

## Revised June 1 2001

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The following constitutes examples of violations for which students are subject to disciplinary action. This list is not designed to be all inclusive.

**100 Academic Misconduct**

- a. Cheating, plagiarism, collusion or other forms of academic dishonesty.
- b. Fabricating information to falsify results obtained from a research or laboratory experiment.
- c. Unauthorized possession of examinations, reserved library materials, laboratory materials, or other course related materials.
- d. Unauthorized changing of grades on an examination, in an instructor's grade book, or on a grade report
- e. Falsification of student transcript or other academic records; or unauthorized access to academic computer records.
- f. Nondisclosure or misrepresentation in filling out applications or other university records.

**200 Nonacademic Misconduct**

The following are intended as statements of general principles and are not all inclusive. Other resources of university policies are in the University Catalog, Student Organization Handbook and website ([www.tamuk.edu/sass](http://www.tamuk.edu/sass)).

201 Furnishing false information to any university official, staff faculty member or office.

202 Disruption of Activities/Events

- a. Obstructing or restraining the passage of persons in an exit, entrance or hallway of any building without the authorization of the administration of the university.
- b. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research or other authorized activity.
- c. Preventing or attempting to prevent by force or violence or threat of force or violence any lawful assembly authorized by the administration.
- d. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
- e. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without authorization of the administration.
- f. Engaging in conduct that interferes with or disrupts university teaching, research, administrative, disciplinary, public service or other authorized activity, or the peace and welfare on any person on campus.

203 Physical abuse/assault, verbal abuse threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of another person.

204 Violation of Sexual Misconduct Policy

*Sexual Assault* - The oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without their consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical violence or force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or perceived threats of harm to the victim.

*Sexual Harassment* - Request, demand or suggestion of a sexual nature of explicit or implicit expectation or where verbal or physical conduct of a sexual nature that has the effect of creating an intimidating, offensive or hostile environment.

205 Theft of public or private property or of services on university property or at university sponsored activities. Knowingly possessing stolen property constitutes theft or being an accessory to theft, and is therefore a violation of this provision.

206 Violation of University Hazing Policy - Engaging in hazing or voluntarily submitting to hazing. Hazing is any act directed against a student by another student or group of students if the intent or effect of these actions would be to intimidate or submit the student to indignity or humiliation. (See website for complete policy)

207 Failure to comply with the proper and lawful directions of a university official (including resident advisors) in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

208 Unauthorized possession of or making use of university equipment and/or keys for unauthorized purposes.

209 Conduct which could be interpreted as a violation of federal, state or local law on university premises or at university sponsored or supervised activities;

210 Violation of published university policies, including but not limited to residence hall policies.

211 Legal drugs and/or controlled substances - Manufacturing, possessing, having under control selling, transmitting, using or being a party to illegal drugs and/or controlled substances on university premises or at any university sponsored activity.

212 Violation of the alcohol policy - Drinking or having in possession any alcoholic beverage in public areas of campus, possession and/or consumption by a minor and other violations of rules pertaining to alcohol.

213 Violation of the weapons policy - possession or use of firearms, fireworks, explosives, other weapons or dangerous chemicals on university premises.

214 Committing acts that constitute disorderly conduct or disruptive activity, which includes physical or verbal abuse and/or injury of another person; abusive, indecent, profane, or vulgar language in a public place; threats or obscene actions; nuisance or obscene telephone calls, fighting; and/or disrespect the rights and privileges of others. Verbal or physical harassment of any university student or employee.

215 Breaching campus safety or security, to include but not limited to unauthorized access to university facilities, intentionally damaging door locks, duplicating university keys, propping of exterior residence hall doors. The placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from university buildings and thereby endangering life and safety.

216 Damaging, destroying, defacing, misusing or littering of any property of the university, of another institution or of another person on university premises or at university sponsored activities.

217 Failure to pay any financial obligations to the university by the established deadline; i.e. Returned checks, restitution for damages to university property, traffic or residence hall fines or expenses incurred as a result of nonpayment of fines.

218 Unauthorized use of university telephones, including long distance service, is prohibited.

219 Tampering with or vandalizing fire warning or fire safety equipment or any other safety devices or equipment.

220 Intentionally initiating or causing to be initiated by false report, warning, threat of fire, explosion or other emergency on university premises or at university sponsored activities.

221 Gambling on university property or any university sponsored activity.

222 Breach of computer security, unauthorized use of computer facilities and other violations of the university's Computer Use Policy. All students are granted permission to use the computing resources of Texas A&M University-Kingsville. The university has specific policies, which govern the use of electronic network facilities such as local area networks and the Internet. Upon misuse of the computing facilities at TAMUK, the university reserves the right to deny future computing privileges at all university owned computing facilities. In addition, students found guilty of computer misuse may be subject to disciplinary action.

223 Abuse of the disciplinary process including but not limited to:

- a. Failure to obey the summons of a disciplinary body or university official.
- b. Falsification, distortion or misrepresentation of information before a disciplinary body or university official.
- c. Knowingly violating the terms of any disciplinary sanction imposed in accordance with university regulations.
- d. Attempting, aiding, abetting, conspiring, hiring or being an accessory to commit any act prohibited in this code shall be considered completed violations.

224 Riding bicycles, roller blades or skateboards in buildings or left in hallways, staircases, or lounges; unsafe or mischievous cycling, skateboarding or roller blading on campus.

300 Residence Hall Policies - The following are intended as statements of general principle and are not all-inclusive. In addition to regulations stated herein, each hall may have its own set of specific policies. Other sources of residence hall policies are the housing contract, Residence Hall Rules and Regulations, university catalog and this publication.

301 Tampering with facilities, doors, locks, bathroom equipment, and/or electrical, telephone, cable or computer outlet boxes or wiring and/or unauthorized access to balconies, roofs and secured areas.

302 Dangerous and unsafe items in the room such as incense or candles (burned or unburned), halogen lamps, toasters or microwaves, broiler ovens, hot plates or other related appliances with exposed heating elements.

303 Pets (excluding small fish and aquariums, and trained animals for disabilities) are not permitted in the residence halls.

304 Use of the residence hall or room to store gasoline or other flammables and/or repair of or storage of motorcycles or engines.

305 Failure to register or escort guest in the hall; visitation during restricted hours; and/or inappropriate or inconsiderate behavior during visitation. Guest visitation is the period of time in the day that members of the opposite sex may visit you in your room. Students are welcome to have opposite sex guests provided they follow the policy established by each respective house council. During visitation, visitors must register at the front desk. Visitors must always be escorted by the resident while in the hall and may only enter or leave by the front door.

306 Inconsiderate behavior; excessive noise in the hall or from the room; and/or behavior which may be damaging to the hall or disrespectful of other residents.

## VI. Disciplinary Actions and Sanctions

Sanctions are categorized as major or minor according to severity (see below). Once a student or organization has been finally assessed a disciplinary sanction as punishment, no more severe major sanctions may be assessed against the student by any higher university authority for the infraction in question. The sanctions identified below are not inclusive and may be levied in any combination.

### A. Major Sanctions

1. Disciplinary probation is levied for a definite period of time due to repeated violations or a serious violation of the code of conduct. Probation carries a warning that any further violations of university regulations may result in more serious consequences including suspension or expulsion. This sanction remains a part of the student's confidential records for a period of five (5) years. A student on disciplinary probation for two semesters or longer is subject to the following restrictions.

a. Ineligible to hold office in any student organization registered by the university or to hold any elected or appointed office of the university.

b. Ineligible to represent the university to anyone outside the university community in any way, including representing the university at any official function, intercollegiate athletics, or any form of intercollegiate competition or representation.

c. Ineligible to receive a university administered scholarship.

d. Ineligible to reside in the residence halls for the duration of the sanction.

2. Suspension is separation of the student from the university for a definite period of time. The student is not guaranteed readmission at the end of such period of time but is guaranteed a review of the case by the appropriate university official and a decision regarding eligibility for admission.

3. Expulsion is permanent separation of the student from the university. The student is not eligible for readmission.

### B. Minor Sanctions

1. Conduct Probation is levied for a definite period of time. Further violations during the probationary period of time may lead to additional sanctions including major sanctions. The sanction remains part of the student's confidential records for a period of five (5) years.

2. Loss of campus housing privilege includes the removal from university housing for disciplinary reasons. A student has 48 hours upon notification to vacate premises. The student will forfeit housing deposit and is liable for the prorated rent amount for the period the student resided in the halls.

3. Residence Hall Assignment Transfer means transfer of a student to another area of a residence hall or to another residence hall.

4. Restrictions include the withdrawal of specified privileges for a definite period of time, but without the additional stipulation contained in the imposition of probation.

5. Restitution: Paying for physical or property damage, losses, violations of policy, or misappropriation, either monetarily or by the performance of specific duties.
6. Community/University Service includes the completion of a specified number of hours of service.
7. Educational Requirements include a provision to complete a specific educational requirement directly related to the violation committed, i.e., counseling, alcohol workshops, essays, reports, etc.
8. Warning: A verbal or 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.
9. Appropriate Grade Penalties may include issuance of a grade of "F" in a course.

### *Definitions:*

- a. Student includes all persons taking courses at or from the university, both full and part time. It also includes student organizations. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the university are considered "students".
- b. Hearing Officer is a university official who is an administrator, faculty member, graduate assistant, or staff member such as a hall director.
- c. Will/Shall are used in the imperative.
- d. University means Texas A&M University-Kingsville
- e. University premises includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university.
- f. Preponderance of the evidence means that quantum of evidence which, when given probative force, would tend to prove that a fact is more likely to be true than not.
- g. Notice means correspondence sent by mail, addressed to the addressee at the local address and/or permanent address as shown on university records or personally delivered to the addressee.
- h. Advisor is a student's representative. The advisor may not address the committee, question witnesses or the hearing officer or participate in the hearing except to offer advice and counsel to the student.
- i. Hearing is the opportunity to attend the hearing and present relevant evidence. If the student fails to attend, the hearing may proceed. The student may present his or her own defense against the charges and may produce either oral testimony or written affidavits of witnesses in his behalf.
- j. Appellant is the person who has filed an appeal of an original decision.
- k. Adjudicate is to make a ruling regarding a violation of the code of conduct.