

## Student Conduct and Discipline Policy

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### **I. Title**

Student Conduct and Discipline Policy

### **II. Policy**

#### **A. General Provisions**

1. The University of Texas at Arlington (UTA or University) Office of Community Standards strives to uphold and support a high standard of personal and academic integrity for all students in a manner that is consistent with the educational goals and mission of the University, The University of Texas System (UT System) and the University's Honor Code. This is achieved through a conduct process that focuses on personal responsibility and accountability for students' actions and the impact those actions might have on the greater community.
2. The disciplinary process shall be fair, equitable, educational and developmental, supporting the commitment that students become responsible members of the University community.

#### **B. Purpose and Scope**

1. The purpose of this policy is to prescribe the standards of conduct expected of University students, specify disciplinary sanctions which can be imposed when conduct does not conform to the prescribed standards, and establish due process procedures for the imposition of such sanctions.

2. All students are expected to follow federal, state and local laws and regulations, the UT System Board of Regents' *Rules and Regulations*, the rules and regulations of the University, the reasonable orders or instructions issued by administrative officials of the University or the UT System in the course of their duties, and to observe standards of conduct that are appropriate for an educational institution. Any student or organization that engages in conduct that is prohibited is subject to disciplinary action regardless of whether such conduct takes place on or off the campus or whether civil or criminal penalties are also imposed for such conduct.

### **C. Applicability and Jurisdiction**

This policy applies to individual students and student organizations, and states the function of students, faculty members, and administrative staff of the University in disciplinary proceedings.

#### **1. Who is Subject to Discipline**

- a. A student or organization is subject to discipline by the University for violating any standards of conduct on or off of the campus:
  - i. When the incident occurs in connection with a University-oriented activity;
  - ii. When the incident has a substantial connection to the interests of the University; or
  - iii. When the behavior is prohibited by University policy regardless of where it occurs; even if they are, or may be penalized by civil authorities for the same act, including but not limited to: field trips, internships, rotations, or clinical assignments.
- b. University disciplinary action may be instituted against a student charged with conduct that potentially violates both civil/criminal law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. At the discretion of the dean of students, proceedings under this chapter may be carried out prior to, simultaneously with, or following criminal proceedings off campus. Determinations made and sanctions imposed under this chapter will not be subject to change because criminal charges arising out of the same facts that give rise to the violations of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

- c. University disciplinary action instituted under this policy will be based upon the “Preponderance of Evidence” standard.
- d. A student remains subject to discipline for prohibited conduct that occurs while suspended.
- e. A former student who has been suspended or expelled for disciplinary reasons from the University or any UT System institution is prohibited from being on the University campus during the period of such suspension or expulsion without prior written approval of the Vice President for Student Affairs. In a request for such approval, the former student is required to disclose in writing each institution from which the individual has been suspended or expelled and the conduct leading to the disciplinary action.

#### **D. Administration of Discipline**

The dean of students has primary authority and responsibility for the administration of student discipline. The dean of students works cooperatively with the Office of Community Standards, faculty members, and hearing officer(s), in the disposition of academic violations, with appropriate staff members in the disposition of residence hall violations, and with other appropriate staff members in the disposition of other types of violations.

#### **E. Prohibited Conduct**

The University’s expectations for conduct are grounded in the University’s Principles of Community, Code of Conduct and the University Honor Code. While this policy outlines specific examples of prohibited conduct, the University expects from its students a higher standard of conduct than the minimum needed to avoid discipline. The dean of students may initiate disciplinary proceedings against a student who engage in any of the following:

##### **1. General Misconduct**

###### **a. Violation of University, System, and Regent Rules**

Violates any policy, rule or regulation of the University, UT System or The UT System Board of Regents’ *Rules and Regulations*.

**b. Failure to Comply**

Fails to comply with any reasonable order or instruction of an official of the University or the UT System acting in the course of his/her duties.

**c. Interfering with an Investigation**

Interferes with the investigation of the Conduct Officer(s) or disciplinary procedures, including but not limited to:

- i. Falsifying information
- ii. Omitting, destroying relevant evidence or documentation;
- iii. Compelling or coercing another student to interfere with the investigation and/or disciplinary procedures; or
- iv. Directly contacting a Hearing Officer or Appeal Official during the disciplinary proceeding.

**d. Property Damage**

Damages, defaces, mutilates, destroys, or takes possession of any property, equipment, supplies, buildings, or facilities owned or controlled by the University, the UT System, or any other third party without authorization.

**e. Unauthorized Use of Property**

Engages in the unauthorized use (including unauthorized entry) of property, equipment, supplies, buildings, or facilities owned or controlled by the University or UT System.

**f. Providing False or Misleading Information**

Alters or assists in the altering of any official University or UT System record or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official University or UT System record, or gives false information or withholds material information in response to an inquiry made by an official of the University or the UT System acting in the course of his or her duties; or alters or assists in the alteration of any official nonacademic record or document, including parking permits, tickets, University issued identification, or similar acts. The sanction for a former

student who engages in such conduct may include a bar against readmission, revocation of degree, and withdrawal of diploma.

**g. Unauthorized Use of University Property**

Accesses, utilizes, or participates with others in the access or use of any University, UT System property, including keys, equipment, resources, records, supplies, buildings, or facilities, including unauthorized entry into property, buildings, or facilities owned or controlled by the University or UT System.

**h. Unauthorized Use of University Technology**

Engages in an inappropriate or disproportionate use of an information technology resource owned or controlled by the University or the UT System or uses an information technology resource for an illegal, threatening, or intentionally 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, accessing or using information for an improper purpose, and using resources for personal financial gain or profit.

**i. Hazing**

- i. Engages in any intentional, knowing, or reckless act, occurring on or off campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated to, affiliating with, holding office in, or maintaining membership in any university student organization, group, or team whose members are or include students at an educational institution.
- ii. The term hazing includes, but is not limited to any type of physical brutality, physical activity, activity involving consumption of food, liquid, drugs, or alcohol, activity that intimidates or threatens the student, or any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Texas Education Code [§ 51.936](#).

- iii. Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.
- iv. Hazing in state educational institutions is prohibited by State law (Tex. Ed. Code § 51.936 and §§ 37.151 - 37.157). In an effort to encourage reporting of hazing, UTA may grant immunity from student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

**j. Illegal Drug Use and/or Possession**

Engages in the use, manufacture, possession, sale, or distribution of any illegal drug or narcotic, or the possession and/or use of paraphernalia associated with an illegal drug, or the use of any substance (e.g., nitrous oxide, glue, paint, etc.) in a manner other than prescribed or directed with the intent to alter a student's mental state.

**k. Alcohol Misconduct**

- i. Engages in unauthorized use or possession of any intoxicating beverage including, but not limited to, minor in possession, minor in the presence, public intoxication, allowing minors access, driving under the influence or while intoxicated, or any violation of UTA's alcohol policies.
- ii. The University, in support of the Texas Alcoholic Beverage Commission amnesty policy, affords amnesty to a student seeking aid in a medical emergency if the student (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the

first person to make the request for medical assistance; and (3) if the student requested emergency medical assistance for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel.

**I. Local, State, or Federal Law Violations**

Engages in any conduct that constitutes a violation of a federal, state, or local law or regulation regardless of whether the conduct results in the imposition of the penalty prescribed by the federal, state, or local law.

**m. Firearms, Dangerous Material and Prohibited Items**

Possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or other item that could be used as a weapon, including but not limited to: sticks; poles; clubs; swords; shields; body armor or make shift body-armor; masks; helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor; without written permission from the dean of students or that are not required for academic purposes, in or on a University building or facility owned or controlled by the University or UT System except as may be authorized by federal, state, or local law.

**n. Individual and/or Group Disturbance**

Engages in speech, either oral or written, or advocacy of such, that violates the University's Policy on Free Speech, Expression, and Assembly.

**o. Disruptive Conduct**

- i. Engages in behavior that would be deemed by a reasonable person to be disruptive in nature.
- ii. Disruptive behavior includes, but is not limited to: engaging in or attempting to engage in conduct, either alone or in concert with others, that is intended to obstruct, disrupt, or interfere with, or that in fact obstructs, disrupts, or interferes with any instructional, educational, research, administrative, disciplinary, or public service activity or program, or any athletic event or public performance or other activity authorized to be conducted in or on campus or on property or in a

building or facility owned or controlled by the University or UT System.

- iii. Obstruction or disruption may include noise violations, any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, or computer equipment, software, records, or networks, or any behavior which results in the inappropriate utilization of University resources.
- iv. In the case of disruptive conduct on the campus of the University, neither the dean of students nor the president nor any representative of them will negotiate or attempt to negotiate with any person or persons so engaged. When such a situation arises, the dean of students or the president, or their representative, will take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention, and may initiate disciplinary proceedings under this policy. See UT System Board of Regents' *Rules and Regulations*, Rule [40502](#) *Negotiations Related to Disruptive Activities Prohibited* for more information.

**p. Violent Conduct**

Engages in physical abuse or threat of physical abuse of any person whether on or off campus.

**q. Violation of Suspension**

Engages in any behavior prohibited by the terms of suspension (outlined in formal notification of suspension) that takes place during the period of suspension.

**r. Harmful Behavior**

Engages in conduct that endangers the health or safety or welfare of any student or employee of the University, or of visitors to the campus.

**s. Sex Discrimination and Sexual Misconduct**

- i. Engages in any violation of the University's Sexual Harassment and Sexual Misconduct Policy. See UTA Policy [EI-PO-08](#) *Sexual Misconduct Policy*.

- ii. The University affords amnesty to victims reporting sexual assault or other violent crimes. For details on this policy contact the Title IX Coordinator ([titleix@uta.edu](mailto:titleix@uta.edu)).

**t. Harassment**

Violations of the University's harassment policy [GA-PA-PO-01 University Policy on Free Speech, Expression, and Assembly](#).

**u. Privacy Violation**

Engages in surveillance or recording of any type without the subject's knowledge or consent in areas where there is a reasonable expectation of privacy and/or the broadcasting or distribution of such material.

**v. Retaliation**

Retaliates against a person who reports a potential violation of this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the University.

**2. Academic Misconduct**

Engages in academic dishonesty, including but not limited to: cheating, plagiarism, and collusion on an examination or an assignment being offered for credit. Each student is accountable for work submitted for credit, including group projects;

**a. Cheating**

Cheating on an examination or an assignment includes:

- i. Copying the work of another, allowing someone to copy, engaging in written, oral or any other means of communication with another, or giving aid to or seeking aid from another when not permitted by the instructor;

- ii. Using, attempting to use, or possessing material during an examination or when completing an assignment that is not authorized by the person giving the examination or making the work assignment, including, but not limited to, electronic or digital devices such as calculators, cell phones, smart watches, camera phones, scanner pens, personal digital assistants, or flash drives, etc.;
- iii. Taking or attempting to take an examination for another, or allowing another to take or attempt to take an examination for a student;
- iv. Using, obtaining, or attempting to obtain by any means, the whole or any part of an examination or work assignment that is not provided for your use by your instructor or materials designated for instructor use only;
- v. Resubmission of work which has previously been submitted for course credit at any educational institution, unless prior approval is received from both faculty;
- vi. Posting or uploading unauthorized materials, including but not limited to: exams, lab reports, or papers to a public forum in exchange for money;
- vii. Falsifying research data, laboratory reports, other academic work offered for credit, or other work completed that satisfies an assignment or course requirements; or
- viii. Any act designed to give unfair advantage to a student or the attempt to commit such an act.

**b. Plagiarism**

Plagiarism means the unacknowledged incorporation of the work of another in work that is offered for credit.

**c. Collusion**

Collusion means the unauthorized collaboration with another in preparing work that is offered for credit.

## **F. Initiation of Disciplinary Charges**

### **1. Investigation and Preliminary Action**

#### **a. Disciplinary Process**

- i. The Office of Community Standards will investigate allegations that a student has engaged in conduct that violates this policy. If there is a more specific policy that specifies the procedures for investigation, such as the Sexual Misconduct Policy, that policy will govern. However, all the powers provided herein to the Office of Community Standards for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades and degrees are delegated to the investigator designated in that policy.
- ii. The investigation is intended to be tailored reasonably and appropriately to the facts and circumstances of the particular case. Typically, it will include interviews with the complainant, the respondent, and witnesses. Interviews may be supplemented by the gathering of physical, documentary, or other evidence within reason and under the circumstances of the particular case. As part of the investigation, the University will provide the parties an opportunity to present witness testimony and other relevant evidence. In sum, the investigation is intended to provide for the reasonable gathering of reliable and relevant facts. It is intended to be thorough, prompt, impartial, and respectful of the individuals involved. The investigation process will endeavor to respect, within reason, the privacy of individuals involved which unless prohibited by law, may include the utilization of pseudonym situations where there is concern for the safety of any party.
- iii. The investigation and disciplinary action may proceed regardless of whether action is taken by other authorities. The Office of Community Standards may contact a student for a meeting for purposes of the investigation and/or to discuss the allegations or may summon any student as provided for herein for an administrative meeting. After an investigation the Conduct Officer may:
  - 1) Dismiss the allegations;

- 2) Proceed administratively as provided for herein;  
or
- 3) Proceed with notice and hearing.

**b. Summoning a Student**

- i. The Office of Community Standards may summon any student for the purposes of the investigation and/or discussion of allegations that the student has engaged in conduct that may result in disciplinary action.
  - 1) The written request shall specify a place for the meeting and a time:
    - a) At least three weekdays after the date of the written request if the request is sent regular mail; or
    - b) At least two weekdays after the date of the request if the request is sent by email or hand delivered.
  - 2) The written request may be:
    - a) Mailed to the student at the address appearing in the Registrar's records;
    - b) E-mailed to the student at the student's University issued email address; or
    - c) May be hand delivered to the student.
- ii. If a student fails to appear without a valid reason, the Office of Community Standards may bar or cancel the student's enrollment or place a hold on registration until the student appears or responds to the summons or may proceed with the disciplinary procedures in the absence of the student.
- iii. The failure of the student to maintain a current address with the Registrar; to refuse to accept a registered or certified letter; or failure to read mail or email shall not be a valid reason for failure to comply with a summons letter.

**c. Administrative Disposition**

- i. The Conduct Officer will review the evidence, determine whether to proceed with charges, and if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Conduct Officer will offer the student the opportunity to respond to the charges and review available evidence supporting the charges.
- ii. In any case where the accused student elects not to dispute the alleged facts upon which the conduct violations are based and agrees to the sanctions the Conduct Officer proposes, the student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.
- iii. In any case where the accused student elects not to dispute the facts upon which the charges are based, but does not agree with the sanctions proposed by the Conduct Officer, the student may execute a written waiver of the hearing procedures, yet retain the right to appeal the decision of the Conduct Officer only on the issue of sanction(s). This appeal will be heard by an employee designated and trained as an appeal official, and must be made in writing and submitted to the Assistant Dean of Students within five calendar days of the decision being rendered.
- iv. In any case alleging a violation of the Sexual Misconduct Policy the case will proceed as specified in the Sexual Misconduct Policy unless both the accused and complainant agree to participate in the Title IX informal resolution process.

**d. Challenging the Disciplinary Action**

- i. Cases in which the proposed sanction(s) involve suspension or expulsion:

In those cases in which the Conduct Officer proposes suspension, including suspension of rights and privileges, or expulsion as a sanction, the charges shall be heard and determined by a fair and impartial Hearing Officer. However, a student may elect to sign

an administrative disposition waiving the right to the hearing, but reserving the right to appeal only the sanction. Such an appeal regarding the sanction must be made in writing and submitted to the Assistant Dean of Students within five calendar days of the decision being rendered. The Assistant Dean will assign the appeal to an employee designated and trained as an appeal official. In cases where a student alleged to have violated the Sexual Misconduct Policy, the case will proceed before a Hearing Officer unless both the accused and the complainant agree to participate in the Title IX informal resolution process.

- ii. Cases in which neither suspension, nor expulsion is proposed by the Conduct Officer:

The Conduct Officer will inform the student in writing of the charges, evidence, findings, and the proposed sanction(s) and allow the student an opportunity to meet with the Conduct Officer to provide evidence on their behalf. The student maintains the right to appeal the finding of the Conduct Officer and/or the proposed sanctions. This appeal must be made in writing and submitted to the Assistant Dean of Students within five calendar days of the decision being rendered. The Assistant Dean will assign the appeal to an employee designated and trained as an appeal official.

**e. Interim Disciplinary Action**

- i. With the exception of discipline resulting from an alleged violation of the University Sexual Misconduct Policy, after an initial assessment of the allegations and evidence by the investigator, pending a hearing or other disposition of the allegations against a student, the Office of Community Standards may take such immediate interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the University.
  - 1) This includes, but is not limited to, suspension and a bar from the campus when it reasonably appears to the Vice President for Student Affairs or designee from the circumstances, that the continuing presence of the student poses a potential danger to persons or property or a

potential threat to disrupt an authorized program or activity of the University.

- 2) The Office of Community Standards may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated this policy that would reasonably allow the imposition of such sanction.
  - 3) The Office of Community Standards may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appeal rights if the Office of Community Standards has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Director of the Office of Community Standards the best interests of the University would be served by this action.
- ii. Interim discipline for allegations under the University Sexual Misconduct Policy require:
- 1) An individualized safety and risk analysis;
  - 2) A determination that the student poses an immediate [imminent] threat to the physical health or safety of anyone justifying removal;
  - 3) The threat arises from the allegations of sexual harassment; and
  - 4) Provide opportunity for respondent to challenge removal immediately thereafter.
- iii. When interim disciplinary action is imposed, the student is entitled to administrative disposition of the allegations or a hearing before a Hearing Officer. A hearing following interim disciplinary action will generally be held within ten days after the interim disciplinary action was taken. However, at the discretion of the Director of the Office of Community Standards the ten day period may be shortened, or extended for a period not to exceed an additional ten days.

- iv. Notwithstanding the above, the Office of Community Standards may withhold the issuance of an official transcript, graduation, diploma, or degree to a student alleged to have violated this policy which would reasonably allow the imposition of such sanction.
- v. The Office of Community Standards may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Conduct Officer has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Director of the Office of Community Standards the best interests of the University would be served by this action.

## **2. Discipline by Faculty**

A faculty member will initiate and follow reporting procedures of the Office of Community Standards if they believe that a student has engaged in a violation of the University's policy on academic dishonesty.

- a. If the alleged violation occurred during a course which the student is enrolled in, faculty members should take the following actions after meeting with students or referring them to the Office of Community Standards for adjudication:
  - i. If the student does not dispute the facts upon which the allegation of academic dishonesty is based and executes a written waiver of the hearing procedures, the faculty member may assess an academic penalty and refer the case to the Office of Community Standards for assessment of a disciplinary sanction(s). The student may appeal the disciplinary sanction assessed. The appeal is limited to the issue of the disciplinary sanction(s).
  - ii. If the student disputes the facts upon which the allegation of academic dishonesty is based, or the faculty member does not meet with the student, the faculty member will refer the matter to the Office of Community Standards and issue an incomplete grade until the disciplinary process is complete.
  - iii. If the student is not enrolled in the course during the term when the alleged violation of academic dishonesty arises, the faculty member will refer the

case to the Office of Community Standards for assessment of a disciplinary sanction(s). The faculty member may not impose an academic penalty in a course that was previously completed or in a separate course that the student is enrolled in.

## **G. Hearing Process**

In those cases, in which the accused student disputes the facts upon which the charges are based, and the disciplinary penalty imposed involves Suspension or Expulsion, such charges shall be heard and determined by a fair and impartial Hearing Officer.

### **1. Interim Disciplinary Action Accelerated Hearing**

When interim disciplinary action has been taken by the Office of Community Standards, the student will be given the opportunity to have a hearing of the charges within ten days after the interim disciplinary action was taken. However, at the discretion of the Conduct Officer, the ten-day period may be shortened, or extended for a period not to exceed an additional ten days.

### **2. Notice of Hearing**

- a. Except in those cases where immediate interim disciplinary action has been taken, the accused student will be given at least ten days written notice of the date, time, and place for such hearing and the name of the Hearing Officer(s).
- b. The notice will include a statement of the charge(s), names of witnesses if any and a summary of their testimony, and a summary statement of the evidence supporting such charge(s).
- c. The notice will advise the accused student of his or her rights:
  - i. To a private hearing;
  - ii. To appear in person and to have an advisor at the hearing;
  - iii. To challenge the appointment of the Hearing Officer(s) designated to hear the charges;
  - iv. To know the identity of each witness who will testify against him or her;

- v. To present testimony of witnesses, to present documentary and other evidence, and to argue on his or her own behalf;
- vi. To cross-examine each witness who appears at the hearing and testifies against him or her.
- d. The notice may be delivered in person to the student, emailed to the student's university email, or mailed to the student at the address appearing in the registrar's records.
- e. 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.
- f. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Conduct Officer. If the hearing is postponed it is responsibility of the accused student and the Conduct Officer to notify their respective witnesses.
- g. In cases involving alleged violations of the University's Sexual Misconduct Policy the notice will be provided to both the complainant and respondent and the Title IX Coordinator.

### **3. Impartiality of the Hearing Officer(s)**

- a. In the appointment of a Hearing Officer, the Office of Community Standards will attempt to identify possible conflict of interest or bias between the Hearing Officer and all parties.
- b. The accused student may challenge the impartiality of a Hearing Officer(s). The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer(s) through the Office of Community Standards at least four days prior to the hearing. The Hearing Officer(s), in consultation with the Director of Student Conduct, will be the sole judge of whether he or she can serve with fairness and objectivity. In the event a Hearing Officer(s) disqualifies himself or herself, a substitute will be chosen in accordance with this policy.

### **4. Duties of Hearing Officer(s)**

- a. The Hearing Officer(s) is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer(s) rule on all procedural matters and on objections

regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of University legal counsel.

- b. The Hearing Officer(s) will render and send to the Office of Community Standards 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(s) will assess disciplinary action and/or sanctions specified herein. Upon a finding of non-responsibility, the case will be dismissed.

## **5. Pre-Hearing Matters**

- a. Charges against more than one student that arise out of a single incident or occurrence may, at the discretion of the Director of Student Conduct, be heard together. A student may request a separate hearing which the Hearing Officer may grant upon finding that a student has shown good cause for a separate hearing.
- b. At least five days before the hearing date, the accused student will furnish the Conduct Officer with a list of any witnesses who may testify on behalf of the student, together with a summary of each witness's testimony and a copy of any documents and other evidence the witness may offer. The student may supplement the list of witnesses and documents for good cause or offer evidence in rebuttal to evidence provided by the Conduct Officer, as determined by the Hearing Officer.
- c. At least five days before the hearing date, the Conduct Officer will furnish the accused student with a list of any witnesses who may testify on behalf of the University, together with a summary of each witness's testimony and a copy of any documents and other evidence the witness may offer. The University may supplement the list of witnesses and documents for good cause or offer evidence in rebuttal to evidence provided by the accused student, as determined by the Hearing Officer.
- d. At least five days before the hearing date, the student will furnish the Hearing Officer with any objection that, if sustained, would postpone the hearing; the name of the advisor, if any, who will appear with the student, and the advisor's relationship to the student; and a request for a separate hearing, if desired, and the grounds for such a

hearing (if the Director of Student Conduct has designated that the hearing will be a joint hearing).

## **6. Hearing Procedures**

- a. The hearing will proceed generally as follows, although the Hearing Officer may adjust the sequence of the hearing as necessary to ensure fairness:
  - i. The Hearing Officer will read aloud the charges against the accused student, explain the rights of the parties, and answer questions from the parties concerning the procedures to be followed.
  - ii. The Conduct Officer and the accused student are each given the opportunity to make an opening statement. The accused student has the right to reserve his or her opening statement until after the Conduct Officer has presented the University's case.
  - iii. The Conduct Officer is given the opportunity to present the University's witnesses and evidence. During this time, the accused student may question any of the Conduct Officer's witnesses.
  - iv. The accused student is given the opportunity to present his or her witnesses and evidence. During this time, the Conduct Officer may question any of the accused student's witnesses.
  - v. The Conduct Officer and the accused student are each given the opportunity to present rebuttal evidence and argument.
  - vi. The Conduct Officer is given the opportunity to present a recommendation on a sanction or sanctions.
  - vii. The accused student is given the opportunity to present a rebuttal and recommended outcome or sanctions.
  - viii. The Conduct Officer is given the opportunity to present a closing statement.
  - ix. The accused student is given the opportunity to present a closing statement.
  - x. The Hearing Officer closes the hearing.

- b. In cases alleging violation of the Sexual Misconduct Policy, the hearing procedures will follow those established in the Sexual Misconduct Policy. Each party shall have 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 Conduct Officer's advisor may be an attorney from the University or an attorney from the UT System Office of General Counsel. An advisor may confer with and advise the Conduct Officer or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer(s).
- c. The Conduct Officer may recommend a sanction to be considered by the Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Conduct Officer. The accused student shall be entitled to respond to the recommendation of the Conduct Officer.
- d. The hearing will be recorded by the Office of Community Standards. No other camera or photographic equipment of any kind, nor any equipment that may be used to record or transmit sound, shall be permitted to be used in the hearing room or in the hallway immediately outside of the hearing room during the hearing process.
- e. The Hearing Officer has full discretion in maintaining the decorum of the hearing. If at any point the Hearing Officer determines that any person(s) in attendance at the hearing causes or contributes to any disruption, disturbance, or distraction of the hearing, such person(s) shall be required to leave the hearing room.
- f. If the accused student fails to appear at the time and place scheduled for the disciplinary hearing, the hearing shall proceed in the absence of the student and without benefit of their testimony.

## **7. Burden of Proof**

The Conduct Officer shall have the burden of establishing the truth of the charges against the accused student by the preponderance of the evidence. The term preponderance of the evidence means the greater weight of the credible or believable evidence.

## **8. Witnesses**

- a. Each witness will be requested by the Hearing Officer to swear or affirm that the testimony they will give will be true.
- b. The witnesses will be removed from the hearing room to a location where they cannot hear the testimony given by any other witness in the hearing. This process is called placing the witnesses under the rule. Neither party will be placed under the rule. Witnesses placed under the rule will be instructed by the Hearing Officer not to converse about the case or their testimony with each other or with any person other than the parties or their respective advisor, and that they are not to read any report of or comment upon the testimony given at the hearing while under the rule. Violation of such instructions will result in the imposition of such sanction as the Hearing Officer may deem appropriate, including the exclusion of the testimony of the witness.

## **9. 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 documentary or objective exhibits offered by the parties and admitted by the Hearing Officer.
- b. The Hearing Officer is the sole judge of the admissibility of evidence, the credibility of the witnesses, the weight to be given to the evidence, or any inference drawn there from. The Hearing Officer may ask such questions of witnesses or the parties as may be deemed appropriate to ascertain the facts or to aid the Hearing Officer in deciding the admissibility of evidence, the credibility of a witness, or the weight to be given to evidence admitted.
- c. 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 and that party shall be given the opportunity to object to the admission of the exhibit.
- d. Either party may object to the admission of evidence upon any ground deemed appropriate. The Hearing Officer will rule upon such objections and either admit or exclude the evidence.

- e. Evidence which is irrelevant, immaterial, or unduly repetitious will be excluded by the Hearing Officer upon objection of either party.

## **10. Decision**

The Hearing Officer must within ten days render a written decision to the Office of Community Standards that contains findings of fact and a conclusion as to whether the student is responsible for the violations charged. Upon a finding of responsibility, the Hearing Officer shall assess disciplinary sanctions as specified in this policy. The Office of Community Standards will provide a copy of the decision to the student and information regarding appeal rights within twenty-one days of the hearing. The decision may be mailed to the student at the address appearing in the Registrar's records, emailed to the student at the student's University issued email address, or may be hand delivered to the student.

## **H. Disciplinary Outcomes**

### **1. Disciplinary Actions**

#### **a. On Notice**

The student is formally notified of the University's policy related to an alleged violation.

#### **b. Official Warning**

The student is formally warned that their behavior was found to be a violation of University policy.

#### **c. Disciplinary Probation**

The student's status is between "good standing" and dismissal from the institution, further violations will likely result in suspension or expulsion. Disciplinary probation may limit a student's ability to be involved in campus life (student organizations, study abroad, etc.). Disciplinary probation results in a seven-year reportable disciplinary record.

#### **d. Bar Against Readmission**

An individual is ineligible to re-enroll at the University during the period of the bar.

**e. Suspension**

A student may not attend any courses and may not enter in or on University property or facilities, except in response to an official summons from the Office of Community Standards during the period of suspension. Suspension creates a permanent reportable record and is noted on the official transcript during the term of suspension. Students who are currently enrolled will be administratively withdrawn from all courses, and a refund will not be issued. The notation can be removed upon the request of the student when all conditions of the suspension are met.

**f. Expulsion from the University**

**g. A student is administratively withdrawn from any current courses and a permanent bar against readmission and a bar from campus are imposed. Expulsion creates a permanent reportable record and a permanent transcript notation. An expulsion notation may be removed at the determination and discretion of the University after a formal request to lift the notation has been made by the involved student to the Office of Community Standards  
Revocation of Degree and Withdrawal of Diploma**

A student is found responsible for a violation after the conferral of degree and awarding of diploma, which had the student been found responsible prior to, the student would not have been permitted conferral of a degree. Appropriate licensing boards/agencies are notified when this occurs. This creates a permanent reportable record and a permanent transcript notation.

**h. Withholding of Grades, Official Transcript, and/or Degree**

This action may be taken pending the results of the disciplinary process or upon outcome of the hearing.

**i. Interim Disciplinary Action**

Immediate action is being taken by the Office of Community Standards pending the disposition of the formal hearing.

**2. Disciplinary Sanctions**

The following sanctions may be assigned to students in addition to the actions outlined above:

**a. Educational Programs or Activities**

Developed to expand the student's understanding of the regulation or policy and/or to help the student learn more about himself/herself in relation to the policy or violation.

**b. Community Service**

A student may be assigned to complete hours of community service at a registered non-profit agency of their selection.

**c. Parental Notification**

As permitted by FERPA, the Office of Community Standards may contact parents for students found responsible for alcohol or drug related violations.

**d. Restitution or Reimbursement**

Requires a student to make restitution or reimburse the University for loss or damage to, or unauthorized taking or use of, property owned or controlled by the University or any other third party when the conduct of the student has resulted in such loss or damage. The student shall be advised of the amount of the loss or damage, and it may either be charged to the student's University account or submitted by the student to the Office of Community Standards via cashier's check by a deadline specified.

**e. Grading Penalty**

Students may be assigned a grading penalty in association with a finding of responsibility in an academic dishonesty violation. This grading penalty is determined by the faculty member of record for the course in which the violation occurred.

**f. Suspension of Rights and Privileges**

The student is not eligible to participate in official events or activities of the University or the UT System, whether athletic or non-athletic, will not be permitted to join a registered student organization or participate in any meetings or activities of a registered student organization of which they may already be a member, and/or will not be appointed or elected to or continue to function in any office or position within student government or the student newspaper, and/or may not be inducted into or continue to participate as a

member of an honorary or service organization. Student may also be barred from entering specified buildings or restricted from using particular facilities during the period of suspension. Students may be barred from residing in and entering all University owned or controlled housing, residence halls, or apartments.

**g. Other Sanctions as deemed appropriate under the circumstances.**

**I. Appeal Process**

A student may appeal a disciplinary action taken by the Office of Community Standards that creates a reportable disciplinary record which includes disciplinary probation, suspension, expulsion, degree revocation, and a bar from re-admission. Either the Office of Community Standards or the student may appeal the decision of the Hearing Officer(s). An appeal will be in accordance with the following procedures:

**1. Appeal Procedures**

- a. The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the Assistant Dean of Students with a copy to the other party.
- b. The grounds of appeal are limited to the following:
  - i. Procedural error of the investigation, the Hearing Officer(s), and/or Conduct Officer;
  - ii. Alleged bias of the Conduct Officer(s) and/or Hearing Officer(s);
  - iii. Previously unavailable evidence; and
  - iv. The severity of the disciplinary action and/or sanctions assigned.
- c. The appeal must be received no later than five days after the appealing party has been notified of the sanction assessed by the Conduct Officer or the decision of the Hearing Officer(s). If the notice of sanction assessed by the Conduct Officer or the decision of the Hearing Officer(s) is sent by mail, the five day period will begin three days after the date of mailing.
- d. The non-appealing party may submit a response to the appeal, which must be received by the Assistant Dean of

Students no later than seven days after receipt of the appeal, with a copy to the other party.

- e. The Assistant Dean of Students or their designee will conduct an initial review of the appeal to determine it meets the timelines and grounds for appeal under this section. If not, the Assistant Dean will notify the student and that will conclude the appeal.
- f. If the appeal meets all requirements the Assistant Dean will assign the appeal to be heard by an employee trained as an appeal official ("Appeal Official"). An appeal of the sanction assessed by the Conduct Officer will be reviewed solely on the basis of the written argument of the student and the Conduct Officer. The Office of Community Standards will submit the record from the hearing to the Appeal Official as soon as it is available. At the discretion of the Appeal Official, both parties may present oral argument in an appeal from the decision of the Hearing Officer(s).
- g. In cases alleging violation of the Sexual Misconduct Policy, the appeal procedures will follow those established in the Sexual Misconduct Policy.

## **2. Appeal Official Impartiality**

The appealing or non-appealing party may challenge the impartiality of the Appeal Official. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Appeal Official through the Office of Community Standards at least four days after notification of the Appeal Official appointment is sent. The Appeal Official, in consultation with the Director of Student Conduct, will be the sole judge of whether he or she can serve with fairness and objectivity. In the event an Appeal Official disqualifies himself or herself, a substitute will be chosen in accordance with this policy.

## **3. Appeal Official's Authority**

At the request of the Appeal Official, the recording of the hearing may be transcribed and both parties will be furnished a copy of the transcript. The Appeal Official 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.

#### **4. Communication of Decision**

The appeal decision shall be communicated in writing to the student(s) and the Office of Community Standards within twenty-one days after the appeal and related documents have been received. The decision of the Appeal Official is the final review.

#### **5. Effect of Appeal Upon Disciplinary Action**

- a. An appeal of the decision of the Conduct Officer or the Hearing Officer(s) shall temporarily hold any disciplinary action/sanctions pending the final appeal decision except when interim disciplinary action has been taken.
- b. When the decision of the Conduct/Hearing Officer is upheld, any previously determined dates associated with the sanctions/actions imposed may be adjusted as a result of the appeal timeline at the discretion of the Appeal Official.

#### **J. Disciplinary Record**

The University will 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 will be maintained for seven years unless the record is permanent in conjunction with the above stated sanctions. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. This disciplinary record shall be maintained by the Office of Community Standards. It shall be treated as confidential and shall not be accessible to anyone other than University officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

#### **K. Timelines**

1. All timelines stated herein may be extended or shortened by the University for good cause provided that there is no detriment to the investigation, the complainant or the accused. To the extent possible, investigators and decision makers are encouraged to process complaints expeditiously, while maintaining the integrity of the investigation. Circumstances that may prolong the process may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. Best efforts will be made to complete the process in a timely manner by balancing

principles of thoroughness and fundamental fairness with promptness.

2. At the request of law enforcement, the University may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact gathering is not completed in a reasonable time.

#### **L. Title IX Investigations**

1. Allegations of violations of the University's Sexual Misconduct policy shall be investigated in accordance with the Sexual Misconduct Policy), and any disciplinary action will be resolved as set forth in the Sexual Misconduct Policy.
2. The University Title IX Coordinator may provide guidance throughout the discipline process to ensure policy and federal laws are followed. Based on the outcome of the investigation and/or hearing, the Title IX coordinator or their designees will take appropriate measures designed to end the type of misconduct, prevent its recurrence, and address its effects.

### **III. Definitions**

**Administrative Disposition:** A document signed by the student and the Conduct Officer which includes a statement of the disciplinary charges, the findings, the sanction, and a waiver of the hearing procedures and possibly a waiver of appeals under UT System Board of Regents' *Rules and Regulations*, [Rule 50101](#), and institutional rules regarding student discipline

**Campus:** All real property, buildings, or facilities owned or controlled by the institution

**Conduct Officer:** The administrative officer or officers responsible for the administration of the disciplinary process at each institution. The Conduct Officer acts under the direction of the Vice President for Student Affairs.

**Day:** A calendar day, except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations

**Hearing Officer:** An individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Vice President for Student Affairs to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s).

**Student:** A person who is currently enrolled at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus, or who engaged in prohibited conduct at a time when he or she met the above criteria. For the purposes of this chapter, individuals who are not currently enrolled at the University remain subject to the disciplinary process for conduct that occurred while they were enrolled.

**Vice President for Student Affairs:** The administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule.

**Weekday:** Monday through Friday, excluding any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations.

#### **IV. Relevant Federal and State Statutes**

Tex. Ed. Code §§ [37.151-37.157](#)

Tex. Ed. Code § [51.936](#) *Hazing*

#### **V. Relevant UT System Policies, Procedures and Forms**

UTA Policy [EI-PO-06](#) *Consensual Relationships*

UTA Policy [EI-PO-08](#) *Sexual Misconduct Policy*

UTA Policy [GA-PA-PO-01](#) *University Policy on Free Speech, Expression, and Assembly*

UT System Board of Regents' *Rules and Regulations* Rule [40502](#) *Negotiations Related to Disruptive Activities Prohibited*

UT System Board of Regents' *Rules and Regulations* Rule [50101](#) *Student Conduct and Discipline*

#### **VI. Who Should Know**

All students, faculty, and faculty administrators.

**VII. UTA Office(s) Responsible for Policy**

**Responsible Officer:** Vice President for Student Affairs

**Sponsoring Department:** Office of Community Standards

**VIII. Dates Approved or Amended**

July 10, 2012

November 10, 2020

January 29, 2013

June 8, 2021

March 2, 2015

August 15, 2023

**IX. Contact Information**

All questions regarding this policy should be directed to:

The Office of Community Standards

[conduct@uta.edu](mailto:conduct@uta.edu)

817-272-2354

Send notifications of errors or changes to: [policysite@uta.edu](mailto:policysite@uta.edu)