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CODE OF STUDENT CONDUCT AND DISCIPLINE

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5 STUDENT CONDUCT AND DISCIPLINE.

5.1 Acquaintance with Policies, Rules, and Regulations. Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of the Component and of The Texas State University System, copies of which shall be available to each student for review online and/or at various locations on each campus. Students are also expected to comply with all federal and state laws.

5.2 Student Misconduct. Each student is expected to act in a manner consistent with the Component's functions as an educational institution, including off campus conduct that is likely to have an adverse effect on the Component or on the educational process. Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

- (1) Commission of an act that would constitute an offense under appropriate federal, state, or municipal law;
- (2) Violation of any Regents' rule, regulation, or order or Component policy, rule, or regulation, including policies or contracts relating to residential living in Component-owned or operated facilities;
- (3) Failure to comply with the direction of a Component official acting in the performance of his or her duties; or, failure to heed an official summons to the office of a Component official within the designated time;
- (4) Giving false testimony or other evidence at a campus disciplinary or other administrative proceeding;
- (5) Failure to meet financial obligations including but not limited to the issuance of a check to the Component or its contractors without sufficient funds;

Dean of Students' Office

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- (6) Unauthorized use or possession of ammunition, firearms, illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on Component property (see, Chapter VII, paragraph 4);
- (7) Conduct that endangers the health or safety of others on the campus, including, by way of example, unauthorized throwing of any objects in or from Component facilities;
- (8) Stealing, destroying, defacing, damaging, vandalizing or misusing Component property or property belonging to another (see, also, Chapter VII, paragraph 4);
- (9) Engaging in hazing or voluntarily submitting to hazing, including an initiation by an organization that involves any dangerous, harmful, or degrading act to a student;
- (10) Possessing and/or using, without authorization according to the Component policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus;
- (11) Illegal gambling in any form on Component property;
- (12) Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance;
- (13) Advocating or recommending the conscious and deliberate violation of any federal, state, or local law. Advocacy means addressing an individual or group for imminent action and steering it to such action as opposed to the abstract espousal of the moral propriety of a course of action;
- (14) Forgery, alteration, theft, or misuse of Component documents, forms, records, or identification cards;
- (15) Unauthorized possession, ignition, or detonation, on Component property, of any explosive device, fireworks, liquid, or object that is flammable or capable of causing damage to persons or property by fire or explosion;
- (16) Unauthorized entry into or use of Component buildings, facilities, equipment, or resources, or possession or use of Component keys for unauthorized purposes;
- (17) Failure to maintain a current official mailing address in the Registrar's office and/or giving a false or fictitious address to a Component office or official;
- (18) Knowingly initiating, communicating, or circulating a false or baseless report or alarm of a present, past, or future bombing, fire, offense, or other emergency that would ordinarily cause action by others charged with dealing with emergencies; placing a person in fear of imminent serious bodily injury; or preventing or interrupting the occupation of a building, room, aircraft, automobile, or other mode of conveyance;
- (19) Harassment where the individual threatens or bullies, in person, by telephone, electronically, in writing, or by other means, to take unlawful action against any person and by this action intentionally, knowingly, or recklessly annoys or alarms the recipient;
- (20) Academic dishonesty (see subparagraph 5.3);
- (21) Campus disruptive activities (see subparagraph 5.4) or disorderly conduct on Component-owned or controlled property or at a Component-sponsored or supervised function that inhibit or interfere with the educational responsibility of the Component community or the Component's social-educational activities shall include but not be limited to: speech and acts that are directed to inciting or producing imminent lawless action and is likely to incite or produce such action; perpetrating fights, assaults, acts of sexual violence, abuse, or threats; or evincing some act that causes a person to feel threatened. Such prohibition includes disorderly classroom conduct that obstructs, interferes with, inhibits and/or disrupts teaching and/or related classroom activities;
- (22) Using authority granted by state law, System rule, or Component policy to deprive any person of his or her civil rights;
- (23) Violation of Component policy relating to electronic network facilities such as local area networks and the Internet;

Student Government Association (/dept/dean-of-students/organizations/sga/)
Greek Life (/dept/dean-of-students/greeklife/)
Keys of Excellence (/dept/dean-of-students/keys-of-excellence)
Raven's Call (/dept/dean-of-students/ravens-call/)
Leadership Initiatives (https://www.shsu.edu/dept/leadership/initiatives/)
Expressive Activity (/dept/dean-of-students/expressive-activity/)
Parent & Family Relations: (/dept/dean-of-students/parent-relations-office/)
SHSU Parents' Association (/dept/dean-of-students/parents-association/)
Bearkat Family Weekend (/dept/dean-of-students/weekend/)
Parent Engagement Platform (https://shsu.campusesp.com/signu)
Additional Parent & Family Resources (/dept/dean-of-students/parent-resources)

(24) Failure to acquire and maintain a Component-issued student photo identification (I.D.) card; failure to replace a lost/stolen I.D. card; and/or any falsification, misrepresentation or other misuse of the student I.D. card.

(25) Any attempt to commit these prohibited acts.

5.3 Academic Honesty. The Component expects all students to engage in all academic pursuits in a manner that is above reproach and to maintain complete honesty and integrity in the academic experiences both in and out of the classroom. The Component may initiate disciplinary proceedings against a student accused of any form of academic dishonesty, including but not limited to, cheating, plagiarism, collusion, falsification of research data, or the abuse of resource materials on an examination or other academic work.

5.31 "Cheating" includes, but is not limited to:

- (1) Copying from another student's test paper, a laboratory report, other report, or computer files, data listings, and/or programs;
- (2) Using, during a test, materials not authorized by the person giving the test;
- (3) Collaborating, without authorization, with another person during an examination or in preparing academic work;
- (4) Knowingly, and without authorization, using, buying, selling, stealing, transporting, soliciting, copying, or possessing, in whole or in part, the contents of an unadministered test;
- (5) Substituting for another student, permitting any other person; or otherwise assisting any other person to substitute for oneself or for another student in the taking of an examination or test or the preparation of academic work to be submitted for academic credit, placement, or qualification;
- (6) Bribing another person to obtain an unadministered test or information about an unadministered test;
- (7) Purchasing, or otherwise acquiring and submitting as one's own work any research paper or other writing assignment prepared by an individual or firm. This Section excludes purchase or acquisition of word processing services.

5.32 "Plagiarism" means the appropriation and the unacknowledged incorporation of another's work or idea into one's own work offered for credit.

5.33 "Collusion" means the unauthorized collaboration with another person in preparing work offered for credit.

5.34 "Abuse of resource materials" means the mutilation, destruction concealment, theft or alteration of materials provided to assist students in the mastery of course materials.

5.35 "Academic work" means the preparation of an essay, dissertation, thesis, report, problem, assignment, or other project that the student submits as a course requirement or for a grade.

5.36 Disciplinary Procedures for Academic Dishonesty.

- (1) Academic Process. All academic dishonesty cases may be first considered and reviewed by the faculty member. If the faculty member believes that an academic penalty is necessary, he/she may assign a penalty but must notify the student of his/her right to appeal to the department chair, the dean and, eventually, to the Vice President for Academic Affairs (whose decision shall be final) before imposition of the penalty. At each step in the process, the student shall be entitled to written notice of the offense and/or of the administrative decision, an opportunity to respond, and an impartial disposition as to the merits of his/her case. After completion of the academic process, the academic officer making final disposition of the case may refer the matter to the Chief Student Affairs Officer for any additional discipline that may be appropriate.
- (2) Disciplinary Process. In the case of flagrant or repeated violations, the Chief Student Affairs Officer may take such additional disciplinary action. No disciplinary action shall become effective against the student until the student has received procedural due process under Subsection 5.6 and following except as provided under Subsection 5.15.
- (3) Honor Code. Notwithstanding subsection (1) above, if a Component has adopted an Honor Code which includes an Honor Council that makes decisions on appeals of penalty grades issued by a faculty member and disciplinary action on cases of flagrant or repeated violations, the hearings which

consider disciplinary action must afford the students procedural due process under Subsection 5.6. Appeals of academic decisions rendered by an Honor Council shall be heard by the Vice President for Academic Affairs and appeals of disciplinary decisions rendered by an Honor Council shall be heard by the Chief Student Affairs Officer. In the event of conflicts, these Rules and Regulations shall govern.

5.37 "Falsification of Data" means the representation, claim, or use of research, data, statistics, records, files, results, or information that is falsified, fabricated, fraudulently altered, or otherwise misappropriated or misrepresented.

5.4 Campus Disruptive Activities. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the Components shall adhere to the following Rules and Regulations:

5.41 No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on a Component campus. Disruptive activity means:

- (1) Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the Component;
- (2) Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
- (3) preventing or attempting to prevent by force or violence or the threat of violence a lawful assembly authorized by the school administration;
- (4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
- (5) obstructing or restraining the passage of any person at an exit or entrance to campus property.

5.42 Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction.

5.43 Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.

5.5 Suspended, Expelled, and Dismissed Student Restriction. No student who has been suspended, expelled, or dismissed for disciplinary reasons from a Component of the System shall, during the applicable period of discipline, be eligible to enroll at any other System Component. The registrar of a Component is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record had been cleared.

5.6 Procedure for Administration of Discipline. The Chief Student Affairs Officer shall have primary authority and responsibility for the administration of student discipline at the Component and for investigating allegations that a student has violated System and/or Component Rules and Regulations, or specific orders and instructions issued by an administrative official of the Component.

5.61 The Chief Student Affairs Officer or his/her appointee hereto referred to as officer, will investigate the alleged violations. During the investigation, if the student is available, the officer will give the student an opportunity to explain the incident. If the officer concludes that the student has violated a System or Component policy, the officer will determine (but not assess) an appropriate disciplinary penalty.

- (1) The officer will discuss his or her findings and his or her determination of an appropriate penalty with the student if the student is available and will give the student an opportunity either to accept or reject the officer's decision.
- (2) If the student accepts the officer's decision, the student will so indicate in writing and waive his or her right to a hearing. The officer may then assess the disciplinary penalty.
- (3) If the student does not accept the officer's decision or does not waive his or her right to a hearing, a disciplinary hearing will be scheduled in accordance with Subsections 5.7 and 5.(10).

5.62 If the student does not execute a written waiver of the hearing process, then the officer shall prepare a written statement of charges and of the evidence supporting such charges, including a list of witnesses and a brief summary of the testimony to be given by each, and shall send a notification of such charges and statement to the accused student by certified mail, return receipt requested, addressed to the address appearing in the Registrar's records, or shall hand deliver said document with the student signing a receipt.

5.63 Distance Education Students: For students not taking any of their classes physically on SHSU's Huntsville campus during the semester in question the following accommodations may be made for the distance learner at the discretion of the officer:

(1) Section 5.61 listed above may be handled via telephone. If the student chooses to accept the officer's decision he/she will then be emailed the document with the penalty listed in writing. By signing the document the student accepts the proposed sanction and waives his/her right to a hearing.

(2) If the student does not accept the officer's decision or does not waive his/her right to a hearing a disciplinary hearing will be scheduled in accordance with subsections 5.7 and 5.10 using telecommunication technology.

Sam Houston State University — Formal Mediation

In matters involving interpersonal disputes, the Hearing Officer may suggest that the matter be submitted to mediation. If the involved parties (the accused[s] and complainant[s]) agree the matter will be submitted to mediation before the mediator acceptable to all parties.

The goal of the mediation is the execution of a "Contract of Resolution" which will specify the terms of the parties' settlement of their dispute. The Contract of Resolution will be placed in each involved student's disciplinary file. Any violation of the terms of the Contract of Resolution shall be grounds for formal disciplinary action.

If the involved parties are unable to agree upon a resolution, the matter will proceed to formal disciplinary proceedings. The Mediator shall at all times retain discretion to terminate the mediation and proceed to formal disciplinary proceedings where he/ she determines that the mediation process is not making adequate progress toward an appropriate resolution. All Contracts of Resolution must be approved by the Chief Judicial Officer.

Whenever mediation is unsuccessful and the matter proceeds to formal disciplinary hearings.

5.7 Student Disciplinary Hearings. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial person or committee, hereinafter called the hearing officer or hearing committee, selected in accordance with procedures adopted by the Component. Except in those cases where immediate interim disciplinary action has been taken under authority of Subsection 5.(14), the accused student shall be given at least five (5) class days written notice by the Chief Student Affairs Officer, or a designated appointee, of the date, time, and place for such hearings and the name or names of the hearing officer or hearing committee. Hearings held under Subsection 5.(14) will be held under the same procedures set forth below, but will be held as soon as practicable within twelve (12) class days after the disciplinary action has been taken unless otherwise agreed to by the student.

Upon a hearing of the charges, the Component representative has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with procedures adopted by the Component that assure both parties (Component representative and accused student) the following minimal rights:

5.71 Both parties will exchange lists of witnesses, expected testimony, copies of documents to be introduced, and notice of intent to use legal counsel, at a reasonable time prior to the hearing.

5.72 Each party shall have the right to appear and present evidence in person and to be advised during the hearing by a designated representative or counsel of choice. Each party shall limit its presentation to relevant evidence. The accused student must attend the hearing if the student desires to present evidence. The hearing may proceed notwithstanding the accused student's failure to appear.

5.73 Both the Component representative and the accused student shall have the right to question witnesses. The accused student may question witnesses with the advice of a designated representative or counsel. All questions shall be limited to relevant evidence.

5.74 The hearing will be recorded. If either party desires to appeal the finding, a copy of the recording will be produced at the expense of the party appealing the finding, and both parties will be furnished a copy for appeals purposes only.

5.8 Student's Right to Challenge Impartiality. The accused student may challenge the impartiality of the hearing officer or a member of the hearing committee at any time prior to the introduction of any evidence. The hearing officer or member of the committee shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the challenged hearing officer or member of the hearing committee chooses not to serve, a substitute will be chosen in accordance with procedures adopted by the Component.

5.9 Determination of Hearing. The hearing officer or hearing committee shall render a decision to both parties as soon as practicable as to the guilt or innocence of the accused student and shall, if necessary, assess a penalty or penalties including, but not necessarily limited to:

- (1) Verbal written warning;
- (2) Requirement that the student complete a special project that may be, but is not limited to, writing an essay, attending a special class or lecture, or attending counseling sessions. The special project may be imposed only for a definite term;
- (3) Cancellation of residence hall or apartment contract;
- (4) Disciplinary probation imposed for a definite period of time which stipulates that future violations may result in disciplinary suspension;
- (5) Ineligibility for election to student office for a specified period of time;
- (6) Removal from student or organization office for a specified period of time;
- (7) Prohibition from representing the Component in any special honorary role;
- (8) Withholding of official transcript or degree;
- (9) Bar against readmission;
- (10) Restitution whether monetary or by specific duties or reimbursement for damage to or misappropriation of Component, student, or employee property;
- (11) Denial or non-recognition of a degree;
- (12) Suspension of rights and privileges for a specific period of time, including access to electronic network facilities and participation in athletic, extracurricular, or other student activities;
- (13) Withdrawing from a course with a grade of W, F, or WF;
- (14) Failing or reduction of a grade in test or course, and/or retaking of test or course, and/or performing additional academic work not required of other students in the course;
- (15) Suspension from the Component for a specified period of time. During suspension, a student shall not attend classes or participate in any Component campus activities;
- (16) Loss of or ineligibility for student grant or loan;
- (17) Expulsion from the Component. A student who is expelled from the Component is not eligible for readmission to the Component;
- (18) Dismissal from the Component. A student, who is dismissed, is separated from the Component for an indefinite period of time;
- (19) Recording sanctions in Subsections 5.9(9), (11), (13), (14), (15), (17), and (18) may be made on a student's permanent transcript. The Component may maintain confidential records of all other sanctions and may consider any prior sanction received by a student in assessing a subsequent sanction. The Component shall develop a procedure for expunging those records not transcribed on a student's permanent transcript within a reasonable time not to exceed five (5) years after the student ceases to be enrolled;
- (20) A student who, by a preponderance of the evidence, under these Rules and Regulations, is found to have illegally possessed, used, sold or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from mandatory, university or college approved counseling to expulsion. Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not necessarily be limited to, the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university or college community; and the likelihood that the behavior will recur. A student who has been suspended, dismissed, probated or expelled from any system Component shall be ineligible to enroll at any other system Component during the applicable period of discipline. The registrar of each Component is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. A second infraction for a drug-

related offense shall result in permanent expulsion from the Component and from all other institutions in The Texas State University System.

5.10 Appeal. Neither party may appeal if the hearing officer or hearing committee determines that the allegations against the accused student are true but the only punishment assessed is verbal or written warning. In those cases, the determination of the hearing officer or hearing committee is final. However, in all other cases, either party may appeal to the Chief Student Affairs Officer. If the hearing officer has been an appointee designated by the chief student affairs officer or if the determination has been made by a hearing committee, the appeal will be made to the Chief Student Affairs Officer or designated appointee. If the Chief Student Affairs Officer has served as the hearing officer, the appeal will be made to the vice President in charge of student affairs. Written notice of appeal must be received by the appeal officer within five (5) business days after the decision. An appeal is not simply a rehearing of the original case. An appeal must be based on: 1) whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present evidence; 2) whether or not the sanctions levied were appropriate to the offense; 3) whether or not the finding was supported by the evidence; and/or 4) whether or not new evidence is introduced that was not available at the time of the hearing. Both parties, at the discretion of the appeal officer, may submit oral or written arguments, to support their positions. In order for the appeal to be considered, the appealing party must submit all necessary documentation, including written arguments, when appropriate, to the appeal officer within five (5) business days after giving notice of appeal. The appeal officer may approve, reject, modify the decision, or remand the matter to the original hearing officer or hearing committee for reconsideration. The appeal officer shall respond to the appeal within ten (10) business days after all the documentation was received and all testimony was heard, or he or she may postpone a decision for good cause.

5.11 Review of the Vice President in charge of Student Affairs. The Vice President may review any disciplinary case and may approve, reject, modify the decision or remand the matter to the original hearing officer or committee for reconsideration.

5.12 President's Right to Review. The President may review any disciplinary case, and approve, reject, or modify the decision or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.13 Board of Regents' Right to Review. The Board of Regents retains the right to review any disciplinary action and approve, reject, modify the decision, or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.14 Interim Disciplinary Action. The Chief Student Affairs Officer, the Vice President in charge of student affairs, or the President of the Component may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule and regulation of the System or of the Component at which the accused is a student when the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the academic process. In the event that the interim disciplinary action includes suspension, the Component official involved shall, as soon as possible, notify the President and the Vice Chancellor and General Counsel of such action.

5.15 Civil Proceedings. Every student is expected to obey all Federal, State, and local laws and is expected to be familiar with the requirements of such laws. Any student who violates any provision of those laws is subject to disciplinary action, including expulsion, notwithstanding any action taken by civil authorities on account of the violation.

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