postponed by the hearing officer or hearing panel chair for good cause. If the hearing is postponed, each party is responsible for notifying their respective witnesses.

viii. In cases involving alleged violations of the University's Sexual Misconduct or Title IX policies, the notice will be provided to both the complainant and respondent via the Title IX coordinator.

2. Role of the Hearing Officer/Hearing Panel

i. The SAGE Center will attempt to identify any possible bias or conflicts of interest in the assignment of hearing officer/panel members.

ii. Any party may challenge the impartiality of the assigned hearing officer/panel members. This challenge must be made in writing to the

Director of SAGE (sage@twu.edu) at least five days prior to the scheduled hearing. The hearing officer/panel members will be the sole judge as to whether they can serve with fairness and objectivity. In the event they disqualify themselves, a substitute will be chosen in accordance with this policy and the hearing may be rescheduled.

iii. The hearing officer/hearing panel chair is responsible for maintaining the rules of decorum for the entirety of the hearing.

iv. The hearing officer/chair will need to rule on any objections raised by either party and determine the inclusion of evidence, testimony, and witness statements into the official record.

v. The hearing officer/panel members may question all parties and witnesses and has the authority to summon and compel the testimony of all fact (non-expert) witnesses who have TWU affiliation (student, faculty, and staff).

vi. The hearing officer/chair will weigh all testimony and evidence, determine credibility, and render a decision using the preponderance standard (more likely than not).

vii. The hearing officer/chair will provide a written decision that contains findings of fact and a conclusion as to whether the responding party is responsible for the violations as charged. Should the finding affirm the responding party's responsibility, the hearing officer/chair will consider the recommended sanctions from the SAGE Conduct Administrator and assess a disciplinary action(s) and appropriate educational sanction(s) contained in this policy. Upon a finding of non-responsibility, the case will be dismissed.

viii. In Title IX cases, a finding of non-responsibility may still be appealed by the complaining party following the procedures laid forth in Section VII.

3. Pre-Hearing Protocol

i. Should multiple students face the same charges arising from a single incident, they may, by determination of the SAGE Center, be heard together. A student may request a separate hearing which the hearing officer may grant at their discretion. Components of the hearing (discussion of each student's prior conduct history) will remain separated for privacy reasons.

ii. All parties must provide to the SAGE Center a list of any witnesses, who may provide information, a summary of all testimony, and any additional documents or evidence which were not included in the original hearing materials. All materials must be submitted not later

than close of business, five days prior to the hearing date. These materials will then be provided to all appropriate parties not less than 72 hours prior to the hearing. Both parties may supplement their provided materials through good cause, as determined by the hearing officer/chair.

iii. Witnesses must be fact witnesses to the case. Expert witnesses, character witnesses, and any other individual without relevant knowledge and information pertaining to the case will not be allowed.

iv. Any party who plans to object to any component of the hearing (joint hearing, assigned hearing officer/panel member, or inclusion of evidence) must do so at least five days prior to the hearing date in writing to the hearing officer/chair.

v. In Title IX cases, any party requesting a University-assigned advisor should do so not later than close of business, five days prior to the hearing date to provide the University adequate time to assign an advisor without delay to the scheduled hearing.

vi. The role of an advisor is to provide support to the student during the process; however, they may not address the hearing officer/hearing panel members or have any other role during the hearings (including serving as a witness). All communication involving advisors (unless otherwise provided for in this Code) must be between the advisor and student. An advisor may not appear in lieu of the student.

4. Pre-Hearing for Title IX/Sexual Misconduct Cases

i. A scheduled hearing preparation meeting with the Title IX Coordinator or designee at which:

a. The Respondent (and separately the Complainant, if applicable) is informed of the allegations and charges being considered in the upcoming hearing with questioning available to parties via their advisor.

b. The Respondent (and separately the Complainant, if applicable) may ask the Title IX Coordinator or designee questions regarding the conduct process.

c. In the event a Respondent (or separately the Complainant, if applicable) provides fact (non-expert) Witnesses during the hearing preparation meeting, then the names of those fact (non-expert) Witnesses will be provided to the Title IX assigned Investigator for a formal interview, and the investigation report will be supplemented with their statements. Once the investigation report is updated with any

additional fact (non-expert) Witness interviews and information, the Respondent (and separately the Complainant, if applicable) will be permitted another opportunity to review the updated investigative report, evidence, and information.

d. The Title IX Coordinator, or their designee, shall explain the hearing procedures to the Respondent (and separately the Complainant, if applicable), including cross-examination processes and procedures and Student rights, and make available the Student Code of Conduct. The Title IX Coordinator or designee shall also explain the private nature of the conduct process (Student statements during the hearing shall remain private except in the event of multiple involved parties, in which case newly presented information related to another Respondent may be mutually shared) and the fact that the hearing may become part of the file relating to the case.

5. Hearing Procedures

i. The hearing will typically proceed as outlined below, although in rare instances, the hearing officer/hearing panel chair may adjust the sequence and timing as necessary to ensure fairness to all parties.

ii. Hearings will be private/confidential except for the participation of both parties, advisors, and witnesses. Hearings are subject to FERPA protections.

iii. Hearings will typically be scheduled in person; however, when the nature of the hearing, number of participants, or location of the parties necessitates, the hearing may occur via videoconference.

iv. All participants, including witnesses, will be present for the hearing officer/hearing panel chair to share the rules of decorum for the hearing and to ask that all parties affirm their testimony is truthful and that they may be subject to charges for providing false information should it be determined they knowingly provided false testimony.

v. The hearing officer/hearing panel chair will excuse all witnesses to a location where they cannot hear the statements given by any other witness in the hearing. No witness shall converse with any other person about the case or about their testimony other than the parties or their advisor. Failure to adhere to these requirements may result in the witness being brought through the student conduct process or the exclusion of the witness testimony at the discretion of the hearing officer/hearing panel chair.

vi. The hearing will then proceed as follows:

a. General information will be shared with all parties about the role of a hearing, the role of the hearing officer/panel, and the student rights under the Student Code of Conduct. The Hearing Officer/Hearing Panel chair shall also explain the private nature of the conduct process and the fact that the hearing recording itself will be a part of the official FERPA protected case record.

b. Reading of the charges against the student, explanation of the rights of all parties, and answering any procedural questions.

c. Opening statements by the

1. SAGE Investigator

2. Complainant, if applicable

3. Responding student

d. Presentation of University witnesses and evidence, during which time the responding student may question any of the University's witnesses.

e. Presentation of the Respondent's witnesses and evidence, during which time the hearing officer/hearing panel may question any of the Respondent's witnesses.

f. Both parties shall be afforded the opportunity to provide any rebuttal evidence or argument for consideration.

g. The University representative shall be given the opportunity to make a closing statement and recommend sanctions/disciplinary action in alignment with University precedent should the responding student be found responsible.

h. The responding student is given the opportunity to present a rebuttal/closing statement and respond to the recommended sanctions/disciplinary action.

i. The hearing officer/chair closes the hearing or determines that a supplemental proceeding will be necessary.

vii. In cases alleging violation of the University's Title IX and/or Sexual Misconduct policy, the hearing procedures will follow those established in the Title IX and/or the Prohibition of Sexual

Misconduct policy. Each party shall have the right to appear, present testimony of witnesses and documentary evidence, question witnesses, and be assisted by an advisor of choice. This advisor may be an attorney. If the accused student's advisor is an attorney, the University representative and the hearing officer may elect to have an attorney from the University's Office of General Counsel present as an advisor. An advisor may confer with and advise only, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments in the hearing.

In hearings following the Title IX and/or Sexual Misconduct protocols, the respondent and complainant will be permitted the opportunity to provide questions to be asked of the other party, and any Witnesses that appear either at the request of either party or the University, in order to assess the credibility of the information offered.

a. Both parties will be asked to provide their questions in advance of the hearing, and the hearing chair will be permitted to disallow a question asked by either party if they are unable to provide sufficient rationale for the relevance of the question.

b. Both parties will be granted the opportunity to submit additional questions in response to statements made during the hearing, which the hearing chair will review for relevance and ask if appropriate.

c. Both the Respondent and Complainant will be permitted the opportunity to make a closing statement at the evidentiary portion of the hearing.

viii. The hearing will be recorded by the hearing officer/panel chair and this recording will become an official part of the case record and available to all parties in the event of an appeal. No other camera or recording equipment is permitted of any kind.

ix. The hearing officer/hearing panel chair has full discretion in maintaining an atmosphere that is safe and conducive to the hearing process. If at any point the hearing officer/hearing panel chair makes the determination that any person in attendance is causing a disruption, disturbance, or distraction, which is not addressed after a warning and pause, the person causing such disruption, disturbance, or distraction will be required to leave the hearing process. The hearing will continue as scheduled without that person's presence and a decision will be made accordingly.

x. If the respondent fails to appear at the time and place for the hearing, the process will move forward in their absence and without the benefit of their testimony.

6. Hearing Decision

i. The hearing officer/chair shall make a written determination and provide it to the Director of SAGE within three days of the hearing.

ii. The decision of the hearing officer/hearing panel shall include a summary of the testimony, findings, decision, and applicable sanction(s)/disciplinary action(s). The decision shall be sufficiently detailed to permit review in the event of an appeal.

iii. The burden of proof shall be upon the University/Complainant who must establish the responsibility of the Respondent by the Preponderance of the Evidence Standard (greater weight of the credible evidence).

iv. The hearing officer/chair may choose to exclude any evidence or witness testimony that is deemed irrelevant or redundant.

v. Written statements shall not be included as evidence unless signed by the witness and witnessed by either a notary or a staff member of the SAGE Center.

vi. Except in cases involving Title IX and/or Sexual Misconduct allegations and crimes of violence, any student complainant will not be notified of the decision rendered through the hearing process and does not have the right to appeal the decision.

vii. A respondent's conduct history will be considered when assigning sanctions/disciplinary action for subsequent violations. Increased sanctions/higher level disciplinary action may be imposed for all subsequent violations irrespective of the nature/type of prior conduct history.

viii. The SAGE Center will provide a copy of the decision to the Respondent (and when appropriate, the Complainant) and information regarding appeal rights within three business days of receipt of the decision.

ix. Unless required by law, the prior conduct history of the respondent will not be shared with a student Complainant.

x. For compliance purposes, all case information and correspondence will be retained for a minimum of seven years. In cases where the

final resolution is suspension or expulsion, the case will be retained in perpetuity.

VI. Disciplinary Outcomes

Violations of the Student Code of Conduct (Section IV) will result in educational sanction(s) and disciplinary action(s) being issued to appropriately address the violation. SAGE Conduct Administrators and hearing officers/panel chairs will consider the following when determining educational sanction(s) and disciplinary action(s):

i. The nature and severity of the violation,
ii. The past disciplinary record of the Respondent.

A. Educational Sanctions that may be issued include, but are not limited to:

A. **Community Service/Education Project**: Community Service, work on campus, research projects, or other appropriate learning experiences may be assigned. A student may be required to complete a specified number of community service hours. Location must be approved by a staff member in the SAGE Center.

B. **Educational programs:** An educational sanction may include the requirement to complete or attend educational activities, seminars, programs, presentations, or any other learning experience deemed necessary.

C. **Meetings**: Meetings with a University staff or faculty member may be assigned as an educational sanction to provide the student with an opportunity to discuss strategies for success to prevent future Student Conduct Code violations. Students may be asked to meet with an individual more than once.

D. **Other sanctions appropriate for the particular violation**.

B. Disciplinary Action that may be imposed:

A. **On Notice:** The student is reminded of the University's policy regarding a particular matter related to a potential violation. This action does not create a reportable record.

B. **Official Disciplinary Warning:** The student will be notified that continuation or repetition of the specified conduct may be cause for further disciplinary action. This action does not create a reportable record.

C. **Disciplinary Probation:** Identifies a specified period of time during which the student or organization is not in good standing and required to comply with terms and conditions that include not engaging in further conduct

violations. As this action does create a reportable record and removes the student from "good standing," it may result in additional restrictions in co-curricular involvement or leadership positions. This action is reportable for seven years following the closure of the case.

D. **Suspension of Rights and Privileges:** A student or registered student organization may have specific privileges removed or restricted as a way to learn from the consequences of their behavior or to mitigate the potential for additional violations. During the period of suspension, the student or organization may be prohibited from participation in athletic or extracurricular activities; taking part in a registered student organization's activities and attending its meetings or functions; denial of use or access to facilities; participating in commencement or other activities; or representing the University in any way. This action is reportable for seven years following the closure of the case.

E. **Suspension from Housing:** A student may lose the privilege of on-campus housing when it is determined that their continued presence poses a risk of additional violations. During the period of suspension, the student is prohibited from living in on-campus housing or entering any on-campus housing property. This action is reportable for seven years following the closure of the case.

F. **Suspension:** Separation of the student from the University for a specified amount of time. Suspension will be noted on the student's University transcript for the duration of suspension and the notation may be lifted only upon successful return to the University at the written request of the student. While suspended, the student is ineligible for and shall not participate in any University-approved activities and shall not be present on or in any campus property or facilities. The student must comply with all conditions imposed prior to reenrollment. This action creates a permanent reportable record.

G. **Deferred Suspension:** In rare circumstances, when a student is able to successfully complete coursework remotely or when their presence does not pose an ongoing risk to the campus community, a suspension will be deferred. The imposition of suspension will be automatic if the student or organization is found responsible for any additional rule violations while on deferred suspension. This action creates a permanent reportable record.

H. **Denial or Revocation of Degree**: Student is not able to receive a TWU degree or has their TWU degree revoked after conferral due to the specific academic nature of the case. This action creates a permanent reportable record.

I. **Expulsion**: Permanent separation of the student from the University. Permanent notification will appear on the student's University transcript.

The student will also be banned from campus and University premises. This action creates a permanent reportable record.

J. **No Contact Orders**: The student is given written notice not to have verbal, written, or electronic contact with another TWU community member for a specified period of time, which may include their remaining tenure at the University. This order includes all interpersonal communication, including, but not limited to, social interaction, telephone correspondence, email, text message, and/or social networking website. This directive also prohibits third-party communication when done at the request or direction of the student who was issued the directive.

K. **Parental/Guardian Notification**: The University may issue parent/guardian notifications for any violation of the University's alcohol or drug policies.

L. **Restitution or Reimbursement:** Reimbursement for damage to or misappropriation of University or individual property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. The student is required to make financial payment to the University for amounts assessed or incurred as a result of a determined Student Code of Conduct violation.

M. **Withholding of Grades, Official Transcript, and/or Degree:** May be imposed until all disciplinary processes are complete and sanctions, if any, are fulfilled. The Dean of Students or designee may take such action pending a hearing and/or exhaustion of appellate rights.

VII. Appeal Procedures

A. Any decision that results in a reportable disciplinary record made by a SAGE Conduct Administrator, Hearing Officer, or Hearing Panel may by appealed by the Respondent (and in cases of violence, sexual misconduct, or Title IX violations, by the Complainant). Procedures governing appeals will be provided in decision letters.

B. Appeals are limited to one or more of the following grounds:

1. The sanction is substantially disproportionate to the offense.

2. The procedures provided for in the Code were not materially followed, resulting in significant prejudice.

3. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing.

4. The decision is not supported by substantial evidence.

C. All petitions for appeals shall be submitted using the online form linked in the decision letter.

D. Appeal petitions must be submitted by the involved student party (Respondent or Complainant, if applicable) via completed appeal submission form and written statement and received within five days from the date of the original decision. Appeal petitions may not be submitted by advisors or third parties.

E. Failure to file the appeal petition within five days results in the decision becoming final.

F. Failure to comply with these procedures may result in the rejection of an appeal petition.

G. The submitted appeal will be reviewed by the Assistant Dean of Students/Director of SAGE for an initial review to determine if it meets the timelines and grounds for appeal under this section. If the appeal does not satisfy these criteria or is submitted after the deadline to appeal, the Assistant Dean will notify the appealing party and that will conclude the appeal.

H. Upon the receipt of a proper and timely appeal petition, an Appeal official (typically the Dean of Students) will be assigned. If an appeal is made in a conduct case where both parties retain the right to appeal, the opposing party will be notified of the appeal submission and be afforded five days to respond to the written appeal.

I. In all appeals, the Appeal Official will review the investigation report and/or the documentation of the alleged behavior, the Conduct Administrator's/Hearing Officer's/Hearing Panel's summary of the testimony, findings, decision, recommended sanction(s), the Student's disciplinary history, and the written statement of the Student filed with the appeal petition. In cases where a formal hearing occurred, the appeal official will also review the recording of the hearing.

J. Where relevant and guided by additional policies (such as Title IX), both parties shall have the opportunity to submit an appeal. Absent an appeal by both parties, the non-appealing party shall have the opportunity to submit a written statement either in support or opposition to the submitted appeal petition. Both parties will be notified of the results of the appeal.

K. So long as supported by the evidentiary record, the Appeal Official shall give deference to the determinations of the SAGE Conduct Administrator/Hearing Officer/Hearing Panel. The Appeal official shall not alter the underlying decision of the Conduct Administrator/Hearing Officer/Hearing Panel if supported by substantial evidence. In instances in which the Appeal official finds an appeal to have merit, they may take one of the following actions:

    1. Recommend sanctions be reduced or adjusted, if found to be disproportionate to the offense or affirmed.

2. The case may be referred back to SAGE for reassignment to a new SAGE Conduct Administrator/Hearing Officer/Hearing Panel if specified procedural errors in interpretation of the Code were so substantial as to effectively deny the student a fair hearing.

3. The case may be referred back to the SAGE Conduct Administrator /Hearing Officer/Hearing Panel who made the original decision to consider new, significant relevant evidence, which in the exercise of reasonable diligence could not have been produced at the time of the hearing.

4. The determination may be reversed if the decision is not supported by substantial evidence.

L. Unless otherwise determined by the Dean of Students (or their designee) or through the interim disciplinary action, the imposition of sanctions will be deferred during the appeal process.

VIII. Rules of Evidence

Except as provided within this document, the formal rules of evidence and discovery are not applicable in the proceedings conducted under the Code. The process shall consider the recognized rules of privacy and privileged confidentiality but may otherwise admit matters into evidence that reasonable persons would consider relevant to the matters under review. Repetitious or irrelevant evidence may be excluded at the determination of the SAGE Conduct Administrator, Hearing Officer, or Appeal Officer.

1. SAGE may assume notice of matters that would be of general knowledge to other University Students, faculty, or staff members.

2. All decision makers under this process will be provided copies of the Respondent's disciplinary record when reference to the disciplinary history is included in the decision being made.

IX. Amnesty

The welfare of students is of the highest importance to Texas Woman's University. Students who are under the influence of a controlled substance at a level requiring medical attention, or the friends of such students, should always seek appropriate assistance from TWU Police, University Housing Staff, Student Health Services, or any local emergency services. Students who request medical assistance for themselves or a peer, while under the influence of drugs or alcohol will receive amnesty from the resulting disciplinary actions.

Assisting students who report Title IX misconduct is of paramount importance to the University. To facilitate reporting, the University may choose not to charge students who report misconduct or any material witnesses with Student Code of Conduct violations for

certain behavior that otherwise would be considered violations (e.g., underage consumption of alcohol and/or use of marijuana or other illegal drugs).

1. *For Reporting Parties*: The University provides amnesty to Reporting Parties who may be hesitant to report incidents to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no disciplinary action will be taken.

2. *For Those Who Offer Assistance*: To encourage students to offer help and assistance to others, the University will adopt a policy of amnesty for violations when students offer help to others in need. At the discretion of the Director of SAGE or appointed designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance.

3. *For Those Who Report and/or Witness Serious Violations*: Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options may be explored, but no disciplinary action will be taken. Abuse of amnesty can result in a decision by the Director for SAGE not to extend amnesty to the same person repeatedly.

X. Conduct Files & Records

A. Case referrals will result in the development of a conduct record that is subject to FERPA protections. Conduct records are reportable in disciplinary background checks when they result in a reportable disciplinary action as outlined in Section VI.

B. The files of Respondents found responsible for any of the charges against them will be retained as a conduct record for a minimum of seven years from the date of the letter providing notice of the final conduct action.

C. Conduct records may be expunged and any records or notations related purged by the Dean of Students for good cause following consideration of a written petition of the Respondent. Factors considered by the Dean of Students in review of such petitions shall include:

   a. The nature of the charge.

   b. The period of time that has elapsed since the violation.

   c. The present demonstrated demeanor and remorse of the Respondent.

   d. The demonstrated conduct of the Respondent subsequent to the violation.

e. The nature of the violation and the severity of any damage, injury, or harm resulting from it.

Decisions on petitions under this subsection are at the discretion of the Dean of Students.

D. When students sign a release offered by internal entities (Athletics, Study Abroad, University offices, etc.) or when a student or former student signs a release offered by external entities (graduate schools, prospective employers, etc.), this release allows the University to release student disciplinary information to these parties. Upon receipt of a request from an internal or external entity, and with the appropriate signed release by the subject student or former student, the University reserves the right to report only those records in which violations resulted in disciplinary action that necessitates reporting as outlined in Section VI.

XI. Timelines

All timelines included in this policy may be extended or shortened by the University for good cause provided there is no significant detriment to any party. Investigators and decision makers are encouraged to process complaints in as timely a manner as possible while maintaining the integrity of the investigation/decision.

XII. Review

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed annually. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Family Educational Rights and Privacy Act of 1974

Student Code of Conduct Website

Regent Policy B.20005: Freedom of Speech and Expression Policy

Regent Policy B.20010: Sexual Misconduct Policy

Regent Policy E.50510: Weapons and Firearms Policy

Regent Policy G.70100: Student Rights and Responsibilities

URP 01.200: Speech, Expression, and Assembly

URP 01.220: Title IX Policy

URP 01.225: Prohibition of Sexual Misconduct

URP 01.250: Alcohol Use

URP 01.310: Records Retention

URP 04.700: Computer & Software Acceptable Use Policy

FORMS AND TOOLS

None

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