

Code of Student Conduct

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Introduction

As an academic community within a larger civil community, it is necessary for Rice University to articulate and enforce standards of behavior. These standards are not intended only to prohibit misbehavior and to punish violations but also to educate about behavior and character traits that the community wishes to promote or discourage; to protect community members from harm or unwarranted interference; to hold individuals and groups responsible for their actions and the consequences of their behavior; and to cultivate an environment conducive to our community's educational purpose. In short, Rice expects its students to behave reasonably, respectfully, and responsibly.

This Code is not a substitute for criminal or civil judicial proceedings, and is not intended to restrict or discourage any complainant from using criminal or civil justice systems. Disciplinary action under this Code does not preclude

sanctions or remedies under criminal or civil laws. The Code is not intended to and does not confer any contractual rights on any individuals involved. Circumstances can differ significantly between matters, and the Director of Student Judicial Programs may make necessary adjustments to the procedures in a particular matter to reach a timely and just decision.

A student admitted to Rice University accepts the responsibility to conform to all Rice University rules and regulations. Failure to meet this obligation will justify appropriate disciplinary action including, but not limited to, expulsion, suspension, disciplinary probation, reprimand, or warning. Although the University will make every reasonable effort to make the rules and regulations available, students are responsible for becoming familiar with them. In addition to Rice policies, students are also subject to applicable federal, state, and local laws.

1. Application and Jurisdiction

Rice University advocates student self-governance and imposes as few rules as possible; however, as in any community, certain expectations for behavior and conduct are necessary. This Code applies to the non-academic conduct of all Rice University students (which for purposes of this document, also includes learners taking courses not for credit), from the time they arrive on campus for orientation until they have graduated, permanently withdrawn, been expelled, or resigned from the University. Any department or office may refer a violation of University rules or policies to the student disciplinary system.

This Code applies to behavior on or off campus, including that which affects the University community's reputation, safety, or security. Student organizations and clubs are also subject to this Code and may be sanctioned under this Code. All enrolled students are subject to Rice University policies, rules and regulations, including this Code, whether on or off campus. All prospective students and guests of Rice University students are subject to

Rice University policies, rules and regulations whenever they are on the Rice University campus or attending a Rice University function (even those away from the campus). Anyone may report a potential violation of the Code.

This Code and non-academic disciplinary actions are implemented by a system composed of several officials and bodies: the individual College Courts, the College Magisters, the University Court, the Director of Student Judicial Programs, the Associate Dean of Students, the Dean of Undergraduates, and the Dean of Graduate and Postdoctoral Studies. This Code remains in effect throughout the calendar year; it is not limited to the academic year.

The College Courts and University Court may enact their own procedures for implementing this Code, with the approval of the Magister or Director of Student Judicial Programs as appropriate, as long as such procedures are fair, reasonable, and not inconsistent with this Code. The Director and the Magisters may enact their own practices for implementing this Code as long as such practices are consistent with the principles and purposes of this Code.

The Dean of Undergraduates in consultation with the Dean of Graduate and Postdoctoral Studies has general authority over the student disciplinary system. The Dean of Undergraduates, the Dean of Graduate and Postdoctoral Studies, and the Associate Dean of Students provide consultation as needed to the Director of Student Judicial Programs, the Magisters, University Court, and others involved in the Rice conduct system. Student Judicial Programs is the primary administrative office concerning matters under the Code of Conduct, and the Director is the primary disciplinary official administering the disciplinary process under this Code. All powers and authority given to the Director under this Code may be exercised by the Dean of Undergraduates, the Dean of Graduate and Postdoctoral Studies and the Associate Dean of Students.

The Magisters, the Director of Student Judicial Programs, the Associate Dean of Students, the Dean of Undergraduates, and the Dean of Graduate and

Postdoctoral Studies may appoint designees at their discretion.

2. Administration

Rice University conduct officials and bodies are not designed to and should not be expected to function as courts of law. The procedures are designed to treat all matters as individually and informally as possible and strive for fairness and reasonableness in all considerations. When feasible and appropriate, disciplinary cases for undergraduate students will be referred to the student adjudicatory bodies, such as University Court and the College Courts.

2.1 Associate Dean of Students. The Associate Dean of Students has the authority to administer the Code, decides when mandatory assessments will be required for both undergraduate and graduate students, assists with the non-judicial resolution of behavioral matters as necessary, and coordinates responses when cases have both significant disciplinary and non-disciplinary aspects.

2.2 Student Judicial Programs. Student Judicial Programs (SJP) is the primary conduct office of the University. SJP receives information and complaints concerning potential violations of the Code and decides which body, if any, will investigate and consider a matter.

SJP may assume authority over a matter directly rather than refer it to another body. These matters may include (but are not limited to):

a) matters where personal privacy is of a special concern (including but not limited to sexual misconduct or sex discrimination allegations);

b) matters that require complicated, sensitive, or extensive investigative activities;

c) matters that are particularly serious and may, if substantiated, reasonably be foreseen to subject a student to suspension or expulsion from the University or other severe penalty;

d) matters where the student charged or the complainant or the University Court requests that SJP consider the matter; or

e) other matters as appropriate and at the discretion of the Director.

SJP may remove or refer matters already before the College Courts to the University Court. SJP may also assume authority in times when the University Court docket is congested and requires assistance, including where there is a need to timely adjudicate allegations against graduating seniors before graduation can occur.

2.3 University Court. The University Court is an adjudicatory body of undergraduate students, composed of four officers, one representative from each college, and two new student representatives.

a. Membership: The officers are elected by and from the membership of the court, except for the Chair, who is nominated by the court and elected through campus wide undergraduate elections. The college representatives are selected by their colleges; the method of selection is determined by each college. The new student representatives are appointed by the officers in the fall. If vacancies occur, the Chair, with the approval of the SJP, may appoint members to fill them.

b. Types of cases University Court hears: **The University Court may hear matters involving undergraduate students referred to it by SJP.** The University Court may decline to hear a matter, in which case the matter is returned to SJP. Violations of college rules (College Infractions) are handled by the colleges as specified below. However, the College Courts or Magisters may (with the consent of SJP) refer matters to the University Court.

c. Student ombuds: For each case handled by University Court, the Chair designates an ombuds from the membership of the court. The ombuds monitors the meeting and process in a judicial matter before the University Court. The ombuds's duties include informing the student charged of what to expect at the meetings and to answer any questions the student may have. However, the ombuds does not act as an advocate at the meeting. The

ombuds is responsible for pointing out any procedural errors and advising the student charged if grounds for appeal arise. Otherwise, the ombuds should be an impartial observer of the University Court.

d. Decisions and sanctions: Decisions and sanctions issued by University Court are recommendations to SJP, to be implemented and enforced under its authority.

2.4 College Courts. College Courts are adjudicatory bodies that may be established and operated by the Colleges. The College Chief Justice is head of the College Court and may act for the Court when permitted by the College Court procedures. If established and operational, a College Court has authority over certain infractions **involving undergraduate students** occurring on the College grounds or at the College's functions. These are College Infractions, and a student charged with such infractions will usually have a meeting before the College Court or other proceedings as determined by the College.

A College Court may choose to refer matters otherwise within its authority to the College Magister, SJP, or University Court (with SJP's consent).

Appeals from actions by the College Courts or other College actions are handled by the Magister, with a final appeal to SJP; appeals to the Dean of Undergraduates are not available for these matters.

In instances where the Housing and Dining Department believes that an undergraduate student has caused damage to a building or other University property, the Department may send a bill for the damage to the student's college. The College Court may assume responsibility for the matter and may investigate and adjudicate the behavior of a particular student or students to pay such damage. The College Court may also refer handling of the matter to SJP, the Magister, or to the University Court (with SJP's consent). In instances where the Housing and Dining Department believes that a graduate student or a learner has caused damage to a building or any University property, the Department may refer the case directly to Student Judicial Programs.

When a student fails to fulfill college sanctions or damage assessments duly imposed by the College Court, the College Chief Justice or Magister may ask SJP to take steps to enforce the sanction, including by placing a hold on the student's account until the sanction is fulfilled.

2.5 Magisters. College Magisters are appointed by and derive their authority from the President of Rice University, and report to the Dean of Undergraduates. They are responsible for all aspects of student life in the Colleges, including the responsibility to support and advise the College Court. The Magisters may appoint designees as necessary.

- 1. Magisters' authority over matters within the College:** Magisters may assume authority over any matter of an undergraduate student within their College whenever the health (including psychological health) and/or safety of a student is at issue, provided they have consulted with the Associate Dean of Students and any other necessary and appropriate treating professionals regarding the issue. It is expected that the Magister, Associate Dean of Students, and any other relevant professional staff members will work as a team to communicate and resolve the issue. When a Magister assumes authority over such matters, the Magister will, at the same time, inform the Associate Dean of Students of the name of the student and the actions taken by the Magister (e.g., proscribing a student's privileges or movement in the College or mandating an assessment). To ensure continuity, the Magister may, after his or her initial action, refer the matter to SJP for implementation, follow-up or tracking of the student's compliance.
- 2. College Court:** Magisters may bring matters to the attention of the College Court. Magisters may also assume jurisdiction over matters before the College Court, or refer matters before the College Courts to SJP or University Court (with SJP's consent). Magisters may hear appeals from decisions by the College Court.
- 3. Rustication:** Magisters have the authority to rusticate a student socially or from the College—who is a member of that Magister's College. Magister's Rustication is a social action apart from sanctions described in this Code and derives from the Magister's role in making decisions for the welfare of the College and its students. It involves revocation of some or all of the privileges of living within the college system.
- 4. Ban on a member of another College:** Magisters have the authority to restrict any Rice University student or learner from the grounds and activities of the Magister's College.

5. **Effect of a Magister's Rustication or ban on an SJP investigation:** A Magister's Rustication does not prohibit investigation, charges, or sanctions by SJP even if the investigation arises from the same behavior that gave rise to the Magister's Rustication. In that case, if SJP finds the student "in violation" of the Code, SJP may take the rustication or ban into consideration when determining appropriate sanctions.
6. **Administration of Magister's Rustications and bans:** The Magisters will notify SJP when a student is rusticated or banned. Under its authority, SJP may also add prohibitions or proscriptions, including those that affect a student's participation in academic and non-academic Rice activities.
7. **Appeals:** Appeals from a Magister's decision to rusticate or ban a student may be made directly to the Dean of Undergraduates for undergraduate students, or to the Dean of Graduate and Postdoctoral Studies for graduate students.

3. Prohibited Conduct

The following actions and behaviors are prohibited by the Code of Student Conduct. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Code of Student Conduct. The list should not be viewed as all-inclusive or exhaustive.

University Violations

3.1 Mental or Bodily Harm, Reckless Action or Disregard: Intentionally inflicting or attempting to inflict mental or bodily harm on any person, including on the charged student; taking any reckless action, or showing reckless disregard, from which mental or bodily harm could result to any person, including to the charged student. This includes, but is not limited to, actual or attempted behavior that includes:

- a. Physical abuse of all types, verbal abuse, threats, intimidation, harassment, coercion,
- b. Sexual misconduct (non-Title IX): Unwelcome conduct that is based on sex, gender, gender identity, or sexual orientation, but that is not explicitly prohibited under Title IX, as defined in the Sexual Misconduct Policy for Faculty, Staff and Students (Policy 828). This includes any conduct that is reasonably regarded as offensive and has the purpose or effect of

substantially interfering with the educational opportunities of students, or creating an intimidating or hostile educational environment. Specifically, Sexual Misconduct (non-Title IX) includes:

- Continued unwelcome contact, advances, or requests that are sexual in nature;
- Unwelcome verbal or physical behavior that is sexual in nature;
- Non-consensual touching or kissing;
- Sexual exploitation;
- Lewd or inappropriate sexual verbal comments, or online postings;
- Sexual harassment or other sexual misconduct that does not meet the definition under Title IX in the Sexual Misconduct Policy because it occurred outside the United States, off campus, or did not arise from an educational program or activity of Rice University.

c. Harassment or bullying: Bullying is a single significant act or a pattern of acts of harassing behavior that is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive or has the effect of physically harming an individual, damaging an individual's property or placing the individual in reasonable fear of harm to the individual's person or damage to the individual's property. It includes cyberbullying, which is bullying done through an electronic communication device, including through the use of e-mail, text messaging, social media or the Internet.

d. Physically restraining any person (including but not limited to restraint by rope, handcuff, plastic tie, duct tape or other types of restraint),

e. Driving while intoxicated or under the influence (whether on or off campus),

f. Use or distribution of dangerous substances (whether legal or illegal),

g. Failure to provide aid or report a student or staff member in an emergency situation to RUPD, REMS, or other appropriate officials, and/or

h. Other conduct that threatens or endangers the physical or mental health or safety of any person.

3.2 Hate Speech: any act of harassment that incites imminent criminal activity or consists of specific threats of violence targeted against a person or group of people. Hate speech does not cover speech that is otherwise considered constitutionally protected speech or expression.

3.3 Violations of Published University Policies, Rules or Regulations, and Agreements – violations of other Rice University policies, rules and regulations not covered in this policy.

3.4 Violations of Local, State and Federal Laws – Any violations of local, state and federal laws.

3.5 Destruction of Property Damaging, destroying, defacing, or tampering with University property or the property of any person or business on campus.

3.6 Theft - Theft, or attempted theft, of property or services from any person or any business on University grounds.

3.7 Fire Safety Violations - including but not limited to creating a fire safety hazard in any University building, setting false fire alarms.

3.8 Possession of Firearms, Weapons, and Explosives Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, or explosive or noxious materials on University premises except in accordance with federal, state, local law, and/or Rice University policy.

3.9 Disruption/Obstruction Obstructing or interfering with University functions or any University activity. Disturbing the peace and good order of the University by, among other things; fighting, quarreling, excessive noise, or any behavior that causes or threatens to cause a material disruption to the residential, business or academic functions of the University, including but

not limited to, a material disruption by the use of all types of cameras, electronic tablets, cell phones, and/or communication devices. This includes on-campus or off-campus authorized university activities.

3.10 Discrimination - Intentional discrimination against a person or group of people on the basis of age, race, color, disability, religion, national origin, veteran status, sexual orientation, gender identity (including pregnancy), or genetic information except where such distinction is allowed by law.

3.11 Unauthorized Entry or Trespass - Unauthorized entry (whether forcible or otherwise) to any building, structure, construction site or facility, including an individual's room and/or unauthorized entry to or use of University grounds.

3.12 Use, Manufacture, Distribution, Sale, Offer for Sale, or Possession of Controlled Substances or Drug Paraphernalia The use, manufacture, distribution, sale, offer for sale, or possession of any controlled substances, including but not limited to, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Controlled Substances and Drug Paraphernalia are defined by Texas law.

3.13 Unauthorized Use of Property or Service Unauthorized use of property or services or unauthorized possession of University property or the property of any other person or business.

3.14 Misuse or Abuse of Computational Facilities, including -

a. unauthorized entry into a file to use, read, or change the contents, or for any other purpose;

b. unauthorized transfer of a file;

c. unauthorized use of another individual's identification and/or password;

d. use of computational facilities to interfere with the work of another;

e. use of computational facilities to send obscene, abusive, harassing or threatening messages or to engage in stalking behavior or to repeatedly send unwanted email to individuals;

f. use of computational facilities, including the Rice network facilities, to download or possess child pornography;

g. use of computational facilities to interfere with the normal operation of the University's computing systems;

h. use of computational facilities for file sharing or downloading in violation of copyright laws; or ix. violation of policies of University computational facilities or networks.

3.15 Falsification of Records; Giving False Information; Use or Possession of False Identification Documentation:

a. Altering, tampering, forging, or knowingly using falsified documents or records (including Rice parking permits and identification cards as well as false or fictitious state-issued identification);

b. being party to falsification;

c. giving or providing false statements, written or oral, and/or providing false information during any University proceeding or to any University administrator or official (including to SJP);

d. possession of false identification documentation.

3.16 Violations of the Rice University Alcohol Policy, including without limitation:

a. intentionally circumventing the spirit and/or purpose of the Alcohol Policy;

b. violations by an organization, group or an individual hosting an event;

c. providing false or misleading information on the event registration form, or failing to include important event information on the event registration form.

3.17 Alcohol Violations, including without limitation: public intoxication, minor in possession, driving while intoxicated, minor driving under the influence and other alcohol related violations.

3.18 Unauthorized Access to University Records: regardless of where such records are located.

3.19 Unauthorized Use of University Keys Unauthorized use, distribution, duplication, or possession of any key(s), access card(s), or access code(s) issued for any building, laboratory, facility, room, or other University property.

3.20 Unauthorized Use of the Rice University Name or Logo.

3.21 Failure to Comply or Identify - Failure to comply with a direction of University officials or law enforcement officers acting in the performance of their University duties and/or failure to identify oneself to these persons when requested to do so.

3.22 Hazing and/or Abusive Affiliation - Any intentional, knowing, or reckless act, whether on or off campus, which endangers or adversely affects the mental or physical health or safety of a student, or which encourages or leads to conduct that otherwise violates the Code or Rice policies or which a reasonable person would perceive is purposefully demeaning or humiliating to the students who are the object of the conduct, or which destroys or removes public or private property, for the purpose of membership in, affiliation with, and/or association with a group, including pressuring students to engage in hazing conduct. Consent of the participants or objects of the hazing conduct is not a defense to a charge of hazing. The individual student(s) conducting the hazing, the group(s) associated with the hazing, the group's leadership, or others with knowledge of the planning of hazing activity and who do not notify SJP may all face sanctions under the Code.

Students should also be aware that Texas state law also criminalizes the act of hazing and not reporting known hazing, as defined in the Texas Education Code § 37.151-37.152.

3.23 Privacy Violations, including but not limited to:

a. Public disclosure of private information: publication or dissemination—in official or quasi-official publications and without a legitimate university interest—of an individual’s private information that might reasonably cause harm, shame or humiliation. Examples of forums in which this type of violation can occur are: college governments minutes, college social media sites, and publications of colleges, university-affiliated organizations, teams and clubs. Responsibility for any alleged violation may apply to the individual, the college, the organization, team or club, and/or the officers.

b. Creating, Storing, or Sharing/Distributing Unauthorized Surveillance, Photography, or Recordings:

i. Making unauthorized audio, video, or photographic images of a person in a location in which that person has a reasonable expectation of privacy, including (but not limited to) shower/locker rooms, residence hall rooms, and restrooms;

ii. Making audio, video, or photographic images of a person in a manner that is meant to cause harm or embarrassment to the subject;

iii. Unauthorized recording of administrative, faculty, or judicial meetings;

iv. Storing, sharing, and/or other distribution of any such audio, video or images by any means.

3.24 Abuse of the University Judicial System or the Title IX Grievance Process, including but not limited to:

a. failure to appear before a judicial body or University official when requested;

- b. falsifying, distorting, withholding, or misrepresenting information before a judicial body or University official;
- c. disruption of or interference with the orderly conduct or with the progress of a judicial proceeding;
- d. knowingly instituting a judicial proceeding without cause;
- e. attempting to discourage an individual's proper participation in or use of the judicial system or retaliating against an individual for participating in or using the judicial system;
- f. attempting to influence the impartiality of a witness, student participant, University official, or member of a judicial body in connection with a judicial proceeding;
- g. harassment and/or intimidation (verbal or physical or electronic) of a University official or member of the judicial body or witness before, during, or after a judicial proceeding;
- h. influencing or attempting to influence another person to abuse the judicial system.

3.25 Commercial Use of Class Materials: Sale of class notes or other course generated material for commercial collection or commercial purpose.

3.26 Sexual Misconduct (Policy 828)

Sexual Misconduct Policy For Faculty, Staff and Students. Rice University is committed to providing access to education, free from gender-based discrimination, for all students, regardless of gender, sexual orientation, or gender identity. Title IX of the Higher Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities. Consistent with Title IX, the University does not tolerate sex discrimination, including sexual misconduct and relationship violence. "Sexual misconduct" is the umbrella term federal regulators use to categorize behavior that includes sexual assault, dating violence, domestic violence, and

sexual harassment. While all these behaviors are abhorrent and damaging, Rice views sexual assault as particularly so and will sanction that behavior most severely. All sex discrimination is harmful, violates the rights and dignity of those affected, and violates Rice standards, federal law, and possibly State of Texas criminal law.

In a manner respecting the dignity and intrinsic human worth of the individuals, the University will address all occurrences of sexual misconduct that are reported to Rice. Rice encourages students to seek all remedies to these behaviors that they choose, in each venue or process that they choose. Rice will investigate occurrences reported to it, stop and appropriately sanction anyone who has engaged or is engaging in prohibited behaviors, and take steps to prevent these behaviors from reoccurring. Rice recognizes the trauma these behaviors can induce and is committed to addressing the needs of both reporting student and student responding to such allegations. The process and procedures for the reporting, investigation, and adjudication of Sexual Misconduct (Title IX) is detailed in Rice's Sexual Misconduct Policy for Faculty, Staff and Students, and will govern any allegations of conduct that are defined as Sexual Misconduct (Title IX). Other disciplinary matters and charges related to and occurring in the same incident as the Sexual Misconduct (Title IX) will be addressed and resolved according to the procedures in that separate policy. To read the full text of the Sexual Misconduct Policy for Faculty, Staff and Students (Policy 828), please visit www.sjp.rice.edu.

College Violations

A College violation involves inappropriate behavior within the Colleges and on their grounds, which, though inappropriate, does not rise to a University violation because it is relatively minor and primarily involves violation of College rules.

College Infractions by themselves are not considered disciplinary violations on students' disciplinary records. Charging a student with a College Infraction does not necessarily mean the student will not be charged with a University violation. Behavior that amounts to a College Infraction and a

University violation may be addressed through both systems. Nothing about going through the College Infraction system prohibits SJP from addressing the behavior if it is later revealed that the matter should have been treated as a University violation; in that case, the matter will be handled using University violation procedures. Some examples of College Infractions include:

3.27 Unauthorized Use of Property or Services Within the Colleges and Their Grounds.

3.28 Disorderly Conduct - Disorderly, lewd, or indecent conduct; breach of peace on college grounds or at college functions.

3.29 Failure to Comply or Identify within College Boundaries or at a College Function.

3.30 Public Intoxication within College Boundaries or at a College Function.

3.31 Violating College Rules - College rules are available from the College governments.

3.32 Unauthorized Possession or Consumption of Alcoholic Beverages on College Grounds or at College Functions.

3.33 Abuse of College Judicial System.

3.34 Destruction of College Property.

3.35 Aiding and Abetting in Any College Infraction.

4. PROCEDURES

4.1 Charges, Judicial Body meetings, and Consideration by Judicial Officials.

The procedures used in a University Court or College Court meeting or by SJP are not those used in court cases and are not intended to create contractual rights, including any rights to due process as that phrase is used in courts of law. Formal rules of evidence and jurisprudence do not apply. The procedures

under this Code are not adversarial processes but rather procedures for determining the facts regarding a charge and arriving at a fair and informed resolution of a charge. Decisions by adjudicatory officials and bodies in matters under this Code are based on whether a preponderance of the evidence supports the finding; i.e., whether the information shows the student is more likely than not to have committed the behavior at issue.

All parties have a duty to bring all pertinent information concerning the matter to the attention of the investigating individual or body so that an informed and fair decision can be made. Students are expected to be honest, respond to questions, and be forthcoming with relevant information. Students who withhold information or who are not truthful during the investigation may be charged with Abuse of the University Judicial System under this Code.

a) Notifying the University of a complaint. A person wishing to make a complaint about a student's behavior should contact SJP as soon as practical after the event occurs. When practical and appropriate, SJP will meet with the complainant in person. SJP may ask the complainant to submit a written statement.

b) Which body will adjudicate the matter. When a complaint is brought to SJP, SJP determines whether the matter can appropriately be investigated by University Court, considering all the circumstances. If so, SJP may ask the student whose behavior is at issue for his or her preference as to who will adjudicate the matter, SJP or University Court. When appropriate and practical, SJP will refer matters to University Court, or resolve the matter in SJP, in accordance with the student's preference. Unless the matter is being heard by University Court at the request of the student, at any time before the University Court holds a meeting on the merits of a charge, either the student charged or the complainant may request that the Director assume authority over the matter. When such a request is made, the Director may assume authority over the matter. Reported behavior or misconduct that falls

under the definition of Sexual Misconduct (Title IX) will be investigated and adjudicated according to the process and procedures detailed in the Sexual Misconduct Policy for Faculty, Staff and Students.

c) Meetings with SJP. Students may be asked to meet with SJP staff members a number of times, both before charges are decided on and after any charges, as part of an investigation and part of the adjudication process. Students are expected to be not only honest, but also forthcoming and responsive to questions. Students are further expected to be respectful and civil. SJP may record the meetings; in such cases, the staff member will tell the student the meeting is being recorded.

d) Charges. As soon as practical, SJP, University Court, or College Court (whichever has authority over the matter) will conduct an investigation to determine if there is sufficient information suggesting a potential violation to proceed. If there is sufficient reason to proceed, the student charged will be notified. If the matter is adjudicated by SJP, the student will be notified of the charge(s), and the student will have an opportunity to respond to the charge(s) verbally and/or in writing.

e) University Court proceedings. Judicial proceedings before University Court will be conducted according to its Constitution, Bylaws, and Investigation, Hearing, and Appeal Procedures, provided they are consistent with the principles of this Code. University Court will consult with SJP and have the Constitution, Bylaws, and Investigation, Hearing, and Appeal Procedures approved by SJP by October 15 of each academic year.

f) Preliminary meeting before a College Court. For matters before a College Court, if the student requests it or the College Court considers it useful, the College Court may hold a preliminary meeting. At that meeting, the student charged may accept responsibility for the charged behavior and accept the College Court's recommended sanctions. If the student does not accept responsibility for the behavior charged and/or the recommended sanction,

the matter will be more fully investigated, and adjudicated, by the College Court or, where appropriate, referred to another judicial official or judicial body.

g) Procedures for allegations of (non-Title IX) sexual misconduct or stalking and relationship violence. Notwithstanding other procedures in this Code, in cases involving allegations of sexual misconduct (sexual assault, unwanted sexual contact, sexual harassment) or stalking or relationship violence that do not meet the definitions of behaviors governed by the Sexual Misconduct Policy for Faculty, Staff and Students, SJP or other offices will conduct an investigation, and SJP may charge a responding student under this Code. These charges may result regardless of the complainant's desire to pursue a disciplinary investigation. The decision to move forward with disciplinary charges against the preference of the complainant will be made on a case-by-case basis and will depend on the level of ongoing threat posed to the safety of individual students, as well as the Rice community as a whole. Such disciplinary investigations serve to protect the individual complainant and the broader Rice community.

SJP will make every effort to complete an investigation as promptly as possible (with a goal of completion within 60 calendar days), but the investigation timeline will vary from case to case depending on the complexity of the particular factual situation. SJP will notify the reporting and responding students if it appears the investigation will require more than 60 days. If an investigation is ongoing during school breaks or between school years, Rice will endeavor to continue the investigation during the break unless doing so would compromise the process.

4.2 The Student in SJP Proceedings - Students may be requested to meet with SJP before and/or after the student is charged with violations of the Code of Student Conduct. A mandatory meeting with SJP may occur to discuss concerns brought to SJP; it does not necessarily mean that the student will be charged with violations of the Code. A student who is charged with a violation(s) of the Code will be notified, before the decision, of:

- a) The information available to SJP that enters into the decision to charge the student;
- b) The specific sections of the Code the student is accused of violating;
- c) The specific alleged behavior that causes concern that the student may have violated the Code;
- d) The student's opportunity to review the disciplinary file, by appointment;
- e) The student's opportunity to submit a response to charges, along with any additional information the student wants considered;
- f) The general procedural steps in the disciplinary process, including the student's ability to appeal, as applicable.
- g) In exceptional circumstances, these notifications may be only communicated verbally.

4.3 The Student in the University Court or College Court Proceedings.

A student charged and called before University Court or a College Court may:

- a) receive a statement specifying the nature of the alleged violation within a reasonable time before a meeting;
- b) receive a postponement of the meeting if the request for postponement is reasonable;
- c) ask that the University Court or College Court summon witnesses or require presentation of relevant documents or other information, offer information, and argue in support of her or his position;
- d) have a student ombuds present as a procedural guide and an impartial observer of the proceedings;

- e) have a support person (who must be a member of the University community or the student's immediate family) present for moral support. Other than to consult with the student charged; the support person may not participate in the proceedings;
- f) not have legal representation present in any meeting, though students may consult an attorney outside of the meeting setting;
- g) challenge the fairness or objectivity of a voting member of the court, if done before a meeting begins or any information is considered. A challenged member may disqualify herself or himself and will be replaced by another member. Otherwise, the Director will determine whether the challenge is valid, and, if so, the challenged member will be replaced by another member;
- h) know the outcome of any disciplinary meeting and her or his right to appeal; and
- i) appeal the outcome.

5. SANCTIONS

Sanctions are intended to be not only punitive, but also corrective and educational, while protecting the safety of the community and its members. Students found to have violated the Code should be challenged to evaluate their behavior and reflect on their actions and its effect on the community.

In matters handled by an adjudicatory body where a student is found to have violated the Code, that body will recommend sanctions to the Director. Except for in a Magister's Rustication (described below), SJP may impose a different sanction than recommended. In determining an appropriate sanction, SJP may consider sanctions that the student has received for prior academic or disciplinary violations, and other factors as appropriate.

The Magister (in the case of College Infractions or Magister's Rustications) or SJP (in all other cases) accepts and implements the sanctions. However, this does not apply to sanctions that are implemented as a result of the

hearing process and procedures detailed in the Sexual Misconduct Policy for Faculty, Staff and Students.

5.1 Immediate and Interim Actions

The Associate Dean of Students, Student Judicial Programs (through the Director or designee) and the Dean of Graduate and Postdoctoral Studies may, *either on a final or interim basis*, immediately expel or suspend a student or proscribe the student's privileges or movement on campus on the following bases:

- a) to ensure the safety and wellbeing of members of the University community or preservation of University property;
- b) to ensure the student's own safety or wellbeing;
- c) to maintain the reputation of the University;
- d) if the student poses a threat of disruption or interference to an individual or to normal University operations; or
- e) for other reasons specified in other sections of the Code.

The Associate Dean may also require an assessment or evaluation of any student when, in his or her judgment, the behavior of the student is cause for concern, regardless of whether the student has been found in violation of the Code. If appropriate, after an assessment or evaluation is completed under this section, the Director, Associate Dean, Dean of Undergraduates, or Dean of Graduate and Postdoctoral Studies may require that the student participate in necessary further assessment, treatment, education or follow up, or can take other action if necessary to protect the health, safety, or welfare of any member of the Rice community.

5.2 Types of sanctions

a) Expulsion - Permanent Separation from the University. Under this Code, this penalty can be imposed only by the Director, the Associate Dean of Students, the Dean of Undergraduates, the Dean of Graduate and Postdoctoral Studies, or their designee. Students who are expelled must leave the university within the time frame specified by Student Judicial Programs. Any tuition refund will be calculated from the official date of expulsion based on the refund schedule noted in the Academic Calendar, published by the Office of the Registrar.

b) Disciplinary Suspension - Suspension may be for a specified time or until specified conditions are met. Suspended students must leave the University within the timeframe specified by SJP. While suspended, students cannot attend classes, live on campus, or access any private areas of the residential colleges. Participation in student activities on and off campus and use of Rice facilities, including the student center, the colleges, the playing fields and recreational facilities, and computer labs, is limited to enrolled students. Students who are suspended must leave the university within the time frame specified by Student Judicial Programs. Any tuition refund will be calculated from the official date of suspension based on the refund schedule noted in the Academic Calendar, published by the Office of the Registrar.

Readmission following disciplinary suspension requires approval of SJP. Readmission after the term of the suspension is not automatic and may be denied, for example, when the specific terms of the suspension have not been fulfilled. Readmission from suspension may be accompanied by additional requirements to ensure the safety, success and wellbeing of the student.

c) Loss or Suspension of Privileges - A student may be prohibited from attending particular functions, public parties or private gatherings, or other locations or events where alcohol is served or consumed (whether on or off campus), or prohibited from consuming alcohol on campus, or being on campus under the influence of alcohol. When recommended by University Court, or implemented by SJP, the specific behaviors restricted will be explained to the student.

A student may also be prohibited from entering a particular campus area, facility, residence, or college by SJP; this is effectively a judicially proscribed “rustication.” In that case, a student is prohibited from living on campus and participating in college life or activities, and other prohibitions as appropriate. Although this particular sanction must be initiated by SJP, the availability of these University-level sanctions does not affect the Magisters’ ability to rusticate members of their colleges, or ban members of other colleges.

d) Disciplinary Probation - A written notice from SJP that further violations may result

in suspension or other serious sanction, and that the student may not host private gatherings may not host or serve alcohol at public functions or parties, or be a candidate for or hold elective or appointed office in any University organization during the term of the probation. The term of the probation may be a specified period of time or remain indefinite. For students on disciplinary probation for a semester-specific amount of time, the probation remains in effect until the beginning of the first semester subsequent to the probation semester(s). Students on disciplinary probation may be required to meet regularly with appropriate University officials and have additional assignments including, but not limited to, community service and/or reflection papers.

e) Fines or Equivalent Work Penalty. Fines imposed by the College Courts will be paid to the College; all other fines will be collected by SJP and are payable to the University. The nature and terms of an equivalent work penalty, when used, will be specified by SJP.

f) Restitution - Restitution in money, or in kind, to the University, College, or individual for a loss caused by the student or organization found in violation.

g) Required Community Service or Work Assignment - The student (or organization) is required to engage in service to the community, an agency, an institution, or the University, or to participate in special educational

programs or projects. At the discretion of SJP a corresponding work assignment may be substituted for or added to a monetary fine.

h) Mandatory Educational Session/Counseling - The student will be required to complete an educational program or counseling program.

i) Mandatory Written Apology - The student or group will be required to write an appropriate letter of apology, which must be approved by the Chair of the Court, Magister, or Director (as determined by the judicial official or body considering the matter).

j) SJP Holds - SJP may place a hold(s) on a student's account with the Office of the Registrar for not completing required sanctions, for nonpayment of college fines or other assessments after college judicial action, for not completing the Honor Council orientation required of incoming students, for not affirming the intent to follow the Honor Code, Code of Conduct, and Alcohol Policy, for not cooperating with the judicial process under this Code, for having pending Honor Council or Code of Student Conduct allegations, and for other causes as necessary.

In general, students with holds placed by SJP may not register for classes, receive copies of their transcripts or grades, have their transcript released to other parties, or, in some instances, graduate. A hold placed by SJP is an administrative action authorized by the Director and is not a disciplinary sanction under the Code.

k) Results of Failure to fulfill imposed sanctions - A student's failure to fulfill sanctions imposed may result in further proceedings and additional sanctions, including suspension or expulsion from the University. This is in addition to the imposition of any holds and in addition to the original sanctions.

l) Discretionary Sanctions - Additional educational activities, work assignments, such as community service, and any other related discretionary sanctions.

m) **Warning** is a written sanction which advises a student that they have engaged in behavior that is unbecoming of a member of the University community. A warning may include a requirement to meet with a designated University official. This sanction remains in effect for a specified period of time, after which, it may be removed from the student's conduct record at the student's request. Any further misconduct during a sanction of warning may result in additional disciplinary action.

5.3 Sanctions for College Infractions - A student found to have committed a College

Infraction may be subject to a monetary fine, restitution, and loss or suspension of privileges within the Colleges (other than rustication) for a specified time. Fines for College Infractions will be paid to the College.

a) **Rustication** - Magisters have the authority to summarily rusticate a student— *socially or from the College*—who is a member of that Magister's College. Magister's Rustication is a social action apart from sanctions described in this Code and derives from the Magister's role in making decisions for the welfare of the College and its students. It involves revocation of some or all of the privileges of living within the college system. It may be imposed only by the Magister but may be recommended to the Magister by other University officials, including SJP.

6. APPEALS

Decisions can be appealed by the student charged and, in some cases, by the complainant.

6.1 Appeal of Immediate and Interim Actions - The student involved may appeal immediate and interim actions, including an interim suspension and expulsion, within 10 days, to the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate), who will decide the appeal within seven days of the appeal. During the appeal, the interim action(s) will remain in effect except as provided by SJP or the Associate Dean.

Appeals of Emergency Removals in relation to Sexual Misconduct (Title IX) under the Sexual Misconduct Policy for Faculty, Staff and Students will follow the procedures outlined in that policy.

6.2 Bases for all other appeals – Appeals from decisions that the student is “in violation” of the Code of Student Conduct must be based on one of the following grounds: :

- a. the decision by University Court, the College Court, or SJP was not reached fairly in the light of the charges and information available;
- b. the finding should be changed based on new information that could not have been reasonably discovered at the time of the adjudication;
- c. the information submitted to University Court, the College Court or SJP did not support the decision; or
- d. the sanctions imposed were inappropriate.

If an appeal is not based on one of these reasons, the appellate official may dismiss the appeal at the official’s discretion.

6.3 Procedures for appeal - Except as otherwise noted, a student eligible to appeal and who wishes to appeal must do so, in writing, within 10 business days of the date of the written notification of the decision. The student appealing should explain the basis of the appeal in writing. The judicial official or body may respond in writing. Normally there are no oral presentations during the appeals process; the appellate decision is made based on the written presentations and the record of the proceedings. An oral presentation may be made if the person deciding the appeal believes an oral presentation would be helpful. Students should limit the page length of their appeal statement to five standard letter- sized pages or less. The path of appeals varies based on the decision-maker.

6.4 Appealing a University Court decision - All appeals from a decision by University Court are made to the Director of SJP. The timelines and additional procedures for appealing a University Court decision may be specified in the

University Court's procedures. A second appeal, to the Dean of Undergraduates, is available when the sanction involved is suspension or expulsion.

6.5 Appealing a College Court decision - Appeals from actions by the College Courts or other College actions are handled by the Magister, with a final appeal to SJP; *appeals to the Dean of Undergraduates are not available for these matters.*

6.6 Appealing a Magister's decision - All appeals from a decision of the Magister are handled by the Director of SJP, except decisions by a Magister to rusticate. A Magister's decision to rusticate a student may be appealed only to the Dean of Undergraduates. There is no further appeal.

6.7 Appealing a decision by SJP - Matters decided by SJP may be appealed to Dean of Graduate and Postdoctoral Studies (for graduate students), or to the Dean of Undergraduates (for undergraduate students and any other category of student). There is no further appeal.

6.8 Judicial Affairs Committee recommendations - When SJP takes action based on the recommendations or findings of a Judicial Affairs Committee, the student(s) may appeal to the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate). There is no further appeal.

6.9 Appeals of Sexual Misconduct (Title IX) - Appeals of decisions and sanctions resulting from the hearing process and procedures detailed in the Sexual Misconduct Policy for Faculty, Staff and Students will be governed by that policy.

6.10 Result of appeal - If an appeal is found meritorious, the Magister, Director, Dean of Undergraduates, or Dean of Graduate and Postdoctoral Studies may decrease or increase the sanction, or refer the matter back to the official or body that originally adjudicated the matter with instructions for reconsidering the original determination or sanction, as appropriate.

6.11 Decisions are final pending appeal - Decisions made in disciplinary matters are final, pending the appeal process. Sanctions other than rustication by a College Magister may be set aside by SJP, on petitions from the sanctioned student and at its discretion, until the appeal process is resolved. Only the Dean of Undergraduates may set aside a Magister's Rustication during the appeal process.

Authorized members of the University administration, faculty and/or staff, with a need to know, may have access to information regarding disciplinary proceedings and results. The University may also be required to release such information in response to duly issued subpoenas in criminal, civil or administrative proceedings. Students are encouraged to seek support from the Student Wellbeing Office, Rice Counseling Center, and others in their support network.

7. AMNESTY

7.1 Medical Amnesty - Any student may bring an intoxicated or drug-impaired person to Rice University Health Services or seek assistance from the Rice Emergency Medical Services or the Rice University Police Department. Neither the student who is impaired nor the student assisting the impaired student will face disciplinary action under this Code for the possession, use, or provision of alcohol (see exception below) or the possession or use of other drugs, so long as the student(s) receiving the amnesty completes a mandatory follow-up with their Residential College Magister, the Dean of Undergraduates, the Dean of Graduate and Postdoctoral Studies, or the appropriate designee of one of these offices. The designee in either case may be the Rice University Counseling Center or the Student Wellbeing Office.

Amnesty does not apply to other prohibited conduct, including but not limited to, providing hard alcohol to persons under 21 or the distribution of dangerous substances, whether legal or illegal. Amnesty may still be extended under these circumstances, but will be determined on a case-by-

case basis, with consideration given to the student's intent, proactive steps taken to ensure the safety of the intoxicated peer, and other relevant factors. Amnesty does not apply in any case of assault, violence, or property damage.

Failure by a student, organization, or college to call REMS or RUPD when faced with an alcohol- or other drug-related emergency is a serious violation and may be sanctioned with rustication or loss of privileges, suspension, or expulsion.

To receive amnesty, a student must initiate a request for assistance before being confronted by Rice for possible alcohol or drug violations. Students may receive amnesty on more than one occasion. Because cooperation is crucial during emergency responses, any interference with REMS, RUPD, or others trying to provide care to an injured person is unacceptable and will be severely sanctioned. An intoxicated or drug-impaired student who is belligerent toward emergency responders will not receive amnesty.

7.2 Amnesty in Relation to Reported Incidents of Sexual Assault - A student who, in good faith, reports being the victim of, or a witness to, an incident of sexual assault will not face disciplinary action under this Code for misconduct in relation to the incident. This amnesty does not apply to a student who reports the student's own commission of sexual assault or assistance in the commission of a sexual assault.

8. RECORDS & RECORDS RETENTION

Documents pertaining to **sanctions** described in section **5.2 a (Expulsion)** and section **5.2 b (Disciplinary Suspension)** will be part of student's permanent internal disciplinary record in the Office of SJP.

Documents pertaining to **sanction 5.2 m (Warning)** will be part of the student's internal disciplinary record in the Office of SJP as described in the outcome/decision letter.

Documents pertaining to all other sanctions will be kept in the office of SJP for a period of seven years from the date of the sanction assigned to the

student.

9. UNAUTHORIZED WITHDRAWAL AND RESIGNATION

A student charged under the Code or the Sexual Misconduct Policy for Faculty, Staff or Students, or where a charge is imminent, who leaves the University without permission to withdraw will be considered to have resigned and is no longer considered a student. Students who withdraw with or without permission while charged or where a charge is imminent may be placed on interim separation until the charge is resolved.

A student may resign from the University by notifying the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate) in writing. Resignation means the student is no longer a student at Rice, and will not return to Rice. A notation will appear on the student's transcript that indicates the student is ineligible to reenroll unrelated to academic or financial reasons. A resignation becomes effective when accepted by the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate). In general, if a student is under investigation for a potential Code of Student Conduct violation or has charges pending under the Code, those proceedings will terminate upon acceptance of the resignation by the appropriate

Dean. However, this general rule does not apply if the resigning student has been charged with sexual assault, sexual harassment, dating violence, or stalking, or any other behavior that could result in expulsion.

Students who resign under any of these circumstances are generally not considered for readmission except under extraordinary circumstances and with permission from the appropriate dean.

10. INTERPRETATION

Any question of interpretation regarding this Code will be referred to the Associate Dean of Students or their designee for final determination.

11. AGREEMENT By virtue of their status at Rice University, students agree to be bound by the Code of Student Conduct and any amendments that may be enacted from time to time, as well as by other Rice policies including the Rice Alcohol Policy and the Rice Honor Code. This obligation is emphasized each time students register for classes but the agreement to be bound exists even when an electronic affirmation is not executed. This Code applies to all matters where the behavior occurs on or after August 1, 2024.

Provisions of this Code may be reviewed and amended at any time by the Dean of Undergraduates and the Dean of Graduate and Postdoctoral Studies or their designees and are effective when approved by both.