

RELLIS Academic Alliance

Student Code of Conduct

Section 1: Student Code of Conduct

RELLIS is committed to student development and the promotion of personal integrity and self-responsibility. Students become a part of the campus community by enrolling in a Texas A&M University System member and affiliating with the RELLIS campus, and are entitled to enjoy the privileges of this affiliation. In exchange for this privilege, students are expected to observe the associated responsibilities and obligations as dictated by daily life in a broader society. The university considers its students to be adults who, in continuing their education, are expected to meet these standards of common decency and decorum. In general, a student is expected to demonstrate decency, decorum, and respect for others' rights and property, as well as respect for the University's property. A student is also expected to embody honesty and integrity in academic work and all other activities, as well as abide by local, state, and federal laws.

1.1 Administration of Student Code of Conduct

Authority for administering the disciplinary system is delegated by the participating System members to the RELLIS Academic Alliance Provost (hereinafter referred to as Provost). Under the supervision of Provost, the RELLIS Academic Alliance Assistant Provost (hereinafter referred to as Assistant Provost) is, in coordination with each participating member, responsible for the administration of all RELLIS student conduct matters.

Students are expected to comply with all state, federal, and local laws. Student conduct procedures may be instituted against those charged with conduct that potentially violates either Texas criminal law or this code, without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. This principle applies to on-campus conduct, as well as conduct off campus which is likely to have an adverse effect on the university or the educational process.

Sexual misconduct investigations will be conducted in accordance with Texas A&M University System Regulation 08.01.01 and System Rule 08.01.01.S2. Substantiated complaints constitute one or more violations of this code.

The procedures outlined in the RELLIS Student Code of Conduct, consistent with the code of each participating member, are intended to inform the involved parties of university procedures and aid the Provost, Assistant Provost, and any hearing officer, investigating authority, or hearing body in ascertaining the facts and adjudicating a conduct matter. As circumstances can vary greatly from case to case, the presiding hearing officer or chair may modify procedures as well as rule on procedural matters in order to reach a just decision. The RELLIS Student Code of Conduct is not a contract between the student and RELLIS.

This code can be modified at any time without notice to the student. Said modifications are binding on the student.

1.2 Student Responsibility

When students enter a university, they accept responsibilities and obligations, including satisfactory academic performance and social behavior consistent with the educational purposes of the university. **All students are expected to know and abide by the Student Code of Conduct.** The university will hold each student responsible for compliance with this code. Each student is expected to be fully acquainted with all published university rules and procedures, copies of which are available to each student for review in the Assistant Provost's Office. The official RELLIS Student Code of Conduct is located at <https://rellis.tamus.edu/academicalliance/students/student-services/safety-and-responsibility/>. RELLIS reserves the right to make modifications to the code without notice to the student.

1.3 Definitions

General definitions used in the Student Code of Conduct are below. Specific definitions pertaining to individual sections of the Student Code of Conduct are contained in the respective sections.

- a. **Advisor** is a student's representative at any formal or informal hearing.
- b. **Appellant** is the person who has filed an appeal of an original disciplinary decision.
- c. **Business day** is any weekday the university is open for business.
- d. **Faculty member** is any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
- e. **Formal Hearing** is the opportunity to present and review relevant evidence before a disciplinary committee, designated hearing officer, or panel vested with the authority to conduct such hearings.
- f. **Hearing Board** is a university panel that is authorized to hear a case and impose sanctions for violations of the Student Code, excluding cases of academic or sexual misconduct.
- g. **Hearing Officer** is the Assistant Provost, or designated university official who is authorized to hear a case and impose sanctions upon any student(s) found to have violated the Student Code. An administrator, faculty member, staff member, graduate assistant or residence hall professional staff member may serve as a hearing officer.
- h. **Home Institution** is the Texas A&M University System university (member) in which a student is enrolled.
- i. **Informal resolution meeting** is a meeting with the Assistant Provost, or designee, to discuss a conduct matter. The student is informed of the charge or allegation, the conduct procedures, and provided an opportunity to respond to the charges and if applicable, election of the method for adjudication of the case.
- j. **Notice/notification** means correspondence sent by electronic mail, through a student's university-provided email address.
- k. **Preponderance of evidence** is the standard used to determine the merits of the allegation(s); i.e., more likely than not.
- l. **Student** includes anyone taking courses at or from the university, both full-and part-time, and between terms. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the university, or who have been notified of their acceptance for admission are considered "students." This also includes individuals who have been awarded a degree and later found to have obtained it through fraud, misrepresentation or other violation of university standards. The Student Code of Conduct applies to all locations of the university. Students involved in study abroad are also subject to this code.
- m. **University** means RELLIS Academic Alliance and/or a student's home institution.
- n. **University premises** includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the university (i.e., such as during university sanctioned events off campus).
- o. **Will/Shall** are used in the imperative.

1.4 Communication Pertaining to the Student Code of Conduct

Written notice of charges may be presented in person, via e-mail, or by mail to the respondent's local address on file with the university. Notification of results will be made verbally, via electronic mail, or via physical mail.

Failure to read electronic mail shall not invalidate notice of charges or notification of disciplinary action results. It is the student's responsibility to regularly check their university provided e-mail account.

1.5 Student Amnesty

1.5.1 Medical Assistance/Treatment:

RELLIS recognizes that in an alcohol or other drug-related emergency, the potential for disciplinary action by the University may act as a barrier to students seeking medical assistance for themselves, other students or guests. Therefore, the University has a Medical Amnesty protocol as part of our Student Code of Conduct process.

1.5.2 Sexual Harassment/Misconduct:

The University recognizes that students who have been drinking and/or using drugs at the time of an act of sexual harassment and/or sexual misconduct occurs, may be hesitant to report such incidents due to fear of potential consequences of their own conduct. The University strongly encourages students to report incidents of sexual violence, harassment, sexual assault, dating violence, or stalking to campus officials. A bystander reporting in good faith or a complainant reporting sexual violence, harassment, sexual assault, dating violence, or stalking to University officials or law enforcement will not be subject to disciplinary action for violations of the institution's code of conduct policies, including alcohol and/or drug use violations, occurring at or near the time of the sexual harassment/sexual misconduct.

1.5.3 Amnesty Protocol – Educational Follow up:

An individual who calls for emergency assistance on behalf of a person experiencing sexual harassment/sexual misconduct or any alcohol or other drug-related emergency will not face formal disciplinary action by the University for the possession or use of alcohol or other drugs. The individuals making the report may be asked to complete appropriate educational program(s). The recipient of medical attention will also avoid formal disciplinary action by the University for the possession or use of alcohol or other drugs if she/he agrees to participate in, and complete, the recommended educational programs. If an individual is documented or receives emergency medical assistance on more than one occasion due to excessive use of alcohol or other drugs, the situation will be evaluated so as to provide the student with additional resources and/or sanctions as needed or appropriate. The Amnesty protocol applies to straightforward cases of alcohol or other drug-related emergencies. The Amnesty protocol does not excuse co-occurring student code of conduct infractions or other incidents related or unrelated to the medical emergency.

1.6 Right of Due Process

A student alleged to have engaged in misconduct that *may* lead to separation (suspension or expulsion) from the university shall have the right of due process and appeal as set forth in this code. Students may opt to have only an informal resolution meeting and waive their rights to a **formal hearing**. Except in the case of the *immediate interim suspension* of a student and investigation and adjudication of sexual misconduct allegations which are detailed in a separate section of this handbook, these rights include:

- a. A written copy of the charge(s). Notification must be at least three (3) business days before any hearing may proceed.
- b. A fair and impartial hearing.
- c. Reasonable access to review the case file, including all information on which a conduct charge is to be adjudicated.
- d. Present evidence and witnesses on his/her behalf.
- e. Be accompanied at a hearing by an advisor of his/her choice. The advisor cannot actively participate in the hearing or ask questions of the witnesses or the hearing/investigative body. The advisor's role is to advise the student and observe the proceedings. Proceedings will not be rescheduled due to the unavailability of an advisor.
- f. Be present at the hearing during the presentation of any evidence or material on which the decision will be made. If the student fails to attend the scheduled hearing, the hearing will be held in the student's absence.
- g. Request access to an electronic recording of the hearing for use in asserting an appeal. The recording is property of the University.
- h. Refuse to answer any question or to make a statement without inference of guilt. However, the hearing officer/body will make a decision on the basis of evidence available at the time of the hearing.
- i. Ask questions, through a hearing officer/panel chair, of anyone presenting oral testimony during a hearing relating to the incident. See specific information regarding oral testimony in a hearing related to cases of sexual misconduct cases (i.e. sexual harassment, sexual assault, sexual violence cases, etc.) in a different section of this handbook.
- j. Right to a written notice on the findings of the investigation and/or hearing, an explanation of the decision, any sanctions assessed, if applicable and the next level of appeal.
- k. Right to appeal the decision through the appropriate panel or administrative officer within five (5) business days of notification of the decision. Notice of the decision will be provided through electronic mail to a student's university provided email address.

1.7 Status of Students During Charges and/or Appeals

Pending final action on an academic or nonacademic misconduct charge or appeal of disciplinary action, the student's status should not be altered, nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following: 1) when the University has imposed an *immediate interim suspension* action; 2) when a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction; 3) when interim measures or restrictions are taken during a Title IX investigation and/or code of conduct disciplinary process when it is determined that they are necessary and appropriate to the safety of the community, and/or to protect the integrity of the complaint/investigation process; or 4) to address conduct involving substantial disruption of a class or program, physical altercations, threats of violence, or acts of retaliation against a complaining party.

1.8 Student Records

Outcomes of all disciplinary proceedings administered under the RELLIS Student Code of Conduct become part of the student's educational record at the home institution. Student disciplinary records are normally maintained for at least five (5) years from the date of the student's last enrollment date. Student disciplinary records may be retained for as long as deemed administratively valuable or permanently if the student was suspended or blocked from enrollment. Expulsion records are kept permanently.

As per System Regulation 11.99.02, a transcript notation will be made for students who are suspended, dismissed or expelled. The notation must include:

- a. The nature of the separation (e.g., suspension, dismissal or expulsion);
- b. The type of infraction (e.g., academic or conduct);
- c. The department responsible for issuing the student separation from the institution (e.g., Office of Student Conduct); and
- d. The effective dates of separation from the academic institution, if applicable.

Transcripts of students with pending conduct investigations that could result in suspension, dismissal or expulsion may be held until the conduct process is complete.

Section 2: Prohibited Conduct

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

Disciplinary action may be initiated by the University and sanctions imposed against any student or student organization found responsible of committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of misconduct.

The following constitutes examples of infractions for which students are subject to disciplinary action. This list is not designed to be all-inclusive. The university reserves the right to amend its rules and to make such amendments effective immediately without notification to students. The most current version may be found online at the website: <https://rellis.tamus.edu/academicalliance/students/student-services/safety-and-responsibility/>

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The following are intended as statements of general principles and are not all-inclusive.

2.01 Academic Misconduct

- a. Plagiarism: presenting the work of another as one's own without proper acknowledgement of the source or reusing your own work without citation. An exception exists for information that is generally accepted as common knowledge.
- b. Cheating: Using unauthorized notes or study aids; allowing another party to do one's work/exam and turning in that work/exam as one's own; getting help from another party without the instructor's consent; submitting the same or similar work in more than one course without permission from the course instructors.
- c. Fabrication: Falsification or creation of data, research or resources, invention of any information or citation, or altering a graded work without the prior consent of the course instructor, including deliberate falsification with the intent to deceive in written or verbal form as it applies to an academic submission.
- d. Multiple submissions: The submission of substantial portions of the same assignment for credit more than once without the prior permission of all involved faculty members.
- e. Bribery: Providing, offering or taking rewards in exchange for a grade, an assignment or the aid of academic dishonesty.
- f. Aid of Academic Dishonesty: Intentionally facilitating any act of academic dishonesty.
- g. Failure to follow published academic departmental guidelines, professor's syllabi, and other posted academic policies in place for the orderly and efficient instruction of classes, labs, use of academic resources and equipment.
- h. Unauthorized possession of examinations, reserved library materials, laboratory materials or other course related materials.
- i. Failure to follow the instructor or proctor's test-taking instructions, including but not limited to not setting aside notes, books or study guides while the test is in progress, failing to sit in designated locations and/or leaving the classroom/test site without permission during a test.
- j. Falsification of student transcript or other academic records; or unauthorized access to academic computer records.

2.02 Fraudulent activity

Furnishing false information to any university official, staff, faculty member or office in oral, electronic or written form to receive a benefit from the university, access university facilities, obtain services or meet administrative requirements, i.e., providing fraudulent documents; attempting to use an ID Card that is not in student's name; using a parking permit that is fake or has been altered.

2.03 Harassment

Conduct by any means with intent to harass, abuse, torment, intimidate, or bully another and would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate

in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature; this may include only one instance to be deemed “harassment.”

2.04 Sexual Misconduct

- a. **Sexual Harassment** – Sexual harassment is a form of sex discrimination. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute hostile environment sexual harassment when the conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Unwelcome means that an individual did not request or invite the conduct and considers it to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.
- b. **Sexual Assault** – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.
- c. **Sexual Exploitation**- a situation in which an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted disease to another person.
- d. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- e. **Domestic Violence** – a felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- f. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

2.05 Theft of property or of services

Theft of property or of services on university property or at university sponsored activities.

- a. Taking, attempting to take, or keeping in his or her possession items not legally his or hers, including but not limited to University property, or items belonging to students, faculty, staff, student groups, university vendors contractors or visitors to the campus, without proper authorization.
- b. Unauthorized or fraudulent activities that result in unauthorized charges to the university's or another's billing account.
- c. Knowingly possessing stolen property or reselling stolen property constitutes theft or being an accessory to theft and is therefore a violation of this provision.

2.06 Hazing

Engaging in hazing or voluntarily submitting to hazing. Hazing is any act directed against a student by another student or group of students if the intent or effect of these actions would be to intimidate or submit the student to indignity or humiliation, which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

2.07 Failure to comply

Failure to comply with the proper and lawful directions of a university official (including resident advisors) in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

2.08 Tampering, possession or use of university owned or controlled equipment

Unauthorized tampering, possession or use of university owned or controlled equipment, including but not limited to university keys, university furnishings and equipment.

2.09 Violation of federal, state or local law

Conduct which could be interpreted as a violation of federal, state or local law while off campus, on university premises, or at university sponsored or supervised activities.

2.10 Published university policies

Violation of published university policies in hard copy or available electronically on the university website/portal, including but not limited to, the student code of conduct, university catalog, parking and traffic regulations, individual departmental policies and student organization policies.

2.11 Illegal drugs/controlled substances

Manufacturing, possessing, having under control, selling, transmitting, using, being under the influence or being a party to illegal drugs, drug paraphernalia and/or controlled substances on university premises or at any university sponsored activity.

2.12 Alcohol

Drinking, possessing, manufacturing or being under the influence of any alcoholic beverage in public areas of campus, possession and/or consumption by a minor and other violations of university, local, state, or federal rules pertaining to alcohol.

2.13 Weapons

Illegal or unauthorized possession or use of firearms, bullets, fireworks, explosives, knives, other weapons or dangerous chemicals on university premises, or any items that could be used as weapons or resembling weapons on the University campus as specified by federal, state, local law and/or RELLIS rules/procedures. (Refer to Weapons Policy)

2.14 Disorderly conduct or disruptive activity

- a. Classroom disruption: Prevention of the convening, continuation or orderly conduct of any class, lab or class activity. Engaging in conduct that interferes with or disrupts university teaching, research or class activities.
- b. Disruption of business activity: Disorderly conduct which disrupts or impairs the business operation of the university or that interferes with any university-owned or controlled property, including buildings and parking lots, is prohibited.
- c. Obstructing or restraining the passage of persons in an exit, entrance or hallway of any building without the authorization of the administration of the university. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without authorization of the administration.
- d. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research or other authorized activity.
- e. Preventing or attempting to prevent by force or violence or threat of force or violence any lawful assembly authorized by the administration.
- f. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.

2.15 Assault, threat, and abuse

- a. Intentionally, knowingly or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury.
- b. Threat: a declaration of a serious intention to inflict pain, injury, damage or other hostile action
- c. Aggravated assault: The use or exhibition of a deadly weapon and/or causing serious bodily injury during an assault.

2.16 Damaging, destroying, defacing, misusing or littering of any property

Damaging, destroying, defacing, misusing or littering of any property of the university or university vendor, of another institution or of another person on university premises or at university sponsored activities.

2.17 Unauthorized use/misuse of electronic devices

Cellular phones, pagers and other electronic devices shall not be used in a manner that causes disruption in the classroom, library or with any university-owned or university-operated facilities. This includes abuse of cellular devices with photographic capabilities. Utilizing these devices for the purposes of photographing test questions or other forms of academic misconduct or illegal activity is prohibited, as is photographing individuals in secured areas such as, but not limited to, lavatories or locker rooms. Taking photographs of any individual against their will is strictly prohibited.

2.18 Breaching campus safety or security

- a. This list is examples of conduct considered “breaching campus safety or security” and is not all-inclusive.
- b. Forcible or unauthorized entry /access to any university or university-related building, structure, construction site or facility gained by opening windows, tampering with door locks or locking mechanisms, or scaling walls, roofs, fences or gates; or entering secured buildings after the end of normal business hours without authorization.
- c. Tampering/damaging door locks, security cameras and/or card access readers, elevator controls and/or equipment and other devices in place for building security.
- d. Unauthorized duplicating and/or use of university keys; unauthorized propping of exterior university doors.
- e. The placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from university buildings and thereby endangering life and safety.
- f. Creating or contributing to a fire emergency, safety infraction or other health hazard through unsafe actions and/or violation of fire/safety rules;
- g. Failing to comply with fire drill, fire alarm, emergency evacuations, shelter-in-place or building lockdown instructions and/or university emergency response procedures;
- h. Initiating or causing to be initiated by false report or unsafe act, a warning, threat of fire, explosion or other emergency on university premises or at university-sponsored activities resulting in injury, damage to property or expenditure of emergency response resources.
- i. Tampering with or vandalizing fire/safety equipment including but not limited to fire extinguishers, fire alarms, exit signs, sprinkler systems, card access readers, surveillance cameras, emergency notification equipment or any other safety device;
- j. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored events.

2.19 Complicity

A student will not, through act or omission, assist or attempt to assist another student, individual, or group in committing or attempting to commit a violation of the Student Code of Conduct.

2.20 Gambling

Illegal gambling on university property or at any university sponsored activity is prohibited.

2.21 Computer security/misuse of information technology resources

Computer security/misuse of information technology resources, misuse of any computer, networking device, telephone, copier, printer, fax machine or other university information technology resource and other violations of the university’s *Computer Use Policy*. All students are granted permission to use the computing resources of RELLIS unless such right is withdrawn due to misconduct. The university has specific policies which govern the use of electronic network facilities such as local area networks, the Internet, and computer labs. Upon misuse of the computing facilities at RELLIS, the university reserves the right to deny future computing privileges to the individual on all university owned computing resources. Misuse of university information technology resources will result in restitution charges for the service received, damage incurred and any associated costs. In addition, students found to be in violation of this section will be subject to other disciplinary action.

2.22 Abuse of the disciplinary process includes but is not limited to:

- a. Failure to obey the summons of a disciplinary body or university official to appear for a required meeting.
- b. Falsification, distortion or misrepresentation of information before a disciplinary body or university official.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- e. Failure to comply with the terms of interim measures put in place pending completion of an investigation and final resolution of a complaint.
- f. Instituting a code of conduct proceeding in bad faith.
- g. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- h. Harassment (verbal, physical, or through use of technology) and/or intimidation of a hearing officer/investigative authority or a member of a hearing board prior to, during, and/or after a student conduct proceeding.

- i. Verbal, physical or technological harassment, intimidation, and/or retaliation against a person participating in investigation and/or adjudication proceedings as a complainant, respondent, witness, hearing officer, hearing board member, investigative authority and other staff for exercising their rights under the student code of conduct or performance of their duties, prior to, during or after the matter is finalized. This includes retaliation by a person involved in the case or a third party acting on their behalf.
- j. Influencing or attempting to influence another person to commit an abuse of the student code of conduct system.

2.23 Bicycles, roller blades, skate boards and motorcycles

Violation of the university's guidelines regarding the operation of bicycles, roller blades, skate boards and motorcycles is prohibited. Riding bicycles, roller blades or skateboards in buildings or left in hallways, staircases or lounges; unsafe cycling, skateboarding or roller-blading on campus is prohibited.

2.24 Trespassing.

Knowingly entering or remaining in or on university premises or any portion thereof after being notified of the exclusion from all or a portion of the university premises.

2.25 Retaliation

Subjecting an individual or individuals to adverse action for participating in a complaint investigative, disciplinary process or other protected activity.

Section 3: Academic Misconduct Disciplinary Procedures

In the classroom, in the laboratory, studio, seminar, practicum or other instructional setting, or activity undertaken by student(s) for academic credit (i.e. field trips, student teaching, study abroad, internships, etc.) students are expected to adhere to the highest academic standards of behavior and personal conduct. Examples of academic misconduct are listed in the **Prohibited Conduct** section of this handbook.

The procedures outlined in the Student Code of Conduct are intended to inform the involved parties of university procedures and aid the hearing officer, investigating authority or disciplinary body in its efforts to ascertain the facts of a matter and reach a decision. Circumstances can differ greatly in each case and the presiding hearing officer or chair may need to modify procedures or rule on procedural matters in order to reach a just decision.

3.1 Student Academic Responsibilities

Student **academic responsibilities** include, but are not limited to, the following:

- a. Inquire about course or degree requirements if they do not understand them or are in doubt about them.
- b. Maintain the standards of academic performance established for individual courses and for programs of study.
- c. Maintain academic ethics and honesty by following the RELLIS Student Code of Conduct.
- d. Act in accordance with commonly accepted standards of academic conduct professionalism and decorum so as to not interfere with the rights of students and faculty to learn, conduct class and/or carry out their research and creative activities.

Students' **academic rights** include:

- a. Competent instruction for full-allotted time;
- b. Sufficient assignments graded fairly and promptly to inform the student of academic standing.
- c. Faculty also have the responsibility of providing for distribution a course syllabus listing all requirements for the class, including field trips, reading and writing assignments, and tests.

3.2 Classroom Conduct Expectations

RELLIS students are expected to assume individual responsibility for maintaining a productive learning environment and conduct themselves with the highest regard for respect and consideration of others.

3.2.1 Student responsibility to contribute to positive academic environment

Students are encouraged to be familiar with their respective faculty's expectations regarding classroom behavior, as delineated in their class syllabus and other departmental policies. Disruptive classroom behavior which interferes with the normal conduct of instructional activities, hampers the ability of instructors to teach, or students to learn, are taken seriously and addressed through the academic misconduct adjudication process.

3.2.2 Classroom Distractions

Ongoing behaviors or single behaviors considered distracting including but not limited to (e.g., coming late to class or leaving early, performing a repetitive act that is annoying, loud or prolonged side conversations, sleeping or reading a newspaper in class, etc.) can be addressed by the faculty member initially either generally or individually as part of the instructor's classroom management efforts. Cases in which such annoying behavior becomes excessive and the student refuses to respond to the faculty member's efforts can be referred to the Assistant Provost.

3.2.3 Classroom Disruptions

Serious disruptive behavior in a classroom, may include but is not limited to the following behaviors:

- a. Making loud and distracting noises;
- b. Repeatedly answering cell phones/text messaging or allowing pagers to beep or play ring tones;
- c. Unauthorized use of any technology or electronics;
- d. Exhibiting erratic or irrational behavior that adversely affects others;
- e. Persisting in speaking without being recognized;
- f. Repeatedly leaving and entering the classroom or test site without authorization;
- g. Persistence in ignoring instructions or failing to follow written class / lab procedures;
- h. Blocking an entry way;
- i. Using profane, intimidating or abusive language;
- j. Repeatedly interrupting others' speech;

In the case of serious disruptive behavior in a classroom, the instructor should first request compliance from the student and if the student fails to comply, an instructor has the authority to ask the student to leave the classroom. The student is expected to comply with this request to leave the classroom and may subsequently contest this action using procedures established by the department. If the student fails to leave after being directed to do so, assistance may be obtained from other university personnel including the University Police Department. The incident shall be handled as an academic misconduct matter using established departmental procedures for academic misconduct to determine if the student should be allowed to return to the classroom and other appropriate administrative action.

In instances where the behavior is judged to be physically threatening, violent, harassing, or otherwise dangerous, the faculty member should immediately report the matter to the University Police Department for assistance.

3.3 Initiating Academic Misconduct Charges

The Assistant Provost will oversee the process for handling all academic misconduct allegations at RELLIS. It is recommended that any academic discipline case be initiated at the lowest possible level. In this capacity, Assistant Provost acts as a resource person for administration, faculty, staff and students to promote consistency in resolving cases of academic misconduct. The Assistant Provost also has the responsibility for maintaining all student records related to academic misconduct with a copy going to the home campus conduct office and academic dean.

3.3.1 Cases of Academic Dishonesty

Each faculty member is responsible for initiating action for each case of suspected academic dishonesty that occurs in his/her class and for determining appropriate academic sanctions. The faculty member will use the following procedure.

- a. The faculty member will review any previous academic misconduct history of a student. Consulting with the student's academic dean or designee will enable the faculty to detect multiple violations of University rule or procedure. If the student has a history of academic misconduct, the case will be referred to a hearing as outlined below.
- b. The faculty member will inform the student of the particular charge against him/her, either verbally or in writing, provide notice of the RELLIS academic misconduct procedures, below, and give the student an opportunity to respond. The faculty member will explain any academic sanctions that will be imposed. If the student fails to respond to the faculty member, the faculty member may impose the sanction or sanctions that he/she judges to be appropriate. Academic sanctions are listed below.
- c. Faculty members will report cases of academic dishonesty to their department head and to the Assistant Provost. All reports should be in writing.
- d. The student may appeal the decision of the faculty to the Assistant Provost. See the academic misconduct appeal procedure below.
- e. Specific Academic Sanctions--The faculty member may impose one or more of the following academic sanctions, or other reasonable sanctions that are appropriate to the particular case. A student may not drop a class in which there is an unresolved academic misconduct matter:
 - a. A requirement to perform additional academic work not required of other students in the course.
 - b. A grade of "F" in the course.
 - c. A reduction of the grade in the course or on the examination or for other academic work affected by the academic dishonesty.

3.4 Academic Misconduct Hearing Procedures

For academic misconduct cases warranting a process outside of the faculty review, the following procedure will be utilized:

- a. The Assistant Provost will provide written notification of alleged offenses to the student at least three (3) business days prior to the formal hearing.
- b. The formal hearing may be held as scheduled in the absence of the respondent, unless such absence is for good cause. The decision of the hearing officer or hearing body as to good cause is final.
- c. During the formal hearing, the student will have an opportunity to respond and present witnesses on his/her behalf. The hearing procedure utilized shall provide for a prompt and fair consideration and resolution of the case based upon a preponderance of the evidence. Proceedings are not judicial trials and formal rules of evidence shall not apply, but evidence submitted must be material and relevant to the issue under consideration as determined by the hearing officer or chair of the disciplinary body.
- d. After the testimony phase of the hearing is concluded, the hearing officer or members of the hearing body will deliberate on the allegations. Determination of responsibility will be made on the basis of a preponderance of the evidence. If the respondent is not found responsible for a violation, then the hearing is concluded. If the respondent is found responsible for one or more violations of the Student Code of Conduct, then the student conduct board or hearing officer will discuss sanctions for the student after being informed of the student's conduct status with the University.
- e. A list of sanctions are included in the non-academic misconduct section of the Student Code of Conduct contained in this handbook. The student shall be informed by electronic mail of the hearing body's decision and of the student's right to appeal to the next level.

3.5 Appeal Procedure for Academic Misconduct Cases

The student will be notified in writing regarding the disciplinary outcome and the next level of appeal for academic misconduct cases. Students requesting an appeal must file the appeal with the Provost within five (5) business days of the notification of the initial decision by completing an *Appeals Request Form* available in the Office of the Assistant Provost and online at <https://rellis.tamus.edu/academicalliance/students/student-services/safety-and-responsibility/>

- a. The appeal must be in writing and submitted within the specified period of time, include the name of the individual making the appeal, the action that is being appealed, the date the action took place, and the grounds for the appeal. On appeal, the burden of proof rests with the student to show that an error has occurred during the initial hearing. Appeals must be made on the basis of one or more of the following grounds:

1. A procedural error occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error and how it impacted the outcome.
 2. New evidence, unknown or unavailable during the investigation /hearing process has come to light, that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation.
 3. The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
- b. The Provost will have five (5) business days to evaluate the merit of the appeal request and if it was filed in a timely manner. If the appeal is not merited, the academic dean may terminate the appeal and so notify the student. If the appeal is merited, the Provost will have ten business days to review the case and render a decision.
- c. If an appeal request is granted, the Provost may at his/her discretion meet with the student and/or other witnesses to determine a decision. The decision will be based upon a preponderance of the evidence. The Provost may uphold, modify, or remand the case to the original hearing body for further consideration. The student will be notified in writing of the Provost's **appellate decision which is final** and a summary of the findings.

Section 4: Nonacademic Misconduct Disciplinary Procedures

(Excluding Sexual Misconduct/Sexual Harassment)

The procedures outlined in the RELLIS Student Code of Conduct are intended to inform the involved parties of university procedures and aid the hearing officer, investigating authority or disciplinary body in its efforts to ascertain the facts of a matter and reach a just decision. Circumstances can differ greatly in each case and the presiding hearing officer or chair may need to modify procedures or rule on procedural matters in order to reach a just decision.

The Office of the Assistant Provost will oversee final resolution of all conduct violations, excluding final resolution of academic or sexual misconduct. The Assistant Provost serves as a resource for administration, faculty, staff and students to promote consistency and equity throughout the university community. The Assistant Provost is entrusted with discretion to determine the appropriate level or forum for adjudication. The Assistant Provost also has the responsibility for maintaining all student records related to nonacademic misconduct and providing the student's home campus with copies of all related records.

The process for adjudication of *Sexual Misconduct/Sexual Harassment* allegations are detailed separately. Below are the procedures for nonacademic misconduct allegations that do not contain allegations of sexual misconduct/sexual harassment.

4.1 Initiation of Nonacademic Misconduct Charges

Any person may refer a conduct violation against any student for a violation of the RELLIS Student Code of Conduct. The referral must be in writing and include the nature and date of the alleged violation, a detailed statement of the incident, name of the person allegedly responsible for the incident and the complainant's contact information. The referral for nonacademic misconduct should be addressed to the Assistant Provost. See also, Academic Misconduct (Section 3) and Sexual Misconduct (Section 5).

- a. The Assistant Provost will review the allegations to make an initial determination as to whether there is sufficient basis to believe that a nonacademic violation of the Student Code of Conduct may have occurred. The Assistant Provost may decide to interview the complainant and/or witnesses or to request additional information from the complainant prior to making a determination on whether to pursue charges against a student.
- b. As a result of the review, if a student is charged with a violation of the code of conduct, the accused student will be notified through electronic mail of the charges and summoned to an initial meeting with the Assistant Provost. Written notification of the alleged offenses must be sent to the student through electronic mail at least three (3) business days prior to the meeting.
- c. As a result of the review, if a student is not charged with a violation of the code of conduct, the Assistant Provost may take one of the following actions.
 1. The allegation may be dismissed as unfounded or for lack of preponderance of evidence.
 2. The allegation may be referred to another office having jurisdiction over the matter (i.e., Compliance Office, Human Resources, Academic Dean, etc.)

4.2 Initial Meeting and Informal Resolution

During the initial meeting with Assistant Provost, the charged student will be informed of all rights and responsibilities and provided with the following:

- a. An explanation of the charges. Charges which may result in suspension or expulsion may be referred for formal hearing. See Section 4.3.;
- b. A review of all evidence on which a charge is based;
- c. A review of due process rights and disciplinary procedures;
- d. A reasonable opportunity to review charges and evidence, respond, and discuss disposition of the case:
 1. **Admit** responsibility. A student who admits responsibility to charges may appeal the sanction levied. The Assistant Provost will issue appropriate sanctions.
 2. **Deny** responsibility. The Assistant Provost will review the charges and give the student an opportunity to respond. At the Assistant Provost's discretion, the student may present witnesses. The Assistant Provost will determine whether the student is responsible for the conduct violation based upon a preponderance of the evidence and if so, issue sanctions, as appropriate. A student who denies responsibility may be entitled to a formal hearing in accordance with Section 4.3 and retains the right to appeal the decision and/or the sanction(s).

Note: If the student does not respond to the request for the initial meeting and informal resolution conference, the Assistant Provost may, in absentia, determine whether the student is responsible for the alleged policy violation, based upon a preponderance of the evidence and if so, issue appropriate sanctions. The student maintains the right to an appeal.

4.3 Nonacademic Misconduct Formal Hearing Procedures

Formal hearing procedures are reserved for cases of nonacademic misconduct resulting in suspension or expulsion, and include the following:

- a. Notification of the day and time of the hearing will be provided to the student at least three (3) business days prior to commencement of the proceeding.
- b. Absent good cause, the formal hearing will be held as scheduled. The decision of the hearing officer or hearing body as to good cause is final.
- c. During the formal hearing, the student will have an opportunity to respond and present witnesses on his/her behalf. Proceedings are not judicial trials and formal rules of evidence shall not apply, but evidence submitted must be material and relevant to the issue under consideration as determined by the hearing body chair.
- d. After testimony is concluded, the hearing officer or members of the hearing board will deliberate. Determination of responsibility will be made on the basis of a preponderance of the evidence. If the respondent is not found responsible for a violation, then the hearing is concluded. If the respondent is found responsible for one or more violations of the Student Code of Conduct, then the hearing officer or hearing board will deliberate and determine sanctions, as appropriate. The board may be informed of the student's conduct status/history with the University.
- e. Written documentation of the hearing officer or hearing board actions will be forwarded to the Assistant Provost and home institution office of student affairs. Proceedings, findings and the names of the parties involved are confidential and may not be disclosed to persons not involved in the case, unless such disclosure is required by law or campus policy. The Assistant Provost will retain, and forward to the home institution, a copy of the case file.

4.4 Appeal Process for Nonacademic Misconduct Cases

A request to appeal must be filed with the Provost not later than five (5) business days following notification of findings or sanctions. A request for appeal must establish one or more of the following:

- a. The existence of newly discovered information that:
 - i. Was unavailable prior to the hearing despite the student's exercise of due diligence; and
 - ii. Could substantially impact the findings or sanctions;
- b. The existence of a procedural error that substantially impacted the findings or sanctions; or
- c. The sanction is disproportionate to the conduct violation.

Requests to appeal decisions must be submitted to the Provost in writing not later than five (5) business days after electronic notification of the decision. Students may complete the *Appeals Request Form* available in the Office of the Provost. The Provost, or a designee, will have five (5) business days to determine if an appeal is warranted. If an appeal is warranted, the Provost, or designee, will review and render an appeals decision within ten (10) business days, unless extenuating circumstances exist.

- a. The decision of the Provost, or designee, is limited to a review of the record presented at the underlying proceeding.
- b. An appeal may uphold or modify decisions of a hearing officer or hearing body, or return the case to a hearing officer or hearing body for further consideration. A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code. The decision of the Provost is final and may not be appealed.

4.5 Status of Student During Charges and/or Appeals

Pending final action on a nonacademic misconduct charge or appeal of disciplinary action, the student’s status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following: 1) when the university has imposed *interim suspension* action; 2) when a “disciplinary hold” is placed on the student’s academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction; 3) Interim measures taken during a Title IX investigation when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process; or 4) to address conduct involving substantial disruption of a class or program, physical altercations, threats of violence, or acts of retaliation against a complaining party. For more information on the placing of holds on student records, see Section 1.8.

<h3>Section 5: Student Sexual Misconduct</h3>
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<p>(including Sexual Assault, Sexual Harassment, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking and Related Retaliation)</p>
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This section outlines the process used when allegations of sexual misconduct/sexual harassment are received.

RELLIS is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct/sexual harassment and/or related retaliation. Any action involving sexual harassment, violence, coercion, and intimidation will not be tolerated.

It is the policy of REllIS that, upon learning that an act of sexual misconduct has taken place, immediate action will be taken to address the situation and hold the respondent accountable. This may include working with state and local law enforcement to bring possible criminal charges and seeking disciplinary action through the university. The complainant may proceed with a criminal investigation and a Title IX complaint simultaneously. REllIS encourages the reporting of sexual misconduct that is prompt and accurate. This allows the university community to quickly respond to allegations and offer immediate support to the complainant.

5.1 Definitions

Remedies– In response to a report of an alleged violation of this policy, the University may provide reasonable and appropriate assistance through the Title IX Coordinator or designee. Remedies generally refer to support or assistance that can be provided to either party without impacting the rights of either party, and which may be implemented independent of the investigation and disciplinary process. This may include but is not limited to assistance in accessing health and counseling services, developing safety plans, academic accommodations, assistance in connecting to other campus and community resources, absence notifications to faculty, requests for incompletes, or housing assignment changes.

Consent – Clear, voluntary and ongoing agreement to engage in a specific sexual activity. A person need not verbalize consent to engage in a sexual act for consent to exist. Consent to engage in a sexual act may be expressed through physical actions, as well as words. A person who was asleep or mentally or physically incapacitated, either through the effects of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent. (See also System Regulation 08.01.01)

Designated administrator – The decision-making entity specified by the university. This may be an administrator or a hearing panel but may not be the direct supervisor of the respondent. (08.01.01)

Investigative Authority – One or more individuals appointed to conduct a formal inquiry to discover and examine the facts of an allegation. (08.01.01)

Interim measures - In response to a report of an alleged violation of this policy, the University may impose such reasonable and appropriate interim protections or remedies when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process. These may include, but are not limited to physical separation, contact limitations, alternative work or other arrangements, suspending or limiting access to certain University facilities or activities, and academic adjustments.

Reporting party/Complainant – the individual who provides an oral or written account of an alleged violation of the Sexual Misconduct/Sexual Harassment and/or related retaliation rules. This may be the individual who was subjected to the alleged violation (Complainant), or a third party who observed or was made aware of the alleged violation. (08.01.01)

Retaliation – Verbal, physical or technological harassment, intimidation, and or retaliation against a person participating in investigation and/or adjudication proceedings as a complainant, respondent, witness, hearing officer, hearing board member, investigative authority and other staff for exercising their rights under the student code of conduct or performance of their duties, prior to, during or after the matter is finalized. This includes retaliation by a person involved in the case or a third party acting on their behalf. Retaliation complaints are heard under the nonacademic misconduct process.

Respondent – The person designated to respond to a complaint. Generally, the respondent would be the person alleged to be responsible for the prohibited sexual misconduct/sexual harassment and/or related retaliation alleged in a complaint. Respondent may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for procedures and policies in those areas covered in a complaint.

5.2 Acts that Constitute Sexual Misconduct/Sexual Harassment

Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. A hostile environment is created when there are unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when this conduct is so severe, persistent or pervasive that it unreasonably interferes with an individual’s work or educational performance or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. According to TAMU System Policy 08.01.01, pg. 11, sexual misconduct/sexual harassment includes:

- Non-consensual sexual contact
- Sexual Assault
- Sexual Exploitation
- Stalking
- Dating Violence
- Domestic Violence
- Related retaliation

5.3 Privacy

RELLIS is committed to protecting the privacy of individuals and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct.

- a. The university cannot guarantee complete confidentiality, but it will do everything possible to maintain privacy, and will only share information as needed to address the issue.
- b. Licensed professional counselors are the only individuals who can provide confidentiality to a complainant.
- c. An individual’s request to withhold his or her name, the name of the alleged violator, or a request not investigate or seek action against the alleged violator will be considered in the context of the university’s duty to provide a safe and nondiscriminatory work and educational environment. This may require that the institution take actions when the reporter requests no action, if violence is involved, if the threat of violence exists, or when required by law, as in the case of elderly or child abuse.
- d. A request to withhold information or not to investigate the alleged misconduct may limit the university’s ability to respond to a complaint.
- e. Additionally, the university will maintain all related records in accordance with the requirements of FERPA (the Family Educational Rights and Privacy Act of 1974) and will be accomplished without the inclusion of identifying information about the complainant, to the extent permissible by law.

- f. The complainant may revoke a request not to investigate or seek action against the alleged violator at any time prior to 90 calendar days after the last incident and proceed with a formal complaint against the alleged violator.

5.4 Reporting

In processing reports of sexual misconduct/sexual harassment and/or related retaliation involving students, RELLIS follows The Texas A&M University System Policy *08.01, Civil Rights Protections and Compliance* and corresponding Regulation *08.01.01, Civil Rights Compliance*. You may also refer to the RELLIS website for more information:

- a. A complaint or appeal alleging illegal discrimination, sexual harassment and/or related retaliation in connection with discipline and/or dismissal should be filed as soon as reasonably possible. A complaint may be deemed untimely and dismissed.
- b. Sexual harassment, sexual assaults, non-consensual sexual contact, domestic violence, dating violence, sexual exploitation and stalking may be reported to any university official. All such reports will be directed to the Title IX Coordinator. The Title IX Coordinator will work closely with other offices as appropriate. As a matter of Texas A&M University System policy, all faculty and staff must report a known allegation to the Title IX Coordinator.
- c. Individuals reporting issues of sexual misconduct/sexual harassment may meet with the Title IX Coordinator or designees and/or law enforcement (if a criminal report is being made, which is not required, but encouraged).
- d. The reporting party will be provided information about available resources including counseling, physical and mental health assistance, victim advocacy, and other services available. A student who has been the victim of sexual misconduct may request an academic accommodation after a report of sexual misconduct.
- e. The reporter may withhold identifying information; however, withholding information about the alleged misconduct may limit the university's ability to respond to a complaint.
- f. The University, at its discretion, may proceed with the investigation/disciplinary process without a formal complaint if the University has sufficient information that sexual misconduct/sexual harassment may have occurred or determines an investigation is warranted considering the circumstances.
- g. Retaliation, including retaliatory harassment, by any person is a violation of Texas A&M University System policy and regulation, is expressly prohibited by the university, and is subject to additional conduct discipline.

5.5 Interim Protective Measures

- a. When reasonable and appropriate, the University will provide interim measures to involved parties upon request. Interim measures should be made promptly, and at no cost to the reporting party or respondent. Interim measures include a change in academic schedules or work schedules, withdrawal from, or retaking, a class without penalty, and academic support such as tutoring services. Additional interim measures that may be taken pending the outcome of a sexual misconduct proceeding, and include contact restrictions, interim suspension, or other restrictions.
- b. Interim measures or remedies will be considered in all sexual harassment and sexual misconduct complaints.
 - 1. The individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation, the respondent, and other affected individuals may be offered and/or expected to comply with appropriate interim protections or remedies, such as physical separation, contact limitations, alternative work or other arrangements, academic adjustments and counseling services. Failure to comply with the terms of interim protections may be considered a separate violation of system policies and regulations and member rules and procedures.
 - 2. At any point in the complaint or appeal process, the respondent may be placed on administrative leave, suspended, reassigned, or placed in another type of temporary status pending completion of the investigation and final resolution of the complaint or appeal without presumption of responsibility for the alleged misconduct. Failure to comply with the terms of the interim actions may be considered a separate violation of university rules and procedures and this code.

5.6 Inquiry and Investigations

When the university is made aware of a potential violation, an inquiry or investigation will be initiated to determine what occurred and then take appropriate steps to resolve the situation. All students, staff and/or faculty are expected to cooperate in an investigation if contacted. Retaliation for participation in an inquiry or investigation is strictly prohibited and may result in disciplinary measures, separate from the original complaint of sexual misconduct.

5.6.1 Initial Review by Title IX Coordinator or Deputy Coordinator

The university Title IX Coordinator, a Deputy Coordinator, or designee will conduct an initial review of information in a sexual misconduct report or complaint to determine if there is sufficient information to proceed with an investigation, or if additional information is needed.

- a. If the information is sufficient, the Title IX Coordinator, Deputy Coordinator, or designee will forward the complaint/report to an appointed investigative authority within five (5) business days of receipt.
- b. If the information is insufficient, the Title IX Coordinator, Deputy Coordinator, or designee, in consultation with the System Ethics and Compliance Office, may conduct an inquiry into the circumstances of the complaint or report and;
 1. Dismiss the complaint or report as untimely filed, baseless, or not a violation of civil rights policy;
 2. Close the complaint or report for insufficient information to proceed with an investigation;
 3. Refer the complaint or report to the office(s) which handles complaints or appeals not related to civil rights.

5.6.2 Rights of Both Parties

Both the reporting party and the respondent are entitled to a fair and equitable procedures in all facets of the complaint and investigation process and will be:

- a. Provided an opportunity to meet individually with the university Title IX Coordinator, Deputy Coordinator, or designee;
- b. Informed of all pending charges;
- c. Provided access to support services from the university at their request;
- d. Provided interim measures, if applicable;
- e. Informed of the investigation and adjudication procedures;
- f. Allowed to choose to participate or decline to participate in the process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available;
- g. Allowed to discuss any conflicts of interest (real or perceived) arising from prior interactions by those handling the Title IX grievance procedures;
- h. Allowed to have an advisor, who may be an attorney, present during the investigation and adjudication proceedings. The advisor cannot directly participate in the proceedings and must not have involvement in the underlying case;
- i. Given the opportunity to present witnesses and submit other evidence on their behalf to the investigators; and
- j. Notified in writing of the results /outcome of the complaint and subsequent action.

5.6.3 Investigation Procedures

- a. When a decision is made to refer the investigation to an investigative authority, the university Title IX Coordinator, a Deputy Coordinator, or designee, will appoint investigating authorities to review the complaint/report unless circumstances warrant otherwise.
- b. In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence, i.e., more likely than not.
- c. The investigative authority will review the complaint, respondent and witnesses (if applicable), review relevant documentation, consult with subject matter experts as appropriate, and review other available evidence or information. The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. The investigative authority may also consult with appropriate management personnel, including but not limited to, the Title IX Coordinator, System Office of General Counsel, and/or the System Ethics and Compliance Office for advice and guidance, as applicable. The investigative authority will provide a draft report on the merits of the allegations to the Office of General Counsel (OGC) for legal sufficiency review within thirty (30) business days of receipt of the complaint.
- d. The investigative authority's investigation report may conclude that an allegation is substantiated, unsubstantiated, or that there is insufficient evidence to determine whether or not the allegation is substantiated. In some instances, after investigation, offensive conduct might not be sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work or educational performance or creates an intimidating or hostile work or educational environment. Nevertheless, the investigative authority may still determine that the offensive conduct constitutes a violation of university rules or the Student Code of Conduct and note that finding in its report.
- e. OGC will provide its legal review to the investigative authority within ten (10) business days. Prior to the investigative authority completing the report he will permit the complainant and respondent the opportunity to review and comment on the report. The investigative authority will have ten (10) business days to finalize the report and submit it to the designated administrator for decision.
- f. The Title IX Office or designee, may approve extensions of time when circumstances warrant. All parties will be notified of any extensions.
- g. The complainant and respondent will be notified simultaneously of the conclusion of the investigation and the availability of the investigative report for review.
- h. The Assistant Provost or designee will serve as the designated administrator for cases in which the student is a respondent.

5.7 Sexual Misconduct/Sexual Harassment: Designated Administrator Decision

The designated administrator will review the completed report from the investigative authority and take action as follows:

- a. Upon receipt of the investigative report, the designated administrator will, within five (5) business days, determine if one or more of the allegations of sexual misconduct is substantiated, and notify all parties;
- b. The designated administrator may also impose sanctions conforming with A&M System sentencing guidelines;
- c. Circumstances may warrant an extension of time. Extensions may be granted by Title IX Coordinator in consultation with the A&M System Title IX Coordinator; and
- d. The notice will include information about appeal procedures and a determination if interim measures are continued, modified or discontinued pending resolution of the case.

5.7.1 Appeal Process for Sexual Misconduct/Sexual Harassment Cases

The designated administrator's decision, and any sanction imposed, are subject to appeal by any party to the case.

- a. Request to appeal must be made in writing and submitted to the office of the Assistant Provost not later than five (5) business days after electronic notification of the designated administrator's decision. Students may complete the *Appeals Request Form* available in the Office of the Assistant Provost. Requests may be dismissed if untimely.
- b. The Assistant Provost, or a designee, will have five (5) business days to determine if an appeal is warranted.
- c. Requests to appeal must only be made on the basis of one or more of the following grounds:
 1. A procedural error occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error and how it impacted the outcome; or
 2. New evidence, unknown or unavailable during the investigation, has come to light that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation; or
 3. The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
- d. If an appeal is warranted, the Assistant Provost, or designated appeals administrator, will review the appeal, the designated administrator's decision and evidence on which it is based within ten (10) business days. The Assistant Provost or designee may:
 - a. render an appeals decision to uphold, modify, or return the case to the designated administrator for further action; or
 - b. refer the appeal for formal hearing. (See Section 5.7.3)
- e. On appeal, the burden of proof rests with the appellant to show that an error has occurred during the adjudication process.
- f. All parties will be informed of the status of:
 - a. Requests for appeal;
 - b. The appeal, if warranted; and
 - c. The decision on appeal.

5.7.2 Appeals Decided on the Record

- d. Appeals decided by the Assistant Provost or designated appeals administrators are limited to consideration of the grounds granted for appeal. Review is confined to the written documentation or record of the hearing, and pertinent documentation regarding the grounds for appeal. The appeal administrator may, at his/her discretion, choose to meet with either party.
- e. The appeals administrator may uphold, modify, or return the case to the designated administrator for further action.
- f. The appeals administrator will issue a written decision to all parties. The decision will include the rationale forming the basis for the decision. The decision on appeal is final.
- g. Circumstances may warrant an extension of the time frame in this section. Both the respondent and the complainant will be notified simultaneously of any extensions or decisions made.

5.7.3 Appeals Referred for Formal Hearing

The Assistant Provost or designee will coordinate the formal hearing and provide written notice to the parties not later than three (3) business days prior to the hearing. (See Section 5.7.4). The appeal may be heard by a single hearing officer or a hearing board of three (3) or more people; the format to be utilized will be at the discretion of the Assistant Provost.

- a. The formal hearing is limited to consideration of the grounds granted for appeal. As necessary or appropriate, this review may consider the designated administrator's decision, the investigative authority's written report, or provide an opportunity for the complainant or respondent to answer questions and offer rebuttal or support of the designated administrator's decision.

- b. The complainant and/or respondent are allowed to choose to participate or decline to participate in the appeal hearing with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available.
- c. Each party may have an advisor of their choice present at the hearing. The advisor, who can be an attorney, cannot directly participate in the proceedings and must not have involvement in the underlying case.
- d. The hearing will be held as scheduled even in the absence of the complainant or respondent, unless such absence is for good cause. Note: This hearing is not a criminal proceeding and related criminal charges may not provide good cause for an extension in time.
- g. Any evidence offered at the hearing must be material and relevant to the issue/s on appeal, as determined by the hearing officer or chair of the hearing board and may or may not be considered.
- h. Parties to the hearing may not directly question or cross-examine other parties or witnesses. Parties may present questions to the chair for consideration. Harassing questions will be omitted.
- i. After the review phase of the hearing concludes, the hearing officer or board will deliberate in closed session. The hearing officer or board may uphold, modify, or reverse the decision of the designated administrator consistent with the ground/s on appeal.
- j. Parties will be notified simultaneously, in writing, of the hearing outcome, which is final.

5.7.4 Office of the Assistant Provost Oversees Hearing Process

The Assistant Provost or designee will act as a resource for administration, faculty, staff and students to promote consistency throughout the university community in adjudicating sexual misconduct/sexual harassment and/or related retaliation cases. The Assistant Provost also has the responsibility for maintaining and providing to the home institution all student records related to students charged with a violation of sexual misconduct/sexual harassment.

Section 6: Interim Suspension

Definitions: The following definitions apply for *interim suspensions*:

1. **Continuation hearing** – the hearing before the Provost or designee to determine whether or not the *interim suspension* should remain in place for the entire suspension period before the *formal hearing* is held. This hearing can be as simple as a meeting between the student and the Provost or designee. In this hearing, the student is permitted to be represented by an advisor of their own choosing. For sexual misconduct cases the advisor may be an attorney.
2. **Formal hearing** – a hearing before a disciplinary committee, designated hearing officer or panel vested with the authority to conduct such hearings. *Formal hearing* procedures are published by the university and generally provide greater rights to charged students than informal hearings.
3. **Interim suspension** – separation from the university without the student first receiving notice and a hearing. A student receiving an *interim suspension* shall remain off campus and away from university facilities until the expiration of the *interim suspension* period unless otherwise instructed by a university official.

When the Provost or designee determines a student poses a continuing danger to persons or property, or the student’s behavior is an ongoing threat of disrupting the academic process, the university can impose an *interim suspension* by informing the student in writing. The following steps will be followed:

- a. The Provost or designee informs the student in writing that the student is **immediately suspended** and that *notice* and a *continuation hearing* will take place as soon as practicable. Student(s) subject to an interim suspension shall remain off campus and away from university facilities. The failure to abide by this requirement may result in the issuance of a criminal trespass warning and further disciplinary action.
- b. The Provost or designee will provide to the student:
 1. Written *notice* of the charge against the student; notice of the charge(s) should include the offending conduct and the facts supporting the charge(s);
 2. A *continuation hearing* date is scheduled to give the student the opportunity to present his/her side of the story and determine whether the interim suspension should continue. The university will aspire to provide *notice* and a *continuation hearing* no later than three (3) class days after the day of the *interim suspension* begins. The *continuation hearing* can occur almost immediately after the conduct. The decision of the Provost or designee at the *continuation hearing* is final and no appeal procedure of the university applies to *interim suspensions*.

- c. If after the *continuation hearing* is concluded, the Provost or designee believes it is in the best interest of the campus community that the student should still not be permitted to return to the campus even after the expiration of the *interim suspension* period, the university shall initiate its *formal hearing procedures* for long-term suspensions or expulsions, prior to expiration of the *interim suspension*. The matter will be referred to the Assistant Provost.
- d. In certain situations, such as, but not limited to, ongoing administrative investigations, the university may take measures to restrict an individual from parts of campus or from university sponsored events/activities. These measures are not part of the Interim Suspension policy. In addition, criminal trespass warnings issued by the University Police Department are not part of this policy.

Section 7: Disciplinary Sanctions

The following sanctions may be imposed upon any student or organization found to have violated the Student Code of Conduct.

- a. The student or organization may be levied a sanction or combination of sanctions.
- b. Record of the student’s disciplinary status and the results of disciplinary proceedings are a part of the student’s confidential records for a period of at least five (5) years past the late date of a student’s enrollment.
- c. As part of the notification of disciplinary action undertaken, the student will be notified in writing of the sanctions imposed, their duration, stipulations and deadlines for completion.
- d. Pending final action on a disciplinary charge or appeal, the student’s status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:
 - 1. when the university has imposed *interim suspension* action;
 - 2. when a “disciplinary hold” is placed on the student’s academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
 - 3. Interim measures taken during a Title IX investigation when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process; or
 - 4. to address conduct involving substantial disruption of a class or program, physical altercations, threats of violence, or acts of retaliation against a complaining party.
- e. Once a student or organization has been finally assessed a disciplinary sanction and the appeals process is complete, no more severe major sanctions may be assessed against the student or organization by any higher university authority for the infraction in question except in instances where the student or organization does not comply with the initial sanctions that have been imposed.
- f. The sanctions identified below are not inclusive and may be levied in any combination:
 - 1. **Warning:** A notice in writing to the student/organization that the student /organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
 - 2. **Probation** a written reprimand for violation of specified regulations. Probation is for a designated period of type and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
 - 3. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
 - 4. **Fines:** Previously established and published fines may be imposed.
 - 5. **Restitution:** Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - 6. **Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
 - 7. **No Contact Order:** Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter, etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, ‘tagging’ them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact until such time as this order is lifted.
 - 8. **University Suspension:** Separation of the student from the University for a definite period of time, after which the

student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.

9. **University Expulsion:** Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.
10. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for academic misconduct, misrepresentation, or other violation of University standards in obtaining the degree.
11. **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
12. **Appropriate Grade Penalties** in cases of academic misconduct may include issuance of a grade of “F” in a course, grade reduction, removal from an academic program, or having additional work assigned. For serious academic misconduct cases such as, but not limited to, those involving repeated offenses, conspiracy with other students or the theft and/or sale of examination questions, suspension or expulsion from the university is a common sanction.

Section 8: Notification of Parents Regarding Disciplinary Action

The Family Educational Rights and Privacy Act (FERPA), permits colleges and universities to inform the parents/guardians of students less than 21 years of age when their son/daughter has been found in violation of university alcohol and drug regulations. The notification of parents will be made in writing by the Assistant Provost or designee indicating that their son/daughter has committed a violation and been issued a disciplinary sanction. Parents may also be notified of other concerns about students’ behaviors, health or academic progress if a health or safety emergency involves their students.