



## APPENDIX

## Student Conduct Code

### 1. General Rules and Procedures

Individuals who choose to enroll at Tarleton State University assume responsibility for following student rules and regulations reasonably imposed by the university. University student rules and regulations establish academic requirements and community expectations. Tarleton State University students should uphold university standards. The Student Conduct Code is a guide for students to understand roles, responsibilities and procedures when behavior is in question. Tarleton will use the Student Conduct Code as the official guide for addressing student behavior from an educational disciplinary approach or, in extreme circumstances, to sever the student from the academic community.

Any question on interpretation regarding the Student Conduct Code will be determined at the sole discretion of the Vice President for Student Engagement & Success or designee.

### 2. Terminology and Definitions

Only for purposes of this Student Conduct Code, the following terms and definitions will apply. The Vice President for Student Engagement & Success or designee reserves the right to interpret and enforce Tarleton Student Conduct Code.

**2.1 'Academic dishonesty'** includes, but is not limited to, cheating on an examination or other academic work, plagiarism, unauthorized collusion, and/or the abuse of resource materials.

**2.2 "Accused Student"** means any student accused of violating this Student Code.

**2.3 'Complainant'** means any person who submits a charge alleging that a student violated this Student Code. When a student believes that she/he has been a victim of another student's misconduct, the student who believes he/she has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community submitted the charge itself.

**2.4 'Faculty member'** means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty, which includes full time instructors and adjunct instructors.

**2.5 'Individual(s)' or 'person(s)'** includes any person who is or is not affiliated with the university.

**2.6 'Office of Student Judicial Affairs'** refers to the designated department charged with oversight of the Student Conduct Code and all other applicable rules and procedures that governs currently enrolled student behavior.

**2.7 'Official University functions'** includes any event that the university has sponsored or permitted to take place, whether on or off campus.

**2.8 'Organization'** means any student group that has been deemed an official organization by the university. This includes any athletic or non-athletic extracurricular group.

**2.9 'Outcome'** refers to consequence imposed when found responsible for a Student Conduct Code violation.

**2.10 'Student'** includes all persons who have accepted his/her offer of admission, and/or who are taking courses at the university, either full-time or part-time, pursuing undergraduate, or professional studies and who is either currently or was enrolled the previous semester and registered for a future semester. Persons who withdraw after allegedly violating the Student Code of Conduct, or who are not officially enrolled for a particular term, but who have continuing relationship with the university, are considered students. In addition, persons who are living in university residence halls and apartments, although not enrolled in the institution, are also considered students for the purpose of enforcing this Code.

**2.11 'Student Conduct Administrator'** is the Vice President for Student Engagement & Success or designee to administer review of student conduct.

**2.12 'University'** means Tarleton State University and includes all Tarleton campuses.

**2.13 'University community'** includes the community where the university or its facilities are located and/or areas temporarily controlled by the university.

**2.14 'University premises'** includes any buildings or grounds owned, leased, operated, controlled, or supervised by the university. Students should be advised that this includes properties that are not a part of the university campuses. Examples of these areas include, but not limited to, donated research sites.

**2.15 'University official'** includes any person employed by the university performing assigned administrative or professional responsibilities.



### 3. Student Conduct Authority

**3.1** The Vice President for Student Engagement & Success or his/her designee shall develop procedures for the administration of the student conduct system and for the implementation of Student Conduct Conferences that are consistent with provisions of the Student Conduct Code.

**3.2** The Vice President for Student Engagement & Success or his/her designee shall determine the composition of Student Conduct Panel(s) and determine which Student Conduct Panel, Student Conduct Administrator and Appeal Panel shall be authorized to hear each matter.

**3.3** Decisions made by a Student Conduct Panel and/or Student Conduct Administrator shall not be final until the appeal processes have been exhausted, waived, or time has expired.

**3.4** The Vice President for Student Engagement & Success primary designees shall be the Associate Vice President for Student Engagement & Success and Dean of Students and the Associate Dean of Students. The Dean of Students may make further delegation of this authority to, but not limited to, the Residence Life staff and Corps of Cadets.

### 4. Jurisdiction

**4.1** The Student Conduct Code shall apply to conduct that **occurs on University premises and/or at University sponsored activities** or any other activity which adversely affects the University community and/or the pursuit of its objectives (mission). This action may be taken for either affiliated or non-affiliated activities.

**4.2** The University **may take action in situations occurring off university premises** involving student misconduct demonstrating flagrant disregard for any person or persons or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group. Using his/her sole discretion, the Vice President for Student Engagement & Success or his/her designee shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus on a case by case basis.

**4.3** This Student Conduct Code applies at **all locations** of the University.

### 5. Student Conduct Code

Conduct standards at the University are set forth in writing in order to give students guidance on behavior that will be general notice of actions that detract from the effectiveness of the university community and for prohibited conduct. These rules should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Section y. It shall not be a defense that a University official, student leader or other person authorized the behavior in question.

These are the most common violations and sanctions of the Student Conduct Code.

## 5.1 Dishonesty – Acts of dishonesty, include but not limited to, the following:

**5.1.1 Withholding information** from the University, misrepresenting the truth during a University investigation or student conduct conference to any University official or law enforcement officer in the course of his or her duties.

**5.1.2 Furnishing false information** to any University official, faculty member, or office or law enforcement officer in the course of his or her duties.

**5.1.3 Forgery**, alteration, possession, or misuse of any University document, record, or instrument of identification.

**5.1.4 False admission information** at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.

**5.1.5 Academic dishonesty.** Includes, but is not limited to, unauthorized participation in illicit activities, unauthorized use of resources, materials, or technology, and/or collaborating with other individual(s) for an essay, thesis, problem, assignment, or other projects submitted or completed for course credit and to meet other requirements for non-course credit in an academic setting. This also includes, but is not limited to, the following:

- *Plagiarism*, meaning the appropriation of another's work and the unacknowledged incorporation of that work in one's own written work in any academic setting.
- *Collusion*, meaning the unauthorized collaboration with another person in preparing written work in any academic setting.
- *Abuse of resource materials*, meaning the mutilation, destruction, concealment, theft, or alteration of materials provided.

## 5.2 Safety Risk to Campus or Community

**5.2.1 Damages** – Destroying, defacing, damaging, or misuse of university property or property belonging to another.

**5.2.2 Theft** – Attempted or actual theft, robbery, stealing, or knowingly possessing stolen property constitutes being an accessory to theft.

**5.2.3 Unauthorized use** – Unauthorized possession, duplication, use of keys on any university premises, or unauthorized entry to or use of university premise.

## 5.3 Misuse of Computing Resources

**5.3.1 Misuse or abuse** of computer equipment, programs, or data including, but not limited to:



- Unauthorized use of computing resources or use of computing resources for unauthorized purposes;
- Unauthorized transfer of a file.
- Accessing or copying programs, records, or data belonging to the university or another user without permission;
- Use of computing facilities and resources to interfere with the work of another student, faculty member of Tarleton State University.
- Use of computing and resources to send obscene or abusive messages.
- Attempting to breach the security of another user's account or deprive another user of access to university computing resources.
- Using the university's computing resources for personal or financial gain;
- Transporting copies of university programs, records, or data to another person or computer site without written authorization.
- Use of computing facilities and resources in violation of copyright laws.
- Attempting to destroy or modify programs, records, or data belonging to the university or another user.

## 5.4 Disruptive Behavior

**5.4.1 Engaging in conduct** that continuously interferes, causes disruption, or creates hostility in any university teaching, research, administrative, disciplinary, public service, or other university activity.

**5.4.2 Obstructing or restraining** the passage of any person at an exit or entrance to the university campus or property.

**5.4.3 The intentional making of a false report** of a bomb, fire, and/or other emergency in any building, structure, or facility on university premises or university related premises by means of activating a fire alarm or in any other manner.

**5.4.4 Infringement on the rights of other members** of the University community that presents danger to self or others, cause physical harm to others, or damage to property.

## 5.5 Weapons and explosives

**5.5.1 Illegal or unauthorized** and/or recklessness use of a weapon, possession of fireworks or explosive, other weapons, or dangerous chemicals on University premises or at any University-sponsored activity or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited. Illegal or unauthorized use or storage of any weapon. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Weapons may include, but are not limited to, all firearms, pellet guns, tasers, stunguns, slingshots, martial arts devices, switchblade knives and clubs.

**5.5.2 Handgun license holders** must comply with Texas statutory law and **Tarleton Rule 34.06.02.T1**,  *Carrying Concealed Handguns on Campus* .



**5.5.3 Student organization(s)** that uses facsimile guns for special activities must seek approval from the University Chief of Police before the activity can take place because of potential dangers.

## 5.6 Personal Safety

**5.6.1 Physical abuse** – Any attempt to cause injury or inflict pain or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.

The physical abuse rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

**5.6.2 Harassment** Behavior that is severe, pervasive or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic.

**5.6.3 Stalking** – Behavior in which an individual willfully, maliciously, and

- Repeatedly engages in a knowing course of conduct directed at a specific person, which reasonably and seriously alarms, torments, and/or terrorizes the person.
- Substantially interferes with the opportunity of other students to obtain an education.

**5.6.4 Threatening Behavior** –

- **Threat** – Extreme written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- **Intimidation** – Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

**5.6.5 Bullying** – Defined as the use of repeated or severe verbal and/or non-verbal means in order to coerce or force a person to do something or to degrade a person, including, but not limited to, the use of taunting, teasing, or coercive language, pushing, punching, or creating threatening notes/letters/signs.

**5.6.6 Cyberbullying** – Defined as an act of bullying that takes place using different kinds of technology and social media. Using various types of electronic devices to inflict emotional and/or mental pain, and to degrade another person.

## 5.7 Hazing

Any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment; and/or engaging in conduct which tends to bring the reputation of the organization, group, or University into disrepute for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as part of any activity of a recognized student organization, student group, and university program.

Previously relied upon “traditions,” (including Corps of Cadets, fraternity/sorority, or any other student group or organization activity, practice or tradition) intent of such acts, or coercion by current or former student leaders of such groups, or former students will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

Examples of such behavior include but are not limited to:

- Misuse of authority by virtue of one’s class rank or leadership position.
- Striking another student by hand or with any instrument.
- Any form of physical bondage of a student.
- Taking of a student to an outlying area and dropping him/her off.
- Causing a student to violate the law or a University rule such as indecent exposure, trespassing, violation of visitation, etc.
- Requiring consumption of beverages and/or food.
- Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate University officials (The Vice President for Student Engagement & Success and/or the Associate Vice President for Student Engagement & Success and Dean of Students and/or the University Police Department) is also a violation under this section.

Students who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Vice President for Student Engagement & Success and/or the Associate Vice President for Student Engagement & Success and Dean of Students and/or the University Police Department, will not be charged with a violation of the hazing rule.



The hazing rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

Hazing is also a violation of Texas state law. See additional information [about Tarleton's hazing policies](#).

## 5.8 Alcoholic Beverages on University Property:

Student possession and consumption of alcohol is prohibited, except in accordance with federal, state and local laws. Student or student-related events must comply with Tarleton State University's Student Conduct Code alcohol possession and consumption as well as System and University policies.

**5.8.1 Knowingly** being in the presence of alcohol where it is not permitted on campus is also prohibited.

**5.8.2 Additional** violations on or off campus:

- Public intoxication
- Driving under the influence of alcohol or while impaired
- Actual physical control of a vehicle while under the influence of alcohol
- Providing alcohol to individuals under the age of 21
- Social Host: Providing a location for any individual under 21 years of age to possess or consume alcohol
- Transporting an open container of alcohol
- Incapacitation due to alcohol
- Possession or use of a fake ID
- Underage possession of alcohol
- State of public intoxication or drunkenness

**5.8.3 Student Organizations** – The possession, distribution, and/or consumption of alcoholic beverages by recognized student organizations, at any activity or event sponsored or organized by the said group, is governed by the Student Conduct Code and the guidelines provided by the Office of Student Involvement.

**5.8.4 Student Housing** – Tarleton's Residence Life policy allows the consumption of alcohol in designated residence halls and apartments where students are 21 and above.

**5.8.5 Students as Guests** – Any University-sponsored/related event where students may be attending as guests and alcoholic beverages are served, students consuming must be 21 or over and practice responsible behavior.

**5.8.6 Students Representing the University** – A. During academic field trips, off-campus student group activities, and other student-oriented off-campus events, the consumption of alcoholic beverages is not advised. Student groups must comply with national organizational guidelines and federal, state, and local laws. Alcohol at off-campus social events, when appropriate, is required to be served by a licensed vendor to students 21 and over. University funds may not be used to pay for or reimburse for alcoholic beverages.

B. The consumption of alcoholic beverages during study tours is governed by the Student Conduct Code, which recognizes that the legal drinking age is different on some study abroad tours.

C. Students who are present at an activity or function in an official capacity, such as student employees, food and/or beverage service, staff, entertainers, Tarleton Ambassadors and members of the Student Government Association or other volunteers etc., may not consume alcoholic beverages.

## 5.9 Drugs

The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. Abusing legally obtained drugs by failing to take the drug as directed. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled and/or prescribed substances and/or drug paraphernalia and/or dangerous drug is also prohibited. Individuals may not operate a motor vehicle or another form of transportation while under the influence of drugs or while intoxicated.

## 5.10 Sexual Misconduct

Tarleton State University Civil Rights Compliance SAP 08.01.01.T1 is the guiding policy and procedure for student conduct review related to Sexual Misconduct. In most cases, Title IX investigation procedure will be followed when sexual misconduct is in question. The following code descriptions are extracted from the above referenced policy. Further description and examples be found within [Tarleton Rule 08.01.01.T1, Civil Rights Compliance](#). 

**5.10.1 Nonconsensual Sexual Contact** – Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**5.10.2 Nonconsensual Sexual Intercourse** – Nonconsensual sexual intercourse is any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes vaginal penetration

by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**5.10.3 Sexual Harassment** – Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

**5.10.4 Sexual Exploitation** – Sexual exploitation occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

**5.10.5 Public Exposure** – Includes deliberately and publicly exposing one’s intimate body parts, public urination, defecation, and public sex acts.

## 5.11 Bias-Related Violations

Violations of the Student Conduct Code that are motivated by prejudice toward a person or group because of factors such as race, religion, ethnicity, disability, national origin, age, gender or sexual orientation may be assessed and enhanced sanction as prescribed in section 7 of this publication.

## 5.12 Violation of law

Violation(s) of any federal, state, or local law.

## 5.13 Traffic obstruction

Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised activities.

## 5.14 Reckless driving

Driving in a manner that recklessly endangers the health and/or safety of oneself or others. Driving includes, but is not limited to, vehicles, bicycles, skateboards, scooters, and other mobile devices.

## 5.15 Unauthorized recording

Any unauthorized use of electronic or other devices to make an audio, video, still frame or photographic record of any person without his/her prior knowledge, or without his/her effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom or recording administrative meetings with University officials. If a recording is made that captures a violation of the Student Rules or law, the Student Conduct Administrator may elect not to enforce this section of the Student Rules against the student making the recording.

## 5.16 Animals

**5.16.1 Care** – Failing to properly leash and control the animal and properly dispose of its organic waste.

**5.16.2 Cruelty** – Intentionally, knowingly, or recklessly torturing or in a cruel manner killing or causing serious bodily injury to an animal, failing to provide necessary food, water or care for an animal in the person's custody, abandoning unreasonably an animal in the person's custody, transporting or confining an animal in a cruel manner, causing bodily injury to any animal without the owner's consent, causing one animal to fight with another animal, or seriously overworking an animal. Intentionally, knowingly, or recklessly attacking, injuring or killing an assistance animal or inciting another to attack, injure or kill an assistance animal.

This policy is not intended to prohibit:

- Killing or injuring an animal within the scope of a person's employment or furthering the goals of legitimate educational curriculum as designed and approved by the University.
- Killing or injuring an animal when the actor had a reasonable fear of bodily injury to self or other person by that animal.

**5.16.3 Damage** – Allowing a personal animal to damage university property.

**5.16.4 Unauthorized location** – Taking or keeping an animal in University facilities without authorization. Only exception is service animals as outlined by American with Disabilities Act and approved Emotional Support Animals (ESAs) in residential facilities only.

## 5.17 Classroom Disruption

Engaging in behavior that a reasonable person would view as substantial or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from the instruction.

## 5.18 Retaliation

Retaliation is any adverse action taken against a person who files a complaint and/or a person who supports, assists, a person who files a complaint, and/or provides relevant information to the complaint. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying or ostracism.

## 5.19 Abuse of student conduct process

Abuse of the student conduct processes including investigations, conferences, and appeals. Prohibited behavior includes, but is not limited to:

- Failure to obey the notice from a Student Conduct Administrator and/or University official to appear for a meeting or conference as part of an official University disciplinary process.

- Falsification, distortion, or misrepresentation of information.
- Disruption or interference with the orderly conduct of an investigation, conference or an appeal process.
- Attempting to discourage an individual's proper participating in, or use of, the student conduct process.
- Attempting to influence the impartiality of a Student Conduct officer prior to, and/or during the course of, the student conduct meeting.
- Verbal or physical intimidation, and/or retaliation of any party to the Student Conduct proceeding prior to, during, and/or afterwards.
- Committing a violation of University rules while serving a conduct probation, conduct review, or deferred suspension status or failing to meet deadlines imposed in accordance with University rules.
- Failure to abide by the terms of University administered sanctions.
- Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code system.

## 5.20 Complicity

Attempting, aiding, abetting, conspiring, hiring, or being an accessory to any act prohibited by this code shall be considered to the same extent as completed violations.

## 5.21 False Reporting

Knowingly making a false report.

## 5.22 Parties and Gatherings

Participating in parties or gatherings that disturb the peace of campus residence or off-campus neighborhoods.

## 5.23 Use of Tobacco

Using tobacco in any form or using electronic cigarettes (vaping) on campus.

## 5.24 Gambling

Illegal gambling for money or other things of value on campus or at university-sponsored activities.

## 5.25 Failure to Comply

Failure to present student identification to, identify oneself to, or comply with directions of a university official (including residence life staff) or other public officials acting in the performance of their duties while on university property or at official university functions.



## 5.26 Violations of any university rules or procedures

Such rules include, but not limited to, residence hall contracts and policies, NCAA regulations, Corps of Cadets policies, rules relating to entry and use of university facilities, university motor vehicle rules, and rules governing student organizations and dining hall conduct.

## Student Conduct Process and Procedure

### 6.1 Report or Complaint

Any member of the Tarleton State University community or any person not affiliated with the University may submit a report or complaint involving a student for review of possible Student Code of Conduct violations. Any complaint should be submitted as soon as possible after the event takes place, preferably within 48 hours or two business days.

### 6.2 Notification

When a violation(s) is alleged, the student or the named organization's representative in the complaint will be notified via their Tarleton email or through a phone call, and asked to make an appointment with a designated Student Conduct Administrator or designee.

All charges shall be presented to the accused student in written form. In formal student conduct meetings, the accused student will be given at least three (3) University business days to prepare for a conference.

In all student conduct proceedings, the accused student shall be presumed not responsible until it is proven that a violation of the University rules occurred by a preponderance of the information standard.

### 6.3 Student Conduct Conference

#### 6.3.1 Informal

Student Conduct Conferences with the possibility of conduct outcomes less than separation from the university are considered informal. Accused students subject to less severe sanctions may, at the discretion of the Student Conduct Administrator, be afforded but are not guaranteed the same guidelines as formal conduct conferences.

#### 6.3.2 Formal

Student Conduct Conferences which may result in University mandated separation from the University shall be conducted by the following guidelines.

#### 6.3.3 Student Conduct Conference Guidelines:

- Student Conduct Conferences typically shall be conducted in private and may involve joint conferences where two or more students are charged in the same fact pattern.
- The accused student and his/her advisor, if any, shall be allowed to attend the entire portion of the student conduct conference at which information is received (excluding deliberations) provided the accused student and his/her

advisor appear at the designated time and do not inhibit the proceeding. Admission of any other person to the student conduct conference shall be at the discretion of the Student Conduct Administrator.

- In student conduct conferences involving more than one accused student, the Student Conduct Administrator, at his or her discretion, may permit the student conduct conferences concerning each student to be conducted either separately or jointly.
- There is not a consequential or mandatory finding of responsibility solely because a student remains silent during a student conduct conference.
- The accused student has the opportunity to be assisted by an advisor s/he chooses, at his/her own expense.
- The advisor may not be an attorney unless the accused student is also the subject of a pending subsequent criminal matter arising out of the same circumstances or the charges include one or more charge of sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, or hazing; in such cases, the accused student may be allowed to have an attorney serve as his/her advisor, at his/her own expense, to behave in the same manner as any other advisor.
- Students who are charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor at conduct proceedings.
- The accused student is responsible for presenting his/her own information. Therefore, a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct conference. Student conduct conferences will not typically be delayed due to scheduling conflicts of an advisor. There is no restriction on who a student may consult or seek advice from, the restriction pertains to the conduct conference only.
- Coach(es) and Corps of Cadets Administrator may attend a student conduct conference when the accused student(s) is affiliated with a specific sport or program. The university representative is only permitted to observe and make decisions associated with respective program. This is to eliminate duplication of conduct review.
- The accused student and the Student Conduct Administrator may arrange for witnesses to present pertinent information. Witnesses may provide this information to and answer questions from the Student Conduct Administrator, the Student Conduct Panel (if utilized and/or requested), and accused student. (Character statements shall be accepted in written form only.)
- Pertinent records, exhibits, student impact statements and other written statements may be accepted as information for consideration at the discretion of the Student Conduct Administrator. Student impact statements and other documents determined at the discretion of the Student Conduct Administrator shall be reviewed during the sanction phase only.



- All procedural questions are subject to the final decision of the Student Conduct Administrator.
- After the portion of the Student Conduct Conference concludes in which all pertinent information has been received, the Student Conduct Administrator shall deliberate in private to determine whether the accused student has violated each section of the student conduct code for which the student is charged.

### **6.3.4 Deliberation**

The focus of inquiry in student conduct shall be the determination of whether a violation of University rules occurred. In all initial student conduct conferences, the burden of proof shall rest with the University, and said burden of proof shall be by a preponderance of the information. Preponderance of the information is defined as the greater weight and degree of credible information admitted in the conference. The determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Conduct Code.

### **6.3.5 Decision**

The Student Conduct Administrator will deliberate and determine whether it is more likely than not that a violation(s) of the Student Conduct Code did or did not occur as alleged.

- The Student Conduct Administrator may find that the information presented was not sufficient to establish that a violation of the Student Conduct Code was committed and dismiss the case.
- The Student Conduct Administrator may find that the information presented was sufficient to affirm the alleged violation(s) and impose one or more disciplinary outcomes appropriate for the violation(s).

The decision of the Student Conduct Administrator will be communicated in writing to the accused student. If appropriate, the complainant will be notified in writing. The conduct conference outcome letter will include findings of fact, outcome(s) imposed (if any), and the rationale for the decision. The notification letter will be delivered electronically to the student's university email address and/or mailed through the postal service to the current mailing address identified on record.

### **6.3.6 Non participation**

If an accused student with notice, does not appear at a student conduct conference, the information in support of charges shall be presented, considered, and a decision may be made. The Student Conduct Administrator or designee or Student Conduct Panel (if utilized and/or requested) may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the conference. There is no entitlement to these accommodations and they shall be determined by the Student Conduct Administrator. The Student Conduct Administrator may also make reasonable accommodations to provide access for students with disabilities.



## 6.4 Interim Suspension

**6.4.1** A student may not be expelled or suspended prior to a student conduct proceeding except when the Vice President of Student Engagement & Success or designee believes that an interim suspension should be imposed. Interim suspension may be imposed only to ensure the safety and well-being of members of the University community and/or guest, or preservation of University property; to ensure the student's own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University. A student conduct proceeding will be scheduled as soon thereafter as practical.

**6.4.2** During the interim suspension, a student may be denied access to campus housing and/or the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible.

**6.4.3** The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a student conduct conference, if required. However, the student should be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent conference at which the student may show cause as to why his/her continued presence on the campus does not constitute a threat [and at which s/he may contest whether a campus rule was violated].

## Student Conduct Outcomes

One or more of the following disciplinary outcomes may be imposed by the university upon individuals, groups or organizations, for any single violation. Disciplinary outcomes for violation of institutional policies and procedures may be administered regardless of whether actions of the student are also civil or criminal violations.

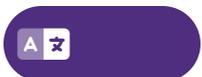
### 7.1 Warning

A warning is an oral or written notice to the student or organization that the conduct in question violates university regulations. A warning becomes part of a student's or organization's disciplinary record in the Office of the Associate Dean of Students. For organizations, a reprimand may include notification to the organization's president or advisor and to the chapter's national headquarters.

### 7.2 Loss of Privileges

Under some circumstances of misconduct, the university may deem it appropriate to take away certain privileges. Examples include, but not limited to:

- Holding leadership or officer position;
- Denial of participation in university sponsored program and/or events;
- Social calendar restrictions;
- Denial of participation in any official athletic or non-athletic extracurricular activity, including practices;



- Withholding of official transcripts or degree;
- Blocking from enrollment for a specified period of time;
- Recommendation of failing, reduction, or changing a grade on a test, course assignment, course or other academic work;
- Cancellation of the housing contract or removal from the residence hall system.

### 7.3 Restitution

Making restitution, whether monetary or by specific duties, to restore or address conduction.

### 7.4 Education

Outcome designed to expand knowledge and understanding of implications from misconduct. Examples include, but not limited to:

- Performing community service hours;
- Attending counseling sessions;
- Performing additional academic work not required of other students in a specific course;
- Moving to another residence hall or moving rooms within the same hall;
- Complying with a behavioral contract;
- Completion of a seminar, essays, reports, etc.

### 7.5 Probation

Probation is levied for a specified time, the duration of which will be determined by the seriousness of the circumstances of the case. Probation carries with it a warning that any further violation of university regulations may result in more serious consequences, including suspension or expulsion. The two types of probation are:

*a. Conduct Probation* – is a sanction that will be removed from the student’s confidential record in the Office of Student Judicial Affairs at the end of the period of probation.

*b. Disciplinary Probation* – This sanction is typically given in conjunction, but not required to be, with 7.2 Loss of Privileges. Any finding of a violation of the Code of Student Conduct during a term of disciplinary probation may result in consideration of suspension, or expulsion as an appropriate sanction. Disciplinary Probation is considered not in good standing for the student or organization and becomes a permanent part of the student’s confidential record.

### 7.6 Suspension

Suspension is the separation of the student from the university for a definite period of time or until written specified conditions are met. The student is not guaranteed readmission at the end of such period of time, but he/she is guaranteed a review of the case and a decision regarding eligibility for readmission. When a student or organization

is suspended, the suspension shall be for a stated period or until specified conditions are met. In no case shall suspension be for less than the remainder of the semester in which the offense is committed.

- A student or organization that has had a registration hold placed on their readmission must request readmission clearance from the Office of Student Judicial Affairs at least three (3) weeks prior to the first day of classes of the semester or summer session in which they wish to reregister. The student or organization may be required to submit evidence supporting their ability to function properly in a university environment. If approval is granted by the Student Life Officer or designee for the removal of the registration hold, the student or organization must complete the regular readmission procedures by the appropriate office.
- The Student Life Officer or designee may deny a student's or organization's request for readmission if, in the Officer's judgment, there is sufficient evidence to indicate that the student's or organization's conduct during suspension would have warranted disciplinary action, or if the student or organization has failed to satisfy any special conditions that may have been imposed prior to readmission. Upon denial of a student's or organization's application for readmission, the Student Life Officer shall set a new date at which another application for readmission may be made.
- Whenever disciplinary action leads to the student leaving the university, grades will be assigned in accordance with the university grade policy and the academic calendar.

## 7.7 Expulsion

Expulsion is the separation of the student from the university whereby the student is not eligible for readmission to this university.

## 7.8 Revocation of Degree

If it is discovered that academic misconduct occurred while the individual was enrolled as a student, a revocation of degree(s) may result if circumstances demonstrate the student did not complete the academic requirements to obtain a degree. For example, if a student is found responsible for cheating and is assigned an "F" in a course that reduces hours completed from 120 to 117, and 120 hours are required for the degree, his degree would be revoked.

# Disciplinary Appeals Procedures

## 8.1 Appeals

An appeal is a review of the record of the original student conduct conference, not a new hearing. Student Conduct Outcomes 7.5(b) through 7.8 decided in a student conduct conference may be appealed by the respondent or the complainant. It is the responsibility of the complainant or respondent, whomever initiates the appeal, to show that one or more of the listed grounds for appeal has merit.

For conduct outcomes that do not involve separation from the university, the Vice President for Student Engagement & Success, or designee, will review the appeal. The individual making the request may be asked to meet with the administrator reviewing the appeal. Otherwise, the appeal will be reviewed based upon information provided and the conduct record on file.

For conduct outcomes that involve separation from the university, the University Disciplinary Appeals Committee will review the appeal.

Appeals must be submitted in writing to the Vice President for Student Engagement & Success within seven days of the outcome email notification. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal. The appeal must cite at least one of the following appeals criteria as the reason for appeal and provide supporting argument(s) as to why an appeal should be granted on these grounds. Appeals criteria include the following:

- The hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complaint or the respondent resulted;
- New information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;
- The sanction is not appropriate for the violation. This provision is intended to be utilized when a determinate sanction is inherently inconsistent with university procedures or precedent. Simply dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

In all cases where the Student Conduct Administrator has conducted an informal conduct conference and rendered a decision of responsibility, the burden of proof in an appeal should be with the student.

The written request for an appeal meeting must include the following:

- Name of student or organization, address of student or organization, telephone number, and student's ID number;
- Date of student conduct conference;
- Circumstances which merit review that meet appeal criteria with details;
- Signature of student.

Following an appeal, the matter shall be considered final and binding upon all involved.

## 8.2 Separation Appeal Review

Student/organization conduct outcomes that result in separation from the university that are appealed will be reviewed by the University Discipline Appeals Committee. The Vice President for Student Engagement & Success will notify the chair of the University

Discipline Appeals Committee within two (2) university business days upon receipt. The University Discipline Appeals Committee will meet within five (5) university working days to review the appeal.

**8.2.1 University Discipline Appeals Committee** – an administrative committee appointed by the University President. The committee comprises three (3) faculty members, two (2) staff members and two (2) students. The Vice President for Student Engagement & Success serves as an ex-officio member to the committee.

**8.2.2 Procedure** – the chair of the University Discipline Appeals Committee, upon receipt of the request for review from the student or organization, shall set the date, time, and place for the committee review and shall notify the student or organization of the same in writing. This shall be done within five (5) university working days after the receipt of the student or organization's request. In the case that the minimum (5) university working days' time frame cannot be met due to a reasonable cause, the chair of the University Discipline Appeals Committee should request an extension to the Vice President for Student of Affairs.

**8.2.3** The University Discipline Appeals Committee **will review the written conduct appeal** and the conduct case file. The committee may ask clarifying questions to the individual/organization leaders regarding the grounds of the appeal. The committee may ask clarifying questions to the Student Conduct Administrator.

**8.2.4.** The University Discipline Appeals Committee will review the appeal using one or more of the following criteria:

- The student conduct conference was not conducted in conformity with prescribed procedures, and substantial prejudice to the complaint or the respondent resulted;
- New information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;
- The sanction is not appropriate for the violation. This provision is intended to be utilized when a determinate sanction is inherently inconsistent with university procedures or precedent. Simply dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

**8.2.5** The University Appeals Committee **will make the following decision** based upon the grounds of the appeal that meets the appeal criteria.

- Grounds for appeal is warranted or unwarranted.
- Uphold the original outcome.
- Modify the conduct outcome(s) imposed by the original Student Conduct Administrator.
- Require a new review of the conduct case by a different Student Conduct Administrator determined by the Vice President for Student Engagement &



Success, or designee.

**8.2.6** The University Appeals **Committee chair will notify the Vice President** for Student Engagement & Success of the committee decision. The Vice President for Student Engagement & Success will send an appeal outcome letter within two (2) university business days after notification has been received.

Following an appeal, the matter shall be considered final and binding upon all involved.

**8.2.7** Student conduct appeals that are **in conjunction** with Tarleton State University's *Civil Rights Compliance* will follow the appeal procedure outlined in **Tarleton Rule 08.01.01.T1**. 

## 9. Student Conduct Files and Records

**9.1.** Complaints may result in the development of a student conduct file in the name of the accused student. The file of a student found to have violated University rules shall be retained as a student conduct record for no less than five years from the date of the student's graduation or from the last day of the last semester the student is enrolled, or in accordance with the University Record Management. Student conduct records may be retained for as long as administratively valuable or permanently if the student was expelled, suspended or blocked from reenrollment and/or in situations that may result in future litigation

**9.2** Complaints of sexual harassment or sexual misconduct may result in the development of a file in the survivor's name. This file shall be retained for no less than five years from the survivor's graduation date or from the last day of the last semester the student is enrolled. These files may be retained for as long as administratively valuable.

**9.3** Some student conduct records may be expunged for good cause by the Vice President for Student Engagement & Success and/or designee upon receipt of a written request by the student. Expulsions and suspensions will not be eligible to be expunged. Factors to be considered in review of such petitions shall include, but are not limited to:

- the present demeanor of the student;
- the conduct of the student subsequent to the violation; and
- the nature of the violation and the severity of any damage, injury or harm resulting from it.



# TARLETON STATE UNIVERSITY®



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1333 W. Washington  
Stephenville, TX 76402

254-968-9000

## Resources

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Compact with Texans  
Disability Accommodations  
Mental Health Resources  
Rules, Notices & Public Info

## Transparency & Reporting

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Accreditation  
Campus Carry  
Campus Safety  
Clery Act  
Equal Opportunity  
Course Schedules, Syllabi & Faculty CVs  
Open Records  
Risk, Fraud & Misconduct Hotline  
Sexual Misconduct Policies

## State Resources

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State of Texas  
Texas CREWS  
Texas Homeland Security  
Texas Veterans Portal



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