



# Policy Manual

## University of North Texas

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**SUBJECT: CODE OF STUDENT CONDUCT AND DISCIPLINE**

**APPLICABILITY: STUDENTS**

### **CODE OF STUDENT CONDUCT AND DISCIPLINE**

(Revised Spring 2001)

#### **I. PURPOSE OF THE CODE**

The primary concern of the University of North Texas is the student. The university attempts to provide for all students a campus environment that is conducive to academic endeavor and social and individual growth. To that end, rules, regulations and guidelines governing student behavior and the student's relationship with the university have been formulated into a student code of conduct and discipline. Enrollment at the University of North Texas is considered implicit acceptance of these and other policies applicable to students, all of which are educational in nature and designed to help students understand expectations and accept responsibility for their own actions. This code and other University policies are subject to change without notice. The student is responsible for obtaining all published materials and updates from the Vice President for Student Development Office relating to the code and to become familiar with other rules and guidelines which have bearing on student behavior and responsibilities.

#### **II. AUTHORITY FOR DISCIPLINE**

As both the responsibility and the authority for discipline at the University of North Texas ultimately rests with the Board of Regents, the President, acting on their behalf, has delegated authority to administer a fair and just disciplinary program to the Vice President for Student Development Office. Therefore, the Judicial Officer, his/her staff, and certain committees to whom this responsibility has been delegated, have the authority to enforce all regulations approved and stated in university documents or otherwise and to administer disciplinary procedures. This Code is applicable to currently, continuing, and formerly enrolled students as well as individuals seeking admission to the University. Applicants and formerly enrolled student cases shall be reviewed exclusively by the judicial officer without right to appeal to the Committee on Student Conduct.

#### **III. STUDENT RESPONSIBILITY**

Students retain the responsibilities of citizenship. The university expects that each student will conduct him/herself in a manner compatible with the University's function as an educational institution. Regardless of place of residence, each student must observe all federal, state and applicable local laws both on and off campus. Any student who violates any provision of those laws is subject to disciplinary action, including expulsion, notwithstanding action taken by civil authorities on account of the violation.

#### **IV. NATURE OF THE CODE**

The Code of Student Conduct is not a contract and serves only as guidance for the fulfillment of acceptable and fair procedures. The standard of review in all hearings is by preponderance or greater weight of the credible evidence. The Board of Regents has the authority and may modify or change the Code of Student Conduct at any time. In addition, the procedures contained herein may be modified by the university at any time in order to effectuate justice.

## V. CATEGORIES OF MISCONDUCT

Misconduct for which students, and/or groups or organizations are subject to discipline falls into the following categories:

### A. Acts of Dishonesty, including but not limited to:

1. **Academic dishonesty**, including but not limited to cheating and plagiarism. The term "cheating" includes, but is not limited to:
  - a. use of any unauthorized assistance in taking quizzes, tests, or examinations;
  - b. dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
  - c. the acquisition, without permission, of tests, notes or other academic material belonging to a faculty or staff member of the university;
  - d. dual submission of a paper or project, or resubmission of a paper or project to a different class without express permission from the instructor(s).
  - e. any other act designed to give a student an unfair advantage.

The term "plagiarism" includes, but is not limited to:

- a. the knowing or negligent use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgement and
  - b. the knowing or negligent unacknowledged use of materials prepared by another person or by an agency engaged in the selling of term papers or other academic materials.
1. **Furnishing false or misleading information** to any university office, official, faculty or staff member acting in an official capacity, or giving false or misleading testimony or other falsified evidence at any campus disciplinary proceeding
  2. **Forgery, alteration**, or misuse of any university document, record, or instrument of identification in any way related to the student's education at UNT
  3. **Tampering** with the election of any university-recognized student organization
  4. **Attempted or actual theft** of university property or damage to property of the university, other than accidental
  5. **Attempted or actual theft** of personal property of a member of the university community or of a campus visitor
  6. **Theft, unauthorized access** or other abuse of computer systems or computer time relating to university endeavors
  7. **Unauthorized possession**, duplication or use of keys to any university premises or unauthorized entry to or use of university premises
  8. **Conspiring, planning, attempting** or knowingly acting as an accessory to any of the charges above; being present while the offense is committed and advising, instigating or encouraging the act; facilitating in the committing of any offense in any way

### B. Conduct which adversely affects the university community, including but not limited to:

1. **Obstruction or disruption** of teaching, research, administration, disciplinary procedures or other university activities, including public service functions or other authorized activities on or off university premises. Includes interrupting, hindering or preventing classroom instruction or other official educational activities from occurring intentionally through noise, acts of incivility, or other means.
2. **Physical Abuse, verbal abuse, threats, intimidation, harassment**, coercion; and/or other conduct which threatens or endangers the health or safety of any person. Speech protected by the First Amendment is not a violation of this provision, although fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech. Each allegation of a violation under this provision shall be reviewed in consideration of these factors.
3. **Use or possession on campus of ammunition, firearms, explosives**, or other objects that are dangerous or flammable or that could cause damage by fire or explosion to persons or property. Firearms are prohibited in or on any portion of

buildings, grounds or parking lots except as allowed under Article 4413 (29ee), Revised Statutes. Felony status and penalties for breach of State Law apply.

4. **Hazing** as defined by Section 51.936 and 37.151-157, Texas Education Code, such as engaging in, soliciting, encouraging, directing, aiding or intentionally, knowingly or recklessly permitting behavior such as physical brutality, risk of harm to mental or physical health or safety, intimidation, threat of ostracism, mental stress, humiliation, or other behavior adverse to health or human dignity to occur in association with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in a student organization or having firsthand knowledge of the planning of hazing or of its occurrence and failing to report it to school authorities.
5. **Disruptive activities** as defined by Section 37.123 and 51.935 of the Texas Education Code, such as intentionally obstructing, restraining, preventing or attempting to prevent passage of individuals on campus or into/out of campus buildings by force, by violence or by the threat of same; seizing control of a building/portion of a building to interfere with an administrative, educational, research or other authorized activity; preventing participation in or the holding of a lawful assembly or attempting to prevent same by force/violence, by threat or by causing reasonable fear of force/violence; or disrupting an assembly in progress by one or more such means.
6. **Illegal use, possession, sale, manufacture, distribution or effective control** of chemical precursors, controlled substances, controlled substance analogues, dangerous or illegal drugs; misuse, possession or effective control with intent to misuse of a legal drug or other substance which when not used in accordance with legal intent could cause harm to the user; possession of drug paraphernalia; or being a party to any of the above, whether on or off campus. Except for good cause shown, the student found in violation of this section shall receive a minimum sanction of suspension for one long semester. Additional or more severe sanctions may be assigned based upon the specific facts of the case.
7. **Use of possession or distribution of alcoholic beverages**, except as expressly permitted by law and university regulations or public intoxication.
8. **Conduct that is disorderly or obscene**; breach of peace; or aiding, abetting or procuring another person to breach the peace on university premises or functions sponsored by or participated in by the university.
9. **Intellectual property violations** including the use or distribution of copyrighted or trademarked works of another without the expressed consent of the owner of the copyright or trademark. A student who receives written notification from a faculty member that the information provided in his or her course is the faculty member's intellectual property shall not distribute, use for commercial purposes, or create derivative works of the intellectual property without obtaining the express written permission of the faculty member. Students shall not assume permission absent written notification from the faculty member.
10. **Violation of university policies or regulations** which have been published and are readily available to the students, including but not limited to those which govern academic matters, housing, alcohol use, financial matters, student life, and the maintenance of the health, safety, and welfare of the university community.
11. **An act which constitutes a violation of federal, state, civil or criminal laws** or city ordinances, regardless of whether the act occurred on or off campus and regardless of whether the individual is ultimately convicted of the act.
12. **Conspiring, planning, attempting** or knowingly acting as an accessory to any of the charges above; being present while the offense is committed and advising, instigating or encouraging the act; facilitating in the committing of any offense in any way

**C. Misconduct relating to official obligations between the student and the university or its officials**, including but not limited to the following:

1. **Issuance of a check** without sufficient funds
2. **Failure to fulfill** financial obligations to the university
3. **Failure to fulfill** other legally binding obligation(s) to the university
4. **Failure to comply** with reasonable directions of or failure to heed an official summons of university officials, faculty or staff members acting in the performance of their duties
5. **Failure to comply** with sanction(s) imposed under the Student Code of Conduct or sanctions otherwise imposed by the university
6. **Failure to report** a change of address with the University Registrar
7. **Conspiring, planning, attempting** or knowingly acting as an accessory to any of the charges above; being present while the offense is committed and advising, instigating or encouraging the act; facilitating in the committing of any offense in any way.

## VI. MISCONDUCT PENALTIES

Should adjudication determine violation of policy, one or more of the following misconduct penalties may be imposed by the university upon individuals, groups or organizations, to become effective normally as of the date the offense occurred, regardless of whether or not the student files an appeal. Students are afforded the opportunity to appeal as part of the disciplinary process except as provided below. Should appeal restore the student's status, reinstatement with opportunity to complete work will be afforded when practicable or another arrangement will be made so the student is not penalized for the absence. Penalties for violation of institutional policies or rules and regulations may be administered, regardless of whether the actions of the student are also civil or criminal violations. Students are advised that cumulative offenses will be cause for more serious consequences, including but not limited to suspension or expulsion. Whenever disciplinary actions lead to the student leaving the university, grades will be assigned in accordance with the university grade policy and the academic calendar.

- A. **Admonition:** A verbal or written warning. Admonitions will not become a part of the student's permanent behavioral record in the Vice President for Student Development Office. Students may not appeal this sanction; the judicial officer's decision is final.
- B. **Loss of privileges** or imposition of certain tasks, such as prohibiting pledging, membership or leadership in student organizations; denying an organization use of university space or denying the right to register as a student organization, or denying the privileges accorded to registered groups; prohibiting or limiting participation in events on the social calendar; denial of participation in any official athletic or non-athletic extracurricular activity, including practices; withholding of official transcript or degree; blocking from enrollment for a specified period of time; recommendation of failing, reduction, or changing a grade in a test, course assignment, course or other academic work; denying of computer-related privileges; cancellation of the housing contract or removal from the residence hall system; loss of money-related privileges; making restitution, whether monetary or by specific duties; attending counseling sessions; performing additional academic work not required of other students in a specific course; moving to another residence hall or within the same hall; complying with a behavioral contract; paying of special fees, fines or service charges; or other appropriate penalties. Unless this sanction is in conjunction with disciplinary probation or greater sanction, it is not appealable and the judicial officer's decision is final.
- C. **Probation:** A specified period of time during which the student's conduct will be under the closest scrutiny, with more serious penalties to arise from any further misconduct. The duration of probation is determined by the seriousness of the circumstances of the case. The two types of probation are:
  1. **Conduct Probation** - a sanction that will be removed from the student's permanent behavioral record in the Vice President for Student Development Office at the end of a specified period without further incidents. This sanction will only negatively affect a student should they further violate the Code of Student Conduct. Students may not appeal this sanction and the decision of the judicial officer is final.
  2. **Disciplinary Probation** – a sanction that remains a part of the student's permanent behavioral record in the Vice President for Student Development Office, and which can occasion more severe penalties than might otherwise be given for any future incidents. Students placed on Disciplinary Probation are no longer in good conduct standing with the university
- A. **Suspension:** Removal from the university for a specified period. Continued and/or flagrant violation of the probation terms or serious offense cases that warrant such action may result in suspension from the university for a specified period. The student may be blocked from re-enrollment until he/she applies for re-admission to the university and is cleared by appropriate officials. Suspension becomes a part of the student's permanent behavioral record in the Vice President for Student Development Office. The penalty of suspension may carry an immediate administrative withdrawal from the university. Students who are suspended will be trespassed from all university property for the duration of the suspension.
- B. **Administrative Withdrawal:** Administrative removal of a student from a class, a course, or from the university in instances such as unmet financial obligation(s) to the university; health reasons which constitute a danger to self or to others, pending the outcome of competent medical evaluation and/or treatment; a threat to the safety, life or property of members of the academic community; to prevent the disruption of the educational process; for failure to respond to an official summons from a university official; upon suspension or expulsion from the university; whenever the student's conduct would preclude his/her meeting licensure or certification guidelines within his/her academic discipline, upon recommendation from the appropriate academic department. The withdrawn student may also be trespassed from the campus and barred from re-enrollment until such time as specific conditions have been met. This penalty may be imposed effective with the date of the

violation, or as otherwise appropriate.

- C. **Expulsion:** Permanent severance from the university; carries with it a permanent trespass from being present upon all university property.
- D. **Revocation or denial of degree:** This penalty may occur for discovered misconduct of current or prior students; must be considered by appropriate academic process.

## VII. RECORDS

Upon receipt of information regarding an alleged violation of the code, a disciplinary file will be generated in the Vice President for Student Development Office. At the conclusion of the disciplinary process, the file, including original complaint or evidence, summons, statements, hearing notations, conclusions and sanctions, if any, will become a part of the disciplinary records in the office. Disciplinary records are kept for seven years from date of incident. At that time, the material will be destroyed, except for files dealing with misconduct penalties such as disciplinary probation, suspension or expulsion, which become a part of the student's permanent behavioral record in the Vice President for Student Development Office and will be retained indefinitely. Disciplinary records may be introduced and given due consideration in any subsequent case in which the student may be involved.

## VIII. DISCIPLINARY PROCEDURES

- A. **Initiation of Disciplinary Action:** Disciplinary action may originate in the office of the Judicial Officer or in other units of the university which may initially deal with the alleged misconduct. Examples of disciplinary action which may originate in other units include but are not limited to the following:

1. **Matters of Academic Dishonesty** – The following procedures are recommended for adjudicating a case of academic dishonesty, however, a faculty member may refer a case at any time to the Judicial Officer. The faculty member who believes a student to be guilty of academic dishonesty shall provide the student with opportunity for a hearing, after which, if still convinced that academic dishonesty has taken place, he/she may assign a sanction such as withdrawal from or failure in the course, reduction or changing of the grade, performance of additional work, etc. [In instances where a degree has been or is about to be awarded on work for which academic honesty is in question, the department and school/college may also deny or revoke the student's degree using the same process as noted herein.] Acceptance of the faculty member's sanction by the student shall make the penalties final and constitute a waiver of further administrative procedures. Once an academic sanction has been assigned, the faculty member [or the department/college/school] shall so inform the Judicial Officer, who will make the documentation part of a disciplinary file and may assign additional non-academic sanctions.

A student who contests the faculty member's accusation of academic dishonesty may request a hearing by the academic department chair. If the student does not accept the department chair's decision, he/she may have the matter referred to the Judicial Officer. If the student does not accept the decision of the Judicial Officer, he/she may then follow the normal hearing procedures listed below under the Committee on Student Conduct. If the student is ultimately found not to have been involved in academic dishonesty, the instructor shall not base the student's grade on the alleged but unproven dishonesty. If the student is found to have been so involved, the faculty member's academic penalties will stand. Any student who believes a grade has been inequitably awarded may request a hearing under the Grade Appeals Procedure.

2. **Housing Disciplinary Matters** – Students who reside within the residence hall system are under a contractual obligation to abide by the rules and regulations governing residence hall living, as well as being bound by the university catalogs and all other university rules and regulations governing the conduct of students. Rule or regulation violations may be handled directly by housing staff, may be referred to the Housing Judicial Board or may be referred, in whole or in part, directly to the Vice President for Student Development Office at any time the severity of the violation so warrants. The Judicial Officer or housing staff member may recommend penalties such as cancellation of contract, removal from the residence hall system, moving to another hall or within the same hall, imposing of behavioral contract, restitution or special fees, as outlined in the Residence Hall Room and Board Contract and the Rules and Regulations for Residence Hall Living or other appropriate penalties. The student's

acceptance of the penalties recommended by the housing staff shall make the penalties final and constitutes a waiver by the student of further administrative procedures. If the student does not accept the recommended decision of the housing staff, he/she may have the matter heard by the Judicial Appeals Board, Coordinator of Judicial Affairs, Assistant/Associate Director of Housing, and/or the Director of Housing, as stipulated by Central Housing. If the student does not accept the decision of Central housing, the student may appeal the matter to the Housing Appeals Board, within three working days of receipt of the decision. If the student does not accept the decision of the Housing Appeals Board, the student may appeal the matter to the Judicial Officer in the Vice President for Student Development Office, within three working days of receipt of the decision. The decision of the Judicial Officer is final.

3. **Financial Matters** – Procedures for violations of financial obligations to the university, including issuance of a check without sufficient funds, are provided for under State law. Such violations will ordinarily be addressed first by the department in which the funds are owed, which may initiate action and assign penalties such as late fees, service charges, fines, loss of money-related privileges, etc. Upon failure of the student to meet financial obligations within time limits set by State statutes, the appropriate department administration may recommend the student's withdrawal from the university. Financial withdrawal is not a disciplinary measure but may require nullification of the institutional/student relationship, in the event of unpaid financial obligations. If the student believes that procedures for violations of financial obligations have been applied prejudicially or in an arbitrary or capricious manner or where penalties are the result of an alleged error on the part of the university, he/she may have the matter reviewed by the appropriate department administration. If the student does not accept the decision of the appropriate department administrator, he/she may appeal to the Vice President for Fiscal Affairs, whose decision is final. Whenever unpaid financial obligations have led to withdrawal and when these obligations have remained unpaid more than five (5) days from the date of withdrawal, students must pay the debt, meet all administrative procedures related to financial matters, and request consideration for re-instatement/re-enrollment from the Judicial Officer. If the student does not accept the decision of the Judicial Officer, he/she may then appeal to the Vice President for Student Development, whose decision is final.

1. **Health Matters** - Students, whose physical or mental health problems may affect the health, safety and/or welfare of the university community or who represent a danger to themselves or others, or whose continuing presence disrupts the academic or administrative process, or who fail to follow the directives of the university Health Center or other medical or psychological authority regarding these problems, may be medically withdrawn from the university. Action may be initiated by the Judicial Officer upon the recommendation of the Director of the Health Center or other medical or psychological authority or attempts to achieve the student's cooperation have failed. If the student does not accept the decision of the Judicial Officer, he/she may request a hearing before the Committee on Student Conduct. After the mental or physical health problem has been resolved and the directives of the university Health Center or other medical/psychological authority have been complied with, the student may apply for re-admission to the university.
2. **Admissions/Re-enrollment Matters** – Prospective students and former students seeking re-admission whose applications indicate possible ineligibility of the applicant on grounds involving personal conduct or falsification of admissions documents may be referred to the Judicial Officer for disciplinary review. The potential of the applicant to benefit from university attendance, as well as the welfare and safety of the student body and of the university community, will be carefully considered before permission to enroll or re-enroll will be granted. When evidence indicates the applicant has participated in acts disruptive to the normal operation of an educational institution; when it appears that an applicant or a current/former student has falsified the application or other admissions forms; when the applicant has committed an act which is in violation of one or more of the categories of misconduct stipulated in the code; when an applicant has been formally charged with the commission of a criminal act; when an applicant has been convicted of a criminal act and is on the date of application still under any sanctions imposed by the court, including but not limited to imprisonment, parole and/or probation, the Judicial Officer may deny admission or re-enrollment.

**B. Interim or Emergency Disciplinary Action:** Pending a hearing, the President of the university or the Judicial Officer may take such immediate interim disciplinary action as is deemed necessary against a student or group of students when, in his/her opinion, such action is necessary to protect the health, safety, life or property of members of the academic community or to prevent the disruption of the educational process. In cases where contact with the student can be reasonably obtained, the Judicial Officer shall contact the student, provide information regarding the nature of the charges and provide

the student with an opportunity to respond.

### **C. Vice President for Student Development Office Disciplinary Procedures:**

The following disciplinary procedures will be used in all cases referred to the Vice President for Student Development Office:

1. When a complaint or report alleging misconduct is received in the Vice President for Student Development Office, the Judicial Officer staff will conduct a preliminary investigation to determine whether an infraction against the Code of Conduct may have occurred. If the investigation reveals that the code has been abridged or appears to have been abridged, the student may be summoned. Students are expected to respond to the summons in a timely way. Failure to report after two summons notices may result in suspension from the university or other appropriate disciplinary action as provided for in the Code. Students who voluntarily withdraw from the University prior to the determination of a sanction, remain subject to the case being adjudicated.
2. Upon meeting with the student, the Judicial Officer will explain the charges against, him/her and the disciplinary procedure; will inform the student of names of witnesses and will summarize their testimony. The student will then be given an opportunity to respond to the allegations and present pertinent information.
3. The Judicial Officer shall then conduct any further investigation which may be warranted by the information given by the student to make a determination of whether disciplinary action is necessary; if so, the Judicial Officer shall assign appropriate misconduct penalties as outlined in this code. The Judicial Officer will then explain the code violations with which the student is charged; the misconduct penalties which will apply; and will provide the student with a copy of the code and procedure for appeal to the Chairman of the Committee on Student Conduct, if applicable.
4. If applicable, the student can either accept the penalties or can appeal for a review of the disciplinary action against him/her by the Committee on Student Conduct. If the student accepts the assigned penalties, they become final. Where permitted, if the student chooses to appeal, he/she must follow the procedures for review by the Committee on Student Conduct. Failure of the student to follow the specified procedures to institute the committee's review within five (5) working days from the date disciplinary action was initiated by the Judicial Officer shall constitute a waiver of all rights for further review of the matter. However, the Judicial Officer has the authority to extend the time limits for any request for review by the Committee on Student conduct, when it is in the best interests of the student or the university to do so.

### **B. Procedure for Review by the Committee of Student Conduct**

The purpose of the Committee on Student Conduct is to ensure that fairness is observed in the administration of student discipline. Whenever misconduct penalties have been assigned under the code, the student may appeal the case to the Committee on Student Conduct for just cause. The student must, within three (3) working days from the date disciplinary action was levied against him/her by the Judicial Officer, complete and submit to the chairperson of the committee a written request for review. The request must set forth specifically the following:

1. Name, address to which appeal information should be mailed

and student telephone number

2. Description, date(s) and place(s) of alleged act(s)

1. Date and by whom discipline was levied
2. Disciplinary penalty assigned and circumstances which he/she feels merit review
3. Objective of the appeal, i.e. reduction of the sanction severity or change in the case decision
4. Signature and date

### **E. Composition and Authority of the Committee on Student Conduct**

The composition of the Committee on Student Conduct shall be two faculty members, two students, and one administrator. A representative from the Vice President for Student Development Office will be present during the hearing.

1. Faculty members are appointed by the Faculty Senate to serve on the Committee on Student Conduct for a period of three consecutive years. A pool of nine (9) faculty members will be appointed, one-third of whom will be replaced each year to preserve continuity of experience.
2. Student participants will be limited to junior, senior and/or graduate students. A pool of nine (9) students shall be selected annually by a committee appointed by the Vice President for Student Development.
3. Administrative members are appointed by the university president. A pool of six (6) will be appointed, two of whom will be replaced each year. No administrative member shall be selected from the Vice President for Student Development Office.
4. The president shall appoint an additional member from the faculty to serve as permanent chair of the committee. The chair may select a co-chair from among the faculty/staff membership of the committee to serve in the event of his/her necessary absence. The chair shall participate fully in the hearing process but shall vote only in case of a tie. All members, except the Vice President for Student Development Office representative, shall have voting privileges.
5. In exigent circumstances, such as during finals week or a holiday, the Vice President for Student Development may appoint an ad hoc committee to fulfill the duties of the Committee on Student Conduct.
6. The permanent chair of the committee and the Judicial Officer shall conduct training for all members of the committee at the beginning of each fall term to familiarize members with the code and other rules, regulations and policies of the University of North Texas. Failure of a committee member to attend training may constitute grounds to nullify the member's appointment and may result in a request that a new appointment be made.
7. For a given case, two faculty members, two students and one administrative staff member will be chosen, based on availability, from the roster of the current committee. The other member is the faculty chair appointed by the President.
8. The Committee on Student Conduct has the authority to summon witnesses. Refusal to obey the summons may subject the student to disciplinary action upon the recommendation of the committee.
9. The Committee on Student conduct has the authority to review disciplinary matters which have been properly brought before the committee in accordance with the procedures stated above. Upon completion of its hearing, the Committee on Student Conduct has the authority to modify, uphold or reverse the disciplinary penalties, if appropriate, or to issue new or different penalties.
10. All member of the Committee on Student Conduct are cautioned of the confidentiality of the committee's entire function and are admonished not to discuss any case with any person, other than authorized persons.

#### **F. Duties of the Chair of the Committee on Student Conduct.**

The chair or co-chair of the committee shall, normally within ten (10) working days after the receipt of a request for hearing complete the following:

1. Request the Judicial Officer to submit a written statement of his/her position to the chair of the committee.
2. Thereafter, notify all committee members of such request and accompany such notice with copies of the student's request and the statement of the Judicial Officer's position.
3. Thereafter, notify the committee, the Judicial Officer and the student of the place, date and time of the committee's meeting for review of the disciplinary action, such meeting to be arranged normally within ten (10) working days of the Judicial Officer's decision, or as soon as practicable. The student shall have notice of such meeting at least three (3) working days prior to the date. Such notices shall include a brief explanation of procedure. The above procedures shall be implemented on a timely basis but may be modified by the chair, if it is in the best interests of the student or university to do so.
4. Summon witnesses on behalf of the Committee on Students Conduct, if the chair determines it is necessary or if so requested by the student and/or the Judicial Officer and where such witnesses are available.
5. Preside over the hearing before the Committee on Student Conduct and assure compliance with appropriate procedures. Hearing procedures may be modified by the Chair if in his/her judgment such deviation is necessary to effectuate justice.



6. Send a written statement to the student within a reasonable time, normally within five (5) working days after completion of the hearing, stating the decisions of the committee and disciplinary penalties, if any.

## **G. Hearing Procedures of the Committee on Student Conduct**

Unless specifically requested in writing at least 48 hours in advance by the student that it be otherwise, the hearing shall be closed to the public. If the accused student requests an open hearing, any student witness may have his/her testimony closed to the public. A tape recording or written summary shall be made of all hearings and retained as a part of the Committee's file. Students will be allowed access to review hearing materials upon written request.

1. A quorum of the committee shall be present during the course of the hearing and must include at least one student. A quorum for the purpose of disciplinary appeal hearings shall consist of at least one faculty member, one administrative staff member and one student appointee, plus the permanent Chair or alternate permanent Chair.
2. The student accused of misconduct and requesting the hearing is expected to attend the hearing. Failure to attend, in the discretion of the Committee on Student Conduct, may result in consideration of the matter with available information and a determination of misconduct penalties, if any.
3. The Chair will open the meeting by introducing the committee members and asking each party if there is an objection to a member. The objection, if any, shall provide a factual basis for the request that a member should not serve. The Chair will decide whether to remove the member based on the objection. In such case, a replacement will be chosen by the Chair if a quorum is not otherwise present to hear the case.
4. The Chair will then advise the student of the Committee's procedures and his/her right to make a statement, call and question witnesses, and have one advisor, of his/her own choosing, present. The advisor can be a member of the University's faculty, a parent, an attorney, or other individual. However, only the student may speak and ask questions on his/her own behalf. If the student has an attorney present to advise, the institutional representative may also bring an attorney from the General Counsel's office for the same purpose.
5. The Committee on Student Conduct may seek the advice of the university's attorney at any time.
6. The Committee may, in its sole discretion, temporarily stay the hearing at any time to summon crucial witnesses, if necessary to effectuate justice.
7. The Chair shall review, in the presence of the student and the Judicial Officer, the allegations against the student for the matter under review.
8. The Chair shall then call upon the Judicial Officer for a formal statement and questioning by members of the committee and the student. The Chair shall then proceed to ask the Judicial Officer if he/she cares to introduce witnesses, in which even the student and the Judicial Officer, as well as members of the committee, shall have the right to question them. Witnesses shall be present in the hearing only during their testimony. The Judicial Officer shall have a maximum of 20 minutes in which to complete the formal statement and introduce witnesses.
9. The Chair shall then call upon the student for a formal statement and questioning by committee members and the Judicial Officer. Also during this time, the student shall introduce witnesses, if he/she so chooses; and, if so, like procedure shall be followed. Witnesses shall be present in the hearing only during their testimony. The student shall have a maximum of 20 minutes to complete the formal statement.
10. After hearing formal statements and all witnesses, the Chair shall ask for a concluding statement, first from the student and then from the Judicial Officer, if they desire to make one. No further questions should be asked during the closing statements.
11. Previous discipline records of the student may not be used in any hearing unless a determination of policy violation has been made. If the committee finds a student in violation, the previous disciplinary record, if any, may then be introduced to be considered in assessing penalties.
12. Legal rules of evidence do not apply to hearings before the Committee on Student Conduct. The standard review is by a preponderance or greater weight of the credible evidence.
13. Following the concluding statements, if offered, the Chair shall request that everyone other than him/herself and the committee leave the room. The Chair shall preside over deliberations and may vote in case of a tie.
14. The committee shall deliberate and voice opinions. A ballot shall be taken to decide whether the student has violated standards of acceptable conduct as governed by this code. A majority vote will control. In the event a majority decision cannot be reached regarding whether the student is or is not in violation of the Code of Conduct, the case may be dismissed or the Judicial Officer may request that a second committee be formed to rehear the case.

15. Upon determining whether a violation has occurred, the Committee shall either dismiss the disciplinary matter or deliberate the misconduct penalties, whichever is appropriate. If misconduct penalties are to be decided, the committee shall consider any penalties recommended by the Judicial Officer and may affirm, modify, or reject such penalties. The committee shall not issue a penalty that is less than the applicable minimum penalty provided in the Code of Student Conduct. In these deliberations, but not before, the committee shall request from the Judicial Officer a statement of prior disciplinary actions, if any, taken against the student. If such previous action exists, the student shall also be present while the Judicial Officer gives his/her statement regarding prior disciplinary action, after which the room shall again be cleared of all but the committee. The Committee's deliberations shall continue until a majority opinion has been obtained.
16. When the Committee's deliberations are concluded, the student, the Judicial Officer, and their respective representatives, if any, shall be called back into the room and informed by the Chair of the Committee's decision.
17. The student's written request for review, the written statement of the Judicial Officer's position, the Committee's decision, and the tape recording or written summary of the hearing, shall, upon completion of the hearing, be made a part of the student's confidential file in the Vice President for Student Development Office.

## **IX. APPEALS OF DECISIONS OF THE COMMITTEE ON STUDENT CONDUCT**

Within three working days after the decision has been made, either or both parties may give notice of appeal to the Vice President for Student Development. The decision will be reviewed upon the basis of the written summary or tape recording of the hearing and/or documents filed and produced at the hearing and/or any witnesses the Vice President for Student Development wishes to call. The Vice President for Student Development may request both parties to submit oral or written arguments to support their positions. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written arguments when appropriate, must be filed with the Vice President for Student Development within three working days after notice of appeal is given. The Vice President for Student Development may approve, reject, or modify the decision in question or may require that the original hearing be re-opened for the presentation of additional evidence and reconsideration of the decision. All decisions by the Vice President for Student Development concerning matters of student disciplinary appeal are final.

## **X. ORGANIZATIONAL DISCIPLINE**

Organizations will follow the same process as outlined above. In addition, Organizations may ask for an administrative review after one year from the date their sanction becomes final. The organization will submit a written request to the judicial officer with documentation supporting such request. The judicial officer may grant, deny or modify the request. Organizations may not appeal the decision of the judicial officer, but may submit subsequent requests for review at annual intervals.

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