

2012–13 Information Bulletin

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General Provisions

Sec. 101. Introduction

By enrolling at The University of Texas at San Antonio, a student neither loses the rights nor escapes the responsibilities of citizenship. All students are expected to obey federal, state, and local laws, the [Rules and Regulations of the Board of Regents](#) of The University of Texas System, the [rules and regulations of The University of Texas at San Antonio](#), and directives issued by an administrative official in the course of his or her duties. A student who enrolls at the University is charged with the obligation to conduct himself or herself in a manner compatible with the University's function as an educational institution; consequently, conduct which interferes with the use or utilization of University facilities by other persons may be punished regardless of whether such conduct is specifically proscribed by the provisions of the Student Code of Conduct.

Sec. 102. Definitions

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

1. "referral" is a written statement of the essential facts constituting a violation of Regents' Rules, University policies, or administrative rules;
2. "vice president" means the [Vice President for Student Affairs](#) or the vice president's delegate or representative;
3. "chief student affairs officer" means 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;
4. "dean or dean of students" refers to the administrative officer or officers responsible for the administration of the disciplinary process;
5. "the [Office of Student Conduct and Community Standards](#)" means the vice president's delegates for matters pertaining to student misconduct;
6. "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 class;
7. "hearing officer" means an individual or individuals appointed by the President pursuant to the recommendation of the Chief Student Affairs Officer hear disciplinary charges, make findings of fact and, upon a finding of responsibility, impose an appropriate sanction(s);
8. "president" means the [President of The University of Texas at San Antonio](#);
9. "student" means a person who
 - a. is currently enrolled at the University;
 - b. is accepted for admission or readmission to the University;
 - c. 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;
 - d. is attending an additional program sponsored by the University while that person is on campus; or
 - e. has engaged in prohibited conduct at a time when he or she met the criteria of (a), (b), (c) or (d);
10. "System" means [The University of Texas System](#);
11. "campus" means all real property, buildings, or facilities owned or controlled by the institution;
12. "University" means [The University of Texas at San Antonio](#); and
13. "weekday" means Monday through Friday excluding any day that is an official holiday of the University or when regularly scheduled classes are suspended due to emergent situations; "day" means a calendar day except for days on which the University is officially closed or when regularly scheduled classes are suspended due to emergent situations.

Sec. 103. Application

- A. The Student Code of Conduct applies to individual students, prescribes the standards of conduct expected of students enrolled at the University, outlines actions that can be taken when conduct is not in conformity with the prescribed standards and establishes due process procedures for the imposition of such actions.
- B. A student may be punished by the University for conduct that is proscribed by the University even though the student may be punished by local, state or federal authorities for the same conduct, but the penalties imposed by the University shall not be used merely to duplicate penalties imposed by local, state, or federal authorities.

Sec. 104. Miscellaneous

- A. Computation of time: Where the required action must be taken on a specified number of days either before or after the date upon which an act or event takes place or is to take place, the date of the act or event from which the time is computed shall not be included.
- B. Service: Service of every notice, request, or decision required by the Student Code of Conduct may be made by delivering a copy of the document to the person to be served either in person or by mail. A written notice, request, or decision may be served on a student by mailing to the address appearing in the records of the registrar.

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Student Standards of Conduct

Sec. 201. Conduct Expected of Students

A student is expected and required to obey federal, state, and local laws, to comply with the Regents' *Rules and Regulations*, with University rules and regulations, with directives issued by an administrative official of the System or the University in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

Sec. 202. Specific Conduct Proscribed

- A. Disciplinary proceedings may be initiated against any student for any of the following acts or violations:
 1. the violation of any provision of the Regents' *Rules and Regulations* of The University of Texas System;
 2. the violation of any rule or regulation of the University, including but not limited to, those relating to on-campus housing, the registration of student organizations, the use of University facilities or grounds, and the time, place, and manner of expression or expression-related conduct;
 3. failure to comply with any order or instruction of an official of the University or The University of Texas System acting in the course of his or her authorized duties; furnishes false information to or withholds material information from any University staff member acting in the course of his or her duties;
 4. damaging, destroying, tampering or defacing property, equipment, supplies, buildings, or facilities owned, leased, or controlled by the University or the System and/or damaging, destroying, defacing, or taking without authorization property located on campus and belonging to any student, employee, or visitor;
 5. the unauthorized entry into or upon property owned, leased, or controlled by the University;
 6. forging, altering, mutilating, or destroying any University document or record, entering false information in such documents or records, or giving a false response to an inquiry made by an official of the University or The University of Texas System acting in the course of his or her duties;
 7. forging or altering any parking permit, traffic ticket, or parking ticket issued by the System or the University, any ticket for admission to a program or event sponsored by the University, any means of identification issued by the University, any instrument obligating the University to pay any sum of money, any key which may be used for entering any building owned or controlled by the System or the University, or participating in such action with other persons;
 8. using or participating with others in the use of any University record, instrument, or document that does not specifically relate to the person or persons making use of same, except to the extent such use may be authorized by statute, a rule or regulation of the University, or the written permission of either the person to whom such record, instrument, or document relates or the University official having custody of same;
 9. using or participating with others in the use of any permit, means of identification, or key issued by the University to a person other than the user;
 10. engaging in, or encouraging, aiding, or assisting any other person to engage in, any act that is commonly known and recognized as hazing. The term hazing includes, but is not limited to, "walks," "rallies," "paddling" and all other acts that may be now or hereafter defined as such by Section 51.936 of the Texas Education Code. Acts constituting hazing shall not be justified or excused by the fact that they were performed either with the consent of the person subjected to such hazing or as a part of the requirements for becoming a pledge or member of any fraternity, sorority, club, society, association, or organization;
 11. failure or refusal to pay any monetary debt or obligation owed to the University. A check, draft, or order tendered to the University shall not discharge a debt or obligation unless the University receives payment upon presentation of such check, draft, or order;
 12. use, manufacture, possession, possession of drug paraphernalia, sale, or distribution on the campus of the substances defined and regulated under Chapters 481, 482, 483, and 485 of the Texas Health and Safety Code, except as may be allowed by the provisions of such articles. If a

student is found responsible for the illegal use, possession, and/or sale of a drug or narcotic on campus, the sanction assessed shall be suspension from the institution for a specified period of time; and/or suspension of rights and privileges;

13. unauthorized use, possession, or consumption of any intoxicating beverage is prohibited in classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural facilities, and all other public areas. However, with the prior consent of the President of the University, the foregoing provisions of this section may be waived with respect to any specific event sponsored by the institution. In addition, events scheduled in special use facilities may serve alcohol in accordance with state law and University procedures governing such facilities. An exception to this provision is the use or consumption of alcohol in University Oaks apartments done in accordance with state law and community policy standards. Violations of this policy also include but are not limited to underage possession or consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, and driving while intoxicated;
14. any conduct which constitutes a violation of a federal, state, or local law regardless of whether the conduct takes place on or off campus or results in the imposition of the penalty prescribed by the federal, state, or local law;
15. possession or use of firearms, imitation firearms, explosives, ammunition, hazardous chemicals, or weapons as defined by state or federal law University premises or on any property or in any building or facility owned or controlled by the System is strictly prohibited unless authorized by the Vice President for Student Affairs and by federal, state, or local laws;
16. advocacy, either oral or written, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
17. physical abuse, threats, intimidation, retaliation, unwanted and/or repetitive contact, coercion, and/or conduct that threatens or endangers the health or safety of any persons on any property owned or controlled by the System or the University, or at any function, program, event, or assembly conducted, sponsored, supervised, or authorized by the University;
18. engages in harassment; 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;
19. engaging in conduct, either alone or in concert with other people, that is intended to obstruct, disrupt, or interfere with, or that in fact obstructs, disrupts, or interferes with any scheduled class, laboratory, education or research activity, athletic event or contest, concert, program, assembly or other activity either sponsored, performed, authorized, or participated in by the System or the University, any administrative process, procedure or function of the System or the University, any disciplinary hearing conducted by the University with regard to any student, faculty member or employee, any authorized or lawful use of property owned or controlled by the System or the University, any officer, official, agent, employee of the University or System in the performance of his or her duties or the performance of any service the University has undertaken to perform or has contracted to have performed for the benefit of the students, faculty, officials, officers, agents, or employees of the University. Examples include but are not limited to such acts as: stand-ins, sit-ins, lock-ins, lock-outs, parades, marches, picketing, concerts, speeches, solicitations, campaigning, or group demonstrations;
20. entering, walking, running, lying, playing, remaining, or being in the water of any University fountain or other artificial body of water located on the campus that is not designed and maintained for recreational or therapeutic purposes; unless such person has been granted permission by University President to enter, remain, or be in such waters; or dumping, throwing, placing, or causing any material, object, trash, waste, or debris to be placed in the water of any campus fountain or other artificial body of water; or damages, defaces, or removes any portion of any fountain monument, building, statue, structure, facility tree, shrub, or memorial located on the University campus;
21. unauthorized appearance on the campus after having been suspended or expelled from the University or any other component institution of the University of Texas System for disciplinary reasons;
22. failure to notify University authorities of personal knowledge of any violation of the Student Code of Conduct;
23. making a charge of a violation of the Student Code of Conduct against a member of the University community that is knowingly false;
24. attempted or actual theft of or damage to property of the University or property of a member of the University community or other personnel or public property on University property;
25. engages in an inappropriate or disproportionate use of an information technology resource owned or controlled by the University or System or uses an information technology resource for an illegal, threatening, or disruptive/destructive purpose; prohibited conduct includes but is not limited to circumventing system or network security, committing copyright infringement, transmitting unsolicited e-mail, sharing a University issued password, falsifying an e-mail header, unauthorized entry into or transfer of a file to use, read, or change the contents or for any other purpose and using resources for personal financial gain or profit;
26. engages in stalking, which is defined as repeated conduct directed specifically at another person that reasonably causes that person, or a member of that person's family or household, to fear for his or her safety or that person's property; such conduct may include, but is not limited to, repeated, close physical or visual contact, watching, following and making direct or implied threats by phone calls, e-mail, letters or messages
27. photographing and/or otherwise visually recording someone without that person's consent with the intent to arouse or gratify the sexual desire of any person;
28. photographing and/or otherwise visually recording, broadcasting, or transmitting a visual image of another person at a location that is a bathroom, private dressing room or on-campus bedroom, without the other person's consent;
29. engaging in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the System or the University;
30. otherwise engaging in conduct that is inappropriate for members of an academic institution (such conduct includes, but is not limited to: pranking

choosing to remain where the odor of marijuana is confirmed by a University official, throwing food at persons or property, public nudity, unwanted communications, unwanted non-physical contact and harassing telephone calls);

31. attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed offenses.

- B. Neither the President of the University nor any System officer, nor any representative of either of them when dealing with disruptive activities, shall negotiate or attempt to negotiate with any person or persons engaged in any disruptive activity on the campus. When such a situation arises, the President or System officer, or any representative of either of them, shall take immediate action to utilize all lawful measures to halt and eliminate a and all such disruptive activities that come to their attention.
- C. 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 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 he or she is a student or employee of the U.T. System or a component institution.

Sec. 203. Scholastic Dishonesty

- A. The Office of Student Conduct and Community Standards or faculty member may initiate disciplinary proceedings against any student for an alleged potential infraction involving scholastic dishonesty.
- B. "Scholastic dishonesty" is any form of cheating or plagiarism that violates the Student Code of Conduct. Scholastic Dishonesty or academic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair 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.
- C. "Cheating" is any form of dishonesty where a student attempts to give the appearance of a level of knowledge or skill that the student has not obtained. Cheating includes, but is not limited to:
 1. copying from another person's or another student's work during an examination, test, or while completing an assignment;
 2. using unauthorized assistance, material, or study aids during an examination, quiz or other academic work;
 3. failing to make any effort to prevent another from using unauthorized assistance, material or study aids during an examination, quiz or other academic work;
 4. failing to comply with instructions given by the person administering the test;
 5. possession during a test of materials 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 the person administering the test has specifically prohibited them;
 6. using, buying, offering money or other valuable things, either for personal use, the free use of others, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, any complete test, test key, homework solution or assignment, computer program or other graded class material without expressed authority from the person or their designee approved by the University to administer the course;
 7. collaborating with, allowing someone to copy from you or seeking aid from another student during a test or other assignment without express authorization from the person or their designee approved by the University to administer the course;
 8. discussing the contents of an examination with another student who will take the examination at a later time or date than you;
 9. divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that examination is not to be removed from the examination room or not to be returned to students;
 10. substituting for another person, or permitting another person to substitute for one's self to take a course, or a test, or to complete a course-related assignment;
 11. paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution computer program, or information about an unadministered test, test key, homework solution, or computer program;
 12. falsifying research data, laboratory reports, and/or other academic work offered for credit;
 13. 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;
 14. misrepresenting facts, including providing false grades or résumés, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially; and
 15. attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed offenses.
- D. "Plagiarism" is a form of academic dishonesty and intellectual theft that violates long-held and widely recognized principles of academic integrity including, but not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the submission of said work as one's own academic work offered for credit. Plagiarism also includes, but is not limited to:
 1. Failing to credit sources in a work in order to pass it off as one's own work;
 2. Having someone else complete assigned work and then passing it off as your own;
 3. Plagiarism may occur with respect to unpublished as well as published material: this includes the act of copying another student's work or other

unpublished document and submitting it as one's own individual work without proper attribution;

4. Intentional Plagiarism is the deliberate act of representing the words, ideas, or data of another as one's own without providing proper attribution to the author through quotation, reference, or footnote;
 5. Inadvertent Plagiarism involves the inappropriate, but not deliberate use of another's words, ideas, or data without appropriate attribution, fail to follow established rules for documenting sources or from being insufficiently careful in research and writing;
 6. Paraphrased Plagiarism involves paraphrasing without acknowledgment of ideas taken from another that the reader might mistake for your own;
 7. Plagiarism Mosaic involves the borrowing of words, ideas, or data from an original source and blending this original material with one's own without acknowledging the source;
 8. Insufficient Acknowledgment involves the partial or incomplete attribution of words, ideas or data from an original source.
- E. "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.
- F. "Falsifying academic records" includes, but is not limited to, the 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.

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Disciplinary Sanctions

Sec. 301. Authorized Disciplinary Sanctions

Any one or more of the actions listed below may be imposed upon a student who has engaged in conduct which violates a rule, regulation, or administrative order of the University, a provision of the Regents' Rules of The University of Texas System or a federal, state, or local law. The disciplinary actions assessed in a particular case will be dependent upon the nature of the conduct involved, the circumstances and condition which existed at the time the student engaged in such conduct, and the results which followed as a natural consequence of such conduct.

1. Disciplinary warning
2. Disciplinary probation
3. Withholding of grades, official transcript, or degree
4. Bar against readmission or drop from current enrollment and bar against readmission
5. Restitution or reimbursement for damage to or misappropriation of institutional or System property
6. Suspension of rights and privileges, including participation in athletic or extracurricular activities
7. Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit
8. Suspension from the institution for a specified period of time
9. Expulsion (permanent separation from the institution)
10. Educational programs
11. Revocation of degree, denial of degree, and/or withdrawal of diploma
12. Deferral of sanction
13. Other sanction(s) as deemed appropriate under the circumstances.

Sec. 302. Explanation of Disciplinary Sanctions

- A. Disciplinary warning is a written statement expressing disapproval of conduct.
- B. Disciplinary probation indicates that further violations may result in suspension or expulsion. Students who are assessed this sanction will be removed from behavioral probation automatically upon expiration of the probationary period.
- C. Bar against readmission means that a student may be prohibited from admission or enrollment at the University. This sanction is among those that may be imposed upon a student who fails to respond to a summons from the Office of the Dean of Students or their designee to discuss allegations that the student has engaged in conduct which may result in disciplinary action.
- D. Restitution requires a student to reimburse the University for loss from, damage to, or unauthorized taking or use of property owned or leased by the University when the conduct of the student has caused or contributed to cause such loss. The student shall be advised of the amount of the loss and that failure to make restitution by a specified date will result in suspension from the University until such time as restitution shall have been made.
- E. Suspension of rights and privileges means that a student shall not be eligible to participate in official events or activities of the University, whether

athletic or non-athletic, shall not join a registered student organization or participate in any meetings or activities of a registered student organization of which he or she may already be a member and shall not be appointed or elected to or continue to function in any office or position within student government or the staff responsible for publication of a student newspaper. Students may also be barred from entering specified buildings or restricted from using particular facilities. This sanction may be enforced in part or in full.

- F. A failing grade means an "F." This sanction is among those that may be given when a student is found responsible for scholastic dishonesty in a course.
- G. Suspension from the University prohibits the student on whom it is imposed, during the period of suspension, from entering the University campus without prior written approval of the Vice President for Student Affairs, from being initiated into an honorary or service organization, and from receiving credit for academic work done during the period of the suspension. Suspension may also prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. The dean of students or the hearing officer may, however, permit the student to receive credit for academic work completed at another institution during the period of suspension, except when suspension is imposed for academic dishonesty. The dean of students or the hearing officer may impose conditions related to the violation(s), and failure to meet such conditions or terms of the sanction will be considered an additional violation.
- H. Expulsion from the University means that a student will be dropped from current enrollment, and a bar against readmission imposed. Expulsion is a permanent separation from the University and prohibits the student on whom it is imposed from entering the University campus without prior written approval of the Vice President for Student Affairs. Expulsion may prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. Educational programs are activities developed to expand the student's understanding of the regulation or policy and/or help the student learn more about himself or herself in relation to the policy or the violation.
- I. Possession or distribution of drugs or alcohol: The University will impose at least the minimum disciplinary sanction of suspension for a specified period of time or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs that are prohibited by state, federal, or local law. Other sanctions that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, suspension for a specified period of time, expulsion, or such other sanction as may be deemed appropriate under the circumstances.
- J. Debts to the University: Students who owe a debt 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.
- K. Deferral of sanction (e.g., probation, suspension) may be imposed on a student for whom the specific sanction deferred is appropriate but for whom there are mitigating circumstances as determined by the Office of Student Conduct and Community Standards or Hearing Officer. If a student is found to have violated any rule of The University of Texas at San Antonio and/or The University of Texas System while the deferred sanction is in effect, the minimum sanction for such a violation will be the sanction that had been deferred. The facts of the case may be decided by a University Hearing Officer and/or appealed to the Vice President for Student Affairs, but the minimum sanction may not.

The Office of Student Conduct and Community Standards or Hearing Officer may impose conditions related to the offense. Failure to meet such conditions shall be considered an additional violation.

Sec. 303. Authorized Academic Sanctions

- A. A faculty member, the Office of Student Conduct and Community Standards, or a Hearing Officer may impose one or more of the following sanctions for scholastic dishonesty:
 1. written warning that further scholastic dishonesty 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 Office of Student Conduct and Community Standards, with approval of the student's academic dean, may assign an academic sanction for violation of a University policy concerning scholastic dishonesty to a student who fails without good cause to appear for a preliminary meeting or formal hearing.
- C. A student who is in violation of University regulations concerning scholastic dishonesty may also be subject to one or more of the sanctions in Section 301.

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Initiation of Disciplinary Charges

Sec. 401. Investigation

- A. Upon receiving information that any student has allegedly violated Regents' Rules, University regulations, or administrative rules, the Office of Student Conduct and Community Standards shall investigate the alleged violation. The Office of Student Conduct and Community Standards may dismiss the allegation as unfounded or summon the student.
- B. Any student may be summoned by written request of the Office of Student Conduct and Community Standards for a meeting for purposes of the investigation and/or to discuss the allegations. The written request shall specify a place for the meeting and a time at least three weekdays after the date of the written request if the request is sent regular mail, or at least two weekdays after the date of the request if the request is sent by e-mail or hand delivered. The written request may be mailed to the address appearing in the records of the registrar, e-mailed to the student at the e-mail address on record with the U.T. institution, or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Office of Student Conduct and Community Standards, the Office may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the Office may proceed to implement the disciplinary hearing procedures provided in Section 501, et seq. The refusal of a student to accept delivery of the notice, the failure to maintain a current address with the registrar, or failure to read mail or e-mail shall not be good cause for the failure to respond to a summons.
- C. The purpose of the meeting is to allow the Office of Student Conduct and Community Standards to discuss for the purposes of investigation the alleged incident/offense(s) with the student. At this meeting the student is given a copy of the Student Code of Conduct.

Sec. 402. Disposition of the Charges

The student must choose one of two decision-making approaches: (1) an administrative decision made by the Office of Student Conduct and Community Standards; or (2) a formal hearing.

- A. When the student elects not to dispute the facts upon which the charges are based and agrees to the sanctions the Office of Student Conduct and Community Standards assesses, the student may execute a written waiver of the hearing procedures yet retain the right to appeal the decision of the Office of Student Conduct and Community Standards only on the issue of the sanction. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.
- B. In any case where the accused student disputes the facts upon which the charges are based and elects the formal hearing as the decision-making approach or refuses to execute a written waiver of a hearing, such charges shall be heard and determined by a fair and impartial Hearing Officer. A Hearing Officer will be chosen in accordance with the procedures of the institution.

Sec. 403. Interim Discipline

- A. Pending a hearing or other disposition of the allegations against a student, [the Dean](#) may take such interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the institution. This includes but is not limited to an immediate suspension and bar from campus when it reasonably appears from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the University. Notwithstanding (B), listed below, the Dean of Students 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 of Texas System or its institutions which would reasonably allow the imposition of such sanction. The Dean may take such actions pending hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Dean has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean, the best interests of The University of Texas System or the institution would be served by this action.
- B. When interim disciplinary action has been taken, a hearing of the charges against the student will be held under the procedures specified in Section 501, et seq. A hearing following interim disciplinary action will generally be held within 10 days after the interim disciplinary action was taken; however, at the discretion of the Dean of Students the 10-day period may be extended for a period not to exceed an additional 10 days.
- C. As an alternative to a hearing of the charges before a Hearing Officer, the accused student may choose to have the charges disposed of in accordance with an administrative decision as set forth under procedures specified in Section 402.

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Hearing

Sec. 501. Notice of Hearing

- A. The Office of Student Conduct and Community Standards shall notify the accused student in writing of the statement of charges and a summary statement of evidence supporting the charge; the name of the person who will act as Hearing Officer; the date, time, and place of the hearing; and that both the accused student and the Office of Student Conduct and Community Standards will be accorded the following rights in connection with such hearing:
 1. the right to have actual copies of documents that each intends to present, including a list of the names of witnesses and a brief summary of the testimony;
 2. the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Office of Student Conduct and Community Standards' advisor may be an attorney from the Office of General Counsel of the U.T. System. An advisor may confer with and advise the Office of Student Conduct and Community Standards or the accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or

present argument to the Hearing Officer; and

3. the right to have all proceedings at the hearing recorded electronically. The recording of the hearing shall be made under the direction of the Hearing Officer.
- B. The required notice shall be delivered in person to the student or sent by mail, addressed to the accused student at the address appearing in the registrar's records and shall be mailed at least 10 days prior to the date specified for the hearing. A notice sent by mail will be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday. The requirements of this paragraph shall not be applicable in any case where immediate interim action has been taken in accordance with Section 403.

Sec. 502. Postponement of Hearing

- A. Upon a showing of good cause by either the accused student or the Office of Student Conduct and Community Standards, the Hearing Officer may postpone the hearing or by agreement of the student and the Office of Student Conduct and Community Standards.
- B. Requests for postponement shall be in writing and shall set forth the facts upon which the party relies as constituting good cause.
- C. The application for postponement must be presented to the Hearing Officer and the opposing party no later than the third day preceding the date specified for the hearing. Any application received after that date will be granted only in the case of extreme hardship or emergency.
- D. Upon granting a postponement, the Hearing Officer shall notify the accused student and the Office of Student Conduct and Community Standards of the new date, time, and place for the hearing. It shall be the responsibility of the accused student and the Office of Student Conduct and Community Standards to notify their respective witnesses accordingly.

Sec. 503. Challenge to the Hearing Officer

- A. An accused student may challenge the ability of the Hearing Officer to render a fair, impartial, and objective decision.
- B. The challenge must be made in writing and submitted to the Hearing Officer through the Office of Student Conduct and Community Standards at least three days prior to the hearing. The reason or reasons upon which the challenge is based shall be set forth fully and shall be confined solely to the fairness and objectivity of the Hearing Officer.
- C. It shall be up to the Hearing Officer to determine whether he or she can render a fair and objective decision in the case. In the event the Hearing Officer disqualifies himself or herself, a substitute will be chosen in accordance with procedures of the institution.

Sec. 504. Disclosure of Evidence

- A. In order that the case be fully developed for the benefit of the Hearing Officer, the Office of Student Conduct and Community Standards and the accused student shall be required to disclose to each other the names of the witnesses they expect to be present and actual copies of documents and other evidence relied upon.
- B. The parties are encouraged to exchange this information at the earliest practical time but not later than five days prior to the date of the hearing. Upon objection by the opposing party, witnesses or other evidence not so disclosed will be excluded by the Hearing Officer unless it be shown by the party offering same that the existence of the testimony to be given by the witness or the evidence offered was unknown to the offering party five days prior to the date of the hearing and could not have been discovered by the use of reasonable diligence.
- C. The provisions of this section shall not prohibit either party from offering at the hearing evidence that is strictly in rebuttal to evidence offered by the other party.

Sec. 505. Request for Public Hearing

- A. The accused student may request that the hearing be open to the public. In the absence of such a request, the hearing will not be open to the public or representatives of the news media.
- B. A request that the hearing be open to the public must be made in writing and delivered to the Office of Student Conduct and Community Standards later than the third day preceding the date specified for the hearing.
- C. An accused student who requests a public hearing is not entitled to require that such hearing be held in any particular place or that the facility in which the hearing is held accommodate any specific number of persons. The determination of the suitability of the facility in which the hearing is to be held will rest solely within the discretion of the Office of Student Conduct and Community Standards.

Sec. 506. Authority of the Hearing Officer

The Hearing Officer shall have and exercise such power and authority as may be deemed appropriate or necessary to ensure that a fair, order and impartial hearing of the charges is conducted in accordance with the provisions of the Student Code of Conduct. At the discretion of the Hearing Officer, one or more commissioned peace officers from the police department of the University shall be available throughout the hearing to enforce the orders and rulings of the Hearing Officer, control admission to the hearing, and perform such other duties as the hearing may require.

Sec. 507. Order and Decorum

- A. If, in the opinion of the Hearing Officer, the demeanor or conduct of any person or persons in attendance at the hearing causes or contributes to an disruption, disturbance, or distraction of the hearing, such person or persons shall be required to leave the hearing room.

- B. No camera or photographic equipment of any kind, nor any equipment which may be used to record or transmit sound, shall be permitted in the hearing room or in the hallway outside of the hearing room during the progress of the hearing or any recess thereof. This prohibition shall not apply to any equipment used under the direction of the Hearing Officer to make the official recording of the hearing.
- C. Persons in attendance at the hearing shall not consume any food or beverage, nor read any newspaper, magazine, or book during the progress of the hearing.
- D. If the accused student has requested a public hearing in accordance with Section 505, a reasonable number of seats will be provided within the hearing room for use by persons who wish to attend the hearing. The number of seats to be provided and the arrangement thereof shall be determined by the Office of Student Conduct and Community Standards after giving consideration to the size of the hearing room and necessity for maintaining clear access to all doors to the hearing room. Admission of the public shall be on a first-come basis, and no one shall be allowed to stand on the floor, or bring additional seats into the hearing room. Designation of the hearing as a public hearing does not mean that everyone who wishes to attend will be accommodated, and the refusal to admit persons after seating within the hearing room has been filled will not be a denial of a public hearing.

Sec. 508. Order of Proceedings

- A. The hearing shall be called to order and shall proceed in the following manner:
 1. the Hearing Officer shall read the charges against the accused student, explain the rights of the parties, and entertain questions from either party concerning the procedures to be followed;
 2. the Office of Student Conduct and Community Standards shall proceed to present evidence in support of the charges;
 3. the accused student shall present evidence in support of his or her defense to the charges;
 4. each party may then present rebuttal evidence;
 5. argument may then be presented by each party; and
 6. the Office of Student Conduct and Community Standards may recommend a sanction to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the University for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Office of Student Conduct and Community Standards. The accused student shall be entitled to respond to the recommendation of the Office of Student Conduct and Community Standards.
- B. An accused student who fails to appear in person at his or her disciplinary hearing shall remain accountable. The hearing will be held without the accused student's presence, and a decision will be rendered by the Hearing Officer.

Sec. 509. Burden of Proof

- A. The Office of Student Conduct and Community Standards shall have the burden of proceeding with the evidence and have the burden of proving the charges by the greater weight of the credible evidence.
- B. As the party having the burden of proof, the Office of Student Conduct and Community Standards shall have the right to open and conclude both in presenting evidence and in argument.

Sec. 510. Oath and Removal of Witness

- A. Each witness shall swear or affirm that the testimony he or she will give will be true. The Hearing Officer shall administer the required oath or affirmation to each testifying witness.
- B. At the request of either party, all witnesses may be removed from the hearing room so they cannot hear the testimony of any other witness. Neither party nor their advisors shall be placed under the rule. Witnesses removed shall be instructed by the Hearing Officer not to converse with each other with any other person about the case other than with the parties or their advisor, and that they are not to read any report of or comment upon the testimony given at the hearing while isolated. Violation of such instructions will result in the imposition of such sanction as the Hearing Officer may deem appropriate.

Sec. 511. Record of the Hearing

The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer the record can be made available to the appealing party by submitting a written request. The official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the hearing officer. At the request of the President, the recording of the hearing will be transcribed, and both parties will be furnished a copy of the transcript.

Sec. 512. Evidence

- A. The term "evidence" refers to the means by which alleged facts are either proved or disproved. It includes the testimony of witnesses and documents or objective exhibits offered by the parties.
- B. The Hearing Officer shall be the sole judge of the admissibility of evidence, the credibility of the witnesses, and the weight to be given to the evidence or any inference drawn therefrom. The Hearing Officer may ask questions of witnesses, the parties, or their counsel as may be deemed appropriate to ascertain the facts, or to aid the Hearing Officer in deciding upon the admissibility of evidence, the credibility of a witness, or the weight given to evidence admitted. The Hearing Officer is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T.

System. Legal rules of evidence do not apply to Student Code of Conduct hearings.

- C. Either party may object to the admission of evidence upon any ground that they deem appropriate. The Hearing Officer shall rule upon such objection and either admit or exclude the objectionable evidence.
- D. Evidence which is irrelevant, immaterial, or unduly repetitious will be excluded by the Hearing Officer upon objection of either party.
- E. Documents, letters, writings, pictures, drawings, or objects that a party plans to offer in evidence shall first be given to the Hearing Officer to be marked and identified as the exhibit of that party and listed by the Hearing Officer. After being marked and identified, each exhibit shall be shown to the opposing party. Unless the opposing party disputes the authenticity of the exhibit or has no knowledge with respect thereto, the exhibit may be offered without authentication; however, the exhibit may be objected to on grounds other than authenticity.

Sec. 513. Agreements of the Parties

Any of the provisions of this chapter relating to the time within which an act must be performed or the procedures for conducting the hearing may be altered by written agreement of the parties, duly signed and presented to the Hearing Officer for inclusion in the record of the case.

Sec. 514. Decision of the Hearing Officer

The Hearing Officer shall render and send to the Office of Student Conduct and Community Standards and the 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 shall assess a sanction or sanctions specified in Section 301 and/or Section 303. When an accused student found responsible for the illegal use, possession, or sale of a drug or narcotic on campus, the assessment of a minimum sanction provided in Section 202 (A) (12) is required.

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Disciplinary Records

Sec. 601. Disciplinary Record

- A. The University of Texas at San Antonio shall maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years unless the record is permanent in conjunction with the above-stated sanctions.
- B. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed and any other pertinent information.
- C. This disciplinary record shall be maintained by the Office of Student Conduct and Community Standards. It shall be treated as confidential, and shall not be accessible to or used by anyone other than the Office of Student Conduct and Community Standards, the Dean of Students or University office 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. The record in disciplinary cases where the sanctions are not as described in Subsection (A) of this section may be destroyed by the Office of Student Conduct and Community Standards six years after final disposition of the case or may be considered for destruction at the written request of the student.

Sec. 602. Notation of Sanction

The Office of Student Conduct and Community Standards shall notify the Assistant Vice President for Student Life when one of the following sanctions is assessed in a disciplinary case:

1. bar against readmission;
2. drop from enrollment and bar against readmission;
3. denial of degree or transcript;
4. suspension from the University; or
5. expulsion from the University.

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Appeal

Sec. 701. Right to Appeal

- A. The accused student may appeal a disciplinary sanction assessed by the Office of Student Conduct and Community Standards in accordance with Section 702 below.
- B. Either the accused student or the Office of Student Conduct and Community Standards may appeal the decision of the Hearing Officer.

Sec. 702. Appeal of Sanction Assessed by the Office of Student Conduct and Community Standards

- A. A written appeal of the sanction assessed by the Office of Student Conduct and Community Standards must state the specific reasons for the appeal and any argument to the Vice President for Student Affairs with a copy to the Office of Student Conduct and Community Standards. The appeal must be stamped as received by the Office of the Vice President for Student Affairs no later than fourteen (14) days after the appealing party has been notified of the sanction assessed by the Office of Student Conduct and Community Standards. If the sanction assessed by the Office of Student Conduct and Community Standards is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for the appeal. The Office of Student Conduct and Community Standards may submit a response to the appeal which must be received by the Office of the Vice President for Student Affairs no later than five (5) days after receipt of the appeal with a copy to the other party.
- B. An appeal of the sanction assessed by the Office of Student Conduct and Community Standards will be reviewed solely on the basis of the written argument of the student and the Office of Student Conduct and Community Standards.
- C. The action of the Vice President shall be communicated in writing to the accused student and the Office of Student Conduct and Community Standards within thirty (30) days after the appeal and related documents have been received.
- D. The decision of the Vice President may be appealed to the President.

Sec. 703. Appeal of Decision of Hearing Officer

- A. A written appeal of the decision of the Hearing Officer must state the specific reasons for the appeal and any argument to the Vice President for Student Affairs with a copy to the Office of Student Conduct and Community Standards. The appeal must be stamped as received by the Office of the Vice President for Student Affairs no later than fourteen (14) days after the appealing party has been notified of the decision of the Hearing Officer. If the notice of the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for the appeal. The non-appealing party may submit a response to the appeal which must be received by the Office of the Vice President for Student Affairs no later than five (5) days after receipt of the appeal with a copy to the other party. The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing.
- B. The Office of Student Conduct and Community Standards will submit the record from the hearing to the Vice President for Student Affairs as soon as it is available to the Office of Student Conduct and Community Standards.
- C. The action of the Vice President shall be communicated in writing to the accused student and the Office of Student Conduct and Community Standards within thirty (30) days after the appeal and related documents have been received.
- D. The Vice President may approve, reject, or modify the decision in question, or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decisions. It is provided, however, that upon a finding of responsibility 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 sanctions prescribed by Section 202 (A) (1) of the Student Code of Conduct.
- E. The decision of the Vice President may be appealed to the President.

Sec. 704. Appeal of Decision of Vice President

- A. A written appeal of the decision of the Vice President for Student Affairs must state the specific reasons for the appeal and any argument to the President's Office with a copy to the Office of Student Conduct and Community Standards and the Office of the Vice President for Student Affairs. The appeal must be stamped as received by the President's Office no later than fourteen (14) days after the appealing party has been notified of the decision of the Vice President for Student Affairs. If the notice of the decision of the Vice President for Student Affairs is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for the appeal. The non-appealing party may submit a response to the appeal which must be received by the President's Office no later than five (5) days after receipt of the appeal with a copy to the other party.
- B. An appeal of the decision of the Vice President will be reviewed on the basis of all previously submitted arguments and records.

Sec. 705. Consideration by President

- A. The President may approve, reject, or modify the decision in question, or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that upon a finding of responsibility 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 sanction as prescribed by Section 202 (A) (12) of the Student Code of Conduct.
- B. The action of the President shall be communicated in writing to the accused student and the Office of Student Conduct and Community Standards within thirty (30) days after the appeal and related documents have been received.
- C. The decision of the President is the final appellate review.

Sec. 706. Effect of Appeal Upon Disciplinary Action

- A. An appeal of the decision of the Hearing Officer or of a sanction assessed by the Office of Student Conduct and Community Standards shall suspend the imposition of the prescribed disciplinary action pending final disposition of the appeal.
- B. If upon final disposition of any case in which the action has been suspended during appeal, the reviewing authority whose decision becomes final finds that the original action can no longer be imposed because of passage of time, such authority may specify a new period of time for which the original action will be imposed, or in any case where imposition of the original action will no longer be effective because of a change in the status of the student involved, such authority shall prescribe a substitute disciplinary action deemed appropriate to the conduct involved.

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