

UTDSP5003

# Student Code of Conduct

## Policy Statement

### Section A. General Provisions

#### Subsection 1: Purpose

1. Pursuant to the Regents Rules, the University of Texas at Dallas (UT Dallas) has developed its policy regarding student conduct and discipline in accordance with The University of Texas System (UT System) model policy. Each student is charged with notice and knowledge of and compliance with the contents and provisions thereof. Reporting to the Dean of Students, the Office of Community Standards and Conduct seeks to support the mission of The University of Texas at Dallas by promoting integrity, civility, and community on campus. Recognizing that students make mistakes, we strive to help them acknowledge their personal responsibilities as members of the University community through fairly and consistently upholding the Student Code of Conduct. By doing so, we help bring student actions into congruence with the expectations set forth by the University while challenging them to demonstrate ethical decision making and personal integrity.
2. As members of the UT Dallas community, all students are expected to uphold the Comet Creed: *As a Comet, I pledge honesty, integrity, and service in all that I do.* Additionally, students are required to obey federal, state, and local laws and to comply with UT System and University rules and regulations.
3. The conduct review process is an administrative process and meant to be educational in nature. This process is separate from and may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Outcomes including finding of responsibility and sanctions shall not be subject to change because of criminal or civil outcomes.

#### Subsection 2: Scope

1. This policy applies to student organizations as well as individual students. Student organizations are accountable for the conduct and actions of their members.
2. An individual who is not currently enrolled as a University student remains subject to the

disciplinary process for conduct that occurred while a student. Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters. This includes conduct that is discovered after the awarding of a degree.

3. A student is accountable for conduct that occurs on or off campus. University officials will review off-campus conduct pursuant to this policy. Factors considered in determining when to initiate a formal investigation for off campus conduct include, but are not limited to, whether the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution and whether the conduct adversely affects University interests.

### Subsection 3: Definitions

1. Unless the context requires a different meaning, the definitions following apply to this policy.
  1. A **"day"** means Monday through Friday except for days on which the University is officially closed or when regularly scheduled classes are suspended due to emergency situations.
  2. **"Dean"** means Dean of Students and refers to the administrative officer or officers responsible for the administration of the disciplinary process. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.
  3. **"Vice President"** means the Vice President for Student Affairs or the Vice President for Student Affairs' designee.
  4. A **"student"** means a person enrolled or formerly enrolled at the University and is eligible to continue enrollment in the semester or summer session that follows; a person accepted for admission or readmission to the University; a person who engaged in prohibited conduct at a time when he or she met any of the prior.
  5. **"University"** or **"institution"** means The University of Texas at Dallas.
  6. **"UT System"** means The University of Texas System.
  7. **"University rule"** means a rule, a regulation, a policy, or instruction contained in the University's Handbook of Operating Procedures or other official University publication or document.
  8. **"Discipline Committee"** means individuals selected in accordance with procedures adopted by the University pursuant to the recommendation of the Vice President for Student Affairs to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose the appropriate sanction(s).
  9. **"Campus"** consists of all real property, buildings, or facilities owned or controlled by UT Dallas.
  10. **"Faculty"** means any tenured or non-tenured, full or part-time instructor whose responsibility includes teaching.
  11. **"Hearing advisor"** means the individual who is responsible for oversight of administrative duties during or prior to the hearing.
  12. **"Complainant"** is defined as The University of Texas at Dallas or the person making a referral to the Dean.

13. **"Respondent"** is defined as the student or student group alleged to have violated the Student Code of Conduct.
14. **"Sanction"** is a consequence imposed in response to a violation of University rules, policies or procedures.
15. **"May"** is used in the permissive sense.
16. **"Shall", "must", "should", and "will"** are used in the imperative sense.
17. **"Hearing Panel"** or **"Hearing Officer"** refers to individuals selected from the pool of faculty, staff, and student members of the Discipline Committee to participate in individual hearings.
18. **"Staff"** means non-faculty employees of the University.
19. **"Student organization"** means enrolled students who make up a common interest group that may or may not be registered through the Student Organization Center, sponsored by a campus school or department, or who officially represent the University.
20. A **"witness"** means someone who may have information related to an alleged violation of this policy.
21. An **"advisor"** is a person who provides support to the student(s) throughout the conduct process. An advisor may be an attorney. The advisor may only confer with and advise a student. The advisor may not verbally advocate to the Dean or Hearing Panel/Hearing Officer on behalf of a student.

## **Subsection 4: Confidentiality of Disciplinary Process**

1. In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), a student's disciplinary files are considered "educational records." These records are confidential and may only be accessed by the student, the Dean, or University officials with legitimate educational interests and as otherwise provided by law.
2. In cases involving student conduct, the Dean will notify the referring individual of the outcome of a disciplinary process as necessary for the referring individual to perform their duties and as permitted by law. In cases of academic dishonesty, the Dean will promptly notify the appropriate faculty member regarding the outcome of the disciplinary process so that the outcome may be properly recorded. In either case, the Dean will notify other appropriate University officials as necessary and as permitted by law.

## **Section B. Administration of Discipline**

### **Subsection 5: Dean of Students**

1. The Dean has primary authority and responsibility for the administration of student discipline.
2. It shall be the Dean's responsibility to investigate allegations that a student has violated a Regents' Rule, University rule, or any provision of federal, state, and/or local laws, with

the exception of the Sexual Misconduct Policy [UTDBP3102] and some cases of discrimination [UTDBP3090].

3. In carrying out these responsibilities, the Dean works cooperatively with academic administrators and faculty members in the disposition of academic dishonesty and with staff members in Residential Life in the disposition of campus housing violations. The Dean may seek, as needed, additional information from individuals who have expertise relative to cases, especially in instances of academic dishonesty involving technical material, projects, or assignments.

## **Subsection 6: Faculty Role in Academic Violations**

1. Judgments of academic dishonesty are distinguished from academic judgments concerning whether a student has or has not completed an assignment as required. The former involve considerations of misconduct and sanctioning and are the responsibility of the Dean.
2. Under authority delegated by the Dean, a faculty member who has reason to suspect that a student has engaged in academic dishonesty may conduct a conference with the student in compliance with the following procedures:
  1. the student may be informed that they are believed to have committed an act or acts of academic dishonesty in violation of the Student Code of Conduct;
  2. the student may be presented with any information in the knowledge or possession of the instructor which tends to support the allegation(s) of academic dishonesty;
  3. the student will be given an opportunity to present information on their behalf;
  4. after meeting with the student, the faculty member may:
    1. choose not to refer the allegation(s) if it is determined that the allegation(s) are not supported by the evidence; or,
    2. refer the allegation(s) to the Dean on the electronic referral form and attach all supporting documentation of the alleged violation. The faculty member is given the opportunity to suggest a recommended sanction or remedy to be applied on the electronic referral form; however, final sanction decisions are made by the Dean of Students or Hearing Panel Chair/Hearing Officer that are appropriate for the circumstances;
  5. the faculty member must not impose any independent sanctions upon the student in lieu of a referral to the Dean.
  6. It is important that referrals are submitted within a reasonable time period; generally within one week after the alleged incident.
3. If the faculty member chooses not to meet with the student, they must forward the appropriate documentation to the Dean. The faculty member is encouraged to inform the student of the allegation(s) and notify the student that the information has been forwarded to the Dean for investigation.
4. Upon receipt of the referral form and supporting material/documentation from the faculty member, the Dean shall proceed under Section E. If the student is found in violation of the Student Code of Conduct, the Dean or Hearing Panel/Hearing Officer will review the student's prior disciplinary record and assess sanctions appropriate to the circumstances. The Dean will inform the student and the faculty member of the decision.

5. If a student withdraws from a course and is ultimately found responsible for academic dishonesty, a grade sanction (i.e. "F" or lowered grade) in the course that is assessed by the Dean or Hearing Panel/Hearing Officer will replace any withdrawal notation on the transcript.
6. Pending disciplinary action, the student remains responsible for all academic exercises and syllabus requirements. The student may remain in class if the student's presence in the class does not interfere with the professor's ability to teach the class or the ability of other class members to learn. (See Subsection 7 for additional information regarding the removal of a student from class).

## **Subsection 7: Faculty Role in Removal for Misconduct**

1. Primary responsibility for managing the classroom environment rests with the faculty. Misconduct reported by faculty will usually involve disruptive behavior in class or in relation to a class. Under authority delegated by the Dean, a faculty member who has reason to believe that a student has engaged in disruptive behavior may do one of the following:
  1. If the disruptive behavior was directly witnessed by the faculty member or if the faculty member has clear documentary evidence, the case should be referred directly to the Dean with the reasons and/or evidence for the charge and a recommendation for resolution. The Dean shall proceed under Section E; or
  2. If the disruptive behavior was not directly witnessed by the faculty member but was witnessed or reported by students or others, the faculty member may meet with the student(s) involved and discuss the alleged violation and the evidence that supports the allegation. Such meetings should be documented to the greatest extent possible. After such meeting or meetings, the faculty member may refer the allegation(s) with the assembled documentation to the Dean with a recommendation for resolution, or choose not to refer the allegations to the Dean if the faculty member concludes that they are not supported by the evidence.
  3. If the faculty member considers the behavior of the student menacing or threatening, they may request the Dean remove the student from the class with immediate effect until the matter is formally resolved. This request will be considered, pending review of the information regarding the incident(s).
2. Students who engage in any acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. This provision is not designed to be used as a means to admonish classroom dissent. The expression of a disagreement with the instructor is not in itself disruptive behavior.
3. A student who repeatedly engages in disruptive classroom behavior shall be referred by the faculty member to the Dean who will proceed under the provisions of Section E.
4. A student will not be removed permanently from the classroom without review by the Dean.

## Subsection 8: Staff Role in Removal for Misconduct

1. A member of the University staff who has been subject to or has witnessed conduct that is prohibited by the Student Code of Conduct may do either of the following:
  1. Call the campus police to determine next steps for the offending person. The police will report the matter to the Dean. The Dean shall proceed under Section E; or
  2. Report the matter to their supervisor and the Dean of Students by completing the misconduct referral form which can be found on the Dean's website. The report should include the staff person's written account of the incident and any additional documentation that might be available. The Dean shall proceed under Section E;
2. If the misconduct or disruptive behavior was not directly witnessed by the staff person but was witnessed or reported by students or others, the staff person should inform their supervisor and refer the matter and the witnesses to the Dean. The Dean shall proceed under Section E.

## Section C. Student Standards of Conduct

### Subsection 9: Code of Conduct

1. The University of Texas at Dallas has rules and regulations for the orderly and efficient conduct of their business, and each student is accountable for knowledge of and compliance with the Student Code of Conduct and other University policies.
2. Because the value of an academic degree depends on the absolute honesty, integrity, and character of the student, the University expects all students to maintain a high level of responsibility with respect to their behavior. As a member of the University community, it is imperative that a student maintain a high standard of individual responsibility and civility.
3. The Dean may initiate disciplinary proceedings under Section E against a student accused of a violation of the Code of Conduct upon complaint by a faculty member, staff member, student, or other source.
4. Any behavior which may have been influenced by the use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of their actions.
5. Instructors are encouraged to set clear expectations regarding collaborations that are permitted to occur and materials that can be used on work done outside the classroom (homework, take home exams, etc. ). Students should assume any external assistance is prohibited unless clearly notified otherwise by the instructor.
6. Disciplinary action may be initiated for misconduct which includes:
  1. **Plagiarism:** The adoption or reproduction of ideas, words, statements, images or works of another as one's own or work offered for credit without appropriate attribution. This includes self-plagiarism which occurs when a student submits academic work, exact or substantially similar, that was used to satisfy

requirements in a different class and fails to use proper citation or approval from their professor.

2. **Cheating:** Includes but is not limited to the use, attempted use, or providing of unauthorized materials, information, or study aids in any academic exercise; the use of sources beyond those authorized by the instructor in completing any academic exercise. Any type of discussion about questions and answers on assignments/tests, including those held in social media platforms and other electronic chat groups, may be considered cheating. Failure to submit a test within the timeframe allocated by the professor, whether in the classroom or in the University testing center, may be considered cheating. Academic exercise includes all forms of work submitted for credit or hours.
3. **Fabrication:** The falsification or creation of information, data, or citation in an academic exercise or on a document.
4. **Collaboration and/or Collusion:** Seeking or providing aid to another student in completion of any assignment submitted for academic credit without explicit authorization from the faculty member.
5. **Firearms, dangerous weapons, explosives, and hazardous materials:** Unless authorized by law, possession or use of any type of explosive, firearm, imitation weapon, ammunition, hazardous chemical, weapons or object(s) that are dangerous, flammable, or could cause damage to property, while on campus or on any property or in any building owned or controlled by the UT System or the University.
6. **Conduct dangerous to others:** Any conduct that endangers the health or safety of another; this includes but is not limited to physical abuse, verbal abuse, threats, intimidation, harassment, and coercion.
7. **Theft, Misappropriation, or Unauthorized Sale:** Any act or attempted act of theft, misappropriation, or unauthorized possession of property, stolen property, or sale of University property, services, or property belonging to another.
8. **Misuse or Damage to Property:** Any act of vandalism, damage, destruction, or misuse of University property or that of another.
9. **Hazing:** As defined in Subsection D.
10. **Alcohol:** The unauthorized use or possession of alcoholic beverages unless permitted by law and/or University policy. This includes improper use, possession, or consumption of alcoholic beverages, including but not limited to underage possession of alcohol, underage consumption of alcohol, providing alcohol to a minor, public intoxication, and/or driving a vehicle under the influence of alcohol.
11. **Drugs:** Unless authorized by state and federal law, the use, possession or manufacture of any drug or controlled substance or sale or distribution of any such drug or controlled substance, including unauthorized prescription medication.
12. **Drug Paraphernalia:** The use or possession of equipment, products, or material used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance.
13. **Gambling:** Engaging in illegal gambling.
14. **Obstruction of, Interference with, or Attempted or Unauthorized access to Institutional Activities, Facilities, and/or Grounds:** Any interference with or obstruction of any institutional program, activity, event, or facilities, including, but

not limited to:

1. any unauthorized occupancy or entry of institution or institutionally controlled facilities or blockage of access to or from such facilities;
  2. interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facility;
  3. any obstruction or delay of emergency personnel in the performance of their duties;
  4. leading, inciting or participating in activities to disrupt scheduled activities of the University; or,
  5. interference with the instructor's ability to teach class or the ability of other students to participate in instructional activity.
15. **Violation of General Rules and Regulations:** Any student who engages in conduct that violates the Regents' Rules and Regulations, University rules and regulations, specific instructions issued by an administrative official of the institution or the UT System acting in the course of their authorized duties, or federal, State, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct that occurs on or off campus, including but not limited to University or UT System sponsored off-campus activities such as field trips, internships, rotations, study abroad, or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct.
16. **Falsification:** Any forgery, alteration of, or unauthorized use of documents, forms, records, identification cards, doctor's notes, or attendance records, including the giving of false information to University personnel or the withholding of necessary information in connection with a student's admission, enrollment, or status at the University. This violation includes a student who knowingly gives another individual their Comet Card.
17. **Sexual Misconduct:** any violation of the Sexual Misconduct Policy [UTDSP3102]. These violations include but are not limited to, sexual assault, sexual exploitation, sexual intimidation, sex-based harassment, sexual harassment, domestic violence, dating violence, and stalking. The term also includes "other inappropriate sexual conduct" defined as unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional and inappropriate for the workplace or learning environment. Sexual misconduct can be committed by any person, including strangers or acquaintances.
18. **Disruptive conduct:** Engaging in disorderly, lewd, indecent, inappropriate, loud, or obscene conduct or behavior that interferes with the orderly functioning of the University or interferes with an individual's pursuit of an education.
19. **Failure to comply with the instructions of a University official:** Failing to comply with a verbal or written request or instruction of an official of the University or the UT System acting in the course of their duties.
20. **Abuse of the Discipline Process:**
1. giving false testimony or other evidence at a campus disciplinary or other administrative proceeding;
  2. disruption or interference with the orderly conduct of a judicial proceeding;

3. knowingly making a false allegation or filing a false complaint;
  4. any attempt to influence the impartiality of a Hearing Panel member or Hearing Officer;
  5. verbal or physical harassment or intimidation of a Hearing Panel member, Hearing Officer, complainant, witness, or advisor;
  6. failure to comply with the sanctions imposed by the Dean, Hearing Panel, or Hearing Officer.
21. **Skateboards, Skates, Bicycles or similar devices:** Using skateboards, roller skates, roller blades, or bicycles inside University facilities or in unauthorized outdoor areas. Use of motorized scooters or motorized personal transportation devices on University sidewalks, streets, parking lots or parking structures is prohibited unless authorized by the Accessibility Resource Center. Motorized scooters or motorized personal transportation devices are wheeled devices designed for transportation with a deck designed to allow a person to stand or sit, and is propelled by an electric or gas motor.
  22. **Attempts, Aiding, or Abetting the Commission of an Offense:** Attempts, aids, abets, conspires, hires, has knowledge of, or is present during the planning or commission of any offense listed in this policy.
  23. **Duplication or Unauthorized Possession of Keys or Access Cards:** Making, causing to be made, or possessing any key or access card meant to access University Property or a University facility without proper authorization.
  24. **Unauthorized Surveillance:** Taking unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy. This includes but is not limited to taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms and storing, sharing, and/or distributing such unauthorized images by any means.

## Section D. Hazing

### Subsection 10: Hazing Defined

The University of Texas at Dallas is committed to providing a safe educational environment for students and will not tolerate hazing by any group or individual associated with the University. Engaging in hazing, submitting to hazing, or failing to report first-hand knowledge of hazing incidents are prohibited by state law.

Hazing is defined by Texas State law (Texas Education Code, Chapter 37: Subchapter F: Hazing) as: "any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

1. is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

2. involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics (exercise), or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described in number five below, that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
4. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code;
5. or involves coercing, as defined by Section 1.07, of the Texas Penal Code, a student to consume:
  1. a drug;
  2. or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Texas Penal Code.

The above includes hazing that is with or without the consent of participants. The University charges each student with notice and knowledge of full Texas State laws regarding hazing which can be found in Texas Statute Title 2, Subtitle G, Chapter 37, Subchapter F. Any person with knowledge that a specific hazing incident has occurred on or off campus must immediately report the incident to the Dean.

### **Subsection 11: Immunity**

1. Per Texas Statute Title 2: "Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:
  1. reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident; and
  2. as determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.
2. Immunity extends to participation in any judicial proceeding resulting from the report.
3. A person is not immune if the person:
  1. reports the person's own act of hazing;
  2. reports an incident of hazing in bad faith or with malice".

## **Section E. Disciplinary Proceedings and Disposition**

If there is a more specific policy that specifies the proceedings for investigation, such as the

Sexual Misconduct policy [UTDBP3102], that policy will govern; however, all the powers provided herein to the Dean for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades, and degrees may be delegated to the investigator designated to that policy.

## **Subsection 12: Investigation**

1. All allegations and information relating to a violation of this policy shall be given to the Dean.
2. Action under this policy may go forward regardless of other possible or pending administrative, civil, or criminal proceedings arising out of the same or other events.
3. The Dean shall investigate the alleged violation. The investigation shall include an attempt to confer with the accused student concerning the allegations. Following completion of the investigation, the Dean may:
  1. dismiss the allegation;
  2. proceed administratively under Subsection 13; or
  3. prepare a hearing notice based on the allegation and proceed under Subsection 14.
4. Pending a hearing or other disposition of allegations against a student, the Dean may take such immediate interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the institution. This includes but is not limited to a suspension and ban from the campus when it reasonably appears that the continuing presence of the student poses a potential danger to persons or property or where the student poses a potential threat for disrupting any activity authorized by the University. In the case of interim discipline involving a partial or full ban from campus or a prohibition from attending any course, a hearing will generally be held under the hearing procedures specified in Subsection 13-15 within ten (10) days after the interim disciplinary action was taken; however, if the Dean determines there is good cause, the 10-day period may be extended for a reasonable period.
5. Notwithstanding the above, the Dean may withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the System or the University that would reasonably allow the imposition of such sanction. The Dean may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Dean has provided the student an opportunity to give a preliminary response to the allegations and, in the opinion of the Dean, the best interests of the UT System or the University would be served by this action.
6. In cases involving a violation of the Sexual Misconduct Policy [UTDBP3102], the investigation will be conducted by the Title IX Coordinator or their designee.

## **Subsection 13: Administrative Disposition**

1. In any case, except in a case finding a violation of the Sexual Misconduct Policy [UTDBP3102], where the accused student elects not to dispute the facts upon which the allegations are based, the student may execute a written waiver of the hearing

- procedures and accept the sanction(s) or reserve the right to appeal the sanction(s) as outlined in Section G.
2. In the event a student disputes the facts and/or allegations or at the discretion of the Dean, a hearing before a Hearing Panel or Hearing Officer may be arranged.
  3. In any case finding a violation of the Sexual Misconduct Policy [UTDBP3102], the case will proceed under Subsection 14 of this Policy unless both the accused and the accuser agree to the terms of the administrative disposition and thus waive the hearing and appeals.

## **Subsection 14: Hearing Panel/Hearing Officer**

1. The University of Texas at Dallas has a Discipline Committee that consists of faculty, staff, and students. In those cases in which the respondent disputes the facts and/or allegations upon which the alleged conduct violations are based, or at the discretion of the Dean of Students, such allegations shall be heard and determined by a fair and impartial Hearing Officer or a Hearing Panel, consisting of an appropriate number of faculty, staff, and students drawn from the Discipline Committee. UT Dallas faculty serving on the Discipline Committee are appointed by the academic senate, staff are named through a selection process, and students are selected through an application process.
2. The Dean decides whether the case will be heard by a Hearing Panel or a Hearing Officer. If a Hearing Panel will preside over the hearing, the following members of the Discipline Committee will serve:
  1. Academic Dishonesty: At least three members, consisting of faculty and students, and chaired by a faculty member;
  2. Misconduct violations: At least three members, consisting of faculty, staff, and students, and chaired by a faculty or staff member;
  3. Violations of the Sexual Misconduct Policy [UTDBP3102]: At least three members consisting of faculty and staff.
3. If a Hearing Officer will preside over the hearing, the following members of the Discipline Committee will serve:
  1. Academic Dishonesty: One faculty member;
  2. Misconduct violations: One faculty or one staff member;
  3. Violations of the Sexual Misconduct Policy [UTDBP3102]: One faculty member or one staff member.
4. A Hearing Panel or Hearing Officer is entitled have the advice and assistance of legal counsel from the Office of the General Counsel of the UT System and may request legal representation.
5. A Hearing Panel or Hearing Officer shall:
  1. maintain an orderly hearing and permit no person to be subjected to abusive treatment and may eject or exclude anyone who refuses to be orderly;
  2. render and provide the Dean and the respondent a written decision that contains findings of fact and a conclusion as to whether the respondent is responsible for the violations as charged;
  3. upon a finding of responsibility, assess the relevant sanction(s);
  4. in cases involving a crime of violence, notify the alleged victim of the decision. The

- alleged victim, upon receipt of information regarding the decision, shall be bound to keep in confidence such information; and
5. participate in an annual training conducted by the Office of Community Standards and Conduct.
  6. A Hearing Panel chair abstains from voting unless a decision by the committee results in a draw.

## **Subsection 15: Student Rights and Hearing Procedures**

1. The following rights and procedures are provided to the respondent and/or complainant as specified:
  1. The respondent shall be given written notice of the time, place, and location of the hearing at least five (5) days in advance.
  2. The respondent shall be advised in writing of the alleged violations of which they are being charged.
  3. All parties will make available to the Dean of Students a list of witnesses, a summary of expected witness testimony, and copies of documents to be presented at the hearing at least three (3) days prior to the hearing.
  4. Each party shall have the right to appear, present documentary evidence, present and question witnesses and be assisted by one advisor of their choice. An advisor may not serve as a witness. An advisor may confer with and advise their respective party, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the Hearing Panel or Hearing Officer. If the respondent's advisor is an attorney, the Dean's advisor may be an attorney from the Office of the General Counsel of the UT System. If the student chooses an advisor who is an attorney, the student must give notice of the name and address of the attorney to the Dean at least three (3) days before the time set for commencement of the hearing.
  5. The respondent may challenge the impartiality of a member of the Hearing Panel or Hearing Officer. The challenge must state the reasons for the challenge, and be received through email by the Dean of Students at least three (3) days prior to the hearing. The member challenged shall determine whether they can serve with fairness and objectivity.
  6. Formal rules of evidence do not apply. No evidence other than that admitted at the hearing shall be considered by the Hearing Panel or Hearing Officer.
    1. The chair of the Hearing Panel or Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses.
    2. The chair of the Hearing Panel or Hearing Officer has the discretion to exclude evidence which in their judgment is immaterial, irrelevant, or unduly repetitious;
    3. Statements of witnesses should generally be based upon the personal knowledge or observation of the incident. Written statements will be accepted at the discretion of the Hearing Panel or Hearing Officer;
    4. Evidence that is duplicative of previously submitted evidence may be excluded by the Hearing Panel Chair or Hearing Officer upon objection or

upon a determination by the Hearing Panel Chair or Hearing Officer that it is merely repetitious. The Hearing Panel Chair or Hearing Officer has the discretion to determine when further evidence on an issue becomes repetitive.

7. The Dean has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of credible evidence.
8. Any party has the right to appeal.
9. The hearing will be recorded and becomes a part of the official record of the hearing.
10. Such hearings shall be closed to all persons other than the respondent, the Dean, an advisor for each of them, the Hearing Panel members or Hearing Officer, witnesses while they are presenting evidence, and the hearing advisor. In hearings involving violations of the Sexual Misconduct policy [UTDBP3102], the alleged victim shall have the right to be present throughout the hearing, to have an advisor present during the hearing, and to have irrelevant past sexual history with third parties excluded from the evidence.

## **Subsection 16: Notices**

1. The Dean shall prepare written notices as appropriate to the respondent(s).
2. A student may be sent an official notice from the Dean requiring a meeting for purposes of the investigation and/or to discuss the allegations. The correspondence shall specify a place and time for the meeting. The correspondence should be sent via email to the student's UT Dallas email address. At least two (2) days' notice is required.
3. If a student fails to respond to a written notice/summons without good cause, as determined by the Dean, the Dean may alter the status of the student's enrollment until the student complies with the notice, or the Dean may proceed to initiate hearing procedures in accordance with Subsection 15.
4. Except in those cases where immediate interim disciplinary action has been taken in accordance with Subsection 12.4, the Dean shall initiate hearing procedures against the respondent by providing the student at least five (5) days written notice of the date, time, and place of the hearing and the names of those individuals who may serve on the Hearing Panel or as the Hearing Officer. The hearing notice letter shall provide a statement of the charges.
5. The hearing notice will be emailed to the student's UT Dallas email address. A hearing notice will be considered to have been received as indicated by the conduct management software or on the second day after sending. The date for a hearing may be postponed by the Chair of the Hearing Panel/Hearing Officer or the Dean of Students for good cause.
6. A hearing notice sent to the student's UT Dallas email address shall constitute full and adequate notice. The failure of a student to read email shall not be a good cause for failure to respond to the notice.
7. If a student fails without good cause, as determined by the Dean, to comply with a hearing notice sent under Subsection 16, the hearing will proceed as scheduled and the student will be notified of the decision of the Hearing Panel or Hearing Officer in accordance with Subsection 14. Additionally, if a student withdraws or graduates from the university with an investigation or hearing pending, the Dean will proceed in

accordance with the processes outlined in this policy.

## **Subsection 17: Conduct of Hearings**

1. Hearings shall proceed generally as follows:
  1. the Hearing Panel Chair or Hearing Officer will determine whether the respondent was informed of their rights in accordance with Subsection 15;
  2. the Dean may present an opening statement and evidence;
  3. the respondent may present an opening statement and evidence;
  4. the Dean may call witness(es). The respondent shall have the right to question those witnesses. In cases alleging a violation of the Sexual Misconduct Policy, all cross examination questions asked of the respondent by the complainant and asked of the complainant by the respondent shall be submitted to the Hearing Panel Chair/Hearing Officer and asked through the Hearing Panel Chair/Hearing Officer;
  5. upon completion of presentation of the Dean's witnesses, the respondent may present witnesses (either directly or through the Hearing Panel Chair/Hearing Officer), and the Dean shall have the right to question witnesses;
  6. at the conclusion of the presentation of evidence, the Dean, followed by the respondent, may make closing statements;
  7. the Hearing Panel or Hearing Officer will have the opportunity to question all parties and witnesses involved at any time during the hearing;
  8. the Hearing Panel or Hearing Officer will make a determination on whether or not the student is responsible for the allegation(s);
  9. if the student is found responsible by the Hearing Panel or Hearing Officer for the allegation(s), the Hearing Panel or Hearing Officer will impose sanction(s);
  10. A recommended sanction provided by the Dean will be considered by the Hearing Panel or Hearing Officer;
  11. If a student is found not responsible for the allegations, no sanctions will be assessed.
2. Consolidated Hearings
  1. Where more than one student is charged with misconduct arising out of a single incident, or out of connected multiple incidents, a single hearing may be held for all of the students involved.
  2. The Dean of Students shall make a final determination regarding consolidation.

## **Subsection 18: Disciplinary Records**

1. Disciplinary records shall be maintained as provided herein:
  1. The University shall maintain a permanent disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma.
  2. Records developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions or the Dean specify that they should be retained for a longer period. As appropriate and

- in accordance with the Jeanne Clery Act, statistical information and required supporting documentation will be maintained for the time specified in the Act.
3. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed and any other pertinent information. This disciplinary record shall be maintained by the Office of Community Standards and Conduct. It shall be treated as confidential, and shall not be accessible to or used by anyone other than the Dean or University officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws, court order, or subpoena.
  4. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with the term "Suspended – ineligible to reenroll" or "Expelled – ineligible to reenroll" as appropriate. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. In the case of suspension, the notation can be removed upon the request of the student when all conditions of the suspension are met. In the case of expulsion, a student may have an opportunity to request removal of the notation by providing a detailed email to the Vice President of Student Affairs outlining reasons the removal should be considered. The Vice President of Student Affairs will consider the request and make a final determination.
2. The Dean may notify the Registrar and/or other appropriate administrative offices of disciplinary sanctions in compliance with Family Educational Rights and Privacy Act regulations.

## Section F. Sanctions

### Subsection 19: Sanctions

1. Sanctions that may be imposed include, but are not limited to:
  1. **Written warning:** The student will be notified that continuation or repetition of the specified conduct may be cause for further disciplinary action.
  2. **Developmental probation:** Requires a student or members of an organization to satisfy conditions related to the violation, which will explore alternative behaviors and encourage learning and development.
  3. **Educational sanction:** An educational sanction may include the requirement to complete or attend educational activities, seminars, programs, presentations, or any other learning experience deemed necessary.
  4. **Disciplinary probation:** Disciplinary probation identifies a specified period of time during which the student or organization is not in good standing and required to comply with terms and conditions that include not engaging in further conduct in violation of this policy. Any conduct in violation of these regulations while in a probationary status may result in the imposition of a sanction of suspension or expulsion or the removal of an organization's official registration.
  5. **Withholding of grades, official transcript, and/or degree:** May be imposed until all disciplinary processes are complete and sanctions, if any, are fulfilled. The

Dean may take such action pending a hearing and/or exhaustion of appellate rights when in the Dean's opinion, the best interests of the UT System or the University would be served by this action.

6. **Revocation of admission, cancellation of enrollment, and or withdrawal from one or more classes.**
  7. **Restitution or reimbursement:** Reimbursement for damage to or misappropriation of University or individual property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
  8. **Suspension of rights and privileges:** A student or organization may have specific privileges removed or restricted as a way to learn from the consequences of their behavior. During the period of suspension, the student or organization may be prohibited from participation in athletic or extracurricular activities; taking part in a registered student organization's activities and attending its meetings or functions; denial of use or access to facilities, living in on-campus housing or representing the University in any way.
  9. **Grade modification:** Academic sanctions, including failing grades, may be given to a student for a course or assignment in which he or she was found responsible for academic dishonesty. If a student withdraws from a course in which disciplinary action is pending and is ultimately found responsible for academic dishonesty, the grade sanction ("F" in the course or lowered course grade), determined by the Discipline Committee or Hearing Officer will replace any withdrawal notation on the transcript.
  10. **Denial of degree.**
  11. **Community service hours:** A student may be required to complete a specified number of community service hours. Location must be approved by a staff member in the Office of Community Standards and Conduct.
  12. **Suspension:** Suspension from the University is for a specified amount of time and prohibits, during the period of suspension, the student from entering the University campus, except in response to an official request. The student must comply with all conditions imposed prior to reenrollment. Suspension creates a notation on the student's academic transcript.
  13. **Expulsion:** Permanent separation of the student from the University. Expulsion creates a notation on the student's academic transcript.
  14. **Deferred suspension:** Suspension will be postponed, but will be automatic if the student or organization is found responsible for any additional rule violations while on deferred suspension.
  15. **Revocation of degree:** May be imposed when the violation involves academic dishonesty or misconduct that is discovered after awarding of the degree.
  16. **Other sanctions as deemed appropriate under the circumstances.**
2. No former student who has been suspended or expelled for disciplinary reasons from an institution of the UT System shall be permitted on the campus of any UT System institution during the period of such suspension or expulsion without the prior written approval of the chief student affairs administrator of the institution at which the suspended or expelled student wishes to be present.

# Section G. Appeals

## Subsection 20: Procedures

1. If a student elects to not dispute the facts upon which the charges are based (as outlined in Subsection 13), the student may appeal only the sanction assessed.
2. Either party may appeal a decision and/or sanctions assessed by the Hearing Panel or Hearing Officer to the Vice President for Student Affairs or designee by following the procedures set forth in this section.
  1. The appealing party must submit their appeal to the Vice President of Student Affairs through email to [appeals@utdallas.edu](mailto:appeals@utdallas.edu) and provide an additional copy to the Dean at [OCSC@utdallas.edu](mailto:OCSC@utdallas.edu). The document should state the specific reasons for the appeal. The appeal must be received by the Vice President for Student Affairs no later than seven (7) days after the appealing party has received notice of the sanction(s) assessed by the Dean, the decision of the Hearing Panel, or the decision of the Hearing Officer. If the notice of sanction assessed by the Dean or the decision of the Hearing Panel or Hearing Officer is sent by email, the decision will be considered to have been received on the second day after sending. The date of receipt will initiate the seven day appeal period. The non-appealing party and in sexual misconduct cases, the alleged victim, may submit a response to the appeal, which must be received by the Vice President's Office no later than five (5) days after the receipt of the appeal with a copy to the respondent.
  2. The appeal will be reviewed solely on the basis of the official record from the hearing. The official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Panel or Hearing Officer.
  3. Should the Vice President for Student Affairs so request, the Dean shall cause the recording of the hearing to be transcribed and shall send the record to the Vice President. At the discretion of the Vice President, both parties may present oral arguments in an appeal from the decision of the Hearing Panel or Hearing Officer.
3. Upon consideration of the appeal, the Vice President for Student Affairs may:
  1. approve, reject, or modify the decision;
  2. modify the sanction to make it more or less severe;
  3. in the event of a formal hearing, require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.
4. The action of the Vice President for Student Affairs shall be communicated in writing through email to the student(s) and the Dean within fourteen (14) days after the appeal and related documents have been received. The decision of the Vice President is final.

## RESPONSIBLE PARTY

- -

## LAST REVIEWED

- -

## HISTORY

- Issued: 2008-06-05
- Revised: 2011-10-26
- Revised: 2013-08-20
- Revised: 2014-01-28
- Revised: 2016-01-11
- Revised: 2020-06-01