

STUDENT HANDBOOK

CODE OF STUDENT CONDUCT



[Community Standards](#) in the [Dean of Students Office](#):

LBJ Student Center Suite 504

[512-245-2124](tel:512-245-2124)

StudentConduct@txstate.edu

To report an alleged violation of the Code of Student Conduct, use the [Report a Student Conduct Concern](#) link.

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I. General Provisions

1.01 Applicability

This Code of Student Conduct, hereafter also referred to as this code, is applicable to any person currently enrolled at Texas State University, including online and other remote learning modalities. A student who withdraws from school is subject to disciplinary action for any conduct that occurred while the student was enrolled. This code also applies to any prospective or former student who has been accepted for admission or readmission to the university while the person is on campus.

This code is adopted pursuant to authority granted by The Texas State University System (TSUS) Board of Regents.

This code is printed annually in the [Student Handbook](#). When this code is updated between printed editions, the most updated version, generally the online version, shall prevail.

1.02 Definitions

Texas Education Code (See Student Handbook Hazing Policy).

3. “Hearing Officer” means a person appointed by the Dean of Students to conduct hearings under section III, subsection 3.05, of this code.
4. “Notice” means correspondence:
 - a. sent by mail, addressed to the addressee at the local address and/or permanent address, as shown on university records; or
 - b. personally delivered to the addressee; or
 - c. sent electronically from a Texas State email account to the student’s Texas State email account
5. “Preponderance of the evidence” means the greater weight of credible evidence. It means the strongest evidence, however slight the difference might be.
6. “Published university policy” means a written rule or policy from: (1) the Board of Regents, Texas State University System; (2) a university policy and procedure statement (UPPS); (3) a university division (for example, a PPS from Academic Affairs); or (4) a faculty, staff or student handbook.
7. “University” means Texas State University, including the San Marcos and Round Rock campuses.
8. “University official” means a person in an official university capacity, including regents, officers, faculty and administrative staff.
9. “University property” means property owned, controlled, used or occupied by the university, including property physically removed from Texas State campuses.

1.03 Awareness of Policies

these published policies. A violation occurring off campus while participating in a

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university-sponsored program may be treated as if the violation occurred on campus. Students also are expected to comply with all federal, state and local

laws. Any student who violates any provision of those laws is subject to

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disciplinary action, notwithstanding any action taken by civil authorities. This

principle extends to conduct off campus that is likely to have an adverse effect on

   the university or the educational process.


Resources



Site Links



2.01 Conduct Required

Students shall conduct themselves in a manner consistent with the university's mission as an educational  institution. Students who conduct themselves in a manner that violates this Code of Student Conduct may be subject to disciplinary penalties.

2.02 Conduct Prohibited

Specific examples of conduct that are violations of this Code of Student Conduct include, but are not limited to, involvement or attempted involvement in the following:

- A. committing an act that would constitute a criminal offense under state, federal or municipal law
- B. violating any published university policy
- C. failing to comply with a directive from a university official, including a summons to the office of an administrative officer at a designated time
- D. furnishing false information to the university or giving false testimony or evidence at a disciplinary or other administrative proceeding

- F. endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from university facilities
- G. misusing fire extinguishers or other safety equipment on university owned or controlled property
- H. interfering or disrupting university teaching, research or other activity, including administrative, disciplinary or public service activities, or violating the university's policy on Demonstrations on University Property (see UPPS 07.04.07)
- I. endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person
- J. possession of or use of university keys without authorization
- K. engaging in or submitting to hazing (including hazing associated with an initiation by an organization using dangerous, harmful or degrading acts; see Student Handbook Hazing Policy)
- L. possessing, using or distributing alcoholic/intoxicating beverages in a manner that violates TSUS or university policies or that would constitute an offense under appropriate federal, state or municipal law (see Student Handbook Alcoholic Beverages Policy)
- M. gambling on university property
- N. possessing, using, selling or distributing any illegal drug or controlled substance. (The sanctions for this violation range from mandatory counseling to expulsion.)
- O. possessing or using a firearm, ammunition, illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stiletos, poniards, Bowie knives, swords, and/or spears), weapon or replica thereof on university property (except as permitted by Texas Government Code Section 411.2031–411.2032, Texas Penal Code Section 46.035, Texas State University and the Texas State University System Rules and Regulations). For more information on “campus carry” regulations, see UPPS 01.04.45 Concealed Carry of Handguns by License Holders on University

object on university owned or controlled property that could damage a person or property

Q. stealing, destroying, damaging or misusing the property of the university or that of another person

R. forging, altering, misrepresenting, or misusing university documents, forms, records, student identification cards or admission documents

S. violating a published university policy governing residence life or breaching a Housing and Residential Life contract

T. advocating, either orally or in writing, the conscious and deliberate violation of any federal, state or local law (“Advocating” means addressing an individual or group for imminent action and steering it to such action as opposed to abstractly espousing the moral propriety of such action.)

U. entering university buildings or facilities or using university equipment or resources without authorization

V. failing to maintain a current official mailing address in the Registrar’s Office or giving a false or fictitious address to a university official

W. initiating, communicating or circulating a false report of a present, past or future bombing, fire, offense or other emergency that would cause action by an agency organized to deal with emergencies; placing a person in fear of imminent serious bodily injury; or preventing or interrupting the occupation of a building, room, vehicle or other mode of conveyance

X. **harassing**, bullying or threatening to take unlawful action against any person

Y. engaging in academic dishonesty as described in UPPS 07.10.01 (Honor Code) and in this handbook

Z. engaging in disorderly conduct on property owned or controlled by the university, or at a university function, that interferes with the university’s programs or activities

AA. using authority granted by state law, system rule or university policy to *deprive a person of their civil rights*

disrupt the learning environment

AC. violating any published university policy relating to computer resources, electronic network facilities or the internet

AD. attempting to commit any of these prohibited acts

AE. engaging in sexual misconduct as described in the Texas State University Sexual Misconduct Policy, including engaging in, but not limited to:

1. dating violence
2. family (domestic) violence
3. retaliation
4. sexual assault
5. sexual exploitation
6. sexual harassment
7. sexual intimidation
8. sexual violence
9. stalking

AF. retaliation by threat or action against any person or university entity involved in the reporting or review of an alleged violation by any individual or allied third-party (see Texas Penal Code Section 36.06)

AG. possessing, using or distributing tobacco, tobacco substitute, nicotine, or smoking-related products in a manner that violates TSUS or university policies or that would constitute an offense under appropriate federal, state or municipal law (see Student Handbook Tobacco Policy and Texas Health and Safety Code, Title 2, Subtitle H, Chapter 161, Subchapter H)

Under the direction of the Vice President for Student Success, the Dean of Students or designee shall be primarily responsible for the administration of the Student Conduct and Community Standards system.

1. The Associate Director of the Department of Housing and Residential Life or designee will work closely with the Dean of Students or designee in resolving minor disciplinary problems resulting from the alleged violation of regulations involving residence hall residents.
2. The Round Rock Campus (RRC) director or designee may resolve disciplinary problems resulting from the alleged violation of regulations occurring at the RRC or involving RRC students not enrolled in classes at the San Marcos campus. Any disciplinary issues with the potential of resulting in a suspension or expulsion should be referred to the Dean of Students Office (Student Conduct) for review.

3.02 Disciplinary Procedures

1. Investigation — The Dean of Students or designee will investigate information that a student may have violated a university policy. During the investigation, the Dean of Students or designee will give the student an opportunity to explain the incident, unless the student is unavailable. The Dean of Students or designee may conduct an investigation and make an administrative determination in the absence of a student if the student does not respond within the time period specified in any notice to the student. The Dean of Students or designee may place a registration hold, preventing a student from registering for additional courses, until the student responds to a summons or a decision is finalized.
2. Administrative Review — If the Dean of Students or designee concludes,

determine an appropriate disciplinary penalty. Preponderance of the evidence means the greater weight and degree of credible evidence.

- a. The Dean of Students or designee will discuss the findings and determination of an appropriate penalty with the student, if the student is available. In cases where the Dean of Students or designee determines that the allegations against the accused student are true but the only sanction assessed is a warning, the student may not request a hearing. For sanctions other than warnings, the Dean of Students or designee will give the student an opportunity to either accept or reject the Dean of Students or designee's decision.
- b. If the student accepts the Dean of Students or designee's decision, the student shall so indicate in writing and waive their rights to a hearing. The Dean of Students or designee may then assess the disciplinary penalty.
- c. If the student does not accept the Dean of Students or designee's decision, the Dean of Students or designee will initiate the hearing procedure (see section 3.05).

3. Investigation of Alleged Title IX (Sexual Misconduct Policy) Violations - Allegations of a Title IX violation will be referred to the Title IX Coordinator, who will investigate according to the Texas State University System (TSUS) Sexual Misconduct Policy. The Title IX Coordinator will investigate all alleged violations of the TSUS Sexual Misconduct Policy.

4. Penalties — Mitigating or aggravating factors in assessing the proper level of discipline may include, but are not limited to, the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university community; and the likelihood that the behavior will recur. The following penalties comprise the range of official

conduct. These penalties are not exclusive and may be imposed with other sanctions.

- a. Warning — A written notice to the student that a violation of a published university policy has occurred and that the continuation of such conduct or actions could result in further disciplinary action.
- b. Restricted privileges — Denial or restriction of one or more university privileges granted to students. These may be, but are not limited to: parking privileges; dining facility privileges; visitation privileges; use of university computers, computer facilities or systems; and participation in athletics or other extracurricular activities. Loss or restriction of privileges does not entitle a student to a refund of fees, paid or due.
- c. Special project — The requirement that the student complete a special project, for example, writing an essay or attending a special class or lecture.
- d. Restitution — Paying for physical or property damage, losses or misappropriation, either monetarily or by the performance of specific duties.
- e. Cancellation of residence hall contract.
- f. Disciplinary probation — An indication that the student is not in good standing and that their continued enrollment is conditioned upon adherence to published university policies. Probation automatically restricts the following privileges:
 - i. A student on disciplinary probation is ineligible to be elected or hold any executive office of any student organization recognized by Texas State; and
 - ii. A student on disciplinary probation may not represent the university in any special or honorary role.

- h. Cancellation of pre-registered courses, prohibition against readmission or restriction from pre-registration.
 - i. Denial or non-recognition of a degree.
 - j. Loss of or ineligibility for a student grant or loan.
 - k. Deferred Suspension – Like disciplinary probation, an indication that the student is not in good standing and that their continued enrollment is conditioned upon adherence to published university policies. In addition to the restrictions of disciplinary probation, it is understood that a subsequent violation shall result in suspension.
 - l. Suspension – Separation from the university for a definite term during which the student shall not be permitted to: earn university credit at Texas State, be on university-owned property nor participate in any university activity. A student who has been suspended from any Texas State University System component shall be ineligible to enroll at any other system component during the period of suspension.
 - m. Deferred Expulsion – Like disciplinary probation, an indication that the student is not in good standing and that their continued enrollment is conditioned upon adherence to published university policies. In addition to the restrictions of disciplinary probation, it is understood that a subsequent violation shall result in expulsion.
 - n. Expulsion – Permanent separation from the university. A student who has been expelled from any Texas State University System component shall be ineligible to enroll at any other system component during the period of expulsion.
5. Recording of Penalties – The registrar of each component is authorized to make an appropriate notation on the student’s transcript to accomplish a

State University System includes all Lamar University, Sam Houston State University, and Sul Ross State University campuses. The penalties provided in subsections 3.03A, 8, 9, 12, and 14 may be noted on the student's permanent transcript. Any record of penalty, except for expulsion, not noted on the transcript shall be expunged no later than seven years after the penalty is assessed.

6. Finality of Penalties — No penalty shall take effect until disciplinary action becomes final. Except for the discretionary review described in section 4.04, disciplinary action becomes final when:

a. During administrative disposition:

i. upon acceptance by the student of the Dean of Students or designee's decision

ii. if the only sanction is a warning; or

iii. upon notification to the student of the decision of the Dean of Students or designee and the expiration of the time in which to file a notice of appeal to the hearing board

b. In the event of a hearing:

i. the sanction assessed is a warning; or

ii. upon notification to the student of the decision of the hearing panel and the expiration of the time in which to file a notice of appeal to the Vice President for Student Success

c. In the event of review by the Vice President for Student Success, upon notification to the student of the decision of the Vice President for Student Success.

d. An exception to the imposition of penalties is in place for Sexual Misconduct Policy violation cases. See the TSUS Sexual Misconduct

3.04 Interim Disciplinary Action

1. The President or Vice President for Student Success or their designee may take immediate interim disciplinary action, including suspension, pending a hearing, against a student for allegedly violating a university policy when the student's continuing presence is reasonably believed to pose:
 - a. a danger to persons or property; or
 - b. an ongoing threat of disrupting the academic process.
2. The university official involved shall notify the student of the interim disciplinary action by the most expeditious means available. Thereafter, the Dean of Students or designee may offer the student an opportunity to have an administrative review or to immediately initiate the hearing procedures provided in this code. If the latter option is chosen, a hearing shall be held no later than 12 class days after the interim disciplinary action is imposed.

3.05 Hearings

1. Hearing Board – At the beginning of each long semester, the Dean of Students will appoint an at-large hearing board composed of student members and hearing officers. The hearing officers will be faculty or staff members with a minimum 50% FTE appointment who have at least 9 months of employment at the university. Student members must be in good academic and disciplinary standing. One hearing officer and two student members, hereafter collectively referred to as the hearing panel, shall be scheduled to hear each hearing based on availability and scheduling constraints. When available, alternate board members may sit in the panel to ensure that hearings may proceed in cases where an appointed member is unable to serve through the end of the hearing and deliberations. If one hearing officer and two student members are not able or willing to hear a

new appointments, whether appointed for one hearing or the remainder of the current academic year, shall have all the qualifications, authority and responsibilities of a board member appointed at the beginning of the fall semester. The hearing officer shall preside over the disciplinary hearing.

2. Students' Rights – Each student who requests a hearing or who is given an interim disciplinary sanction shall be afforded:

a. Notice – Written notification at least five class days before the hearing specifying:

- i. the university policy alleged to have been violated
- ii. a summary of the facts alleged to constitute the violation
- iii. the date, time and location of the hearing
- iv. the names of expected witnesses and a summary of their expected testimony
- v. a description of other evidence that the Dean of Students or designee will present at the hearing
- vi. notification if the Dean of Students or designee intends to use legal counsel for other than advisory purposes as provided in 3.05, B, 3
- vii. a statement that the student must provide a list of witnesses and a summary of their expected testimony to the Dean of Students or designee at least 48 hours before the hearing
- viii. the names of the hearing officer and student members of the hearing panel

b. Hearing – This is an opportunity for the student to attend the hearing and present relevant evidence. If the student fails to attend, the

affidavits of witnesses on their behalf.

- c. Representative — This is an opportunity for the student to have an advisor or counsel present at meetings with the Dean of Students or designee and during hearings. The student will provide the representative at their expense. The university is not obligated to arrange for or provide a representative. In addition, the student may also have parents or a legal guardian present.
 - i. To the extent that the Dean of Students or designee uses legal counsel for other than advisory purposes during the hearing, the student shall be afforded the same opportunity. The Dean of Students or designee will notify the student of the Dean of Students or designee's intent to use legal counsel when providing the notification described in 3.05, B, 1.
 - ii. The student's representative may not address the panel, question witnesses or the Dean of Students or designee, or participate in the hearing except to offer advice and counsel to the student.
 - d. Challenge to Impartiality — This is an opportunity for the student to challenge the impartiality of the hearing officer or a student member of the hearing panel. This challenge must be made at any time before the introduction of testimony or other evidence. The person challenged will be the sole judge as to whether they can serve with fairness and objectivity. If the person challenged chooses not to serve and an alternate is not readily available, the Dean of Students may appoint a special replacement for that case.
3. Notification of Evidence — At least 48 hours before the hearing, both the Dean of Students or designee and the student will provide the other party with the names of witnesses, summaries of testimony, documents and other evidence to be presented at the hearing.

going forward with the evidence and the burden of substantiating the violation by the preponderance of the evidence.

5. Questioning Witnesses — The Dean of Students or designee, the student and members of the hearing panel may question witnesses regarding relevant matters.
6. Recording — The hearing, with the exception of the panel’s deliberation, will be recorded. If the student or the Dean of Students or designee desires to appeal the panel’s findings, a copy of the hearing recording and records presented at the hearing will be forwarded to the Vice President for Student Success. Students may request an electronic copy of the hearing at no cost. Requests for additional records that incur an expense will be paid by the requesting party.
7. Postponement — The Dean of Students may postpone a hearing for good cause. A request for postponement must be filed with the Dean of Students Office at least 24 hours before the hearing.
8. Hearing Officer — The hearing officer will determine the procedure to be followed, rule on the admissibility of evidence and control decorum in the hearing.
9. Attendance — Upon the request of the student or the Dean of Students or designee, or upon their own initiative, the hearing officer may issue a written request for a witness to appear and testify or to produce documents at a hearing. Requests shall be personally delivered, sent by certified mail or sent from a university email address to the witness’ designated university email account. Students who are requested to appear at hearings are expected to comply.
10. Confidentiality — During the hearing, only the members of the hearing committee, Dean of Students or designee and their counsel, the student and

remain in the hearing room during introductions, the explanation of procedural rules and while testifying unless both the student(s) party to the hearing and the Dean of Students or designee consent. All persons present at the hearing shall treat matters discussed with confidence.

11. Relevant Evidence — Legal rules of evidence shall not apply to hearings. Any relevant evidence shall be admitted, if it is credible and is the sort that reasonable people would rely upon in the conduct of their affairs.

12. Not Compelled to Testify — Students may not be compelled to testify against themselves.

13. Procedural Steps

- a. The hearing officer will invite all parties entitled to be present into the hearing room or platform in use for remote participation.
- b. The hearing officer will read a statement of confidentiality.
- c. The hearing officer will state the university policy alleged to have been violated.
- d. The Dean of Students or designee will present evidence of the student's violation of the policy.
- e. Each party may present their own defense against the charges or relevant information.
- f. The parties may question the witness(es).
- g. The parties may present rebuttal evidence.
- h. The parties may present brief summations.
- i. The hearing officer will dismiss the parties, and the hearing committee will deliberate and determine by a majority vote whether the student has violated a university policy. If the committee finds that the student

if any, to be assessed.

- j. The hearing officer will present the hearing panel's decision to the Dean of Students or designee for prompt and simultaneous notification to the parties entitled to such notification. If the student is found to have violated a university policy, and if a disciplinary penalty has been assessed, the notification will include information on the student's right to appeal to the VPSS.

IV. Appeals

4.01 Vice President for Student Success (VPSS)

Except for the discretionary review described in section 4.04, in cases in which the sanction assessed is a verbal or written warning or probation, the decision of the hearing panel is final. In cases in which the sanction assessed is beyond a warning or probation, either party may appeal to the VPSS based on:

- A. whether or not a fair hearing was afforded (A fair hearing includes notice of the alleged misconduct and an opportunity to present evidence.)
- B. whether or not the sanctions levied were appropriate to the offense
- C. whether or not the finding was supported by the evidence
- D. whether or not new evidence is introduced that was not available at the time of the hearing

An appeal is not a rehearing of the original case; the VPSS's review will focus on arguments addressing the basis, listed above, of the appeal.

than five business days after the hearing panel's decision. All supporting documentation, including written arguments, when appropriate or requested, shall be filed with the VPSS no later than five business days after notice of appeal is given. The parties, at the discretion of the VPSS, may submit oral or written arguments to support their positions.

4.03 Action

Upon appeal, the VPSS will review the materials presented at the hearing and may require the parties to submit written material or oral statements. The VPSS shall respond to the appeal within 10 business days after all the documentation is received and all testimony is heard. The VPSS may postpone a decision for good cause.

- A. If the student is required to appear in person before the VPSS, the student may have a representative present, as provided in section 3.05, B, 3.
- B. The VPSS may approve, reject, or modify the decision of the hearing committee or may require that the committee reopen the hearing to hear additional evidence or to reconsider the decision.
- C. The VPSS will inform the student(s), the Dean of Students or designee, and the hearing officer of their decision in writing. The VPSS's decision is final except for the discretionary review described below.

4.04 Discretionary Review

The VPSS, the President or the Board of Regents may, on their initiative, review any disciplinary case and upon such review may approve, reject or modify the lower decision, or may remand the decision to the hearing officer or hearing panel for presentation of additional evidence and reconsideration of the decision.

