

# **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 is an academic community committed to transformational learning, discovery, and service in a caring environment that embraces diversity and promotes the wellbeing of our 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 Office of Civility and Community Standards is to educate students about civic expectations and prohibited conduct, promote student learning, academic integrity and accountability, and facilitate the development of thoughtful, responsible, and engaged members of the community. This Office's purpose reflects and promotes the core values of Texas Woman's University including striving for collaboration, embracing diversity, and treating one another with care while keeping the well-being of all a priority. Through the Student Code of Conduct, the Office of Civility and Community Standards strives to address, reduce and prevent behavior that undermines academic success and detracts from the educational mission of the University; to ensure the health and safety of the University community; and to provide timely support and resources for students.

## **APPLICABILITY**

This policy is applicable to TWU Students.

## **DEFINITIONS**

1. "Academic Dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, fabrication, falsification, falsifying academic records, or other acts

that provide an unfair advantage to the student. Academic Dishonesty is also the attempt to commit such acts.

2. “Academic Consequences” in cases of academic dishonesty, students found responsible can receive sanctions from both the Office of Civility and Community Standards and the faculty responsible for the course. Sanctions include, but are not limited to, resubmitting an assignment for a reduced grade, zero for an assignment, and/or failing of the course.
3. “Academic Integrity” is a fundamental in academic work, honest and responsible scholarship. All scholarly work should be the student’s own, with appropriate citation, accurately and honestly reported, and without unauthorized assistance.
4. “Academic Penalty” In cases of academic dishonesty, students found responsible can receive sanctions both from the Office of Civility and Community Standards and the faculty responsible for the course. Sanctions include, but are not limited to, resubmitting an assignment for a reduced grade, zero for an assignment, and/or failing of the course.
5. “Academic Setting” means a classroom, laboratory, library, virtual space, study spaces, clinical environment, and/or off campus locations in which formal learning is taking place.
6. “Administrative Hearing Officer” is typically, the Director of the Office of Civility and Community Standards or an appointed designee.
7. “Advocate” is an advisor/support person and someone whom the student selects to provide advice and support during the code of conduct process.
8. “Chair/Chairperson” is the TWU staff member who presides over hearing board procedures.
9. “Clery Act” means the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)) and its implementing regulations (34 CFR Part 668), as amended.
10. “Code” is the Texas Woman’s University’s Student Code of Conduct.
11. “Consent” means voluntary, mutually understandable agreement between individuals that clearly indicates a willingness to engage in each instance of a mutually agreed upon activity.

12. "Crime of Violence" includes, but is not limited to, an act(s) that would constitute any of the following offenses or attempts to commit the following offenses: arson, assault, burglary, manslaughter by negligence, murder, non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses, as defined by VAWA and/or the Clery Act.
13. "Day" refers to "Business Day" - Monday through Friday during normal University operating hours (8AM – 5PM CST).
14. "Dependents" mean any individual under the age of 18 for whom the person is temporarily or permanently responsible and who is not a current student of Texas Woman's University; any individual of any age, for whom the person is temporarily or permanently responsible, who needs constant supervision due to mental and/or physical limitations.
15. "Director" is the Director of the Office of Civility and Community Standards at Texas Woman's University. The Director may delegate the authority to perform any of the duties assigned within the Student Code of Conduct. All references to the Director include any such designee.
16. "Disciplinary Action" means the imposition of a sanction(s) authorized by this Code.
17. "Faculty" is any individual hired by the University to teach in any capacity as defined by the University's Faculty Handbook.
18. "FERPA" means the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g) and its implementing regulations (34 CFR Part 99), as amended.
19. "Formal Resolution" means resolution by hearing involving either the Hearing Board or an Administrative Hearing.
20. "Good Conduct Standing" means a student's status when they are not on disciplinary probation, under suspension, or expelled for a violation of the Student Code of Conduct. This is independent of a student's academic standing.
21. "Hearing Board Committee" means a group of trained faculty, staff, and students who may serve as members of a Hearing Board Panel involving alleged violations of the Code.

22. "Hearing Board Panel" means a Formal Resolution for conduct violations consisting of three trained TWU faculty members and/or staff members and two trained student members. In addition, a Chair shall be appointed to ensure proper hearing protocol is followed. Typically, the Chair is a trained full-time staff member from the Division of Student Life.
23. "Incident Report" means the initial document submitted to the Office of Civility and Community Standards. The filing of this document can initiate the Code of Conduct process, but it is not a requirement.
24. "Informal Resolution" are for less serious incident reports with the intent to resolve a conflict and/or issue brought forward, including, but not limited to, mediation between parties. Must be voluntarily agreed upon by all parties and the Director or appointed designee.
25. "Information Gathering Meeting" means meeting(s) arranged by the Director for the Office of Civility & Community Standards or appointed designee in response to an Incident Report. Typically, separate meetings are held with the Reporting Party(s) and Responding Party(s) cited in the incident.
26. "Investigator" means the individual(s) responsible for investigating alleged violations of the Student Code of Conduct. The Investigator(s) is trained to conduct a thorough, impartial, and neutral investigation with no prior assumptions of responsibility or non-responsibility of the Responding Party(s).
27. "Mediation" means a process in which the involved parties meet with an impartial person in an effort to negotiate differences and determine an agreed upon resolution.
28. "Member of the University Community" means any individual who is a student, faculty, staff, or Alumni of the University.
29. "Not Responsible" means a finding that, based on the Preponderance of Evidence, indicates a student is found to not have committed a violation of this Code.
30. "Office of Civility and Community Standards" oversees and upholds the Student Code of Conduct process. In addition, the office supports the overall mission of the University through educational programming, training opportunities to increase understanding of campus civility, and community standards.

31. "Peer Council" means a group of selected students trained to serve in one of two capacities: 1) as an Advocate for their peers, upon request, as reporting or responding parties navigate the student code of conduct process; or 2) as members of the Hearing Board Panel.
32. "Possession or Possessing" means physically holding or controlling the subject item or owning or controlling a room, vehicle, or other area where the subject item is present. The presence of the subject item in a room, vehicle, or other area creates a presumption that the person owning or controlling the room, vehicle, or other area possessed the subject item.
33. "Pre-Hearing Meeting" means a meeting with the Director or appointed designee, Reporting Party, and Responding Party, typically separately, to review information presented regarding the alleged violations and to determine an Informal or Formal Resolution.
34. "Preponderance of Evidence" means the evidentiary standard used to determine whether a violation has occurred. (i.e.: evidence provided demonstrates that it is more likely than not that the Responding Party violated the Student Code of Conduct).
35. "Reasonable Individual" means a reasonable individual under similar circumstances and with similar identities to the individual who is the subject of the behavior in question.
36. "Reporting Party" means a person(s) alleging that a student, student group, or student organization violated the Student Code of Conduct.
37. "Responding Party" means an individual student and/or student group or organization alleged to have violated the Student Code of Conduct.
38. "Responsible" means finding that the Preponderance of Evidence indicates the Responding Party violated this Code.
39. "Student" means any individual who, at the time of the incident, has accepted an offer of admission to the University; has an open academic program; is taking courses at the University, either full-time or part-time and pursuing undergraduate, graduate, or professional studies; is auditing a class; or has any other continuing relationship with the University. This includes, but is not limited to, new students at Orientation, individuals not currently enrolled but who are still seeking a degree from the University, dual credit students, non-degree seeking students, individuals who have

completed coursework but are awaiting conferral of a degree, and any other individual enrolled in a course offered by Texas Woman's University. For the purposes of this Code, an individual who allegedly provided false information or omitted information on an application shall be considered a student. Generally speaking, academic programs close for undergraduates students after one year of non-enrollment and up to two years for graduate students.

40. "Student Organization" means any group of students who have complied with University requirements for registration or recognition as a Student Organization.
41. "University" means Texas Woman's University. This includes any officially designated location.
42. "University Official and/or Employee" means an employee of the University. This includes any individual who is a student employee, faculty member, staff member, or other individual employed by or volunteering for the University.
43. "University Premises" means buildings or grounds owned, leased, operated, controlled, or supervised by the University.
44. "University-Sponsored Activity" means any activity on- or off-campus which is initiated, funded, authorized, or supervised by the University.
45. "Vice President for Student Life" means the Vice President for Student Life at Texas Woman's University. The Vice President of Student Life may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Vice President for Student Life include any such designee.
46. "Witness(es)" means individual(s) with first-hand knowledge of the alleged incident in question. The individual may attest to the facts or events in person, via electronic means, or in writing. Character witness are generally not permitted. Witnesses may be invited to attend a hearing by a Reporting Party or Responding Party, or summoned to the Director of the Office of Civility and Community Standards or appointed designee.

Terms not specifically defined in this Code shall be defined by the Merriam-Webster's Dictionary. Terms not defined in the Merriam-Webster's Dictionary shall be defined according to their plain and ordinary usage.

## REGULATION AND PROCEDURE

### I. Student Code of Conduct Commitment and Goals

A. Texas Woman's University is committed to the principle of fundamental fairness. The process by which Texas Woman's University educates students who violate the Student Code of Conduct is through disciplinary review and the imposition of sanctions, including possible separation from the University. The Office of Civility and Community Standards is committed to an educational and developmental process that balances the rights and interests of individual students and the interests of the University. The Student Code of Conduct is administered without regard to race, age, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, citizenship, veteran's status, genetic information or against qualified individuals with disabilities.

B. The goals of the proceedings under the Student Code of Conduct are as follows:

1. To facilitate an understanding of the University's community standards;
2. To help students understand their level of responsibility for their behavior;
3. To determine potential reasons for misconduct;
4. To uphold the Student Code of Conduct;
5. To help students comply with University standards;
6. To aid the student in clarifying their values and how those values relate to the behavior in question;
7. To assist students in making future choices that will likely enable them to be successful;
8. Determine appropriate discipline and/or sanctions (if applicable); and
9. To protect the interests of the University community.

C. Texas Woman's University students are responsible for knowing the information, policies and procedures outlined in this document.

1. The University reserves the right to make changes to this code as necessary.
2. Once those changes are posted online, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures.

## II. Authority and Jurisdiction

### A. Authority of the University

The Vice President of Student Life 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 Vice President of Student Life has delegated this authority through the Director of the Office of Civility and Community Standards. The Director shall administer the provisions of the Student Code of Conduct, oversee the day-to-day operations of the Office of Civility and Community Standards, advise on changes in the Student Code of Conduct, and advise and train members of conduct boards and individuals designated as administrative hearing officers.

### B. Authority of the Code

1. This Code is the University's primary policy governing student behavior. The provisions of this Code are not contractual covenants between the University and the student. The University reserves the right to change this Code at any time during a student's term of enrollment. 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.
2. An operating unit of the University (e.g., academic colleges or departments, University Housing, Athletics, Center for Student Development, International Education) may also establish conduct or professionalism standards for the student/departmental relationship, so long as those standards are consistent with the provisions of this Code or establish higher standards of conduct set forth in this Code. Disciplinary action pursuant to this Code does not preclude additional action by the operating unit. Sanctions applied under this Code cannot be waived or modified by the operating unit.



Sanctions may be imposed by the operating unit in lieu of sanctions applied in proceedings under this Code only when done in consultation with the Director.

3. The University reserves the right to administratively rescind and void a student's admission offer prior to their first day of class if the student violates this code of conduct.

### C. Jurisdiction of the Code

1. Students at the University are provided a copy of the Student Code of Conduct annually in the form of a link on the University website. Students are responsible for having read and abiding by the provisions of this Code. Violations of University policies, rules, and/or regulations or federal, state, or local laws may constitute a violation of this Code and result in disciplinary action. The Student Code of Conduct applies to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus when the Director determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include
  - a. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others; and/or
  - b. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
  - c. Any situation that is detrimental to the educational mission and/or interests of the University.
2. The Code may be applied to behavior conducted online, via email or other electronic medium.
3. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and may not be private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information

is brought to the attention of University officials. Most online speech by students not involving University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- a. A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
  - b. Speech posted online about the University or its community members that causes a significant on-campus disruption.
4. The Code also applies to guests of University Community Members who may be held accountable for the misconduct of their guests. In addition, the Code may be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of University may seek resolution of violations of the Code of Student Conduct committed against them by members of University community. There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the University’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Civility and Community Standards and/or to the Department of Public Safety. University email is the University’s official and primary means of communication with students. Students are responsible for all communication delivered to their University email address.

#### D. Violation of Law and University Disciplinary Proceedings

Alleged violations of federal, state, and local laws may be investigated and addressed under this Code. When an offense occurs over which the University has jurisdiction, the University reserves the right to proceed under this Code prior to, concurrent with, or subsequent to civil litigation, criminal arrest, or criminal prosecution. In addition, The University reserves the authority to interim action an individual upon notification that they are

facing criminal investigation and/or complaint. The procedures provided in this Code are not intended to be equivalent to the process of federal, state, or local laws and determinations of violations of this Code do not determine whether criminal conduct has occurred. The University cooperates fully with law enforcement agencies to the extent permitted by law.

### III. Rights of Involved Students

#### A. Students and Student Organization Rights

Students and student organizations enjoy the following rights and responsibilities:

1. The right to an environment in the residence halls, academic buildings, and other areas on campus which supports the possibility for study and serious inquiry;
2. The right to inquire about and to recommend improvements in policies, regulations, and procedures affecting the welfare of students through appropriate channels such as student government, administrative offices, and various committees;
3. The responsibility for being fully acquainted with published regulations and for complying with these regulations in the interest of an orderly and productive community;
4. The responsibility for respecting the rights and property of other persons in the University community;
5. The responsibility for knowing that each student's conduct reflects not only upon the student but also upon the university and the members of the community;
6. The responsibility to help maintain a safe environment by reporting suspicious, inappropriate, or dangerous behavior to University employees.

#### B. Rights of the Responding Party

The Responding Party has the following rights:

1. To be provided a fundamentally fair process;

2. To be given written notice of any allegation(s) or formal charge(s) of prohibited conduct;
3. To present relevant information on their behalf;
4. To obtain support, advice, or assistance from support individuals or Advisors;
5. To request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through Texas Woman's University Office of Disability Services;
6. To review all relevant information that will be presented in any resolution, provided that the information may be given to the student in a redacted format;
7. To know the identity of individuals speaking or providing written information for consideration at any hearing; to confront, in some manner, the allegations and information presented relevant to the formal complaints against them, which in all cases will be brought forward by the University;
8. To request that a member of a Board be excluded from the hearing on the basis of a conflict of interest or bias;
9. To pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair;
10. To have prior disciplinary history excluded except during the sanctioning phase of a Formal Resolution;
11. To have sanction(s) imposed on the basis of the guidelines set forth in this Code;
12. To be informed in writing of the finding, sanction, and rationale of a disciplinary proceeding;
13. To appeal any Formal Resolution;
14. To have supervised access to a recording of the hearing proceedings; and

15. To have any disciplinary records kept confidential, unless disclosure is permitted, or information is required by law or regulation.

### C. Rights of the Reporting Party

The Reporting Party has the following rights:

1. To be provided a fundamentally fair process;
2. To file criminal charges or pursue civil action in addition to any action taken under this Code, and to have the University assist with contacting law enforcement if the reporting party wishes;
3. To obtain support, advice, or assistance from support individuals or Advisors;
4. To request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Office of Disability Services;
5. To have prior disciplinary history excluded from information presented during a resolution;
6. To have sanction(s) imposed on the basis of the guidelines set forth in this Code;
7. To be provided the same opportunities as the Responding Party to address any University official involved with the resolution of the complaint;
8. To request that a member of a Board be excluded from the hearing on the basis of a conflict of interest or bias;
9. To pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair;
10. To appeal any Formal Resolution in cases of academic integrity; and
11. To have any disciplinary records kept confidential, unless disclosure is permitted, or information is required by law or regulation.

#### IV. Conduct Process

The following generally summarizes how the Student Code of Conduct Process proceeds:

- A. An Incident Report is received by the Office of Civility and Community Standards.
- B. Initial review of report for potential violations of University policy is conducted by the Director of Civility and Community Standards or appointed designee.
- C. If there is reasonable cause to believe that a potential violation of University policy exists, notice of alleged violation(s) is sent to the Responding Party, including a directive to a mandatory information gathering meeting. This notice is typically sent via a student's TWU email.
- D. The Responding Party will meet with the Director for the Office of Civility and Community Standards or appointed designee to gather additional information on the alleged incident. If the Director determines there is enough information based on the preponderance of evidence to proceed with the Conduct process, the Responding Party will need to state whether they are Responsible or Not Responsible typically within 72 hours of the information gathering meeting.
- E. The information gathering meeting will result in one of three possible courses of action:
  1. No action is taken and/or the report is dismissed: Responding Party is typically notified within 5 days.
  2. Responding Party states "Responsible":
    - a. The Director or appointed designee, in conjunction with the Responding Party, will determine whether an Administrative Hearing or Mediation will be pursued for appropriate sanctioning.
    - b. The Administrative Hearing Officer(s) or Mediator(s) will provide a recommendation regarding appropriate sanction(s) to the Director or appointed designee.

- c. The Director or appointed designee will notify the Responding Party of the sanctions – typically within 5 days of the Administrative Hearing.
    - 3. Responding Party states “Not Responsible”:
      - a. The Office of Civility and Community Standards will conduct an investigation into the alleged violation.
      - b. At the conclusion of the investigation, a Pre-Hearing Meeting will be convened with the Director or appointed designee and the Responding Party. At the discretion of the Director, in conjunction with the Responding Party, it will be determined whether a Formal or Informal Resolution will be pursued.
      - c. Formal Resolution or Informal Resolution convenes.
      - d. Potential outcomes of Formal or Informal Resolution:
        - i. Finding of “Not Responsible”:
          - a. Violation allegations are dismissed.
          - b. Responding Party is typically notified within 5 days.
        - ii. Finding of “Responsible”:
          - a. The Hearing Board Panel, Administrative Hearing Officer(s), or Mediator(s) will provide recommendations regarding appropriate sanction(s) to the Director for the Office of Civility and Community Standards.
          - b. The Director will notify the Responding Party of sanction(s) – typically within 5 days of the hearing.
- F. If the Responding Party has been notified and fails to respond within five (5) days of the initial notice of a potential violation, the Responding Party waives their right to a hearing and the allegation may be resolved in their absence. The Director reviews all relevant and available evidence and, in their professional judgment and applying the preponderance of the

evidence standard, determines findings for any alleged violation(s) and may specify any sanction(s) described in this Code.

V. Conduct and Title IX

Should a report or investigation involve conduct that also implicates TWU's Sexual Misconduct Policy (sexual harassment, sexual assault, dating/domestic violence, or stalking), TWU shall use the applicable Sexual Misconduct regulations and procedures to investigate and address all of the allegations. In such case, the Director of the Office of Civility and Standards will collaborate with the Title IX Coordinator to share information gathered during the course of the preliminary inquiry and/or an investigation.

VI. Prohibited Conduct

A. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. The University considers the behavior described in the following subsections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, professional, and/or as part of a student organization. The University encourages community members to report to University officials all incidents that involve the following actions.

B. Prohibited conduct with minimum sanctions are listed below. Sanctions are only completed if a student is found responsible. While the minimum sanctions are listed, considering context in any student conduct process is critical. The Office of Civility and Community Standards can impose additional and/or more severe sanctions than the minimum, especially if there is a history of repeated violations and/or there are multiple violations involved.

C. Academic Dishonesty

1. Cheating

a. Includes, but is not limited to, intentionally or unintentionally giving or receiving unauthorized aid or notes on examinations, papers, class assignments, or other course-related activities intended to be individually completed. Cheating also includes



the unauthorized copying of tests or any other deceit or fraud related to the student's academic conduct or violating the guidelines set out by a faculty member.

- b. Minimum Sanction: Disciplinary Warning and Academic Penalty

2. Collusion

- a. Occurs when a student collaborates with another person, without authorization, in the preparation of any assignment, including examinations, classroom assignments, homework, and papers. Exceptions: Consultation with instructional support services associated with Texas Woman's University, such as writing center tutors and librarians, is allowed unless explicitly prohibited by the Faculty Member. Students who wish to use off-campus instructional support services like private tutors should obtain advance authorization from their Faculty Member.

- b. Minimum Sanction: Disciplinary Warning and Academic Penalty

3. Fabrication

- a. Making up qualitative or quantitative data, information, or results and recording or reporting them.
- b. Minimum Sanction: Disciplinary Warning and Academic Penalty

4. Facilitating Academic Dishonesty

- a. The facilitation of academic dishonesty occurs when students knowingly or negligently aid others or allow their work to be used in a dishonest academic manner. Students also facilitate academic dishonesty when they are aware of, but fail to report, violations of the code of academic integrity.

- b. Minimum Sanction: Disciplinary Warning and Academic Penalty

5. Falsification

- a. Manipulating materials in such a way that procedures or results are inaccurately misrepresented. Manipulation may include changes or omissions. Materials may include data, stated methodologies, results, equipment, or processes.
  - b. Minimum Sanction: Disciplinary Warning and Academic Penalty
6. Multiple Submissions
- a. When a student submits all or portions of the same work for credit for more than one assignment without the instructors' explicit permission. Cumulative work, such as research projects, should clearly state in writing that the work is cumulative, and it is the student's responsibility to get permission from the instructor(s) in advance of reusing her or his work.
  - b. Minimum Sanction: Disciplinary Warning and Academic Penalty
7. Plagiarism
- a. Occurs when a student obtains portions or elements of someone else's work, including materials prepared by another person or agency, and presents those ideas or words as their own academic work. Plagiarism may be intentional or unintentional. TWU students are expected to submit their own work and to properly acknowledge the sources from which their information came.
  - b. Minimum Sanction: Disciplinary Warning and Academic Penalty

#### D. Accessory

- 1. Accessory
  - a. Attempting to commit, assisting the commission of, complicity with the commission of prohibited conduct.
  - b. Minimum Sanction: Disciplinary Warning

2. Solicitation
  - a. Person requesting, commanding or attempting to induce another person to engage in specific conduct that would constitute a University policy violation and/or crime.
  - b. Minimum Sanction: Disciplinary Warning

#### E. Acts of Harm

1. Harm to Persons
  - a. Knowingly or recklessly engaging in conduct that includes but is not limited to: physical or verbal assault, fighting, intimidation, coercion, threats, or any other conduct that threatens or endangers the health, safety or welfare of any person. Fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech. Threats are defined as written, verbal, or physical conduct that is intended to cause a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b. Minimum Sanction: Disciplinary Probation
2. Acts Against University Official or Emergency Personnel
  - a. Intentionally or recklessly causing physical harm or endangering the health or safety of a University Official or Emergency Personnel (e.g., Police Officers, Firefighters, EMT, etc.).
  - b. Minimum Sanction: Disciplinary Suspension
3. Threats Towards a University-Sponsored Activity
  - a. Threats of violence directed at a University-sponsored activity.
  - b. Minimum Sanction: Disciplinary Probation
4. Hazing

- a. Any reckless or intentional act that is committed on- or off-campus against someone joining, becoming a member, or maintaining membership in any group, which is humiliating, intimidating or demeaning; which produces physical, mental, or emotional pain or discomfort; and/or which endangers the health and safety of the person. For purposes of this policy, individuals who are joining, becoming a member, or maintaining a membership are referred to as “new members.” Additional information regarding this policy can be found online.
  - b. Minimum sanction: Disciplinary probation
5. Harassment
- a. “Harassment” means the unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, or veteran status when such conduct creates an intimidating, hostile or offensive environment and is: (a) sufficiently severe, pervasive or persistent that it interferes with a student’s ability to participate in or benefit from educational programs or activities, or (b) sufficiently severe, pervasive, or persistent that it unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment.
  - b. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment for the purpose of this policy. To constitute a violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people.
  - c. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs, lewd propositions, physical assault, impeding or blocking movement, bullying, cyberbullying, offensive touching or any physical interference with normal work movement, and visual insults, such as derogatory pictures or cartoons.

- d. Minimum Sanction: Disciplinary Probation
- 6. Retaliation
  - a. Person intentionally or knowingly harms or threatens to harm another in retaliation or on account of service or status as a public servant, witness, informant, person who has or intends to report a violation, or a person participating in the code of conduct process.
  - b. Minimum Sanction: Disciplinary Probation

#### F. Animals

- 1. Abandoning or Endangering an Animal
  - a. Person intentionally, knowingly, recklessly or negligently abandons or harms an animal left in their care.
  - b. Minimum Sanction: Disciplinary Warning
- 2. Disruptive Animals in an Academic Setting
  - a. Animals brought into an educational activity or setting without appropriate authorization and/or infringes upon the rights and privileges of others; and/or interrupts the maintenance of order in an academic setting. Disruption refers to behavior a reasonable individual would view as substantially or repeatedly interfering with the conduct of an activity.
  - b. Minimum Sanction: Disciplinary Warning

#### G. Alcohol

- 1. Underage Possession/Consumption
  - a. Possessing or consuming alcohol by a person under the age of twenty-one (21).
  - b. Minimum Sanction: Disciplinary Warning
- 2. Improper Possession/Consumption:

- a. Possessing or consuming alcohol where it is not permissible to do so, regardless of age.
- b. Minimum Sanction: Disciplinary Warning
- 3. Driving Under the Influence/Driving While Intoxicated
  - a. Driving while impaired attributable in part or in whole to the consumption of alcohol.
  - b. Minimum Sanction: Disciplinary Warning
- 4. Providing to Minors
  - a. Selling or providing alcohol to any individual under the age of twenty-one (21).
  - b. Minimum Sanction: Disciplinary Warning
- 5. Public Intoxication
  - a. Appears in a public place showing physical or mental impairment following or resulting from alcohol or other substance consumption.
  - b. Minimum Sanction: Disciplinary Warning
- 6. Paraphernalia
  - a. Possessing prohibited alcohol paraphernalia on University premises, including but not limited to, beer bong and funnels, alcohol without liquid devices, kegs, beer balls, party balls, and similar alcohol containers.
  - b. Minimum Sanction: Disciplinary Warning

#### H. Children

- 1. Abandoning or Endangering a Child:
  - a. Person intentionally, knowingly, recklessly or negligently abandons a child under 15 years of age or places a child under 15 years of age in imminent danger of death, bodily injury, physical or mental impairment.

- b. Minimum Sanction: Disciplinary Probation
- 2. Disruptive Dependents in an Academic Setting
  - a. Interferes with any educational activity or setting, infringes upon the rights and privileges of others, or interrupts the maintenance of order in an academic setting. Disruption refers to behavior a reasonable individual would view as substantially or repeatedly interfering with the conduct of an activity.
  - b. Minimum Sanction: Disciplinary Warning
- 3. Unaccompanied Dependents:
  - a. Leaving dependents unattended on University premises or unauthorized areas, including classrooms.
  - b. Minimum Sanction: Disciplinary Warning

#### I. Computer/Technology Misuse

- 1. Computer Misuse
  - a. Misusing or abusing computers, any part of a computer or internet technology (IT) systems, computer networks, or any other electronic communication technologies.
  - b. Minimum Sanction: Disciplinary Warning and potential loss of campus IT privileges
- 2. Intercepting Electronic Communication
  - a. Intentionally intercepting, endeavoring to intercept, or procuring another person to intercept or endeavor to intercept electronic communication without permission.
  - b. Minimum Sanction: Disciplinary Warning and potential loss of campus IT privileges
- 3. Accessing Stored Communication:
  - a. Unauthorized obtaining, altering, accessing wire or electronic communication and/or data, or preventing access thereto.

- b. Minimum Sanction: Disciplinary Warning and potential loss of campus IT privileges
- 4. Installation of a Tracking Device
  - a. Installing an electronic or mechanical tracking device on another person's property without consent.
  - b. Minimum Sanction: Disciplinary Probation and potential loss of campus IT privileges
- 5. Breaching Computer Security
  - a. Knowingly accessing a computer, a computer network or a computer system without the consent of the owner or knowingly or intentionally giving another person access without consent of the owner.
  - b. Minimum Sanction: Disciplinary Warning and potential loss of campus IT privileges

#### J. Disorderly Conduct

- 1. Disruption of University Functions or University-Sponsored Activities
  - a. Intentionally disrupting, obstructing, or interfering with the University's educational mission, operations, business, or functions.
  - b. Minimum Sanction: Disciplinary Warning
- 2. Disruption of Student Environment
  - a. Intentionally disrupting, obstructing, or interfering with a student's living or learning environment.
  - b. Minimum Sanction: Disciplinary Warning
- 3. Excessive/Disruptive Noise
  - a. Engaging in excessive or disruptive noise, including, but not limited to, the public use of unapproved amplified sound and



the amplification of sound in a manner that disrupts or disturbs the normal functioning of the University.

b. Minimum Sanction: Disciplinary Warning

4. Voyeurism

a. Knowingly or intentionally entering the property of another and/or spying on another who has a reasonable expectation of privacy.

b. Minimum Sanction: Disciplinary Probation

#### K. Drugs

1. Use, Possession, and/or Distribution of Illegal Drugs and/or Controlled Substances

a. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law. Sanctions determined according to type of drug and activity performed.

b. Minimum Sanction: Disciplinary Probation

2. Huffing/Sniffing

a. Huffing or sniffing any substance not intended for such use.

b. Minimum Sanction: Disciplinary Warning

3. Driving Under the Influence

a. Driving while impaired attributable in part or in whole to the use of drugs.

b. Minimum Sanction: Disciplinary Probation

4. Public Intoxication

a. Appearing in a public place while intoxicated due to alcohol or another substance to the degree the person may endanger themselves or another.

b. Minimum Sanction: Disciplinary Probation

## L. Failure to Comply

1. Obstruction of Personnel
  - a. Intentionally delaying, obstructing, resisting, and/or failing to comply, including the failure to comply with sanctions imposed under this Code, with the reasonable request of an individual who, in the performance of their duties, identifies themselves as a University Official or emergency personnel. Example includes, but is not limited to, failure to comply with a no contact directive issued by a University official or not responding to an investigation request.
  - b. Minimum Sanction: Disciplinary Warning
2. Failure to Identify
  - a. Refusing to provide truthful identifying information, such as name, residence, or date of birth, to a police officer or University Official requesting such information.
  - b. Minimum Sanction: Disciplinary Warning
3. Failure to Leave
  - a. Willfully refusing or failing to leave any property owned, operated, or controlled by the University upon being requested to do so by a University Official, emergency personnel or police officer.
  - b. Minimum Sanction: Disciplinary Warning
4. Trespass
  - a. Entering or remaining on the property of another after having notice that entry was forbidden or after having received notice to depart, fails to do so, including University premises.
  - b. Minimum Sanction: Disciplinary Probation
5. Resisting Arrest or Search
  - a. Intentionally preventing or obstructing a police officer from effecting an arrest or search of individual and/or property.

- b. Minimum Sanction: Disciplinary Warning
- 6. Hindering Apprehension
  - a. Intentionally or knowingly hindering or attempting to hinder the arrest, prosecution, conviction or punishment of another.
  - b. Minimum Sanction: Disciplinary Warning

M. False Information

- 1. False Statements
  - a. Knowingly making false statements or knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments, including University documents or records. Providing information in good faith, which later is determined to be without merit, shall not be considered a violation of this Code.
  - b. Minimum Sanction: Disciplinary Warning
- 2. Falsifying Academic Records
  - a. Includes, but is not limited to, altering grades or other academic records. Altering or assisting in the altering of any official record of the University or submitting false information or omitting requested information that is required for or related to any academic record of the University. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.
  - b. Minimum Sanction: Disciplinary Probation
- 3. Influencing a Witness
  - a. Intentionally or knowingly influencing a witness involved in any University process to speak falsely or withhold any information, documents or evidence.
  - b. Minimum Sanction: Disciplinary Warning

4. Tampering
  - a. Knowingly altering, destroying, or concealing any record, document, or thing with the intent to impair its legibility, authenticity, or availability as evidence in a University investigation or proceeding.
  - b. Minimum Sanction: Disciplinary Probation

#### N. Fires and Emergencies

1. Unauthorized Fire
  - a. Intentionally or recklessly causing a fire without authorization.
  - b. Minimum Sanction: Disciplinary Suspension
2. Inappropriate Use of Emergency Equipment
  - a. Tampering with, removing, or improperly engaging any safety equipment while on University property.
  - b. Minimum Sanction: Disciplinary Warning
3. False Alarm or Report
  - a. Initiating a false report of present, past or future bombing, fire, offense or other emergency.
  - b. Minimum Sanction: Disciplinary Warning
4. Arson
  - a. Intentionally or recklessly causing a fire which damages University property or which causes injury.
  - b. Minimum Sanction: Disciplinary Suspension

#### O. Gambling

1. Operating, playing, or betting on any game of chance at which any money, property, or other thing of value is bet, except as permitted by law. Gambling may include sports pools, online betting activities, and card games that result in individual profit or loss.

2. Minimum Sanction: Disciplinary Warning

P. Theft or Unauthorized Possession

1. Theft
  - a. Intentionally or knowingly depriving an owner of property, including motor vehicles.
  - b. Minimum Sanction: Disciplinary Probation
2. Theft of Service
  - a. Intentionally or knowingly avoiding payment for service.
  - b. Minimum Sanction: Disciplinary Probation
3. Burglary of a Vehicle
  - a. Intentionally or knowingly breaking into or entering a vehicle or any part of a vehicle without the owner's consent or with the intent to commit a felony.
  - b. Minimum Sanction: Disciplinary Probation

Q. Unauthorized Entry or Access

1. Unauthorized Access to University Premises
  - a. Entering or accessing University premises without authorization.
  - b. Minimum Sanction: Disciplinary Warning
2. Accessing Property of Another
  - a. Entering or accessing the property of another without permission.
  - b. Minimum Sanction: Disciplinary Warning

R. Unauthorized Fundraising/Solicitation

1. Soliciting or fundraising on University premises without authorization.

2. Minimum Sanction: Disciplinary Warning

#### S. Vandalism

1. Knowingly tampering, defacing, damaging or destroying University property or property owned by another without appropriate authorization.
2. Minimum Sanction: Disciplinary Probation

#### T. Violation of Law

1. Evidence of violation of local, state, or federal laws, when substantiated through the University's conduct process.
2. Minimum Sanction: Disciplinary Warning

#### U. Violation of University Policies, Regulations, or Rules

1. Violating other published University policies, regulations, or rules, including, but not limited to, Residence Hall rules and regulations and policies related to animals or smoking on campus.
2. Minimum Sanction: Disciplinary Warning

#### V. Weapons

1. Possession, Use, and/or Distribution: Failure to comply with Campus Carry
2. Minimum Sanction: Disciplinary Probation

#### W. Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

### VII. Process for Addressing Conduct Violations

The below provides a general structure of how the University conduct process works, but not all situations are of the same severity or complexity. This process is flexible, though consistency in similar situations is a priority. This process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.

#### A. Reporting Allegations

1. All complaints of misconduct about a student may be filed with the Office of Civility and Community Standards. The complaint should be submitted as promptly as feasible after the occurrence. A delay in reporting may affect the University's ability to investigate the conduct and respond appropriately. Anonymous reporting may also hinder the University's ability to investigate the reported conduct. Information provided through public electronic sources or public records (e.g., criminal citations, etc.) may be used as a complaint of misconduct.
2. The Director will or appointed designee, in their professional judgment on the basis of the provided information and/or in consultation with appropriate University officials (e.g., Title IX Coordinator, University Housing), conduct a preliminary inquiry to determine if there is sufficient evidence to pursue an investigation, if a more comprehensive investigation is necessary, or if a formal allegation and/or meeting with the student is appropriate. This determination is typically made within five days after the complaint is submitted; however, a reasonable extension of this time limit is permissible. Allegations of misconduct will be presented to the Reporting Party and the Responding Party and will include the details regarding each allegation, applicable policies, and investigation and resolution procedures.

#### B. Notification and Written Communication

1. All notifications of formal investigations, allegations, and resolutions will be in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.

2. The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (“FERPA”), except under certain conditions. Outcome letters will contain – at a minimum – the finding, sanction (if applicable), and a rationale for the finding and sanction.
3. In situations where the University determines through the student conduct process that a student violated a policy that would constitute a FERPA “crime of violence” or non-forcible sex offense, the University may also release the above information publicly and/or to any third party.
4. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence,” including sexual assault, dating violence, domestic violence, or stalking, the University will also provide the Reporting Party with a written outcome letter regardless of whether the University concludes that a violation was committed.

#### C. Standard of Proof

The University must establish that the Responding Party is responsible for the alleged violation(s) by a Preponderance of the Evidence. This determination must be based solely on the information presented, which may include, but is not limited to, pertinent records (e.g. complaints, police reports, investigation reports), any documentation (e.g., photographs, audio/video information, social media information, emails, text messages, physical artifacts), and written/oral statements. Formal rules of evidence and procedure do not apply.

#### D. Advocates

1. Reporting and Responding Parties have the right to be accompanied by one Advocate. An advisor/support person can be any person the student feels comfortable confiding in, and need not be affiliated with the University (i.e. a friend, a family member, a person from a support or advocacy agency). An advisor/support person may accompany the student to any part of the adjudication process, including any meetings with the Director of the Office of Civility and Community Standards, appropriate University officials, and Investigator(s). The advisor/support person does not participate



in the process (e.g.: does not provide testimony or evidence, or speak on behalf of their advisee) and, as such, cannot be a witness to the allegations in the complaint. Attorneys may serve as advocates but the same rules apply.

2. In order to ensure adequate space and provide notice to all parties, notification of the Advocate's planned participation must be submitted at least three (3) days prior to a meeting. Failure to submit the required notice may, at the discretion of the Director, result in the Advocate not being permitted to participate in the meeting. Changes in Advocates should be made as soon as possible. Students may confer with their Advocate so long as it does not, in the sole discretion of the Administrative Hearing Officer or Chair, delay, disrupt, or otherwise interfere with any proceedings. If a student does not have an Advocate but would like one, Peer Council students may be available to assist. A Peer Council student cannot serve as both an Advocate and Board member for the same incident. Reasonable efforts will be made to accommodate the availability of Advocates; however, the availability of involved parties and administrators, as well as the expectation to promptly complete the proceeding may, in the discretion of the Director, take priority.

#### E. Interim Actions and Interim Suspension

1. In appropriate circumstances, the Director of the Office of Civility and Community Standards or appointed designee may impose interim actions, including interim suspension or other restrictions on a student or organization pending completion of the investigation and adjudication on alleged violation(s) of the Code of Student Conduct. An interim action is defined as any temporary action imposed at the discretion of the Director of the Office of Civility and Community Standards, or a designee that is designed to provide an immediate response to prevent, remedy, or address a threat related to the safety, security, and wellness of the University community, University community members, or University property. The Director of the Office of Civility and Community Standards may impose restrictions and/or separate a student from the community the completion of the investigation and adjudication on alleged violation(s) of the Code when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University

property and/or to prevent disruption of, or interference with, the normal operations of the University.

2. Interim actions can include separation from the institution or restrictions on participation in the community pending completion of the investigation and adjudication on alleged violation(s) of the Code of Student Conduct. A student who receives an interim suspension may request a meeting with the Director of the Office of Civility and Community Standards or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus hearing.
3. During a period of Interim Suspension, the student or organization shall be banned from all University premises and University-sponsored activities, and is subject to arrest for trespassing if found on any University premises or at a University-sponsored activity. At the discretion of the Director and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Reporting Party and the Responding Party. A notice of Interim Suspension shall be provided in writing to the Responding Party and may be provided to the Reporting Party if appropriate.
4. Circumstances Where Interim Suspension May Apply: Interim Suspension may be exercised only when the Director of the Office of Civility and Community Standards reasonably believes that the student represents a threat of serious harm to others or University property, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, and/or to prevent disruption of, or interference with, the normal University operations.
5. Removal from University Housing: The Director of the Office of Civility and Community Standards, in conjunction with appropriate University Housing administrators, may remove or effect a change in residence of a student for an interim period pending disciplinary proceedings or medical evaluation. The changes shall become effective immediately without prior notice whenever there is evidence that the continued presence of the student in University Housing

poses a substantial threat to individuals or property. Removal from or a change in residence pursuant to this section is not appealable.

6. Review of Interim Suspension: A Responding Party placed on Interim Suspension shall, upon written request, be afforded a review of their Interim Suspension. The review shall be conducted by the Vice President of Student Life or designee. The following procedures will be applicable:
  - a. A written request for review must be submitted to the Vice President of Student Life within five days of the Responding Party's receipt of the notice of Interim Suspension. In extenuating circumstances, an extension of time may be granted by the Vice President of Student Life. This request must be made in writing and clearly state the grounds on which it is based and present specific reasons or justifications to support the request.
  - b. Typically, the review will be completed within 10 days. The Responding Party will remain suspended on an interim basis pending the completion of the review, but the student may be allowed on University premises to attend a review meeting or for other necessary purposes, as authorized in writing by the Director of the Office of Civility and Community Standards. If the notice of Interim Suspension requires the Responding Party to be evaluated by a licensed physician or mental health professional acceptable to the University, the review will be held after the Director of the Office of Civility and Community Standards receives a written evaluation from the mental health professional and provides it to the Vice President of Student Life.
  - c. Information utilized during the review may include the Responding Party's disciplinary records, including written evaluations from a licensed physician or mental health professional acceptable to the University, and verbal testimonies from the Responding Party and any witnesses. The Responding Party will be asked to provide consent to the disclosure of any medical or mental health information relevant to the review. All information that may be utilized will be provided to the Responding Party.

- d. A decision on the review shall be made on the basis of the information presented during the review. Formal rules of evidence and procedure do not apply.
- e. The review may be conducted in the absence of the Responding Party if the party is provided proper notice of the date, time and location of the review.
- f. Notice of the decision is typically delivered in writing to the Responding Party within five days of the decision. The written decision will contain a statement of reasons for any determination to continue Interim Suspension. The Responding Party (if present in the case), will also be informed of the decision in writing.
- g. This decision shall be final and not subject to additional review, unless there is a material change in the circumstances that warranted the interim suspension.

#### F. Scheduling of University Disciplinary Proceedings

University disciplinary proceedings shall be scheduled as soon as practical. In some cases, the Director may permit a deferral of the disciplinary proceedings when requested by either the Reporting Party or the Responding Party until the conclusion of any criminal proceedings or medical treatments. A request for deferral must be submitted in writing to the Office of Civility and Community Standards within five days of the student's receipt of the notice of the alleged violation. In reviewing the request, the following criteria will be considered:

1. Whether the interests of the University will be served by postponing the disciplinary proceedings until after the criminal process and/or medical treatment has been concluded;
2. The amount of time the resolution may take;
3. The availability of witnesses at the time of the request and the likelihood of their availability in the future; and
4. Any federal or state laws or policies that would not permit the process to be delayed.

#### G. Investigations

1. An investigator conducts a thorough, reliable and impartial investigation. The investigation may include, but is not limited to, review of written statements, audio recordings, pictures, social media information, text messages, class schedules, police investigation reports, and/or medical records. Investigators gather relevant information with no prior assumptions of responsibility or non-responsibility of the Responding Party.
2. If the Director or appointed designee determines that the most appropriate means for addressing the complaint is through an investigation, an investigator will be appointed. The investigator and/or the Director will:
  - a. Determine the identity of the party bringing the complaint, whether that person is the Reporting Party or a third party.
  - b. Initiate any necessary remedial, support and/or interim actions on behalf of the Reporting Party.
  - c. Provide any necessary support to the Responding Party.
  - d. Conduct a preliminary inquiry to review the nature of the complaint, identify an initial list of policies that may have been violated, review the history of the parties, the context of the reported incident(s), and any potential patterns.
  - e. Deliver a written notice of investigation to the Responding Party as soon as is practicable and to the extent permitted by law. The notice may include a brief synopsis of the alleged misconduct, the alleged violation(s), the parties' rights during the process, applicable policies, information about meeting with the Investigator, as well as subsequent investigation and resolution procedures.
  - f. During an investigation, the Reporting Party and Responding Party have the opportunity to present relevant information and identify relevant witnesses.
  - g. Reporting Party, Responding Party, and witnesses will have the opportunity to review their own statements and the investigator's notes from their own interviews to ensure accuracy.

- h. If the either party does not schedule a meeting by the date specified or fails to appear for a scheduled meeting, the Investigator may complete the investigation on the basis of other information obtained.
- i. At the conclusion of an investigation, the Investigator shall present the case to the Director for review to determine whether a charge of a policy violation will be brought forward and/or whether a Formal or Informal Resolution is appropriate.
- j. Absent any extenuating circumstances, investigations are normally concluded within 30 days of referral to the Investigator. If additional time is needed, all parties will be notified of the reason for delay and a projected time line for completion.
- k. If the Reporting Party is unwilling and/or unable to proceed with the Student Code of Conduct process, the University may proceed with an investigation if there is reason to believe that there has been a violation of the Student Code of Conduct.

#### H. Informal Resolution

1. After being informed of the alleged violation(s) and their rights under this Code, including the right to a Formal Resolution, the Responding Party may voluntarily waive the right to a Formal Resolution and request an Informal Resolution (i.e. Mediation). If the Director or the Reporting Party wishes to proceed with Formal Resolution, the Responding Party's request will be denied. The outcome of an Informal Resolution may not be appealed.
2. Mediation: With the voluntary participation of both the Reporting Party and the Responding Party, the Director or appointed designee will arrange a trained mediator to facilitate a resolution. Resolutions, including potential sanctioning, are determined and agreed upon by both the Reporting Party and the Responding Party. This resolution agreement is submitted in writing to the Office of Civility and Community Standards. The matter may – at the discretion of the Director, or the request of either the Reporting Party or the Responding Party – be forwarded to the Formal Resolution process at any time during the Informal Resolution process. If the

Informal Resolution is unsuccessful, the matter will be forwarded to Formal Resolution, though information learned during the course of Informal Resolution will remain confidential.

## I. Formal Resolution

The Director of the Office of Civility and Community Standards or appointed designee determines the need to proceed with a case through Formal Resolution. Options for Formal Resolution include an

1. Administrative Hearing or Hearing Board Panel. The Director or appointed designee will, after consultation with the student, determine which the type of Formal Resolution by considering the nature of the alleged violation(s), scheduling, parties involved, and any extenuating factors. Hearing Officers and Hearing Board members are chosen from a pool of annually trained administrators, faculty/staff members, and/or students.
2. Administrative Hearing: An Administrative Hearing generally consists of the Director and up to two (2) additional members from a pool of trained University officials.
3. Administrative Hearing - Single Hearing Officer: A case may be referred to a single Administrative Hearing Officer, typically from the Office of Civility and Community Standards, when one or more of the following circumstances exists:
  - a. The hearing arises at a time when the Administrative Hearing Board cannot be convened (e.g., during holidays, semester breaks, or summer sessions);
  - b. A backlog of hearings has developed;
  - c. The case is complex and/or involves a large number of parties or witnesses; or
  - d. Other circumstances that, in the sole discretion of the Director, warrant use of a single Administrative Hearing Officer in order to advance the prompt and equitable resolution of cases or to support the orderly administration of hearings being considered under this Code.

4. Hearing Board Panel: A Hearing Board Panel consists of a Chair and five (5) Hearing Board Members including three (3) TWU faculty or staff and two (2) TWU students. A Hearing Board Panel shall be selected by the Director from a pool of trained Hearing Board Committee members drawn from University faculty; the TWU student body, and staff.
5. Written Notice: Written notice of the hearing shall be provided to the Reporting Party and Responding Party at least five (5) days prior to the hearing date in cases which the minimum sanction is less than suspension, and at least ten (10) days prior to the hearing date in cases in which the minimum sanction is suspension or expulsion. The notice will include the alleged violation(s), a brief narrative of the incident, and the predicted relevant sanction range.
6. Sharing of Documentation: No less than 2 days prior to the Hearing, the Reporting Party and Responding Party shall receive from the Office of Civility and Community Standards any documents to be introduced at the Hearing, a list of Witnesses, and members of the Hearing Board Panel or Administrative Hearing.
7. Postponement of a Hearing: The Director may postpone the hearing, provided that written notice of the new hearing date is provided to the Reporting Party and Responding Party. The Parties may each request one postponement of the hearing by submitting that request to the Director. Requests should be made at least two days prior to the hearing and will generally only be granted in cases of serious student illness, family emergency, or when a student has a scheduled exam that directly conflicts with the scheduled time.
8. Chair and/or Administrative Hearing Officer: Is delegated the authority to conduct hearings in a manner designed to effectively and efficiently elicit information needed to make a decision. This includes the authority to review the admissibility of any information, to question witnesses, to limit the length of testimony of any participant if the testimony appears repetitive or irrelevant, and to remove any participant who is unruly or disruptive. The role of the Chair or Administrative Hearing Officer responsible for conducting the hearing is to help:
  - a. Ensure a fundamentally fair process;



- b. Protect the rights of the Responding Party and Reporting Party; and
  - c. At the beginning of the proceedings, the Chair or Administrative Hearing Officer discuss the following with participants:
    - d. The procedures that will be followed;
    - e. The hearing being closed to the public;
    - f. The importance of confidentiality of the proceedings;
    - g. The University's commitment to the principle of fundamental fairness;
    - h. The presumption that a Responding Party is not responsible for a violation of this Code until determined otherwise; and
    - i. Whether any Board member or Administrative Hearing Officer wishes to recuse themselves due to a conflict with, bias about, or interest in the case.
9. Special Accommodations: Reasonable disability-related accommodations may be provided for testimony by alternate methods (e.g., room divider, teleconference, video conference). Such accommodations are at the discretion of the Director and should be requested at least three days in advance of a hearing.
10. Multiple Parties: Cases involving multiple Responding or Reporting Parties involved in the same incident will typically be resolved as a single case. However, extenuating circumstances may, at the discretion of the Director, warrant separate hearings.
11. Conflict of Interest: Either party may request that a member of the Board be excluded from the hearing on the basis of a conflict of interest and/or bias. This request must be made immediately after notification of Board members has been received and requires justification. Additionally, a Board member may recuse themselves if they believe there is a conflict with, bias about, or interest in the case. The Chair shall make the final decision whether to exclude any Board member; this decision cannot be appealed. Prior disciplinary proceedings alone will not result in recusal.

12. Hearing Process: The Hearing Board Panel or Administrative Hearing Officer(s), Reporting Party, and Responding Party may ask reasonable questions of any of the parties, witnesses, or Investigator. Character references or the use of character witnesses are not permitted when determining responsibility of conduct violation(s). In addition, these questions are not intended to preclude the introduction of written statements, previously written memoranda, letters, or other written material.
- a. Reporting and Responding Parties will have opportunities to address the Hearing Board Panel or Administrative Hearing Officers throughout the proceedings. They will also have an opportunity to request a break from the proceedings. Determination of the number and duration of breaks will be determined by the Chair or Administrative Hearing Officer.
  - b. To determine findings for any alleged violation(s), a vote by the Hearing Board Panel or Administrative Hearing Officers will be taken in a closed executive session and will be based solely on the information presented during the hearing. This session will not be recorded. The Board shall base its determination on information obtained, including any assessment of the credibility of information provided. The Panel will assess all relevant information presented in hearings and provide recommendations as to finding and appropriate sanction (if applicable) to the Director of the Office of Civility & Community Standards. The Board will use a preponderance of the evidence standard to render its determination(s). A vote of “responsible” by a simple majority of the members present, excluding the Chair, shall be required to find the Responding Party responsible for any violation(s). In Administrative Hearings, the Administrative Hearing Officer(s) will determine responsibility based on the preponderance of the evidence standard and the information provided.
  - c. Information regarding any prior disciplinary history may not be considered in deliberations regarding findings of responsibility.

- d. Decisions of responsibility made by the Hearing Board Panel or Administrative Hearing Officer(s) are final, unless Expulsion is recommended.
  - e. Absent extenuating circumstances, a final decision will be made within ten (10) days of the date of the hearing. Notice of the decision will be delivered in writing to the Responding Party – typically within five (5) days of the decision. The notice will include a brief summary of the information upon which the decision is based and shall specify any appeal rights.
  - f. If the Responding Party is found responsible, any information related to the student’s character, including prior disciplinary history, may be introduced and considered by the Hearing Board Panel or Administrative Hearing Officers in recommending a sanction. A Reporting Party involved in an alleged report of violence may provide an impact statement. This statement is not binding, but will be given such weight as the Hearing Board Panel or Administrative Hearing Officer(s) deem appropriate. Sanction recommendations will be provided to the Director of the Office of Civility and Community Standards or appointed designee for final consideration and determination.
  - g. All hearings will be recorded, and the recordings will serve as the verbatim record. The University retains the sole right to record hearings. No other recordings of the hearings are permitted.
  - h. All hearings are closed to the public. The Responding Party and Reporting Party have the right to appear with up to two Advocates. The Reporting Party and the Responding Party may request that certain witnesses be included in the hearing, but a determination as to which witnesses will be included is at the discretion of the Director and/or the Chair or Administrative Hearing Officer. A list of Advocates and requested Witnesses must be submitted to the Office of Civility and Community Standards at least 3 days prior to a hearing.
13. Expulsion: In cases involving Expulsion, the recommendation will be forwarded to the Vice President of Student Life or appointed designee, who shall make the final administrative decision. The

Responding Party will be banned from all University premises and University-sponsored activities, and is subject to arrest for trespassing if found on any University premises or at a University-sponsored activity during the period of time in which the recommendation of expulsion is under review by the Vice President of Student Life or appointed designee.

J. Resolution in the Absence of the Responding Party

1. If the Responding Party has been notified pursuant to this Code and fails to respond within five days of the initial notice of a potential violation, the allegation may be resolved in their absence. If the Responding Party fails to respond within five days of the initial notice of a potential violation, Responding Party waives their right to a hearing. The Director or appointed designee reviews all relevant and available evidence and, in their professional judgment and applying the preponderance of the evidence standard, determines findings for any alleged violation(s) and may specify any sanction(s) described in this Code.
2. The resolution will typically be delivered in writing to the Responding Party within five days of the decision. The Office of Civility and Community Standards may place a hold on the Responding Party's record until such time as the Responding Party confirms receipt of the written decision. The disciplinary hold could prevent a student from registering for classes.
3. If the Director determines that the Responding Party's failure to appear was due to legitimate extenuating circumstances, the Director may – at their discretion - rescind the disciplinary action and move forward with either an Informal or Formal Resolution.
4. If the Responding Party fails to attend their scheduled hearing, the Hearing Board Panel or Administrative Hearing Officer(s) shall process the case in their absence.

VIII. Definitions of Sanctions

- A. Sanctions are intended to educate students on the effects of their behavior and to invoke change in future decision-making, and to uphold the Code in a manner consistent with the nature and severity of the violation. The Office of Civility and Community Standards may implement any of the sanctions

listed, pursuant to the guidelines set forth within the Student Code of Conduct.

B. Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student. One or more of the following sanctions may be imposed upon any student for any single violation of the Student Code of Conduct.

C. Sanctioning Options

1. Disciplinary Warning: Official written notice conveying to the student or organization that their behavior has violated University policy and/or rules and that any future violation of the Student Code of Conduct may result in more severe disciplinary action, including Disciplinary Probation, Suspension, or Expulsion. For organizations, a warning may include notification to the organization's president or adviser and to the chapter's national headquarters, if any.
2. Disciplinary Hold on Student Account: Placing a hold on a student's account through the Registrar's Office thereby preventing a student from obtaining transcripts, registering for classes, and/or other University business.
3. Disciplinary Probation: Pre-suspension period in which the student's or organization's behavior is under University review, conveying that the behavior was unacceptable and that any future violation of Student Code of Conduct may result in more severe disciplinary action, including Suspension or Expulsion.
  - a. Disciplinary Probation shall be imposed for a period no less than the remainder of the current semester up to the remainder of the student's academic career.

- b. A student or organization who has violated the Student Code of Conduct while on Disciplinary Probation will be suspended as a minimum sanction.
  - c. A student or organization who has violated the Student Code of Conduct and has previously been on Disciplinary Probation, but is not currently on Disciplinary Probation, shall be placed on Disciplinary Probation as a minimum sanction
4. Disciplinary Suspension: Separation from the University for a specific period of time no less than the remainder of the current semester, after which the student or organization is eligible to return.
- a. Suspension will be effective immediately. The student is required to vacate the campus within one (1) day of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of the Office of Civility and Community Standards. Student organizations who are suspended must immediately cease operations.
  - b. During the period of Suspension, the student or organization will be banned from all University premises and University-sponsored activities. This sanction may be enforced with a trespass action as necessary.
  - c. A notation of Suspension will be recorded on the student's official University transcript maintained by the Registrar's Office.
  - d. Once the student or organization has fulfilled all requirements related to suspension and/or the sanctions set forth by the University at the time of the suspension, the Office of Civility and Community Standards will consider the student or organization back in good conduct standing.
5. Disciplinary Expulsion: Permanent separation from the University
- a. Expulsion shall be effective immediately. The student is required to vacate the campus within one (1 day) of notification of the action, though this deadline may be

extended (in rare circumstances) upon application to, and at the discretion of, the Director of the Office of Civility and Community Standards. Student organizations who are expelled must immediately cease operations.

- b. The student or organization will be banned from all University premises and University-sponsored activities. This sanction may be enforced with a trespass action as necessary.
6. **Loss of Privileges:** The denial of specified privileges for a designated period of time. This denial may be imposed upon students and/or student organizations. This sanction may include removal from an elected or appointed office of a registered campus organization, removal of recognition, and ineligibility to represent the University.
7. **No Contact Order:** An official notice restricting the behavior and/or interaction of students.
8. **Random Drug Testing:** Random drug testing at the student's expense.
9. **Revocation of Admission:** Admission to TWU may be revoked for fraud, misrepresentation, or other violations of TWU standards committed by a student prior to admission.
10. **Revocation of Degree:** A degree awarded from TWU may be revoked for fraud, misrepresentation, or other violations of TWU standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
11. **Withholding Degree:** TWU may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Code of Conduct, including the completion of all sanctions imposed, if any.
12. **Educational Sanctions:** Sanctions that may be imposed include, but are not limited to, the following:
  - a. Community service with a non-profit agency or with the University;

- b. Restitution for loss, damage, or actual expenses incurred as a result of the student's behavior;
  - c. Participation in educational programming, which may include online programs, reflection pieces, meetings with University staff, or other activities; There may be a program service fee for on-campus alcohol and/or drug violations and drug education;
  - d. Any other sanction determined appropriate by the Office of Civility and Community Standards.
13. University- Affiliated Sanctions: Restriction from representing the University in any official function or leadership position (e.g., varsity athletics and/or dance teams, student leadership position, senator or officer in Student Government Association, elected office in any recognized student organization, etc.); University housing reassignment; University housing probation; University housing suspension; University housing expulsion

#### D. Failure to Complete Conduct Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Director of the Office of Civility and Community Standards and/or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University. In such situations, resident students will be required to vacate University housing within one (1) day of notification by the Office of Civility and Community Standards. This deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of the Office of Civility and Community Standards.

### IX. Appeals

#### A. Purpose and Grounds for Appeal

1. The purpose of the appeal process is to help ensure the Formal Resolution process was fairly applied and materially



consistent with the Conduct procedures. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level and unless there is a basis otherwise, deference will be given to the original investigation, determination, and sanction(s) imposed.

2. The Responding Party may appeal a decision based on the following grounds:
  - a. A material, procedural, or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, conflict of interest, material deviation from established procedures, etc.);
  - b. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction;
  - c. The sanction is disproportionate to the nature and severity of the violation and the disciplinary history of the Responding Party.
3. Appeals are not intended to be full re-hearings. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.

#### B. Filing an Appeal Request

1. Any party may request an appeal of the decision. Appeal requests must be submitted to the Vice President of Student Life or appointed designee within three (3) business days of the notice of the decision. In extenuating circumstances, an extension of time may be granted by the Vice President or appointed designee. This request for an extension of time must be made in writing.
2. An appeal request must clearly state the grounds on which it is based and present specific reasons or justifications to support the appeal.
3. The Vice President of Student Life will review the appeal request. The original finding and sanction will stand if the appeal is

not timely or is not based on the grounds listed above. Such a decision is final.

### C. Resolving an Appeal

1. If the appeal request is granted, the Vice President of Student Life will review the appeal and issue one of the following decisions:
  - a. Uphold the finding(s) of responsibility and sanction(s);
  - b. Uphold the finding(s) of responsibility and reduce, but not eliminate, the sanction(s);
  - c. Remand the case to the same or a new Hearing Board Panel or Administrative Hearing Officer(s).
2. A decision is typically made within 15 days after the appeal request has been received by the Vice President of Student Life. Written notice of the decision will be provided to both parties – typically within five days of the decision. The decision of the Vice President of Student Life is final and cannot be appealed further.
3. All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

### D. Deferral of Sanctions

At the discretion of the Vice President of Student Life, the imposition of a sanction(s) may be deferred during the resolution of an appeal request. The sanction(s) may be imposed immediately following a decision (and prior to an appeal) if the Responding Party's behavior was of such a serious nature that it

1. Was threatening, harmful, or dangerous to others or the University community;
2. Caused significant property damage;
3. Impacted the stability or continuance of normal University functions; or
4. Directly or substantially impeded the lawful activities of others

## X. Amnesty

- A. 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 minor policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct proceedings or discipline will result.
- B. For Those Who Offer Assistance: To encourage students to offer help and assistance to others, University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director for the Office of Civility & Community Standards or appointed designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options may be explored, but no conduct proceedings or discipline will result.
- C. 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 conduct proceedings or record will result. Abuse of amnesty can result in a decision by the Director for the Office of Civility & Community Standards not to extend amnesty to the same person repeatedly.
- D. Safe Harbor: The University has a Safe Harbor rule for students. The University believes students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of University officials and seeks assistance, outside the threat of drug tests or conduct sanctions, a conduct complaint will not be pursued. A written action plan may be used to monitor cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

## XI. Disciplinary Records

### A. Transcript Notation and Notification

- 1. The University will maintain a permanent disciplinary record for every student assessed the sanction of suspension, expulsion, denial or revocation of a degree, dismissal from an academic

program, or withdrawal of a diploma. Suspension is noted on the official transcript during the term of suspension and may be removed upon completion. Expulsion is permanently noted on the official transcript. However, a student may request the removal of an expulsion notation through the office of the Vice President of Student Life after a period of seven years from the date of expulsion.

2. A record of any other report investigated by the Office of Civility and Community Standards will be maintained for at least seven years. The disciplinary record will reflect the nature of the report, the sanction(s) assessed, and any other pertinent information.
3. The contents of a student's disciplinary record may be made available by the Vice President of Student Life to appropriate University officials who have a legitimate educational interest.
4. The contents of a student's disciplinary record may be made available to persons outside the University only upon written request of the student, or in accordance with state and federal law.
5. All disciplinary records are the property of the University and are maintained by the Office of Civility and Community Standards. Disciplinary records may include, but are not limited to, reports, police reports, correspondence, case summaries, written information, and audio recordings. Disciplinary records include both electronic and paper records.

#### B. Records Maintenance

1. Disciplinary records where there is a finding of not responsible are maintained as defined by the University Records Retention Policy. These records, however, are considered internal to the University and are not disclosed as part of a Responding Party's disciplinary history.
2. Disciplinary records where the sanction is at least disciplinary warning are maintained for a minimum of seven (7) years from the date of resolution. These records may be disclosed as part of the proceedings under this Code but are considered internal to the University.

3. Disciplinary records where the sanction is Suspension or Expulsion are maintained indefinitely.
4. The University has the right to maintain any disciplinary records in excess of the minimum period.

#### C. Access and Confidentiality

A student may access copies of their disciplinary records by contacting the Office of Civility and Community Standards. Access to any disciplinary records shall be pursuant to FERPA and applicable University policies. All disciplinary records are confidential and shall not be released without the student's consent, except as otherwise provided by law. Pursuant to FERPA and the Clery Act, the University may disclose disciplinary records (a) to University officials who have a legitimate educational interest, (b) to parent(s) or legal guardian(s) of students under the age of twenty- one (21) who are claimed as dependents for income tax purposes, the outcome of any drug- or alcohol-related violation of this Code. The University may also be required to produce disciplinary records in accordance with a lawfully issued subpoena. Limits to redisclosure shall be governed by appropriate federal law, including FERPA and the Clery Act.

## XII. Review and Revision

### A. Annual Review

This Code shall be reviewed annually by the Hearing Board Committee and Peer Council to determine appropriate revisions that are in the best interest of the University. Members of the committee are appointed by the Director of the Office of Civility and Community Standards. Revisions will be approved by the Vice President of Student Life. Once changes of this Code are posted online, they are in effect.

### B. Changes Beyond the Annual Review

The Office of Civility and Community Standards reserves the right to review and amend this Code at any time. Once changes of this Code are posted online, they are in effect.

### C. Enforcement of Regulations

The University reserves the right to establish or modify any existing regulations when unusual circumstances dictate. Examples include, but are not limited to:

1. A student who is under suspension from another institution may not be permitted to enter Texas Woman's University until the student's eligibility to re-enter the institution which imposed the suspension can be established.
2. A student under expulsion, suspension, or administrative withdrawal from Texas Woman's University may not be permitted to visit on any TWU campus during the suspension or withdrawal period except for a brief period in the office of an University administrator to transact essential official business. Any visits to campus must be approved by the Office of Civility and Community Standards and may require the presences of TWU Department of Public Safety.

## **REVIEW**

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. 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](#)

[URP 01.225: Prohibition of Sexual Misconduct](#)

[URP 01.310: Records Retention](#)

## **FORMS AND TOOLS**

None

<p><b>Publication Date:</b></p> <p><b>Next Review:</b></p>
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