



# CHAPTER 11. STUDENT DISCIPLINE AND CONDUCT

## Subchapter 11–100. General Provisions

### Sec. 11–101. Preamble

- a. The University's expectations for student conduct are grounded in the University Code of Conduct: "The core values of The University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the University is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community." University students are also expected to uphold the Student Honor Code: "As a student of The University of Texas at Austin, I shall abide by the core values of the University and uphold academic integrity." University students are also expected to abide by all city, state, and federal laws and statutes and all regulations of the University and The University of Texas System. However, as a community of scholars, the University expects from its students a higher standard of conduct than that required simply to avoid discipline. The principles of the Student Honor Code together with the University Code of Conduct should govern and direct student conduct to promote a safe environment that is conducive to academic success and to ensure that each University student graduates ready to contribute to society as an ethical citizen.
- b. This chapter contains regulations for dealing with alleged student violations of University standards of conduct in a manner consistent with the requirements of procedural due process and in accordance with The University of Texas System Rules and Regulations of the Board of Regents' *Rule*: 50101 and the Model Policy for Student Conduct and Discipline promulgated by the Office of General Counsel of the University of Texas System. In addition to the general expectations for conduct set forth in subsection 11–101(a), subchapter 11–400 contains a description of prohibited conduct.

### Sec. 11–102. Application and Jurisdiction

- a. This chapter applies to individual students and states the function of students, faculty members and administrative staff members of the University in disciplinary proceedings.
- b. A student is subject to discipline for prohibited conduct as outlined in subchapter 11-400 herein that occurs while the student is participating in off-campus activities sponsored by or affiliated with the University, including field trips, internships, rotations, and clinical assignments.
- c. Students may be disciplined by the University for violating any standards of conduct on the campus or off of the campus when the incident occurs in connection with an institution-oriented activity, or when the incident has a substantial connection to the interests of the University, or when the behavior is prohibited by University policy regardless of where it occurs, even if they are or may be penalized by civil authorities for the same act.
- d. University disciplinary action may be instituted against a student charged with conduct that potentially violates both the civil/criminal law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. At the discretion of the dean of students, proceedings under this chapter may be carried out prior to, simultaneously with, or following criminal proceedings off campus. Determinations made and sanctions imposed under this chapter will not be subject to change because criminal charges arising out of the same facts that give rise to the violations of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- e. University disciplinary action instituted by the Office of the Dean of Students will be based upon the "Preponderance of Evidence" standard.
- f. A student remains subject to discipline for prohibited conduct that occurs while suspended.
- g. Adjudication of any alleged violation of institutional rules will advance procedurally under *The Institutional Rules Catalog* that is in effect on the day that the Office of the Dean of Students receives notification of the alleged violation and not the date on which the purported infraction is noted to have occurred.

## Subchapter 11–200. Administration of Discipline

### Sec. 11–201. Administration by Dean of Students

The dean of students has primary authority and responsibility for the administration of student discipline. The dean of students works cooperatively with faculty members, hearing officer(s) or the Student Conduct Board in the disposition of academic violations, with appropriate staff members in the Division of Housing and Food Service in the disposition of residence hall violations, and with other appropriate staff members in the disposition of other types of violations.

### Sec. 11–202. Hearing Officer

The hearing officer(s) will be appointed in accordance with procedures established by the president. The president may appoint an individual or an office to coordinate the work of the hearing officer(s). To preclude any appearance of impropriety on the part of the

dean of students, the selection and training of hearing officers is under the authority of the president's office and facilitated by the Vice President for Student Affairs.

### Sec. 11-203. Student Conduct Board

The Student Conduct Board (SCB) will be appointed in accordance with procedures established by the Vice President for Student Affairs. The Vice President for Student Affairs may appoint an individual or an office to coordinate the work of the SCB. To preclude any appearance of impropriety on the part of the dean of students, the selection and training of the SCB is under the authority of the president's office and facilitated by the Vice President for Student Affairs.

- a. **Composition.** The SCB is composed of students, faculty and staff members.
  1. Student members must be currently enrolled in the University and cannot be an executive officer of any legislative student organization.
  2. Student candidates for membership shall be recommended by a selection committee appointed by the Vice President of Student Affairs. The president will appoint the student members of the SCB upon the recommendation of the selection committee.
- b. **Chair.** The chair of the SCB shall be appointed by the Vice President for Student Affairs.
- c. **Panels.** The SCB will act through panels appointed ad hoc for each hearing. Each panel shall be composed of five members or three members: four student members and one faculty/staff member, or two student members and one faculty/staff member. The panel foreperson will be selected by the SCB chair.
- d. **Quorum.** A quorum of the SCB is a majority. A quorum of a panel of the SCB is a total of three SCB members. This panel quorum will be at least two students and one faculty/staff member.
- e. **Jurisdiction.** The SCB shall only hear matters concerning allegations of academic dishonesty, and general misconduct. The SCB shall not hear matters pertaining to Title IX or violent conduct violations.

### Subchapter 11–300. Definitions

In this chapter, unless the context requires a different meaning, the following definitions apply.

1. "Advisor" means a single individual whom an accused student may elect to accompany him or her to a meeting with the dean of students or a hearing regarding an alleged violation of University policy. Because the accused student is solely responsible for presenting his or her case during the disciplinary process, an advisor may confer with and advise the accused student but may not advocate for the student in a meeting with the dean of students or in a hearing. A meeting with the dean of students or a hearing may be postponed no more than seven days after the original date to allow for an advisor to attend a meeting with the dean of students or a hearing. If an advisor is directly related to a disciplinary case or if the advisor's presence poses a conflict of interest, the dean of students, the foreperson of the SCB panel, or the hearing officer may dismiss the advisor from the meeting or hearing. Advisors may be dismissed from any disciplinary proceedings if they disrupt the process. If an advisor is an attorney, the dean of students may also be accompanied by an attorney. All complainants and witnesses in a case involving sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations may have an advisor present during the investigation process and hearing.
2. "Complaint" means a written statement prepared by the dean of students before a Title IX related investigation or a hearing that outlines the alleged violation(s) of a Regents' Rule, University regulation, or administrative rule to be investigated and resolved by the dean of students, the SCB or by the hearing officer.
3. "Complainant" means a person who submits a complaint alleging sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking or other Title IX related allegations, or is identified as the person who has allegedly experienced sex discrimination, sexual harassment, sexual assault, interpersonal violence (including domestic violence and dating violence), stalking or other Title IX related incident.
4. "Day" means an 8:00 a.m. to 5:00 p.m. calendar day, and excludes weekends, University holidays, skeleton crew days, and days on which regularly scheduled classes are suspended due to emergent situations; "University holiday" and "skeleton crew days" means days identified in the holiday schedule published by the Office of Human Resource Services. If a deadline defined in this chapter falls on a Saturday, Sunday, University holiday, or skeleton crew day that deadline will be moved to the next day.
5. "Dean of students" means the dean of students of the University of Texas at Austin or the dean of students' delegate or representative.
6. "Disciplinary decision" means a written decision determining that a student alleged to have violated the Regents' Rules, University regulation, or administrative rule is, in fact, responsible for such alleged misconduct. The "disciplinary decision" includes the findings of fact in support of the decision along with the assessed sanction or sanctions, if any.
7. "Disciplinary record" or "student disciplinary record" means a student record as defined in Sec. 9–202 of the *Institutional Rules* maintained by the dean of students in connection with a violation or an alleged violation of a Regents' Rule, University regulation, or administrative rule. The disciplinary record may include complaints, notices, hearing records, disciplinary decisions, and other documents required under this chapter or deemed relevant by the dean of students. Disciplinary records may be disclosed to outside parties as dictated by subchapter 9–300 of the *Institutional Rules*.
8. "Faculty member" means a person who is employed by the University for the purpose of teaching a class, and who has authority to assign grades for the class.
9. "Hearing officer" means a person appointed by the president to conduct hearings of alleged violations of a Regents' Rule, University regulation, or administrative rule.
10. "Investigation decision" means a written decision determining that a Respondent alleged to have violated Appendix D of the *Institutional Rules* is, in fact, responsible for such alleged misconduct. The "investigative decision" includes

information in support of the decision to refer the matter for disciplinary action.

11. "Appellate officer" means a person designated by the president to issue final decisions in a student disciplinary matter.
12. "President" means the president of the University of Texas at Austin.
13. "Respondent" means the person designated to respond to a complaint alleging sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking or other Title IX related allegations. The respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.
14. "Student" means a person who is currently enrolled at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus, or who engaged in prohibited conduct at a time when he or she met the above criteria. For the purposes of this chapter, individuals who are not currently enrolled at the University remain subject to the disciplinary process for conduct that occurred while they were enrolled.
15. "Student Conduct Board" (SCB) means the entity or group of persons composed primarily of students, who along with faculty and/or staff, are appointed by the president, as provided in this chapter, to conduct hearings and issue decisions concerning academic dishonesty and general misconduct violations. The SCB shall not hear matters pertaining to Title IX or violent conduct violations.
16. "Title IX" means Title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except sections 904 and 906 thereof; 20 U.S.C. 1681, 1682, 1683, 1685, 1686.
17. "Title IX Coordinator" means the employee of the University with major responsibility for Title IX compliance efforts and who is designated to handle complaints under Title IX.
18. "University" means the University of Texas at Austin. For the purposes of this chapter, "University" also includes all activities and programs sponsored by or affiliated with the University of Texas at Austin regardless of the actual location where such activities or programs occur, including but not limited to, field trips, internships, rotations, and clinical assignments.
19. "Vice President for Student Affairs" means the Vice President for Student Affairs of the University of Texas at Austin and is the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that implement the Model Policy for Student Conduct and Discipline of The University of Texas System.
20. "Witness" means a person who may have information related to a complaint or referral, including alleged sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking or other Title IX related allegations.

## **Subchapter 11–400. Prohibited Conduct**

### **Sec. 11–401. Conduct Expected of Students**

As stated in subsection 11–101(a), the University's expectations for conduct are grounded in the University Code of Conduct and the Student Honor Code. While subchapter 11–400 outlines specific examples of prohibited conduct, the University expects from its students a higher standard of conduct than the minimum needed to avoid discipline.

### **Sec. 11–402. Academic Dishonesty**

- a. The dean of students or a faculty member may initiate disciplinary proceedings under subchapter 11–500 against a student accused of academic dishonesty.
- b. "Academic dishonesty" or "scholastic dishonesty" includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, and any act designed to give unfair academic advantage to the student or another individual (such as, but not limited to, submission of essentially the same written assignment for two classes or courses without the prior permission of the instructor), or the attempt to commit such an act.
- c. "Cheating" includes, but is not limited to, any actions or attempts to do the following:
  1. copying from another student's test, paper, project, or other assignment;
  2. failing to comply with instructions given by the person administering a test, project, or other assignment, or given in conjunction with the completion of course requirements;
  3. using or possessing materials that are not authorized by the person giving the test, project, or other assignment, including but not limited to class notes, calculators, electronic devices, and specifically designed "crib notes"; the presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test;
  4. providing aid or assistance to or receiving aid or assistance from another student, individual, or source, without authority, in conjunction with a test, project, or other assignment;
  5. discussing or providing information about the contents of a test with another student who will take the test;
  6. capturing or divulging the contents of a test or other assignment when the instructor has not given permission for students to keep or distribute such information;
  7. substituting for another person or permitting another person to substitute for oneself to take a class, a test, or any class-related assignment;
  8. using, buying, stealing, transporting, soliciting, or coercing another person to obtain answers to or information about an administered test, project, or other assignment;
  9. falsifying research data, laboratory reports, other academic work offered for credit, or work done in conjunction with the completion of course or degree requirements;
  10. taking, keeping, misplacing, or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; or altering a test paper, project, or other assignment to gain an academic advantage.

- d. "Plagiarism" includes, but is not limited to, the appropriation of, buying, receiving as a gift, or obtaining by any means material that is attributable in whole or in part to another source without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program course or degree requirements.
- e. "Collusion" includes, but is not limited to, unauthorized collaboration with another person in preparing academic assignments offered for credit, and collaboration with another person to commit a violation of any section of the rules on academic dishonesty.
- f. "Misrepresenting facts for academic advantage" to the University or an agent of the University or The University of Texas System includes, but is not limited to, providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; and providing false or misleading information in an effort to injure another student academically or financially.

### Sec. 11–403. Financial Transactions with the University

Students who owe debts to the University may be denied admission or readmission to the University and may have official transcripts, grades, diplomas, and degrees to which they would otherwise be entitled withheld until the debt is paid. Students who write bad checks to the University for tuition and fees will have their registration canceled. Bad checks written to the University for other purposes will subject the student to legal and/or disciplinary action. Matters relating to student financial transactions will be directed by the appropriate administrative office to the Office of Accounting. See Regents' *Rules and Regulations*, Rule 50303 for more information.

### Sec. 11–404. General Misconduct

- a. Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal laws, the dean of students may initiate disciplinary proceedings under subchapter 11–500 against a student who
  - 1. **Local, State, or Federal Law Violations** - engages in conduct that may violate any provision of federal, state, or local laws, whether or not the violation occurs on University property or in connection with any University-oriented activity.
  - 2. **Firearms, Dangerous Materials and Prohibited Items** - possesses, uses, or displays firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, body armor or make shift body-armor, masks, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor on property owned or controlled by the University, without written permission from the dean of students, unless authorized by federal, State or local laws; or, violates Policy 8-1060, Campus Carry, of the Handbook of Operating Procedures.
  - 3. **Harmful Behavior** - behaves in a manner that threatens or endangers the health or safety of any student or employee of the University, or of visitors to the campus.
  - 4. **Sex Discrimination and Sexual Misconduct** - violates the University's prohibition of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence) and stalking as contained in Appendix D.
  - 5. **Theft and/or Property Damage** - damages, defaces, destroys, tampers with, or takes without authorization property of the University, property belonging to any student or employee of the University, or property of a visitor on the campus.
  - 6. **Hazing** - violates the University's prohibition of hazing as contained in Chapter 14 of the *Institutional Rules*.
  - 7. **Alcohol Misconduct** - engages in unauthorized use or possession of alcoholic beverages in a University classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate or intramural athletic facility, residence hall, or any other campus area (see Regents' *Rules and Regulations*, Rule 80102 for more information); or engages in the 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, minor driving under the influence of alcohol, driving while intoxicated.
  - 8. **Illegal Drug Use and/or Possession** - engages in the use, possession, or sale of an illegal drug or narcotic, or possession of drug paraphernalia.
  - 9. **Individual and/or Unauthorized Group Disturbance** - engages in speech, including but not limited to verbal, electronic, or written communication, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
  - 10. **Unauthorized Access to Artificial Bodies of Water and/or Damage to Other Property** - enters, walks, runs, lies, plays, remains, or is in the water of any fountain or other artificial body of water on the University campus that is not designed and maintained for recreational or therapeutic purposes; dumps, throws, places, or causes to be placed any material, object, trash, person, animal, waste, or debris in the water of any fountain or other artificial body of water located on the University campus; or damages, defaces, or removes any portion of any fountain, monument, building, statue, structure, facility, tree, shrub, or memorial located on the University campus (see Regents' *Rules and Regulations*, Rule 80110 for more information).
  - 11. **Harassment** - engages in harassment; harassment is defined as conduct that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University; for a complete set of cross-references to all harassment policies on the campus, see subsection 13–204(c) of the *Institutional Rules*.

12. **Unauthorized Use of Institutional Property** - engages in unauthorized use of property, including keys, equipment, resources, supplies, buildings, or facilities owned or controlled by the University or The University of Texas System, including unauthorized entry into property, buildings, or facilities owned or controlled by the University or The University of Texas System.
13. **Unauthorized Use of Institutional Technology** - engages in an inappropriate or disproportionate use of an information technology resource owned or controlled by the University or The University of Texas System or uses an information technology resource for an illegal, threatening, or intentionally destructive purpose; prohibited conduct includes, but is not limited to, circumventing system or network security, committing copyright infringement, transmitting unsolicited e-mail, sharing a University-issued password, falsifying an e-mail header, and using resources for personal financial gain or profit.
14. **Stalking** - A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the complainant. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
15. **Gambling** - engages in gambling, including in the residence halls.
16. **Providing False and Misleading Information**
  - a. Engages in the falsification of academic records, including but not limited to altering or assisting in the alteration of any official record of the University or The University of Texas System and submitting false information or omitting requested information that is required for or related to any academic record of the University or The University of Texas System. Academic records include, but are not limited to, applications for admission, the awarding of a degree, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree, and withdrawal of a diploma; or,
  - b. Furnishes false information to or withholds material information from any University official, faculty member, or staff member acting in the course of his or her duties; or,
  - c. Alters or assists in the alteration of any official nonacademic record or document, including parking permits and athletic tickets, of any University office or of The University of Texas System.
17. **Privacy Violation** - engages in surveillance or recording of any type without the subject's knowledge or consent in areas where there is a reasonable expectation of privacy and/or the broadcasting or distribution of such material.
18. **Disruptive Conduct**
  - a. otherwise engages in the following acts of inappropriate conduct that have the potential to interfere or disrupt the student learning or teaching function of the University: pranks, repeated contact of a harassing nature through a personal or electronic medium, and berating or otherwise abusive behavior; or,
  - b. attempts to commit any violation of University rules or regulations, or to assist another person or persons in committing any violation of University rules or regulations; or,
  - c. behaves in a manner that impedes, interferes with, or disrupts any University teaching, research, administrative, disciplinary, public service, learning, or other authorized activity
19. **Failure to Comply**
  - a. refuses to identify himself or herself to an institutional representative in response to a request when on any institutional property. A person identifies himself or herself by giving his or her name and complete address, substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not he or she is a student or employee of the University. An institutional representative includes any member of the Board of Regents; any executive officer or administrative officer of the system; any administrative officer of the University; and any attorney, peace officer, or security officer of The University of Texas System or the University acting pursuant to the authority of Texas law. See Regents' *Rules and Regulations*, Rule 80101, Number 2, Sections 3 and 4 for more information; or,
  - b. engages in action that interferes with or obstructs the student disciplinary process. This includes, but is not limited to, failing to appear for a meeting when summoned by letter or e-mail to do so, failing to appear at or testify at a hearing, attempting to intimidate, harass, or unduly influence a potential witness or complainant, and failing to complete judicial sanctions; or,
  - c. refuses to identify one's self to a University official, faculty member, or staff member acting in an official capacity; or,
  - d. engages in any prohibited conduct while suspended for disciplinary reasons.
20. **Violent Conduct** - engages in actual or threatened violent conduct against a person.
21. **University System and Institutional Violations** - violates any provision of the Regents' *Rules and Regulations* of The University of Texas System, the rules and regulations of the University (including but not limited to administrative rules of campus offices), or specific instructions issued by an administrative official acting in the course of his or her authorized duties.
  - a. In the case of disruptive activity on the campus of the University, neither the dean of students nor the president nor any representative of them will negotiate or attempt to negotiate with any

person or persons so engaged. When such a situation arises, the dean of students or the president, or their representative, will take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention, and may initiate disciplinary proceedings under subchapter 11–500. See Regents' *Rules and Regulations*, Rule 40502 for more information.

### Sec. 11–405. Prohibition on Retaliation

Retaliation against a person who reports a potential violation under the *Institutional Rules*, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under the *Institutional Rules* is strictly prohibited and will not be tolerated. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this institutional rule will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with the University.

## Subchapter 11–500. Disciplinary Procedures

### Sec. 11–501. Investigation

- a. When the dean of students receives information that a student has allegedly violated a Regents' *Rule*, University regulation, administrative rule, city ordinance, or state or federal law, the alleged violation will be investigated. Upon completing the preliminary investigation, the dean of students may:
  1. dismiss the allegation as unfounded; or
  2. summon the student for a conference and, after conferring with the student:
    - A. dismiss the allegation; or
    - B. proceed administratively under Sec. 11–504 in every case where the proposed sanction is not a suspension, including suspension of rights and privileges, academic sanction, or expulsion and in other cases where the student elects an administrative disposition; or
    - C. prepare a complaint based on the allegation and proceed under subchapter 11–600 in cases where the proposed sanction is suspension, including suspension of rights and privileges, academic sanction or expulsion and the student does not waive his or her right to a hearing.
- b. If the information received by the dean of students makes allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (domestic violence and dating violence), stalking, or other Title IX related allegations, in addition to the above requirements, the dean of students shall inform the Title IX coordinator of the allegations. Any complaints or allegations concerning sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence) or stalking are subject to [Appendix D](#). In these cases the Title IX coordinator and the complainant shall, subject to Family Educational Rights and Privacy Acts (FERPA) and other applicable law, be informed by the dean of students as to the result of the preliminary investigation and, if applicable, the process employed to resolve the allegation(s).
- c. Any student who reports allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, either as a complainant or a third party witness, will not be subject to disciplinary action by the dean of students for using and/or consuming alcohol or drugs at or near the time of the alleged incident, provided that any such alcohol or drug use did not, and do not, place the health or safety of any person at risk.
- d. All proceedings will provide a prompt, fair and impartial investigation and resolution. Allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations may be investigated under an informal resolution process or a formal investigation process.
- e. The complete informal resolution process policy is provided in [Appendix D](#). The informal resolution process will generally proceed as follows, the dean of students and Title IX coordinator may adjust the sequence of the investigation as necessary:
  1. the investigators will determine if the allegation(s) are eligible for resolution via the informal resolution process.
  2. the investigators will summon both the respondent and the complainant for individual conferences to discuss the allegations and investigation process options.
  3. the respondent and complainant may request resolution of an allegation via the informal resolution process. This request can be made at any time before, during, or after the start of the investigation process, and must be made in writing to the Title IX coordinator or the Title IX coordinator's designee. At any point during the informal resolution process, the respondent, the complainant, or Title IX coordinator (or the Title IX coordinator's designee) may elect to file a formal complaint and switch to the formal Title IX investigation process.
  4. the investigators will provide an outcome letter to the respondent and the complainant based on the allegations and the required outcomes where appropriate.
- f. The formal Title IX investigation process will generally proceed as follows, the dean of students and Title IX coordinator may adjust the sequence of the investigation as necessary:
  1. the investigators will prepare a complaint to provide to both the complainant and the respondent that includes the names of the complainant and respondent, the alleged violation, the date and location of the occurrence, and the resolution sought if known. The respondent will be allowed a reasonable time to respond to the notice of complaint in writing.

2. the investigators will summon the complainant for an individual conference to obtain information related to the alleged misconduct. The complainant may present any information and evidence that may be relevant to the complaint, including names of any witnesses who may provide relevant information.
  3. the investigators will summon the respondent for a preliminary conference to provide the complaint. A follow-up conference will be scheduled with the respondent to obtain information from the respondent related to the alleged misconduct. The respondent may present any information and evidence relevant to the complaint including names of any witnesses who may provide relevant information.
  4. the investigators will summon any witnesses related to the investigation to obtain relevant information related to the alleged misconduct.
  5. the investigation of a complaint will be concluded as soon as possible after receipt of the complaint. The parties should be provided updates on the progress of the investigation.
  6. after the investigation is complete, the investigators will prepare an investigation report, which shall include factual findings and a preliminary conclusion regarding each allegation of whether a policy violation occurred (based on a "preponderance of evidence" standard).
  7. the investigators will notify both the respondent and the complainant of the outcome of the investigation.
  8. the investigators will provide the respondent, the complainant, and the Title IX coordinator with a copy of the investigation report in accordance with the Family Educational Rights and Privacy Act (FERPA) and Texas Education Code, Section 51.971.
  9. the respondent and the complainant will be allowed to inspect the report, and each will have seven (7) days from the date of receipt (as indicated on the outcome letter) to submit written comments regarding the adequacy of the investigation to the Title IX coordinator. The Title IX coordinator will:
    - A. request further investigation into the complaint;
    - B. dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or,
    - C. issue a determination that a violation has occurred
  10. The respondent and complainant will be informed concurrently in writing of the decision in accordance with Appendix D.
  11. If it is determined that a policy violation occurred, the matter will be referred to the dean of students for disciplinary action.
- g. During a Title IX investigation, the dean of students and Title IX Coordinator have the authority to enact interim measures to minimize contact between the involved parties, including but not limited to the issuance of a no contact directive.
- h. Scientific Misconduct or Misconduct in Other Scholarly Research
1. If the information received by the dean of students makes allegations of possible misconduct in scientific or other scholarly research, the dean of students will refer the information to the Vice President for Research and/or the Research Integrity Officer for further investigation in accordance with the Handbook of Operating Procedures, 7-1230. The purpose of the investigation is to: explore in detail the allegations; examine the evidence in depth; and, determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation also will determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. The findings of the investigation will be set forth in an investigation report. The investigative report will then be provided by to the dean of students for adjudication of any academic integrity violations that may be outlined in the investigative report.
  2. Additional Information regarding the Scientific Misconduct or Misconduct in Other Scholarly Research can be found at <http://www.policies.utexas.edu/policies/misconduct-science-and-other-scholarly-activities>
- i. Investigations involving students enrolled in the Dell Medical School
1. If the dean of students receives a referral involving a student enrolled in the Dell Medical School, the dean of students will notify the dean of the Dell Medical School or his/her designee. Prior to the final resolution of an incident involving a student enrolled in the Dell Medical School, the dean of students shall consult the dean or designee to determine appropriate sanctions consistent with the professional standards outlined by the Dell Medical school and other applicable university rules.
  2. Additional information regarding the professional standards of the Dell Medical School can be found at <https://dellmed.utexas.edu/student-policies>.

## Sec. 11–502. Interim Disciplinary Action

- a. Pending a hearing or other disposition of the allegations against a student, if the continuing presence of the student is a potential danger to persons or property or a potential threat of disrupting the academic process or any activity authorized by the University, or in cases where actual or threatened violent conduct against a person is alleged, the dean of students may take such immediate interim disciplinary action as is appropriate to the circumstances. Appropriate actions include, but are not limited to, suspending the right of the student to be present on the campus (including to live in campus residence halls) and to attend classes, and otherwise altering the status of the student.
- b. A student who is suspended or whose status is altered under subsection 11–502(a) may meet with the dean of students to contest the interim disciplinary action taken by the University. A request for a meeting under this subsection must be made, in writing, within five days after the interim disciplinary action was taken. If requested by the student, such a meeting generally will be conducted within ten days after the request for a meeting is made, unless the student agrees in writing to a meeting at a later time. At the discretion of the dean of students, the ten-day period may be extended for a period not to exceed an additional ten days.

1. During the meeting with the dean of students, the student may present documentation or other evidence for review by the dean of students in consideration of lifting or altering the interim disciplinary action. The dean of students shall issue a written decision within seven days of the meeting regarding whether the University's decision to take interim disciplinary action should be reversed, altered, or otherwise left unchanged.
  2. The student may appeal the decision issued by dean of students under subsection 11-502(b)(1) by submitting a written appeal to the Vice President for Student Affairs, or his or her designee, within three days from the date the dean of students issues his/her decision. The appeal will be reviewed solely on the basis of the written record of the case, any written materials submitted by the student, and the response to the appeal, if any, submitted by the dean of students. Oral argument will not be considered.
  3. The decision of the Vice President for Student Affairs, or his or her designee, will be communicated in writing to the accused student and the dean of students within seven days after the appeal has been received by the Vice President for Student Affairs or his or her designee. The Vice President for Student Affairs, or his or her designee, may approve, reject, or modify the interim disciplinary action in question or may require that the original decision be reconsidered for the presentation of additional evidence. The decision of the Vice President for Student Affairs, or his or her designee, shall be final.
- c. A student who is suspended or whose status is altered under subsection 11-502(a) is subject to further disciplinary action for prohibited conduct that takes place during the period of interim disciplinary action imposed under 11-502(a).

### **Sec. 11-503. Summoning a Student**

- a. The dean of students may summon a student to appear in connection with an alleged violation by sending a message to the student by letter or by e-mail at an address listed in the registrar's records.
- b. The message will direct the student to appear at a specific time and place at least three days after the date of the message if the message is sent by letter, or at least two days after the date of the message if the message is sent by e-mail. In cases involving allegations of actual or threatened violent conduct against a person, or cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the dean of students has the right to summon the student at least one day after the date of the message, by email, or phone number listed in the registrar's records.
- c. The dean of students may bar or cancel the enrollment or otherwise alter the status of a student (or of a former student as described in subsection 11-300(12) who fails without good cause to comply with a summons sent under subsection 11-503(a) until the student complies with the summons. A letter sent to an address listed in the registrar's records, a letter hand-delivered to the student, or an e-mail message sent to the address listed in the registrar's records will constitute full and adequate notice. The student's failure to provide and to maintain current addresses, refusal to accept delivery of a letter, or failure to receive an e-mail message because the mailbox is full or the message is inappropriately forwarded will not constitute good cause for failure to comply with the summons. Policies on the use of e-mail for official correspondence are given in [Appendix M](#).
- d. If an accused student fails to appear as directed in a summons the dean of students may proceed with a hearing before a hearing officer based upon the information available.

### **Sec. 11-504. Administrative Disposition by the Dean of Students of Disciplinary Violations**

Administrative disposition shall be used in cases where the proposed sanction is a sanction other than suspension, including suspension of rights and privileges, academic sanction, or expulsion and may be used in cases where the proposed sanction is suspension, including suspension of rights and privileges, academic sanction, or expulsion if the accused student agrees to waive his right to a hearing.

- a. In cases where the accused student does not dispute the facts upon which the charges are based, the proposed sanction is not suspension, including suspension of rights and privileges, academic sanction or expulsion and the student agrees to the proposed sanction, the administrative disposition shall be final and there shall be no appeal of the finding of misconduct or the sanction.
- b. In cases where the accused student disputes the facts upon which the charges are based and the proposed sanction is not suspension, including suspension of rights and privileges, academic sanction, or expulsion the dean of students will inform the student of the charges, evidence, findings, and proposed sanction(s); give the student the opportunity to meet with the dean of students or his or her delegate to provide evidence. The dean of students will review all evidence, including the student's response to the allegation, and determine whether the preponderance of evidence supports a finding that a violation occurred. If a violation is deemed to have occurred, the dean of students will assess sanction(s) pursuant to subchapter 11-700 that is appropriate given the allegation and the student's disciplinary record, if any. The administrative disposition may be appealed to the appellate officer. Both the finding of violation and/or the sanction may be appealed. If the accused student does not make a decision within five days of receiving notice of the administrative outcome, the matter shall be final and the student must comply with the assessed sanctions issued by the dean of students or designee.
- c. An administrative disposition may be used in cases where the proposed sanction is suspension, including suspension of rights and privileges, academic sanction, or expulsion. A student who wishes to resolve his or her disciplinary case through an administrative disposition with the dean of students must waive his or her right to hearing reserving his or her right to appeal only the assessed sanction or sanctions to the appellate officer in accordance with Sec. 11-803. A student who does not accept the administrative disposition developed as described in Sec. 11-504 shall resolve the disciplinary case through a hearing before either a hearing officer or, in academic dishonesty or general misconduct cases, a panel of the SCB in accordance with subchapter 11-600. The SCB shall not hear matters pertaining to Title IX or violent conduct violations.
- d. If the student fails to complete the assigned sanction or sanctions, the dean of students may pursue a separate rule violation under subsection 11-404(a)(19b) and/or place a bar on the student's registration until the sanction is completed.

- e. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the dean of students, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, shall:
  - 1. proceed to resolve the matter before a hearing officer unless both the accused student and the complainant agree to waive the hearing procedures in accordance with subsections 11-504(b) or 11-504(c).
  - 2. inform the Title IX coordinator, the accused student, and a complainant as to any disposition of the case or if the accused student or complainant has chosen to proceed to a hearing.

### **Sec. 11-505. Disposition by Faculty Members of Academic Violations**

- a. When a faculty member has reason to suspect that a student has violated University regulations concerning academic dishonesty as defined in Sec. 11-402, the faculty member may:
  - 1. refer the case to the dean of students, who will proceed under Sec. 11-501. The faculty member is not required to notify the accused student that the disciplinary referral has been made; or
  - 2. meet with the student(s) involved and discuss the alleged violation(s), the documentation and/or information that supports the charge, and the rights of the student(s) in the disciplinary process. After conferring with the student, the faculty member may dismiss the allegation or proceed under subsection 11-505(b) or subsection 11-505(c).
- b. In any case where a student accused of academic dishonesty disputes the facts upon which the charges are based, chooses not to waive the right to a hearing, or chooses to have the case resolved by the dean of students, the faculty member will refer the matter to the dean of students, who will then proceed under Sec. 11-501.
- c. With the agreement of both the accused student and the faculty member, a case of academic dishonesty may be resolved through a faculty disposition. A resolution through a faculty disposition does not limit the possibility of additional sanctions being issued by the dean of students as dictated in subsection 11-505(d). Faculty dispositions are used in situations where the accused student does not dispute the facts upon which the charges are based, and the student signs a written waiver of the hearing. If, after hearing the accused student's response to the allegation, the faculty member determines that the preponderance of evidence supports a finding that a violation has occurred, the faculty member will assess a sanction or sanctions pursuant to Sec. 11-702(a). After the student signs the faculty disposition, the faculty member shall send the signed form, the signed waiver of the hearing, and all relevant documentation (including copies of the academic assignment and course syllabus) to the dean of students. In extraordinary circumstances, if the sanction issued in a faculty disposition falls well outside the general scope of sanctions issued in similar cases, the dean of students may communicate with the faculty member to discuss a different sanction.
  - 1. A student who resolves his or her disciplinary case through a faculty disposition must sign a written waiver of his or her right to a hearing and may appeal only the assessed sanction or sanctions to the appellate officer in accordance with Sec. 11-802.
  - 2. If the student fails to complete the assigned sanction or sanctions, the dean of students may pursue a separate rule violation under subsection 11-404(a)(19b) and/or place a bar on the student's registration until the sanction is completed.
  - 3. A student who resolves his or her disciplinary case through a faculty disposition may be placed on up to one year of academic integrity probation, in addition to the sanction assessed by the faculty member.
- d. In situations where the dean of students receives a faculty disposition signed by both parties, the dean of students may seek to impose a disciplinary sanction or sanctions in addition to the one assessed in the faculty disposition. Additional sanctions may be levied when the student has a prior disciplinary history or in other situations deemed appropriate by the dean of students. When assessing an additional disciplinary sanction, the dean of students may impose any general sanctions listed in Sec. 11-701 or Sec. 11-703 or any grade-related sanctions listed in subsection 11-702(a). A student who has been issued an additional sanction by the dean of students after signing a faculty disposition may elect to appeal both the grade-related sanction issued in the faculty disposition under Sec. 11-802 and appeal the additional sanction(s) issued by the dean of students as dictated by Sec. 11-803.

### **Sec. 11-506. Pending Academic Investigations and Q-Drops**

- a. A student may not drop a class if there are any pending investigations of Academic Dishonesty for the class in question.
- b. Any drop assigned will not be considered final until any investigations of Academic Dishonesty for the class in question are resolved.
- c. Any student who is found responsible for committing academic dishonesty and issued any sanction(s) will not be eligible to drop the class associated with the violation.

### **Sec. 11-507. Alcohol and Drug Medical Amnesty Policy**

Any student who seeks emergency medical assistance for him or herself or others for potential drug or alcohol emergencies may not be subject to formal disciplinary action under this Chapter provided the student: (i) calls 911 when drug or alcohol poisoning is present or suspected; and (ii) stays with the person until medical assistance arrives and cooperates with all emergency and law enforcement personnel. In the event a student calls emergency medical services for another student experiencing a potential drug or alcohol-related medical emergency, the student who experienced the medical emergency may not be subject to formal disciplinary action under this Chapter, as well.

Students eligible for amnesty will be required to participate in an educational program and may be referred for individual drug and/or alcohol counseling, but may otherwise avoid formal disciplinary action under this Chapter. Students who receive amnesty who decline or fail to attend the educational component or fail to comply with a counselor's recommendations will become subject to formal disciplinary action under this Chapter. Student Conduct and Academic Integrity will evaluate students' eligibility for amnesty under this policy; amnesty is not automatic. Students may receive amnesty under this policy on more than one occasion.

This amnesty policy applies only to university rules and policies; it does not preclude or prevent police or other legal actions except if the medical assistance is related to a sexual assault as outlined in Texas Alcoholic Beverage Code, sections 106.04 and 106.05. This policy does not apply to other prohibited behavior such as the sale of an illegal drug or narcotic.

### **Sec. 11-508. Additional Amnesty Policy for Reporting of Certain Violations**

Per Texas Education Code Section-51.9366, the University may not take any disciplinary action against a student for a violation of the Institutional Rules under this chapter, who in good faith reports to the institution being the victim of, or witness to, an incident of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (domestic violence and dating violence), stalking, or other Title IX related allegations. This policy applies to any violation of the Institutional Rules that occurred at or near the time of incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process. A determination that a student is entitled to amnesty is final and may not be revoked. This policy does not apply to a student who reports the student's own commission or assistance in the commission of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (domestic violence and dating violence) or stalking, or other Title IX related allegations.

### **Subchapter 11–600. Hearing**

In cases where the proposed sanction is suspension, including suspension of rights and privileges, academic sanction or expulsion, the accused student may elect to have the charges heard and determined by either a hearing officer or, in cases of academic dishonesty or general misconduct, by a panel of the SCB. The SCB shall not hear matters pertaining to Title IX or violent conduct violations. If the accused student does not make a decision within five days of receiving notice of the administrative outcome, the matter shall be heard by a hearing officer. At the discretion of the dean of students, the five-day period may be extended for a period not to exceed an additional five days.

In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the complainant or the accused student may elect to have charges heard and determined by a hearing officer. If the accused student does not make a decision within five days of receiving notice of the administrative outcome, the matter shall be heard by a hearing officer.

In cases involving allegations of actual or threatened violent conduct against a person, the accused student may elect to have charges heard and determined by a hearing officer. If the accused student does not make a decision within five days of receiving notice of the administrative outcome, the matter shall be heard by a hearing officer.

### **Sec. 11–601. Duties of the Hearing Officer**

- a. The hearing officer will preside over the hearing and will
  1. determine whether the dean of students has satisfactorily performed the requirements of Sec. 11–603;
  2. except as otherwise provided in this chapter, determine whether observers may be present; observers will be limited to people attending the hearing for University training purposes;
  3. rule on the admissibility of evidence and on objections to the procedure;
  4. facilitate the hearing process, which includes removing from the hearing anyone who is disrupting the process;
  5. render a written decision, which will contain findings of fact and conclusions as to whether a violation has occurred;
  6. assess a sanction or sanctions;
  7. provide the student and the dean of students with a copy of the decision; and
  8. certify the hearing record.
- b. The hearing officer may question witnesses.
- c. The hearing officer is entitled to have the advice and legal counsel from the Office of General Counsel of the University of Texas System.
- d. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the hearing officer will also provide the Title IX coordinator and the complainant with a copy of the decision to the extent permitted by FERPA (the Family Educational Rights and Privacy Act).

### **Sec. 11–602. Duties of the Student Conduct Board Panel**

- a. The foreperson of the SCB panel will preside over the hearing and will
  1. determine whether the dean of students has satisfactorily performed the requirements of Sec. 11–603;
  2. confirm the student's election to a hearing before an SCB panel under subchapter 11-600;
  3. except as otherwise provided in this chapter, determine whether observers may be present; observers will be limited to people attending the hearing for University training purposes;
  4. rule on the admissibility of evidence and on objections to the procedure;
  5. facilitate the hearing process, which includes removing from the hearing anyone who is disrupting the process;
  6. by a majority vote of the panel, render a written decision, which will contain findings of fact and conclusions as to whether a violation has occurred; and assess a sanction or sanctions;
  7. provide the student and the dean of students with a copy of the decision; and
  8. certify the hearing record.
- b. The members of the panel of the SCB may question witnesses.
- c. The SCB is entitled to have the advice and counsel from the Office of General Counsel of The University of Texas System.

## Sec. 11–603. Duties of the Dean of Students

The dean of students will

- a. set the date, time, and place for the hearing and notify the accused student of the date, time, and place;
- b. arrange for recording the hearing as provided in subsection 11–608(f); and
- c. furnish a suitable room, necessary equipment, and clerical assistance for the hearing.

## Sec. 11–604. Notice of Hearing

- a. The dean of students will notify the accused student by letter or by e-mail of the date, time, and place for the hearing. The notice will be delivered in person or sent by e-mail or postal mail to the student at an address listed in the registrar's records. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the dean of students shall also provide the date, time, and place of the hearing to the Title IX coordinator and, if applicable, the complainant.
- b. The notice will specify a hearing date at least ten days after the date of the letter or e-mail message, unless the hearing is being held under the conditions required in Sec. 11–502 or as specified in 11-604(c) and 11-604(d). A letter or an e-mail message sent to an address listed in the registrar's records will constitute full and adequate notice. A letter will be considered to have been received on the third day after the day of mailing. An e-mail message will be considered to have been received on the second day after the day of sending the message. A student may request, in writing, that an earlier hearing date be set if feasible to arrange. The hearing officer or the foreperson of the SCB panel for good cause may postpone the hearing and will notify the dean of students and the accused student of the new hearing date. The student's failure to provide and to maintain current addresses, refusal to accept delivery of a letter, or failure to receive an e-mail message because the mailbox is full or the message is inappropriately forwarded will not constitute good cause for failure to comply with the notice. Policies on the use of e-mail for official correspondence are given in [Appendix M](#).
- c. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the notice will specify a hearing date of at least 5 days after the date of the letter or e-mail message.
- d. In cases involving allegations of actual or threatened violent conduct against a person, the notice will specify a hearing date of at least 5 days after the date of the letter or e-mail message.
- e. Notice sent under subsection 11–604(a) will:
  1. direct the accused student to appear on the date and at the time and place specified;
  2. advise the accused student of his or her rights:
    - A. to a private hearing;
    - B. to appear in person and to have an advisor at the hearing;
    - C. to challenge the hearing officer or the members of the SCB panel designated to hear the charges;
    - D. to know the identity of each witness who will testify against him or her;
    - E. to present testimony of witnesses, to present documentary and other evidence, and to argue in his or her own behalf;
    - F. to cross-examine each witness who appears at the hearing and testifies against him or her; and
    - G. to appeal under Sec. 11–804;
  3. contain the name of the person appointed to act as hearing officer or the names of the SCB panel appointed to hear the matter;
  4. contain the names of witnesses who may testify against the accused student, a brief summary of the testimony to be given by each, and a list of documentary and other evidence that will be offered against the accused student; the dean of students may supplement the list of witnesses and documents for good cause, as determined by the hearing officer or the foreperson of the SCB panel;
  5. contain a copy of the complaint, which outlines the alleged violation(s); and
  6. notify the accused student that if he or she is advised by an attorney at the hearing, then the dean of students may be advised by an attorney at the hearing. An advisor may confer with and advise the dean of students or the accused student but may not question witnesses, introduce evidence, make objections, or present arguments to the hearing officer.
- f. In cases involving sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the dean of students shall provide, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, to the Title IX coordinator and, if applicable, to the complainant the same notice given to the accused student. The complainant shall be advised in such cases that he or she has the right to:
  1. attend and participate in the hearing;
  2. have past sexual history with third parties excluded from evidence;
  3. provide testimony at the hearing in a manner that does not require the complainant to directly confront or to be directly questioned by the accused student while still preserving the accused student's right to challenge such testimony, including but not limited to the dean of students to providing testimony on the complainant's behalf;
  4. appear in person and have an advisor at the hearing;
  5. work with and provide input to the dean of students office regarding witnesses and their testimony as well as other relevant evidence and argument in preparation for the hearing and any subsequent appeals;
  6. know the outcome of the hearing decision;
  7. appeal the hearing decision.

8. submit a response to the accused student's appeal.
- g. In situations where a student fails to attend a scheduled hearing, the hearing officer or, if applicable, the panel of the SCB will, at the time of the scheduled hearing, determine if the dean of students provided notice as dictated by subsection 11-604(b) and subsection 11-604(c). If the hearing officer or a majority of the SCB panel determines that the dean of students provided notice as dictated by subsection 11-604(b) and subsection 11-604(c), the dean of students may elect to hold the hearing without the student's participation or reschedule the hearing for a different date. If the hearing proceeds in the accused student's absence, the hearing will be conducted according to the provisions of subchapter 11-600 with a final decision issued by the hearing officer or a majority of the SCB panel as dictated by Sec. 11-609. Even in situations where the student does not attend the hearing, the hearing officer's or the SCB's decision may be appealed to the appellate officer under Sec. 11-804.

### **Sec. 11–605. Preliminary Matters for a Hearing**

- a. Charges against more than one student that arise out of a single transaction or occurrence may, at the discretion of the dean of students, be heard together, but a student may request a separate hearing which the hearing officer or, if applicable, the foreperson of the SCB panel may grant upon finding that a student has shown good cause for a separate hearing.
- b. At least five days before the hearing date, the accused student will furnish the dean of students with a list of any witnesses who may testify on behalf of the student, together with a summary of each witness's testimony and a copy of any documents and other evidence the witness may offer; the student may supplement the list of witnesses and documents for good cause, as determined by the hearing officer or, if applicable, the foreperson of the SCB panel. In cases involving allegations of actual or threatened violent conduct against a person, or in cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, within at least three days before the hearing date, the complainant may furnish the dean of students with a list of any witnesses who may testify on behalf of the student, together with a summary of each witness's testimony and a copy of any documents and other evidence the witness may offer; the student may supplement the list of witnesses and documents for good cause, as determined by the hearing officer.
- c. At least five days before the hearing date, or three days in cases involving allegations of actual or threatened violent conduct against a person, or in cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the student will furnish the hearing officer or, if applicable, the SCB panel with
  1. any objection that, if sustained, would postpone the hearing;
  2. the name of the advisor, if any, who will appear with the student, and the advisor's relationship to the student; and
  3. a request for a separate hearing, if desired, and the grounds for such a hearing (if the dean of students has designated that the hearing will be held in accordance with subsection 11–605(a)).
- d. At least five days before the hearing date, or three days in cases involving allegations of actual or threatened violent conduct against a person, or in cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the dean of students will provide to the accused student copies of documents that may be introduced at the hearing available to the accused student.
- e. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, copies of the information and/or documents submitted by the accused student and the dean of students as required by this section shall be promptly provided to the Title IX coordinator and, if applicable, to the complainant. The complainant may submit a request to close the hearing to the hearing officer prior to the hearing. The complainant will furnish the name of his/her advisor, if any, to the hearing officer prior to the hearing.

### **Sec. 11–606. Challenges to the Hearing Officer or Members of the SCB Panel**

The accused student may challenge the hearing officer or any member of the SCB panel for an alleged lack of fairness or objectivity but is not entitled to disqualify that person from serving. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the complainant may through the Office of the Dean of Students, also challenge the hearing officer on the basis of a lack of fairness and objectivity. The challenge must be in writing, must state the reasons for the challenge, and must be submitted to the hearing officer or the foreperson of the SCB panel through the Office of the Dean of Students at least three days prior to the hearing. It will be up to the hearing officer or the challenged members(s) of the SCB panel, communicated in a written response, to determine whether they can serve with fairness and objectivity. If the challenged person disqualifies themselves, another hearing officer or SCB panel member will be appointed.

### **Sec. 11–607. Hearing Procedure**

- a. The hearing is informal and closed, except that, with the consent of the accused student and the dean of students, the hearing may be open.
- b. Although the hearing will proceed generally as follows, the hearing officer or the foreperson of the SCB panel may adjust the sequence of the hearing as necessary to ensure fairness:
  1. the dean of students will submit a copy of the complaint/hearing letter into the hearing record.
  2. the hearing officer or the foreperson of the SCB informs the accused student of his or her rights listed in subsection 11–604(e)(2).

3. the dean of students and the accused student are each given the opportunity to make an opening statement; the accused student has the right to reserve his or her opening statement until after the dean of students has presented the University's case.
  4. the dean of students is given the opportunity to present the University's witnesses and evidence; during this time, the accused student may question any of the dean of students' witnesses.
  5. the accused student is given the opportunity to present his or her witnesses and evidence; during this time, the dean of students may question any of the accused student's witnesses.
  6. the dean of students and the accused student are each given the opportunity to present rebuttal evidence and argument.
  7. the dean of students is given the opportunity to present a recommendation on a sanction or sanctions.
  8. the accused student is given the opportunity to present a rebuttal and recommended outcome or sanctions.
  9. the dean of students is given the opportunity to present a closing statement.
  10. the accused student is given the opportunity to present a closing statement.
  11. the hearing officer or a majority of the panel of the SCB decides whether a violation has occurred and assesses a sanction or sanctions in accordance with subchapter 11–700.
- c. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the following additional rights and procedures apply:
1. the Title IX coordinator and, if applicable, the complainant may attend the hearing.
  2. the hearing officer shall inform the complainant of his or her rights as listed in subsections 11-604(e)(2) and 11-608(b).
  3. the complainant may have an advisor present during the hearing.
  4. the complainant has the right to have past sexual history with third parties excluded from evidence.
  5. the complainant is given the opportunity to make an opening statement and has the right to reserve his or her opening statement until after the dean of students has presented the University's case;
  6. the complainant has the right to question any of the dean of students' witnesses and any of the accused student's witnesses.
  7. the complainant is given the opportunity to present his or her witnesses and evidence; during this time, the dean of students and the accused student may question any of the complainant's witnesses;
  8. the complainant is given the opportunity to present rebuttal evidence and argument.
  9. the complainant is given the opportunity to present a rebuttal to the dean of students' recommendation for sanction or sanctions.
  10. the complainant is given the opportunity to present a closing statement.
  11. the hearing will be closed at the complainant's request.

### **Sec. 11–608. Evidence in Hearings**

- a. Legal rules of evidence do not apply to hearings under this subchapter; the hearing officer or the foreperson of the SCB panel may admit and give effect to any evidence, including testimony and documentary evidence, that possesses probative value and is commonly accepted by reasonable people in the conduct of their affairs. The hearing officer or the foreperson of the SCB panel will exclude irrelevant, immaterial, and unduly repetitious evidence. All evidence admitted during the hearing will be made a part of the record. The hearing officer or the foreperson of the SCB panel will give effect to the rules of privilege recognized by law.
- b. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the complainant shall be allowed to provide testimony at the hearing in a manner, as determined by the hearing officer, that does not require the complainant to directly confront or be directly questioned by the accused student while still preserving the accused student's right to challenge such testimony. In addition, evidence of the complainant's past sexual history with third parties will be excluded.
- c. Upon a hearing of the charges, the University has the burden of going forward with the evidence and the burden of proving the charges by the preponderance of evidence.
- d. A witness will testify unless otherwise provided in these rules or if the testimony is privileged as recognized by law or is excluded by the hearing officer. If a witness refuses to testify based on a privileged relationship recognized by Texas law, the hearing officer or the foreperson of the SCB may require evidence of the relationship and/or seek legal counsel before making a decision on the assertion of privilege, even if such would require postponing the hearing.
- e. The hearing officer or a majority of the SCB panel will decide whether a violation has occurred and assess an appropriate sanction or sanctions solely on the basis of admitted evidence. The accused student's disciplinary record is deemed admitted into evidence during a hearing to help the hearing officer or the SCB panel assess an appropriate sanction or sanctions. The decision as to the accused student's responsibility for the violation at issue will be based solely on the evidence that pertains to that particular violation.
- f. A recording will be made of the hearing, under supervision of the dean of students. At the discretion of the dean of students, a court reporter may also be present to prepare a written transcript of the hearing.

### **Sec. 11–609. Disciplinary Decision**

Before issuing the decision, the hearing officer or the foreperson of the SCB panel will certify the hearing record as defined in Sec. 11–610. If the hearing is recorded and no transcript is requested, then the hearing officer or the foreperson of the SCB shall certify the recording itself as a true and correct record of the hearing. If a transcript is prepared, the transcript is considered part of the hearing record, and the hearing officer may wait to receive it before certifying the hearing record. The hearing officer or the majority of the SCB panel will render a written decision as to whether the accused student has committed a violation and will set forth findings of fact in support of the decision. The sanction or sanctions will also be stated in the decision. The accused student and the dean of students

will each be given a copy of the decision. The written decision is the official decision on the matter from which any appeal is taken. The hearing officer or the majority of the SCB panel should make every effort to complete the written decision within ten days of receiving the transcript of the hearing. If the hearing officer or the majority of the SCB panel is unable to issue the written decision within ten days of receiving the transcript, he or she (or in case of a SCB panel, the foreperson) should contact both the accused student and the dean of students to provide a date for completion of the written decision.

In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, the dean of students shall, upon receipt of the hearing officer's decision, forward copies of the decision to the Title IX coordinator and, if applicable, the complainant.

In cases involving allegations of crimes of violence, as defined in the Family Education Rights and Privacy Act (FERPA) and other applicable law, the dean of students shall notify the alleged victim(s) of the final outcome.

## **Sec. 11–610. Hearing Record**

The hearing record consists of

1. a copy of the notice required under Sec. 11–604;
2. the recording of the hearing certified by the hearing officer or the foreperson of the SCB panel and/or the transcript, if any, certified by the hearing officer, the foreperson of the SCB panel, and the court reporter, together with all evidence admitted under Sec. 11–608;
3. a copy of the complaint/hearing letter, written motions and pleas; and
4. the disciplinary decision of the hearing officer or the majority of the SCB panel.

## **Subchapter 11–700. Sanctions**

### **Sec. 11–701. Authorized Disciplinary Sanctions**

- a. The dean of students, under subchapter 11–500, or the hearing officer or the majority of an SCB panel, after a hearing under subchapter 11–600, may impose one or more of the following sanctions for violation of the University's expectations of conduct
  1. written warning;
  2. disciplinary probation;
  3. academic integrity probation;
  4. withholding of grades, official transcript, and/or degree;
  5. bar against readmission, bar against enrollment, withdrawal from the University or from a period of enrollment, and/or drop from one or more classes;
  6. restitution or reimbursement for damage to or misappropriation of University or University of Texas System property;
  7. suspension of rights and privileges, including, but not limited to, participation in athletic or extracurricular activities and residing in or entering University housing;
  8. a failing grade for a test, an assignment, or a class, cancellation of all or part of previously earned course credit, and other academic sanction or sanctions;
  9. denial of degree;
  10. deferred suspension;
  11. suspension from the University for a specified period of time;
  12. expulsion (permanent separation from the University);
  13. revocation of degree or withdrawal of diploma;
  14. other sanction or sanctions as deemed appropriate under the circumstances.
- b. If a violation of the University's *Institutional Rules*, other than subsection 11–404(a)(11) of this chapter or Sec. 13–204 of the *Institutional Rules*, is committed because of the race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression of a student or students directly harmed by the violation, such a discriminatory purpose will be treated as an aggravating factor for the purpose of determining the appropriate sanction or sanctions under subsection 11–701(a). For a complete set of cross-references to all regulation of harassment on the campus, see subsection 13–204(c) of the *Institutional Rules*.

### **Sec. 11–702. Authorized Academic Sanctions**

- a. When a student signs a faculty disposition under Sec. 11–505 for conduct constituting academic dishonesty as defined in Sec. 11–402, the faculty member or the academic dean responsible for the class may impose one or more of the following grade-related sanctions:
  1. no credit or reduced credit for the paper, assignment, or test in question;
  2. retaking of examination or resubmission of assignment;
  3. failing grade or reduced final grade for the class.
- b. When a student signs an administrative disposition with the dean of students under Sec. 11–504 or is found by a hearing under subchapter 11–600 to have committed academic dishonesty as defined in Sec. 11–402, the dean of students, the hearing officer or a majority of the SCB panel, as the case may be, may impose any of the grade-related sanctions listed in subsection 11–702(a) and impose any of the general sanctions listed in Sec. 11–701 or 11–703.
- c. If a student resolves his or her disciplinary case through a faculty disposition under Sec. 11–505, or an administrative disposition with the dean of students under Sec. 11–504, or is found by a hearing officer or an SCB panel under subchapter 11–600 to have committed academic dishonesty as defined in Sec. 11–402, the student may be placed on up

to one year of academic integrity probation, in addition to any other sanction assessed by the faculty member, the dean of students, or the hearing officer or the SCB panel. If the student has been found responsible for two or more academic dishonesty violations, suspension or expulsion as a potential sanction will be considered.

- d. If a student is found responsible for a violation under Sec. 11-702 and is also enrolled in an academic program requiring a supplemental application in conjunction with application to UT Austin, a minimum grade point average to matriculate through the program as defined in the Undergraduate Catalog, and a signed commitment to adhere to a program-specific honor code and/or code of conduct, removal from the program as a potential sanction will be considered by the dean of students.

### **Sec. 11–703. Pending Actions and Definition of Authorized Sanctions**

- a. The dean of students, the hearing officer or a majority of the SCB panel may withhold an official transcript, grade, diploma, or degree of a student alleged to have committed a violation of a rule or regulation of The University of Texas System or the University that would reasonably allow the imposition of such sanction. The dean of students may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights when, in the opinion of the dean of students, the best interests of The University of Texas System or the University would be served by this action.
- b. As appropriate under the circumstances, the dean of students, the hearing officer or a majority of the SCB panel may impose a bar against the student's readmission or enrollment, may drop the student from one or more classes, or may withdraw the student from the University or from a period of enrollment. This bar may be temporary or permanent in nature. One or more of these sanctions may also be imposed on a student who fails to respond to a summons by the dean of students to discuss an alleged violation of the Regent's *Rules and Regulations*, University regulation, administrative rules, or the University's expectations of conduct. If imposed for failure to respond to a summons, the sanction or sanctions may be reversed when the student responds to the summons as requested.
- c. "Written warning" means that the student has been notified that he or she has engaged in behavior that violated a rule or regulation of The University of Texas System or the University and that a further violation or violations of the regulations may result in more severe disciplinary action. The dean of students, the hearing officer or a majority of the SCB panel may impose conditions related to the offense, such as counseling, educational seminars, or unpaid work assignments. Failure to meet the condition(s) will be considered an additional violation.
- d. "Disciplinary probation" is a specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further conduct that would violate a rule or regulation of The University Texas System or the University. A further violation or violations will result in consideration of suspension. The dean of students, the hearing officer or a majority of the SCB panel may impose conditions related to the offense, such as reporting to the dean of students on a regular basis, counseling, educational seminars, or unpaid work assignments. Failure to meet the condition(s) will be considered an additional violation.
- e. "Academic integrity probation" is a specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further academic conduct that would violate a rule or regulation of The University Texas System or the University. A further academic violation or violations during this time could result in the student's suspension or expulsion. The dean of students, the hearing officer or a majority of the SCB panel may impose conditions related to the offense, such as reporting to the dean of students on a regular basis, counseling, or educational seminars. Failure to meet the condition(s) will be considered an additional violation.
- f. "Restitution" is reimbursement for damage to or misappropriation of University property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. Other than in extraordinary circumstances deemed necessary by the dean of students, the University will not facilitate restitution between individuals for conduct-related occurrences.
- g. Suspension of rights and privileges is an elastic sanction. The dean of students or the hearing officer may impose limitations to fit the particular case, as in the suspension of rights and privileges to enter or reside in University housing facilities. Suspension of eligibility for official athletic and nonathletic extracurricular activities prohibits the student on whom it is imposed, during the period of suspension, from joining a registered student organization; from taking part in a registered student organization's activities or attending its meetings or functions; and from participating in an official athletic or nonathletic extracurricular activity.
- h. A failing grade or other academic sanction may be assigned to a student for a class in which he or she is found to have violated the University's regulations regarding academic dishonesty.
- i. A student found to have violated the University's regulations regarding academic dishonesty may be denied his or her degree. If the disciplinary process under this chapter is initiated while the accused student is completing required work for a degree but will not be resolved until after the completion of all required work for a degree, the accused student may be denied his or her degree until the completion of the disciplinary process.
- j. Deferred suspension permits the sanction of suspension to be deferred for a student for who there are mitigating circumstances as determined by the dean of students, the hearing officer or a majority of the SCB panel. If a student is found to have violated any rule of the University or The University of Texas System while the sanction of deferred suspension is in effect, the sanction for such a violation may be immediate suspension except in extraordinary circumstances as deemed appropriate by the dean of students. The dean of students, the hearing officer, or a majority of the SCB panel may impose conditions related to the offense, and failure to meet such conditions will be considered an additional violation.
- k. Suspension from the University prohibits the student on whom it is imposed, during the period of suspension, from entering the University campus without prior written approval of the vice president for student affairs, from being initiated into an honorary or service organization, and from receiving credit for academic work done during the period of the suspension. Suspension is noted on the official transcript during the term of suspension and shall remain until all conditions of the suspension are met. The notation can be removed upon the request of the student but only after the student's successful completion of the terms of the suspension. The request for the removal of the transcript notation of suspension should be directed to the Office of the Dean of Students. Suspension may also prohibit the student from being

admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. The dean of students, the student's home department or school and/or the Office of the Registrar may, however, permit the student to receive credit for academic work completed at another institution during the period of suspension, except in cases where suspension is imposed for academic dishonesty. The dean of students, the hearing officer or a majority of the SCB panel may impose additional conditions or sanctions related to the alleged offense, and failure to meet such conditions or terms of the sanction will be considered an additional violation. Suspension from the institution and/or suspension of rights and privileges is the minimum sanction that will be assessed for violation of the rules against illegal use, possession, and/or sale of a drug or narcotic on campus.

- i. Expulsion is a permanent separation from the University and prohibits the student on whom it is imposed from entering the University campus without prior written approval of the vice president for student affairs. Expulsion may prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. A permanent notation of expulsion will also be placed on the student's official transcript.
- m. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with "Disciplinary Suspension" or "Expulsion" as appropriate. The University shall maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years, and disciplinary records required by law to be maintained for a certain period of time, i.e. Clery violations, shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated sanctions.
- n. Other sanctions may be imposed when, in the opinion of the dean of students, the hearing officer or a majority of the SCB panel, the best interests of The University of Texas System or the University would be served.

## **Subchapter 11–800. Appeal**

### **Sec. 11–801. Right to Appeal**

- a. The accused student may appeal a sanction assessed by a faculty member under subsection 11–505(c) to the appellate officer.
- b. The accused student may appeal an administrative disposition by the dean of students under subsection 11-504(b) to the appellate officer.
- c. The accused student may appeal a sanction assessed by the dean of students under subsection 11–504(c), 11–505(b), 11-505(c)(1) or 11-505(d) to the appellate officer.
- d. Either the dean of students or the accused student may appeal a disciplinary decision issued by a hearing officer or a panel of the SCB under Sec. 11–609 to the appellate officer.
- e. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the dean of students office shall consult with the Title IX coordinator and, if applicable, the complainant before deciding whether or not to appeal the hearing officer's decision. In these cases, the complainant has the same, independent right to appeal the hearing officer's decision as does the accused student.
- f. The accused student, complainant, or dean of students may only appeal an administrative disposition or disciplinary decision based only on one or more of the following grounds:
  1. Significant procedural error inconsistent with the processes as outlined in subchapters 11-500 and 11-600.
  2. Discovery of any new information unknown or not reasonably foreseeable to the accused student or the dean of students at the time of the hearing that was material to and could have reasonably impacted the disciplinary decision.
  3. The sanction(s) determined by the dean of students, hearing officer, or SCB are significantly disproportionate to the violation.
- g. The appellate officer shall determine if sufficient grounds for appeal exist under section 11-801(f). If not, the appellate officer will deny the request for appeal thereby sustaining the original decision. If sufficient grounds for appeal exist, the appellate officer will review the appeal in full and issue a final decision.

### **Sec. 11–802. Appeal of Academic Sanctions Assessed by a Faculty Member**

- a. The accused student may appeal the sanction or sanctions assessed by a faculty member under subsection 11–505(c)(1) by submitting a written appeal to the appellate officer within ten days from the date on which the student signed the disciplinary decision. Appeals submitted after 5:00 pm will be received the next day. The written appeal must state the specific reasons for the appeal and must include any related argument as outlined in subsection 11-801(f).
- b. The appeal is restricted to the assessed sanction or sanctions.
- c. The student must provide a copy of the written appeal to the dean of students on the same date the appeal is submitted to the appellate officer.
- d. The dean of students may submit to the appellate officer a written response to the appeal and a copy of the disciplinary decision. These documents, if submitted, must be submitted no later than ten days after the appellate officer received the appeal. Appeals submitted after 5:00 pm will be received the next day. The dean of students must provide a copy of the documents to the accused student. The dean of students' submission of a response to the appeal will not extend the thirty-day period within which the action of the appellate officer will be communicated as outlined in subsection 11–802(f).
- e. The appeal of the sanction or sanctions assessed by the faculty member will be reviewed solely on the basis of the disciplinary decision, the written argument of the student, and the response to the appeal submitted by the dean of students. Oral argument will not be considered.
- f. The action of the appellate officer will be communicated in writing to the accused student and the dean of students within thirty days after the appeal has been received by the appellate officer. If the appellate officer is unable to issue the written

decision within thirty days, the appellate officer should contact both the accused student and the dean of students to provide a date for completion of the written decision. The decision of the appellate officer will be final.

### **Sec. 11–803. Appeal of Administrative Disposition by the Dean of Students**

- a. An administrative disposition by the dean of students under subsection 11-504(a) is final and is not appealable.
- b. The accused student may appeal an administrative disposition by the dean of students under subsection 11–504(b) by submitting a written appeal to the appellate officer within ten days from the date on which the student signed the disciplinary decision issued by the dean of students. Appeals submitted after 5:00 pm will be received the next day. The written appeal must state the specific reasons for the appeal and must include any related argument in accordance with subsection 11-801(f).
- c. The accused student may appeal only the sanction or sanctions assessed under subsection 11–504(c) or 11-505(d) by submitting a written appeal to the appellate officer within ten days from the date on which the student signed the disciplinary decision issued by the dean of students or received notice of an additional sanction. Appeals submitted after 5:00 pm will be received the next day. The written appeal must state the specific reasons for the appeal and must include any related argument in accordance with subsection 11-801(f). The appeal is restricted to the assessed sanction or sanctions.
- d. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the complainant may also appeal the sanctions assessed under subsection 11-504(c) by submitting a written appeal to the appellate officer within ten days from the date on which the accused student signed the disciplinary decision issued by the dean of students or received notice of an additional sanction. Appeals submitted after 5:00 pm will be received the next day. The written appeal must state the specific reasons for the appeal and must include any related argument in accordance with subsection 11-801(f). The appeal is restricted to the assessed sanction or sanctions.
- e. The accused student must provide a copy of the written appeal to the dean of students on the same date the appeal is submitted to the appellate officer. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, upon receipt of the accused student's written appeal, the dean of students office shall provide a copy of the written appeal to the Title IX coordinator and, if applicable, the complainant.
- f. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, interpersonal violence (including domestic violence and dating violence), dating violence, stalking, or other Title IX related allegations, the complainant may submit a written response to the appeal to the appellate officer. The response, if any, must be submitted no later than ten days after the appellate officer received the appeal. The appellate officer will provide a copy of the response to the accused student.
- g. The dean of students may also submit a written response to the appeal to the appellate officer. The response, if any, must be submitted no later than ten days after the appellate officer received the appeal. The dean of students must provide a copy of the response to the accused student. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, interpersonal violence (including domestic violence and dating violence), dating violence, stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, the dean of students shall provide a copy to the Title IX coordinator and, if applicable, the complainant, of the written response to the appeal that is submitted to the appellate officer. The dean of students' submission of a response to the appeal will not extend the thirty-day period within which the action of the appellate officer will be communicated as outlined in subsection 11–803(i).
- h. The appeal of the sanction or sanctions assessed by the dean of students will be reviewed solely on the basis of the disciplinary decision, the written argument of the student, and the response to the appeal submitted by the dean of students. Oral argument will not be considered.
- i. The action of the appellate officer will be communicated in writing to the accused student and the dean of students within thirty days after the appeal has been received by the appellate officer. If the appellate officer is unable to issue the written decision within thirty days, the appellate officer should contact both the accused student and the dean of students to provide a date for completion of the written decision. The decision of the appellate officer will be final. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, upon receipt of the appellate officer's written decision, the dean of students shall promptly provide a copy of the decision to the Title IX coordinator and, if applicable, the complainant.

### **Sec. 11–804. Appeal of the Decision of the Hearing Officer or the Student Conduct Board**

- a. Either the accused student or the dean of students may appeal the disciplinary decision of the hearing officer or a majority of the SCB panel issued under Sec. 11–609 by submitting a written appeal to the appellate officer within ten days from the date the appealing party was notified of the disciplinary decision. Appeals submitted after 5:00 pm will be received the next day. If notice of the disciplinary decision is sent by mail, the date the disciplinary decision is mailed initiates the ten-day period. The written appeal must state the specific reasons for the appeal and must include any related argument. If either party appeals the disciplinary decision, the appellate officer may request that the hearing recording be transcribed; the transcript will be made available to both parties. If a court reporter was present during the hearing and prepares a written transcript immediately thereafter, the transcript is considered part of the hearing record and is made available to both parties.
- b. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the complainant may also appeal the disciplinary decision of the hearing officer issued under Sec. 11–609 by submitting a written appeal to the appellate officer within ten days from the date the appealing party was notified of the disciplinary decision. Appeals submitted after 5:00 pm will be received the next day. If notice of the disciplinary decision is sent by mail, the date the

disciplinary decision is mailed initiates the ten-day period. The written appeal must state the specific reasons for the appeal and must include any related argument. If either party appeals the disciplinary decision, the appellate officer may request that the hearing recording be transcribed; the transcript will be made available to both parties. If a court reporter was present during the hearing and prepares a written transcript immediately thereafter, the transcript is considered part of the hearing record and is made available to both parties.

- c. If the accused student is the appellant, the student must provide the dean of students with a copy of the appeal submitted to the appellate officer on the same date the appeal is submitted to the appellate officer. If the dean of students is the appellant, the dean of students will give, e-mail, or mail a copy of the appeal to the accused student on the same day that the dean of students submits the appeal to the appellate officer. If the copy of the appeal is mailed or e-mailed, the dean of students will send it to an address listed in the registrar's records. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, the dean of students shall provide a copy of an appeal submitted by either the accused student, the complainant or the dean of students to the Title IX coordinator and, if applicable, the accused student and the complainant.
- d. Following submission of the appeal to the appellate officer, the non-appealing party may submit a written response to the appellate officer. The response, if any, must be submitted no later than ten days after the appellate officer received the appeal. The non-appealing party must provide a copy of the response to the other party. The response must be limited to and specifically related to the arguments originally submitted by the appealing party. New or additional information not specifically related to the original arguments submitted will not be considered on appeal. Submission of a response to the appeal will not extend the thirty-day period within which the action of the appellate officer will be communicated as outlined in subsection 11–804(h).
- e. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, the dean of students shall provide a copy of a written response to an appeal submitted by either the accused student, the complainant or the dean of students to the Title IX coordinator and, if applicable, the accused student and the complainant.
- f. At the discretion of the appellate officer, both parties may present oral argument in an appeal of the disciplinary decision of the hearing officer or a majority of the SCB panel. Should oral argument be granted, the deadline described in subsection 11–804(h) may be extended at the discretion of the appellate officer. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, the Title IX coordinator and, if applicable, the complainant shall be allowed to attend the presentation of oral argument to the appellate officer.
- g. The appeal of the disciplinary decision of the hearing officer or a majority of the SCB panel will be reviewed solely on the basis of the hearing record; the materials presented by the individual appealing that meet the grounds for appeal as outlined in subsection 11-801(f); and any documents submitted by the non-appealing party in response to the appeal. The dean of students will submit the record from the hearing to the appellate officer as soon as it is available to the dean of students.
- h. The action of the appellate officer will be communicated in writing to the accused student and the dean of students within thirty days after the appeal has been received by the appellate officer. If the appellate officer is unable to issue the written decision within 30 days, the appellate officer should contact both the accused student and the dean of students to provide a date for completion of the written decision. The decision of the appellate officer will be final. In cases involving allegations of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), stalking, or other Title IX related allegations, subject to the Family Education Rights and Privacy Act (FERPA) and other applicable law, upon receipt of the appellate officer's written decision, the dean of students shall provide a copy of the decision to the Title IX coordinator and, if applicable, the complainant.

### **Sec. 11–805. Authority of the Appellate Officer**

The appellate officer may approve, reject, or modify the disciplinary decision or sanction(s) in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the disciplinary decision. It is provided, however, that upon a finding of responsibility in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the sanction is prescribed by subsection 11–703(j).

### **Sec. 11–806. Effect of Appeal Upon Disciplinary Action**

A timely appeal suspends the imposition of the sanction or sanctions until the appeal is final, but any interim action issued in accordance with 11-502 will remain in effect while the appeal is being considered. Official transcripts, diplomas, grades, or degrees may also be withheld pending conclusion of the appeal as permitted by subsection 11–703(a).

## **Subchapter 11–900. Disciplinary Records**

### **Sec. 11–901. Details of Disciplinary Records**

- a. The definition of a disciplinary record is listed in subchapter 9-300 and Sec. 11-300(7). Disciplinary records are confidential and may not be disclosed in whole or part except as provided in subchapter 9–300 of the *Institutional Rules*.
- b. The disciplinary record will be separate from the student's academic record, will be confidential, and will not be revealed except on request of the student or in accordance with applicable state and federal law, or as otherwise provided in subchapter 9-300.

### **Sec. 11–902. Notice to Administrative Offices**

- a. The dean of students will notify the Office of the Registrar and other appropriate administrative offices if a disciplinary sanction restricts a student from being enrolled at the University during the period of the sanction. A bar may be imposed

by the dean of students if one of the following sanctions has been assessed because of violation of a Regents' *Rule* or University rule or regulation:

1. bar against readmission;
2. suspension from the University; or
3. expulsion from the University.

b. The dean of students will notify the Office of the Registrar and other appropriate administrative offices if any of the sanctions of withholding grades, withholding official transcript or degree, denial of degree, or revocation of degree and withdrawal of diploma are imposed.

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