

# Manual of Policies and Procedures for Student Affairs

## Chapter 8. Student Conduct and Discipline

### Subchapter 8-100. General Provisions

#### Sec. 8-101. Introduction

- a. Students at the university neither lose the rights nor escape the responsibilities of citizenship. They are expected to obey and conduct themselves in accordance with both the penal and civil statutes of the local, state, and federal government and the Rules and Regulations of the Board of Regents, university regulations, and administrative rules, and to observe standards of conduct appropriate for an academic institution.
- b. 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
- c. This chapter contains regulations for dealing with alleged student violations of university standards of conduct in a manner consistent with the requirements of procedural due process. In addition to the general standards of conduct set forth in subsection (a), subchapter 8-800 contains descriptions of specific standards of conduct to which students must adhere.
- d. For additional information regarding Judicial Affairs, please refer to the Judicial Affairs website.
- e. Each student is responsible for the notice of and compliance with the provisions of the Regents' *Rules and Regulations* and the rules of the institution.

#### Sec. 8-102. Application

- a. This chapter applies to individual students, and states the function of faculty and administrative staff members of the university in disciplinary proceedings. Individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while a student as defined in the Definition section below.
- b. A student is subject to discipline for prohibited conduct that occurs on or off campus, including but not limited to institution or U.T. System sponsored off-campus activities such as field trips, internships, rotations, or clinical assignments regardless of whether civil or criminal penalties are also imposed for such conduct.
- c. Searches of student-occupied premises or of a student's personal possessions shall be only as authorized by law.

#### Sec. 8-103. Definitions

In this chapter, unless the context requires a different meaning,

- a. "complaint" is a written statement of the essential facts constituting and alleged violation of a regents' rule, university regulation, or administrative rule;
- b. "Judicial Officer" means the Chief Student Affairs Officer or his/her delegate or representative;

- c. "faculty member" means a person who is employed by the university for the purpose of teaching a class, and who has authority to assign grades for the class;
- d. "hearing officer" means an individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges in a formal hearing, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s);
- e. "president" means the president of The University of Texas at Tyler;
- f. "student" means a person who
  - 1. is currently enrolled at the university, or
  - 2. is accepted for admission or readmission to the university, or
  - 3. has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus, or
  - 4. engaged in prohibited conduct at a time when he or she met the above criteria;
- g. "university" means The University of Texas at Tyler;
- h. "Business day" means Monday through Friday except for official university holidays or when regularly scheduled classes are suspended due to emergent situations;
- i. "day" means calendar day except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations;
- j. "campus" consists of all real property, buildings or facilities owned or controlled by UT Tyler;
- k. Dean or Dean of Students – Refers to the administrative officer or officers responsible for the administration of the disciplinary process at each institution. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy;
- l. 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.

### **Subchapter 8-200. Administration of Discipline**

#### **Sec. 8-201. Administration by Judicial Officer**

- a. The judicial officer shall have primary authority and responsibility for the administration of student discipline. The judicial officer works cooperatively with faculty members in the disposition of scholastic violations.
- b. The judicial officer may delegate the authority to dispose of scholastic discipline cases to faculty members and to other administrators.

**Sec. 8-202. Hearing Officer**

The hearing officer(s) will be appointed in accordance with procedures established by the president. The president may appoint an individual to coordinate the work of the hearing officers.

**Sec. 8-203.**

If there is a more specific policy that specifies the procedures for investigation, such as the Sexual Harassment/Sexual Misconduct policy, that policy will govern; however, all the powers provided herein to the Dean for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades and degrees are delegated to the investigator designated in that policy.

**Subchapter 8-300. Initiation of Disciplinary Proceedings****Sec. 8-301. Investigation**

- a. Upon receiving information that a student has allegedly violated a regents' rule, university regulation, or administrative rule, the judicial officer shall investigate the alleged violation. The judicial officer may contact a student for a meeting for purposes of the investigation and/or to discuss the allegations. The judicial officer may also issue a summons for these purposes. The judicial officer will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the judicial officer will offer the student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.
- b. Pending a hearing or administrative disposition of the charges, the judicial officer may take immediate interim disciplinary action as is appropriate to the situation when such action is in the best interest of the university. This includes but is not limited to suspending the right of a student to be present on the campus and to attend classes, prohibiting contact, or otherwise altering the status of a student when the continuing presence of the student poses a danger to persons or property, or poses an ongoing threat of disrupting the academic process or any activity authorized by the university.
- c. A student who has been placed on interim disciplinary action under subsection (b) will be offered an expedited hearing of the charges. Such a hearing shall be conducted within ten days of the date the interim disciplinary action was taken; however, if the Dean determines that there is good cause the 10 day period may be extended for a reasonable period.
- d. Notwithstanding the above, the judicial officer may withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the university which would reasonably allow the imposition of such sanction. The judicial officer may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the judicial officer has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the judicial officer, the best interests of the university would be served by this action.

**Sec. 8-302. Summoning Student**

- a. The judicial officer may summon a student to appear for a meeting for purposes of the investigation and/or to discuss the allegations by sending a written summons to the student. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student at the e-mail address on record with the U.T. System institution, or may be hand delivered to the student.

The request shall direct the student to appear at a specific time and place at least three weekdays after the date of the request if the request is sent by mail. The meeting may take place at least two weekdays after the date of the request if the request is hand-delivered or sent by e-mail. The request may be e-mailed to the e-mail address on record with the registrar.

- b. If a student fails to appear without good cause, as determined by the judicial officer, the judicial officer may bar or cancel the enrollment or otherwise alter the status of a student until the student complies with the summons. If the student failing to appear as directed in a summons is the student against whom charges are being reviewed, in addition to the above, the judicial officer may proceed with disciplinary action based upon other information available using the disciplinary procedures below.
- c. A letter or email sent to the address listed in the registrar's records or hand delivered to the student shall constitute full and adequate notice. The refusal of a student to accept delivery of the notice, failure of a student to provide an address change or forwarding address with the registrar, the failure to read mail or e-mail, or the refusal to accept a registered letter shall not constitute good cause for failure to comply with the summons.

**Sec. 8-303. Administrative Disposition of Violations or Challenging the Disciplinary Action**

- a. **Uncontested Cases with Agreed Sanctions.** In any case except in a case finding a violation of the Sexual Harassment/Sexual Misconduct Policy where the accused student elects not to dispute the facts upon which the charges are based and agrees to the sanctions the judicial officer assesses, the student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.

In any case finding a violation of the Sexual Harassment/Sexual Misconduct Policy, the case will proceed under 8-400 of this chapter unless both the accused and the accuser agree to the terms of the administrative disposition and thus waive the hearing and appeals.

- b. **Cases in which the Proposed Sanction involves Suspension, Academic Sanctions or Expulsion.** In those cases in which the judicial officer proposes suspension, including suspension of rights and privileges, academic sanctions, or expulsion as a sanction, the charges shall be heard and determined by a fair and impartial Hearing Officer in accordance with Subchapter 8-400 below. For any case, except one involving a violation of the Sexual Harassment/Sexual Misconduct Policy, however, a student may elect to sign an administrative disposition waiving the right to the hearing, but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President or his/her designee in accordance with Section 8-600 below. In cases where a student is found in violation of the Sexual Harassment/Sexual Misconduct Policy, the case will proceed before a Hearing Officer unless both the accused and the accuser agree to the waiver of the hearing procedures.
- c. **Cases in which Suspension, an Academic Sanction, or Expulsion is not Proposed as a Sanction.** In those cases not subject to (b) above, the judicial officer will inform the student in writing of the charges, evidence, findings, and the sanction(s). The judicial officer will allow the student an opportunity to meet with the judicial officer to provide evidence on his/her behalf. Unless signing an administrative disposition, waiving a hearing and appeal as outlined in (a) above, the student maintains the right to appeal the finding of the judicial officer and/or the proposed sanctions to the President or his/her designee. This appeal must be made in writing and submitted within 14 calendar days of the decision being rendered.

In any case involving a violation of the Sexual Harassment/Sexual Misconduct Policy, the accuser will be provided an equal opportunity to participate in the process.

- d. Burden of Proof. Upon a hearing of the charges, the judicial officer 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.

#### **Sec. 8-304. Scholastic Violations**

- a. When a faculty member has reason to suspect that a student has violated university regulations concerning scholastic dishonesty, the faculty member may refer the case to the judicial officer who shall proceed under section 8-301, or the faculty member may meet with the student(s) involved and discuss the alleged violation and the evidence that supports the charge. After conferring with the student, the faculty member may dismiss the allegation or proceed under subsection (b) or (c).
- b. In any case where a student accused of scholastic dishonesty does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures, the faculty member may assess an academic sanction pursuant to section 8-503, and shall inform the student of such action in writing, and report the disposition of the incident to the judicial officer. The judicial officer may summon the student for consideration of an additional disciplinary sanction.
- c. In a case where a student accused of scholastic dishonesty disputes the facts upon which the charges are based, or chooses not to waive the right to a hearing before a hearing officer, the faculty member shall refer the matter to the judicial officer who shall then proceed under section 8-301.
- d. A student may appeal the decision of a faculty member under subsection (b) by giving written notice to the judicial officer within fourteen days from the date on which the decision was announced. The appeal is conducted in accordance with subchapter 8-600. The appeal is restricted to the issue of sanction, and no transcript shall be required.

#### **Sec. 8-305. Alcohol and Drug Amnesty Policy**

- a. UT Tyler recognizes that students who are involved in a drug or alcohol-related incident/situation may be hesitant to seek medical attention or report any related sexual misconduct due to fear of disciplinary action
- b. Under the Alcohol and Drug Amnesty Policy, students who seek emergency medical assistance for themselves or others, or students who report Title IX cases where alcohol or drugs are involved will not face formal student conduct charges from the Office of Judicial Affairs if the students follow the following guidelines:
  1. Student(s) calls 911 when alcohol poisoning is present or suspected.
  2. **Student must be the first person to call and remain on the scene until medical assistance arrives.**
  3. Involved student(s) will be referred to the Dean of Students Office.
  4. Student(s) will be evaluated for inclusion under the Alcohol and Drug Amnesty Policy provided the call for help takes place prior to police and/or staff involvement.
  5. Students eligible for consideration under the Alcohol and Drug Amnesty Policy will still be required to participate in an educational component and may be referred for an individual assessment; however, they will not face formal disciplinary action.

6. Students who fail to complete their educational component may face formal charges under the Code of Conduct.
  7. The Alcohol and Drug Amnesty Policy does not apply to other violations of UT Tyler rules that may occur in conjunction with any alcohol-related infractions, and is specifically not applicable if the case is believed to involve hazing.
  8. The Alcohol and Drug Amnesty Policy is only applicable to UT Tyler's student conduct process. SB1331 (911 Lifeline Law) states that anyone under 21 calling for help for himself or another will not be cited for possession or consumption of alcohol. However, this immunity is limited to the first person to call and request medical assistance, and is contingent on that person remaining on the scene until medical assistance arrives AND on that person cooperating with medical/law enforcement personnel.
- c. Under the Alcohol and Drug Amnesty Policy, students who are victims of a Title IX case or who report a Title IX case where alcohol or drugs are involved will not face formal student conduct charges from the Office of Judicial Affairs if the students follow the following guidelines:
1. Students are encouraged to seek immediate medical attention if necessary.
  2. Student(s) reports the Title IX incident to appropriate staff member (ie: Title IX officer, UPD, Dean of Students Office, Behavior Intervention Team).
  3. **Student must be the first person to report the Title IX incident.**
  4. Involved student(s) will be referred to the Dean of Students Office.
  5. Student(s) will be evaluated for inclusion under the Alcohol and Drug Amnesty Policy provided the call for help takes place prior to police and/or staff involvement.
  6. Students eligible for consideration under the Alcohol and Drug Amnesty Policy will still be required to participate in an educational component and may be referred for an individual assessment; however, they will not face formal disciplinary action.
  7. Students who fail to complete their educational component may face formal charges under the Code of Conduct.
  8. The Alcohol and Drug Amnesty Policy does not apply to other violations of UT Tyler rules that may occur in conjunction with any alcohol-related infractions, and is specifically not applicable if the case is believed to involve hazing.

### **Subchapter 8-400. Hearing**

#### **Sec. 8-401. Duties of the Hearing Officer**

- a. In those cases under section 8-303(c) in which the accused student disputes the facts upon which the charges are based, or chooses not to waive the hearing procedure, such charges shall be heard and determined by a hearing officer.

In any case involving a violation of the Sexual Harassment/Sexual Misconduct Policy, the accuser will be provided the same rights and responsibilities outlined in this section as the accused including the right to have notice of the hearing.

- b. The hearing officer will preside over the hearing and shall:

1. conduct the hearing in an orderly manner and control the conduct of witnesses and participants in the hearing.;
2. ascertain that the judicial officer has satisfactorily performed the requirements of section 8-402;
3. rule on the admissibility of evidence and objections to the procedure;
4. render a written decision which shall contain findings of fact and conclusions as to whether or not a violation has occurred;
5. assess a sanction, or sanctions;
6. provide the student and the judicial officer with a copy of the decision;
7. may question witnesses;
8. The hearing officer is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System.

**Sec. 8-402. Duties of Judicial Officer**

The judicial officer shall set the date, time, and place for the hearing and notify the accused student of the date, time, and place; arrange for recording the hearing as provided in subsection 8-407(d); and furnish a suitable room, necessary equipment, and clerical assistance for the hearing officer.

**Sec. 8-403. Notice**

- a. The judicial officer shall notify the accused student by letter of the date, time, and place for the hearing. The notice shall be delivered in person or mailed to the student at the address appearing in the registrar's records.
- b. The letter shall specify a hearing date at least ten days after the date of the letter unless the hearing is being held under the conditions required in subsection 8-301(c). A letter sent to the address listed in the registrar's records shall constitute full and adequate notice. A student may request, in writing, that an earlier date be set if feasible to arrange. The hearing officer for good cause may postpone the hearing and shall notify the judicial officer and the accused student of the new hearing date.
- c. A letter mailed under subsection (a) shall:
  1. direct the accused student to appear on the date and at the time and place specified;
  2. advise the accused student of his or her rights
    - A. to a private hearing;
    - B. to appear in person and to have an adviser at the hearing;
    - C. to challenge the person designated to hear the charges;
    - D. to know the identity of each witness who will testify against him or her;
    - E. to present testimony of witnesses, to present documentary and other evidence, to argue in his or her own behalf;
    - F. to cross-examine each witness who testifies against him or her; to be assisted by an adviser;
    - G. and to appeal under subchapter 8-600;
  3. contain the name of the person appointed to act as hearing officer;
  4. contain the names of witnesses who may testify against the accused student, a brief summary of the testimony to be given by each, and a list of documentary and other evidence that will be offered against him or her; the university may supplement the list of witnesses and documents for good cause, as determined by the hearing officer;
  5. contain a copy of the complaint, which entails a written statement of the charges; and
  6. notify the accused student that if he or she is advised by an attorney, the judicial officer's adviser may be an attorney from the Office of the General Counsel of the University of Texas System. An adviser may confer with and advise the judicial officer or accused student, but shall not be

permitted to question witnesses, introduce evidence, make objections, or present arguments to the hearing officer.

- d. At least five days before the hearing, the judicial officer will make available a copy of documents to be introduced at the hearing.
- e. The judicial officer may suspend or otherwise alter the status of an accused student who fails without good cause to comply with a letter sent under this section, or the judicial officer may proceed with the hearing in the student's absence.
- f. The failure of a student to provide an address change or forwarding address, or the refusal to accept a registered letter shall not constitute good cause for failure to comply with a letter sent under this section.

**Sec. 8-404. Preliminary Matters**

- a. Charges arising out of a single transaction or occurrence against one or more students may, at the discretion of the judicial officer, be heard together, but the hearing officer for good cause shown may grant a separate hearing.
- b. At least five days before the hearing date, the student and judicial officer shall furnish each other with a list of any witnesses, a summary of each witness's testimony and a copy of any documents and other evidence he or she may offer; the student may supplement the list of witnesses and documents for good cause, as determined by the hearing officer.
- c. At least five days before the hearing date, the student concerned shall furnish the hearing officer with any objection that, if sustained, would postpone the hearing; the name of the adviser, if any, who will appear with the student; and a request for a separate hearing, if any, and the grounds for such a hearing.

**Sec. 8-405. Challenges to the Hearing Officer**

- a. The accused student may challenge the hearing officer's alleged lack of fairness or objectivity, but is not entitled to disqualify the person from serving.
- b. The challenge must be in writing, state the reasons for the challenge, and be submitted to the hearing officer through the office of the judicial officer at least three days prior to the hearing.
- c. It shall be up to the challenged person to determine whether he or she can serve with fairness and objectivity. If the challenged person disqualifies himself or herself, another hearing officer shall be appointed.

**Sec. 8-406. Procedure**

- a. The hearing is informal and closed, except that, with the consent of the accused student and the judicial officer, the hearing may be open.
- b. In sexual harassment/sexual assault cases, the alleged victim shall have the right to be present throughout the hearing, to have an advisor present during the hearing, to not have irrelevant evidence of past sexual history with third parties admitted as evidence; and to have a closed hearing.



- c. The judicial officer may recommend a sanction to be assessed by the Hearing Officer(s). 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 judicial officer. The accused student shall be given the opportunity to respond to the recommendation of the judicial officer.
- d. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer(s) in accordance with Section 8-600 below, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer(s). At the request of the president of an institution or his/her designee for the appeal, the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.
- e. The hearing officer shall proceed generally as follows:
  - 1. the judicial officer reads the complaint;
  - 2. the hearing officer informs the accused student of his or her rights listed in subsection 8-403(c)(2);
  - 3. the judicial officer presents the university's witnesses and evidence;
  - 4. the accused student presents his or her witnesses and evidence;
  - 5. the judicial officer and the accused student present rebuttal evidence and argument;
  - 6. the hearing officer decides whether a violation has occurred and assesses a sanction in accordance with section 8-408.

#### **Sec. 8-407. Evidence**

- a. Legal rules of evidence do not apply to hearings under this subchapter; the hearing officer may admit and give effect to evidence that possesses probative value and is commonly accepted by reasonable people in the conduct of their affairs.
- b. All evidence shall be offered during the hearing and made a part of the hearing record.
- c. The hearing officer shall decide whether a violation has occurred and assess an appropriate sanction solely on the basis of admitted evidence. The hearing officer may consider an accused student's disciplinary record only in determining an appropriate sanction.
- d. A recording shall be made of the hearing under supervision of the judicial officer. The recording shall be provided to the president in the event of an appeal by either party.

#### **Sec. 8-408. Decision**

The person hearing the charges shall render and send to the judicial officer and the accused student a written decision that contains findings of fact and a conclusion as to whether the accused student is responsible for the violations as charged. Upon a finding of responsibility, the hearing officer will assess a sanction or sanctions specified in Subchapter 8-500. The sanction or sanctions shall also be stated in the decision.

#### **Sec. 8-409. Record**

- a. The hearing record consists of:
  - 1. a copy of the notice required under section 8-403;
  - 2. the recording of the hearing, together with all documentary and other evidence admitted;
  - 3. written motions, pleas, and any other materials considered by the hearing officer; and
  - 4. the decisions of the hearing officer.

- b. If notice of appeal is timely given as provided in section 8-601, the judicial officer shall prepare the record; the hearing officer shall certify its completeness and accuracy; and the judicial officer shall send it to the president, with a copy to the student appellant, on or before the tenth day after the record has been certified.

### **Subchapter 8-500. Sanctions**

#### **Sec. 8-501. Authorized Disciplinary Sanctions**

- a. The judicial officer, under subchapter 8-300, or the hearing officer after a hearing under subchapter 8-400, may impose one or more of the following sanctions for violation of a regents' rule, university regulation, or administrative rule:
  - 1. warning;
  - 2. disciplinary probation;
  - 3. withholding of grades, official transcript, and/or degree;
  - 4. bar against readmission, and/or drop from current enrollment, or drop from enrollment in one or more courses;
  - 5. restitution or reimbursement for damage to or misappropriation of university or U.T. System property;
  - 6. suspension of rights and privileges, including, but not limited to, participation in athletic or extracurricular activities and residing in or entering university housing;
  - 7. failing grade or reduction of a grade for an examination or assignment or for a course, or other academic sanction;
  - 8. denial of degree;
  - 9. deferred suspension;
  - 10. suspension from the university for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the procedures adopted in the institution's code of conduct when all conditions of the suspension are met;
  - 11. expulsion (permanent separation from the university). Expulsion creates a permanent notation on the student's academic transcript;
  - 12. revocation of degree and withdrawal of diploma;
  - 13. other sanction as deemed appropriate under the circumstances.
- b. If a violation of a regents' rule, university regulation, or administrative rule, other than section 8-804(a)(12), is committed because of the race, color, or national origin of a student or students directly harmed by the violation, such a discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate sanction under section 8-501(a).

#### **Sec. 8-502. Nature of Disciplinary Sanctions**

- a. A warning is a written reprimand from the judicial officer to the student on whom it is imposed.
- b. Disciplinary probation is a defined period of time during which the student may be required to comply with specific terms and conditions, such as meeting with the judicial officer on a regular basis during the probationary period. Further violations will result in consideration of suspension. The judicial officer or the hearing officer may impose conditions related to the offense, such as counseling,

educational seminars, or community service. Failure to meet the condition(s) shall be considered an additional violation.

- c. The judicial officer or hearing officer may withhold the issuance of an official transcript, grade, diploma, or degree to a student alleged to have violated a rule or regulation of the University of Texas System or the university which would reasonably allow the imposition of the sanction of withholding an official transcript, grade, diploma, or degree. The judicial officer may take such action pending a hearing and/or exhaustion of appellate rights when, in the opinion of the judicial officer, the best interests of The University of Texas System or the university would be served by this action.
- d. A bar against readmission and/or a drop from current enrollment or a drop from one or more courses may be assessed as a sanction as appropriate under the circumstances. For example, a bar against readmission and/or a drop from current enrollment may be imposed on a student who fails to respond to a summons by the judicial officer to discuss an alleged violation of the Regents' Rules and Regulations, university regulations, or administrative rules. The sanction shall be lifted when the student responds to the summons as requested.
- e. Restitution is reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- f. Suspension of rights and privileges is an elastic sanction. The judicial officer or the hearing officer may impose limitations to fit the particular case.

Suspension of eligibility for official athletic and non-athletic extracurricular activities prohibits, during the period of suspension, the student on whom it is imposed from joining a registered student organization; from taking part in a registered student organization's activities, or attending its meetings or functions; and from participating in an official athletic or nonathletic extracurricular activity.

- g. A failing grade or other academic sanction may be assigned to a student for a course in which he or she was found guilty of scholastic dishonesty.
- h. A student found responsible for scholastic dishonesty may be denied his or her degree.
- i. Deferred suspension may be imposed on a student for whom suspension from the institution is an appropriate sanction, but for whom there are mitigating circumstances as determined by the judicial officer or hearing officer. If a student is found to have violated any rule of the university or the University of Texas System while the sanction of deferred suspension is in effect, the sanction for such a violation will be immediate suspension. The facts of the case may be decided by a university hearing officer and/or appealed to the president, but the sanction may not. The judicial officer or hearing officer may impose conditions related to the offense and failure to meet such conditions shall be considered an additional violation.
- j. Suspension from the institution for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript. The notation can be removed upon the request of the student when all conditions of the suspension are met.

- k. Expulsion from the university is permanent separation from the university and includes the same prohibitions as those for suspension. Expulsion creates a permanent notation on the student's academic transcript.
- l. Revocation of the degree and withdrawal of the diploma may be imposed when the violation involves scholastic dishonesty or otherwise calls into question the integrity of the work required for the degree.
- m. Other sanctions may be imposed when, in the opinion of the judicial officer or the hearing officer, the best interests of the University of Texas System or the university would be served.

#### **Sec. 8-503. Authorized Academic Sanctions**

- a. A faculty member, under section 8-304, or the judicial officer or hearing officer may impose one or more of the following sanctions for scholastic dishonesty:
  - 1. written warning that further scholastic violations may result in a more severe sanction;
  - 2. no credit or reduced credit for the paper, assignment, or test in question;
  - 3. retaking of examination or resubmission of assignment;
  - 4. failing grade or reduced final grade for the course.
- b. The judicial officer, with approval of the student's academic dean, may assign an academic sanction for violation of a university regulation concerning scholastic dishonesty to a student who fails without good cause to comply with subsection 8-302(c) or subsection 8-403(e).
- c. A student who is in violation of a university regulation concerning scholastic dishonesty may also be subject to one or more of the sanctions in section 8-501.

### **Subchapter 8-600. Appeal**

#### **Sec. 8-601. Right to Appeal**

- a. Either the judicial officer or the accused student may appeal a disciplinary decision to the president of the institution. In sexual harassment/sexual misconduct cases, the alleged victim may pursue an appeal under the same procedure as the accused student.
- b. The appealing party must submit a written appeal stating the specific reasons for the appeal and any supporting information to the president or his/her designee (hereafter "Appeal Official)," with a copy to the other party. The appeal must be stamped as received by the office of the Appeal Official no later than 14 days after the appealing party has been notified of the decision. If the decision is sent by mail, the date the decision is mailed initiates the 14-day period. The non-appealing party (and in sexual harassment/sexual misconduct cases, the alleged victim) may submit a response to the appeal which must be received by the Appeal Official no later than 5 days after receipt of the appeal with a copy to the other party. An appeal of a sanction given by the judicial officer in accordance with Sec. 8-303 will be reviewed on the basis of the written argument of the student and the judicial officer. In the appeal of a decision given in accordance with Subchapter 8-400, the decision will be reviewed solely on the basis of the record from the hearing. The judicial officer will submit the record from the hearing to the Appeal Official as soon as it is available to the judicial officer.

- c. Notice of appeal timely given by an accused student suspends the imposition of sanction until the appeal is finally decided, but interim action may be taken as authorized under subsection 8-301(b). Further, grades or degrees may also be withheld pending conclusion of the appeal.

**Sec. 8-602. Consideration of Appeal**

- a. The decision will be reviewed upon the basis of the written appeal and response as outlined in Sec. 8-601 and the certified record of the hearing, if any.
- b. The Appeal Official, may, at his or her discretion, entertain oral argument in an appeal from the decision of the Hearing Officer(s). In the case of a faculty or administrative disposition of the charges, the decision will be based upon review of written arguments provided by the student and the faculty member or the judicial officer as appropriate.
- c. The Appeal Official 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.
- d. It is provided, however, that if the finding as to responsibility is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the sanction may not be reduced below the minimum sanction prescribed in subsection 8-804 a (10).
- e. The action of the Appeal Official shall be communicated in writing to the accused student and the judicial officer within thirty days after the appeal and related documents have been received.
- f. The decision of the Appeal Official shall be the final appellate review.

**Subchapter 8-700. Disciplinary Records**

**Sec. 8-701. Access to Disciplinary Records**

- a. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with "Disciplinary Suspension" or "Expulsion" as appropriate. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. Disciplinary records shall be treated as confidential, and shall not be accessible to anyone other than the judicial officer or university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable State or federal laws or court order or subpoena.
- b. A permanent written disciplinary record shall be kept for every student assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of a diploma.
- c. A record of scholastic dishonesty shall be maintained for at least five years, and disciplinary records required by law to be maintained for a certain period of time, i.e. Clery violations, shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated sanctions.
- d. The disciplinary record shall be maintained by the Office of the Director of Judicial Affairs. The disciplinary record shall be separate from the student's academic record and shall be confidential and shall not be accessible to anyone other than the Dean or university officials with legitimate

educational interests, and shall not be revealed except on written authorization of the student or in accordance with applicable state or federal laws, or court order or subpoena.

**Sec. 8-702. Notice to the Registrar**

- a. The judicial officer shall notify the Office of the Registrar and other appropriate administrative offices if a disciplinary sanction restricts a student from being enrolled at the university during the period of the sanction.
- b. The bar may be imposed by the judicial officer if one of the following sanctions has been assessed because of violation of a regents' rule or university rule or regulation:
  1. bar against readmission;
  2. suspension from the university; or
  3. expulsion from the university.
- c. The judicial officer shall notify the registrar and the academic dean if any of the sanctions of withholding grades, official transcript or degree, denial of degree, or revocation of degree and withdrawal of diploma are imposed.

**Subchapter 8-800. Student Standards of Conduct**

**Sec. 8-801. Conduct Expected of Students**

This subchapter describes offenses for which a disciplinary proceeding may be initiated, but the university expects from its students a higher standard of conduct than the minimum required to avoid discipline. The university expects all students to obey the law, to show respect for other members of the university community, to fulfill contractual obligations, to maintain absolute integrity and a high standard of individual honor in scholastic work, and to observe standards of conduct appropriate for a community of scholars.

**Sec. 8-802. Scholastic Dishonesty**

- a. a. The judicial officer or a faculty member may initiate disciplinary proceedings under section 8-300 against a student accused of scholastic dishonesty.
- b. b. "Scholastic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair academic advantage to the student (such as, but not limited to, submission of essentially the same written assignment for two courses without the prior permission of the instructor, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment), or the attempt to commit such an act.
  1. "Cheating" includes, but is not limited to:
    - A. copying from another student's test paper; using test materials during a test that are not authorized by the person giving the test;
    - B. failing to comply with instructions given by the person administering the test;
    - C. possession of materials during a test which are not authorized by the person giving the test, such as class notes or specifically designed "crib notes." The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test;
    - D. using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program;

- E. discussing the contents of an examination with another student who will take the examination;
  - F. divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student;
  - G. substituting for another person, or permitting another person to substitute for oneself to take a course, a test, or any course-related assignment;
  - H. paying or offering money or other valuable thing to, or coercing another person to obtain an un-administered test, test key, homework solution, or computer program, or information about an un-administered test, test key, homework solution, or computer program;
  - I. falsifying research data, laboratory reports, and/or other academic work offered for credit;
  - J. taking, keeping, misplacing, or damaging the property of the university, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; and
  - K. misrepresenting facts, including providing false grades or résumés, for the purpose of obtaining an academic or financial benefit for oneself or another individual or injuring another student academically or financially.
2. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the submission of it as one's own academic work offered for credit.
  3. "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.
  4. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering of any official record of the university or the University of Texas System, the submission of false information or the omission of requested information that is required for or related to any academic record of the university or the University of Texas System. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree, and withdrawal of a diploma.

### **Sec. 8-803. Financial Transactions with the University**

Students who owe debts to the university may be denied admission or readmission to the university and have their official transcripts, grades, diplomas, and degrees to which they would otherwise be entitled withheld until the debt is paid. Students who write bad checks to the university for tuition and fees will have their registration canceled. Bad checks written to the university for other purposes will subject the student to legal and/or disciplinary action. Matters relating to student financial transactions will be directed by the appropriate administrative office to the Office of Financial Services.

### **Sec. 8-804. Certain Other Offenses**

- a. Notwithstanding any action taken by civil authorities or agencies charged with the enforcement of criminal laws on account of the violation, the judicial officer may initiate disciplinary proceedings under subchapter 8-300 against a student who are alleged to have violated any of these policies:
  1. Violation of the Law. Students may not engage in conduct that violates any provision of federal, state, and/or local laws whether or not the violation occurs on university property or in connection with any university oriented activity;

2. Weapons. Unless authorized by federal, State, or local laws, or without written permission from the UT Tyler Chief of Police, 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;
  - a. Weapons including knives, imitation firearms, toys, replica, paintball guns, BB guns, Airsoft etc., unless authorized by federal, State, or local laws are prohibited without the express written permission from the UT Tyler Chief of Police. A student found in possession without written approval is subject to discipline.
3. Concealed carry. Handgun license holders may carry their concealed handguns in permitted locations on campus. Licensed handgun carriers will be required to carry the handgun concealed in a holster or other secure weapon case that completely covers the trigger and the entire trigger guard area. The holster must sufficiently retain the handgun in place so that it will not discharge in the event of sudden movement. The full text of UT Tyler's concealed carry policy is available at this website, and it is the responsibility of the license holder to be familiar with the exclusion zones and guidelines as explained here: [www.uttyler.edu/about/campus-carry/](http://www.uttyler.edu/about/campus-carry/)
  - a. Exclusion zones. The concealed carry of a handgun is not permitted in UT Tyler's exclusion zones, which are listed at the following website:  
<http://catalogs.uttyler.edu/en/UTTyler/HOP/Series-200-General-Policies-and-Procedures/2-10-1-Concealed-Handguns-on-Campus>
4. Open carry. Open carry of handguns is prohibited by law on campus;
5. Disruptive Behavior. Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any authorized activity on campus or on property or in a building or facility owned or controlled by the university or the U.T. System is subject to discipline. Authorized activities include but are not limited to teaching, educational, research, administrative, disciplinary, public service, learning, or other authorized activity or public performance. 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;
6. Endangering Behavior. Students may not conduct themselves in a manner that endangers the health or safety of any student or employee of the university, or of visitors on the campus
7. Vandalism. Students may not damage, deface, destroy, mutilate, or tamper with property equipment, supplies, buildings, or facilities owned or controlled by the university or property located on the campus and belonging to any student or employee of the university or visitor on the campus;
8. Keys. Students may not be in possession of or make use of university keys for unauthorized purposes;
9. Hazing. Hazing is defined as activities that subject a probationary member of a group to dangerous, harmful, or degrading acts. 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](#) and [Sections 37.151-37.157](#)). 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. Knowingly failing to report hazing to the Chief Student Affairs Officer can subject one 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.

Hazing is defined by state law as, "...any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution."

10. Alcohol. Students may not use or possess without proper authorization alcoholic beverages in a university classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate and intramural athletic facility, or any other public campus area or any on-campus residence;
11. Theft. Students may not take property of the university or property located on the campus and belonging to any student or employee of the university or visitor on the campus without authorization;
12. Illegal Drugs. Students may not engage in illegal use, possession, and/or sale of a drug or narcotic. Use and or possession of prescription medication is a violation of this policy if the student does not have a prescription for the medication. Distribution of prescription medication to any student other than the student for whom the medication is prescribed for is a violation of this policy. Suspension from the institution and/or suspension of rights and privileges is the minimum penalty that shall be assessed for a violation of this policy;
13. Possession of drug paraphernalia. The use or possession of equipment, products, or material which is used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance is prohibited;
14. Inciting. Students may not engage in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
15. Harassment/Bullying. Harassment is defined as conduct that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the university; or
16. Sexual Misconduct includes but is not limited to:
  - A. Any criminal offense under the Texas Penal Code of a sexual nature, including rape, sexual assault, sexual battery, sexual coercion, or other acts of sexual violence; and
  - B. Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when
    - I. submission to such conduct is made either explicitly or implicitly a term or condition of employment or student status or participation in University activities; or
    - II. such conduct is sufficiently severe or pervasive that it substantially interferes with an individual's education, employment, or participation in University activities, or creates an objectively hostile environment; or
    - III. such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in University activities, or creating an intimidating, hostile, or offensive environment
  - C. Domestic/dating violence. Violence or abuse committed by a person in an intimate relationship with the victim;
  - D. Sexual harassment, includes but not limited to quid pro quo and hostile environment;

E. For more information on UT Tyler's sexual harassment policy, please follow this link: [http://catalogs.uttyler.edu/en/UTTyler/HOP/Series-200-General-Policies-and-Procedures/2-4-3-Sexual-Harassment-Complaint Investigation and Grievance](http://catalogs.uttyler.edu/en/UTTyler/HOP/Series-200-General-Policies-and-Procedures/2-4-3-Sexual-Harassment-Complaint%20Investigation%20and%20Grievance) .

17. False Information. Students may not furnish false information to or withhold material information from any university staff member acting in the course of his or her duties;
18. Inappropriate Behavior. Students may not engage in conduct that is inappropriate for members of an academic institution (such conduct includes but is not limited to pranks, public nudity, harassing phone calls or email, and berating or otherwise abusive behavior);

In the case of disruptive activity on the campus of the university, neither the judicial officer nor the president, or any representative of them, shall negotiate or attempt to negotiate with any person or persons so engaged. When such a situation arises, the judicial officer or the president, or their representative, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention, and may initiate disciplinary proceedings under subchapter 8-300;

19. Unauthorized Use. Students may not engage in the unauthorized use of property, equipment, resources, supplies, buildings, or facilities owned or controlled by the university or the University of Texas System, including the unauthorized entry into property, buildings, or facilities owned or controlled by the university or the University of Texas System;
  20. 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;
  21. Retaliation. Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a conduct proceeding or other protected activity under this Code;
- b. It is unlawful for any person on any property of the university to refuse to identify himself or herself to an institutional representative in response to a request. A person identifies himself or herself by giving his or her name and complete address substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not he or she is a student or employee of the university. An institutional representative includes any member of the Board of Regents or the executive secretary to the board; any executive officer or administrative officer of the University of Texas System; any administrative officer of the university, and any attorney, peace officer, or security officer of the University of Texas System or the university acting pursuant to the authority of Texas law. RAs and other Residence Life staff acting pursuant to the course of their authorized duties are also considered institutional representatives.
- c. Any person who violates any provision of the Regents' Rules and Regulations of the University of Texas System, the rules and regulations of the University of Texas at Tyler, including but not limited to administrative rules of campus offices, or specific instructions issued by an administrative official acting in the course of his or her authorized duties, is subject to disciplinary sanction.

#### **Sec. 8-805. Policy on Sportsmanship and Appropriate Conduct for Athletics Events**

- a. The University of Texas at Tyler will conduct all of its athletics events in a safe and sportsmanlike manner. The University seeks to create an atmosphere that promotes the spirit of fair play for studentathletes, allows students and fans to enjoy the spirit of intercollegiate athletics, and maintains a civil and respectful environment for all involved.
- b. This policy applies to all areas of athletics events at the University, except that coaches and game officials will have the primary responsibility for actions involving the behavior and sportsmanship of players during the contest. This policy is based on the NCAA Division III Commissioners Association Fan Sportsmanship Program and the policies and procedures of the NCAA and the American Southwest Conference.
- c. The University directs and designates the Director of Athletics and his designee (the Game Administrator) to carry out this policy at all athletics events hosted at or by the University, regardless of sponsorship.
- d. The University will take a proactive approach to sportsmanship at athletics events through the following steps:
  1. Prior to the start of every event, a statement on appropriate conduct and sportsmanship will be read by the public address announcer;
  2. At every event, the public address announcer will read the NCAA Division III SAAC statement on sportsmanship;
  3. The Director of Athletics and/or his designee, typically the Game Administrator, will be present throughout every contest to ensure appropriate game management duties are handled efficiently and professionally, especially with respect to visiting teams;
  4. University Police will be present at all games where required by conference regulations and, if available, at any other events when requested by the athletics department;
  5. The prominent display of sportsmanship messages on electronic boards, banners and other printed materials;
  6. A program of fan education. In the event that inappropriate actions by spectators or other individuals are observed by game administration, the following steps will be taken;
- e. At the discretion of the game administrator, the following actions will generally warrant a VERBAL WARNING:
  1. Conduct that is outside the accepted norm for intercollegiate sporting events and that impedes, interferes with, or disrupts the event, or that endangers the health of safety of any spectator or participant;
  2. The use of abusive, indecent, profane, or vulgar language, which by itself tends to incite an immediate disruption or breach of the peace;
  3. Any act that causes a game official or coach to request that a warning be given;
  4. Any other act that is inappropriate or violates University rules but does not warrant removal. In most circumstances, incidents arising under this section can be addressed by game administration and will not require the assistance of University Police. In giving a verbal warning, reasonable effort should be made to identify both the person being warned and the conduct in question;
- f. At the discretion of the game administrator, the following actions will generally warrant IMMEDIATE REMOVAL:
  - g. Failure to heed verbal warnings so as to warrant immediate removal (see above);

- h. Engaging in harassment, which for the purposes of this policy is defined as conduct that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University;
  - i. Coming on to the playing surface during a contest, or after a contest without permission or for disruptive reasons;
  - j. The attempt or act of damaging, defacing, destroying or tampering with University property;
  - k. Making or threatening physical contact with any person, including but not limited to an official, an opposing player or coach, or another spectator;
  - l. Inciting other fans to engage in any conduct in violation of the law; or prohibited by this or other relevant University policies or rules;
  - m. Possession of alcohol or illegal substances or exhibited behavior, which reasonably suggests the individual is under the influence of alcohol or illegal substances;
  - n. Any act that causes a game official to direct the removal of the offending party;
  - o. Any other act that disrupts the orderly operation of the campus or facility or otherwise violates relevant University rules or the law. Incidents arising under this section will be handled by game administration unless it appears that the offending party will not cooperate, in which case University Police will be asked to assist with the removal of the offending party. Once an action reaches the level where immediate removal is deemed necessary by game management, University Police should effect such removal as appropriate.
- p. Penalties
1. For UT TYLER STUDENTS removed from athletics events, a report will be forwarded to the appropriate University official for further action at the discretion of the University pursuant to the UT Tyler Student Affairs Manual of Policy and Procedures. As part of any disciplinary hearing, the student will be told whether he/she may attend athletic events for the remainder of the academic year;
  2. For UT TYLER FACULTY OR STAFF removed from athletics events, the Game Administrator will notify the Director of Athletics who shall report such conduct to the Senior Vice President for Academic Affairs for appropriate action pursuant to University rules and policy;
  3. For ALL OTHER INDIVIDUALS removed from athletics events, they will be given a written notice and order to remove themselves from the event and, if necessary, a Criminal Trespass Warning will be issued and filed with University Police. The individual will not be permitted to return to any athletics events for the remainder of the current academic year. An individual who is so sanctioned may appeal to the Director of Athletics for a reduction or removal of the sanction.