

1. Title

Student Conduct and Discipline

2. Rule and Regulation

Sec. 1 Institutional Rules. The institutions shall adopt rules and regulations concerning student conduct and discipline. Such rules shall be in compliance with the Regents' *Rules and Regulations* and shall become effective upon review and approval by the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs. Each student is responsible for notice of and compliance with the provisions of the Regents' *Rules and Regulations* and the rules of the institution.

Sec. 2 Standards of Conduct. All students are expected and required to obey federal, State, and local laws, to comply with the Regents' *Rules and Regulations*, with The University of Texas System and institutional rules and regulations, with directives issued by an administrative official of the U. T. System or institution in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

2.1 Who is Subject to Discipline. Any student who engages in conduct that violates the Regents' *Rules and Regulations*, the U. T. System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the U. T. System acting in the course of his or her authorized duties, or federal, State, or local laws is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

2.2 Scholastic Dishonesty. Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

- 2.3 Drugs. Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of an institution is subject to discipline. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the recommended penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.
- 2.4 Health or Safety. Any student who engages in conduct that endangers the health or safety of any person on the campus of an institution or on any property, or in any building or facility owned or controlled by the U. T. System or institution is subject to discipline.
- 2.5 Disruptions. Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the U. T. System or institution is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.
- 2.6 Inciting Lawless Action. Any student who engages in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action is subject to discipline.
- 2.7 Unauthorized Use of Property. Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the U. T. System or institution is subject to discipline.
- 2.8 Hazing. Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in State educational institutions is prohibited by State law (*Texas Education Code* [Section 51.936](#)). Hazing with or without the consent of a student whether on or off

campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

- 2.9 Altering of Official Documents. A student who alters or assists in the altering of any official record of the U. T. System or institution or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the U. T. System or institution is subject to discipline. A former student who engages in such conduct is subject to bar against readmission, revocation of degree, and withdrawal of diploma.
- 2.10 Vandalism. Any student who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by an institution or the U. T. System is subject to discipline.
- 2.11 Prohibited Conduct. A student is subject to discipline for prohibited conduct that occurs while participating in off-campus activities sponsored by an institution or the U. T. System including field trips, internships, rotations, or clinical assignments.
- 2.12 Use of Explosives, Weapons or Hazardous Chemicals. Unless authorized by federal, State, or local laws, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by State or federal law, while on campus or on any property or in any building or facility owned or controlled by the U. T. System or institution, is subject to discipline.
- 2.13 Prohibited Conduct During Suspension. A student who receives a period of suspension as a disciplinary penalty is subject to further disciplinary action for prohibited conduct that takes place on campus during the period of suspension.

- Sec. 3 Bar from Campus. A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any institution during the period of such suspension or expulsion without prior written approval of the chief student affairs officer of the institution at which the suspended or expelled student wishes to be present.
- Sec. 4 Disciplinary Process. A student may be summoned by written request of the Dean for a meeting to discuss the allegations. The written request shall specify a place for the meeting and a time at least three weekdays after the date of the written request. The written request may be mailed to the address appearing in the records of the registrar or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Dean, the Dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the Dean may proceed to implement the disciplinary procedures provided for in Number 2, Section 5 of this Series. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.
- 4.1 Interim Disciplinary Action. Pending a hearing or other disposition of the allegations against a student, the Dean may take such immediate interim disciplinary action as is appropriate to the circumstances, including:
- (a) suspension and bar from the campus when it reasonably appears to the Dean from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the institution; or
 - (b) the withholding of grades, degree, or official transcript when such action is in the best interest of the institution.
- 4.2 Timeliness of Hearing. When interim disciplinary action has been taken by the Dean under Section 4.1 immediately above, a hearing of the charges against the student will be held under the procedures specified in Section 5 immediately below, but will be held within 10 days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time or unless the student waives a hearing and accepts

the decision of the Dean in accordance with Section 4.3 immediately below.

- 4.3 Assessment of Penalty. In any case where the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures specified in Section 5 immediately below, the Dean shall assess one or more of the penalties specified in Section 6 immediately below that is appropriate to the charges and inform the student of such action in writing. The recommended penalty that the Dean may assess when a student admits illegal use, possession, and/or sale of a drug or narcotic on campus is the penalty prescribed in Section 2.3 immediately above. The decision of the Dean on penalty only may be appealed to the president of an institution.

Sec. 5 Hearing Process. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial Hearing Officer.

- 5.1 Notice of Hearing. Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). The notice shall be delivered in person to the student or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Dean.
- 5.2 Impartiality of the Hearing Officer. The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the Office of the Dean at least three days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies

himself or herself, a substitute will be chosen in accordance with procedures of the institution.

- 5.3 **Burden of Proof.** Upon a hearing of the charges, the Dean or other institutional representative has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
- 5.4 **Duties of Hearing Officer.** The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System. The Hearing Officer shall render and send to the Dean and the accused student a written decision that contains findings of fact and a conclusion as to the guilt or innocence of the accused student. Upon a conclusion of guilt the Hearing Officer shall assess a penalty or penalties specified in Section 6 immediately below. Guilt of the illegal use, possession, or sale of a drug or narcotic on campus requires the assessment of a minimum penalty provided in Section 2.3 immediately above.
- 5.5 **Minimal Rights.** The hearing shall be conducted in accordance with procedures adopted by the institution that assure the institutional representative and the accused student the following minimal rights:
- (a) Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing.
 - (b) Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses, and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Dean's advisor may be an attorney from the Office of

General Counsel of the System. An advisor may confer with and advise the Dean or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer.

- (c) The Dean may recommend a penalty to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Dean. The accused student shall be entitled to respond to the recommendation of the Dean.
- (d) The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. At the request of the president of an institution the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.

Sec. 6 Penalties. The following penalties may be assessed by the Dean pursuant to Section 4.3 immediately above or by the Hearing Officer after a hearing in accordance with the procedures specified in Section 5.5 immediately above:

- 6.1 Disciplinary probation.
- 6.2 Withholding of grades, official transcript, and/or degree.
- 6.3 Bar against readmission.
- 6.4 Restitution or reimbursement for damage to or misappropriation of institutional or U. T. System property.
- 6.5 Suspension of rights and privileges, including participation in athletic or extracurricular activities.
- 6.6 Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit.

- 6.7 Denial of degree.
- 6.8 Suspension from the institution for a specified period of time.
- 6.9 Expulsion (permanent separation from the institution).
- 6.10 Revocation of degree and withdrawal of diploma.
- 6.11 Other penalty as deemed appropriate under the circumstances.

Sec. 7 Appeal. A student may appeal a disciplinary penalty assessed by the Dean in accordance with Section 4.3 immediately above. Either the Dean or the student may appeal the decision of the Hearing Officer. An appeal shall be in accordance with the following procedures:

- 7.1 Appeal Procedures. Written notice of appeal must be delivered to the president of the institution within 14 days after the appealing party has been notified of the penalty assessed by the Dean or the decision of the Hearing Officer. If the notice of penalty assessed by the Dean or the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the 14-day period for giving notice of appeal. An appeal of the penalty assessed by the Dean in accordance with Section 4.3 immediately above will be reviewed solely on the basis of the written argument of the student and the Dean. The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument must be filed with the president within 14 days after notice of appeal is given. At the discretion of the president, both parties may present oral argument in an appeal from the decision of the Hearing Officer.
- 7.2 President's Authority. The president may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that if the finding as to guilt is upheld in a case involving the illegal use, possession,

and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the recommended penalty prescribed by Section 2.3 immediately above.

- 7.3 Communication of Decision. The action of the president shall be communicated in writing to the student and the Dean within 30 days after the appeal and related documents have been received. The decision of the president is the final appellate review.

Sec. 8 Disciplinary Record. Each institution shall maintain a permanent written disciplinary record for every student assessed a penalty of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years unless the record is permanent in conjunction with the above stated penalties. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed, and any other pertinent information. This disciplinary record shall be maintained separately from the student's academic record, shall be treated as confidential, and shall not be accessible to or used by anyone other than the Dean, except upon written authorization of the student or in accordance with applicable State or federal laws or court order or subpoena.

3. Definitions

Chief Student Affairs Officer – The administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule.

Dean or Dean of Students – Refers to the administrative officer or officers responsible for the administration of the disciplinary process at each institution.

Hearing Officer – An individual or individuals selected in accordance with procedures adopted by the institution to hear disciplinary charges, make findings of fact, and, upon a finding of guilt, impose an appropriate sanction(s).

Student – The following persons shall be considered students for purposes of these policies and regulations:

1. A person currently enrolled at an institution of the U. T. System.
2. A person accepted for admission or readmission to an institution of the U. T. System.
3. A person who has been enrolled at an institution of the U. T. System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
4. A person who engaged in prohibited conduct at a time when he or she met the criteria of 1, 2, or 3 immediately above.

Campus – consists of all real property, buildings, or facilities owned or controlled by the institution.

Weekday – Monday through Friday, excluding any day that is an official holiday of the institution.

Day – a calendar day.

4. Relevant Federal and State Statutes

Texas Education Code [Section 51.936](#) – Hazing

5. Relevant System Policies, Procedures, and Forms

None

6. Who Should Know

Administrators
Dean of Students
Hearing Officers
Students
Office of General Counsel

7. System Administration Office(s) Responsible for Rule

Office of Academic Affairs
Office of Health Affairs

8. Dates Approved or Amended

December 10, 2004

9. Contact Information

Questions or comments regarding this rule should be directed to:

- bor@utsystem.edu