

Manual of Policies and Procedures for Student Affairs

Chapter 8. Student Conduct and Discipline

Subchapter 8-100. General Provisions

Sec. 8-101. Introduction

- a. Students at the university neither lose the rights nor escape the responsibilities of citizenship. They are expected to obey and conduct themselves in accordance with both the penal and civil statutes of the local, state, and federal government and the Rules and Regulations of the Board of Regents, university regulations, and administrative rules, and to observe standards of conduct appropriate for an academic institution.
- b. Any student who engages in conduct that violates the Regents' *Rules and Regulations*, the UT System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the UT System acting in the course of his or her authorized duties, or federal, State, or local laws is subject to discipline.
- c. 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. In addition to the general standards of conduct set forth in subsection (a), subchapter 8-800 contains descriptions of specific standards of conduct to which students must adhere.
- d. For additional information regarding student conduct, please refer to the Student Conduct and Intervention [website](#).
- e. Each student is responsible for the notice of and compliance with the provisions of the Regents' *Rules and Regulations* and the rules of the institution.

Sec. 8-102. Application

- a. This chapter applies to individual students and states the function of faculty and administrative staff members of the university in disciplinary proceedings. Individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while a student as defined in the definition section below.
- b. A student is subject to discipline for prohibited conduct that occurs on or off campus, including but not limited to institution or UT System sponsored off-campus activities such as field trips, internships, rotations, or clinical assignments regardless of whether civil or criminal penalties are also imposed for such conduct.
- c. Searches of student-occupied premises or of a student's personal possessions shall be only as authorized by law.
- d. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered prohibited conduct under this policy.

Sec. 8-103. Definitions

- a. In this chapter, unless the context requires a different meaning,
 1. "academic sanction" means a sanction affecting a student's grade. For example, the lowering of a grade on an assignment, test, or in the course;
 2. "administrative disposition" means a document signed by the student and Dean which includes a statement of the disciplinary charges, the findings, the sanction and a waiver of the hearing procedures and possibly a waiver of appeals under Regents' *Rules and Regulations*, Rule 50101, and institutional rules regarding student discipline;
 3. "campus" consists of all real property, buildings or facilities owned or controlled by UT Tyler;
 4. "Chief Student Affairs Officer" refers to 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 will implement the policies and regulations set forth herein;
 5. "complainant" is the individual who is alleged to be the victim of any prohibited conduct under this policy.
 6. "complaint" is a written statement of the essential facts constituting an alleged violation of a Regents'

- Rule, university regulation, or administrative rule;
7. "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;
 8. "hearing officer" means an individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s);
 9. "interim disciplinary action" means disciplinary action adverse to a respondent taken against the respondent before a finding of responsibility for a policy violation. Interim disciplinary action may include suspension, suspension of a right or privilege, or a prohibition from entering campus or any part of campus;
 10. "president" means the president of The University of Texas at Tyler;
 11. "respondent" means the student accused of an alleged policy violation;
 12. "student" means a person who is currently enrolled at the university, or is accepted for admission or readmission to the university, or 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 engaged in prohibited conduct at a time when he or she met the above criteria;
 13. "university" means The University of Texas at Tyler;
 14. "day" means a calendar day. For purposes of calculating any period of days in this policy, if the last day of the period falls on a Saturday, Sunday, or an official holiday (including Skeleton Days), or is a day when the University is closed due to an emergent situation, the period continues to run until the next day that is not a Saturday, Sunday, an official holiday (including Skeleton Days), or a day when the University is closed due to an emergent situation;
 15. "Dean or Dean of Students" refers to the administrative officer or officers responsible for the administration of the disciplinary process at each institution. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.

Subchapter 8-200. Administration of Discipline

Sec. 8-201. Administration by Dean

- a. The Dean shall have primary authority and responsibility for the administration of student discipline. The Dean works cooperatively with faculty members in the disposition of scholastic violations.
- b. The Dean may delegate the authority to dispose of scholastic discipline cases to faculty members and to other administrators.

Sec. 8-202. Hearing Officer

- a. The hearing officer(s) will be appointed in accordance with procedures established by the president. The president may appoint an individual to coordinate the work of the hearing officers.

Sec. 8-203 Governance

- a. If there is a more specific policy that specifies the procedures for investigation, such as the Sexual Harassment policy, that policy will govern; however, all the powers provided herein to the Dean for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades and degrees are delegated to the investigator designated in that policy. Student violations of the University policy on speech, expression and assembly will follow the procedures in this policy.

Subchapter 8-300. Initiation of Disciplinary Proceedings

Sec. 8-301. Investigation

- a. Upon receiving information that a student has allegedly violated a Regents' Rule, university regulation, or administrative rule, the Dean shall investigate the alleged violation. The Dean may contact a student for a meeting for purposes of the investigation and/or to discuss the allegations. The Dean may also issue a summons for these purposes.
- b. The Dean will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Dean will offer the student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.

c. Pending a hearing or administrative disposition of the charges against a respondent, the Dean may take immediate interim disciplinary action if the institution determines circumstances warrant immediate action to ensure the safety of any person and/or the University community. If interim disciplinary action is imposed prior to the respondent having an opportunity to respond to the allegations or to the concern of any potential threat, the University will provide the respondent an opportunity to respond to the allegations and potential threat as soon as practicable after instituting the interim disciplinary action. Following this opportunity to respond to the allegations and any potential threat, the Dean may remove the interim disciplinary action if warranted. If removal of the interim disciplinary action is not warranted, the respondent will have an accelerated hearing as described in subsection 8-401 (c) of this policy unless the respondent agrees to an administrative disposition under section 8-303.

d. Interim disciplinary action includes but is not limited to suspending the right of a student to be present on the campus and to attend classes, prohibiting contact, or otherwise altering the status of a student when the continuing presence of the student poses a danger to persons or property, or poses an ongoing threat of disrupting the academic process or any activity authorized by the university.

e. Notwithstanding the above, the Dean may withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the university which would reasonably allow the imposition of such sanction. The Dean may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Dean has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean, the best interests of the university would be served by this action.

Sec. 8-302. Summons

a. The Dean may summon a student to appear for a meeting for purposes of the investigation and/or to discuss the allegations by sending a written summons to the student. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student at the e-mail address on record with the UT System institution registrar, or may be hand delivered to the student. The request shall direct the student to appear at a specific time and place at least three weekdays after the date of the request if the request is sent by mail. The meeting may take place at least two weekdays after the date of the request if the request is hand-delivered or sent by e-mail.

b. If a student fails to appear without good cause, as determined by the Dean, the Dean may bar or cancel the enrollment or otherwise alter the status of a student until the student complies with the summons. If the student failing to appear as directed in a summons is the student against whom charges are being reviewed, in addition to the above, the Dean may proceed with disciplinary action based upon other information available using the disciplinary procedures in this policy.

c. A letter or e-mail sent to the address listed in the registrar's records or hand delivered to the student shall constitute full and adequate notice. The refusal of a student to accept delivery of the notice, failure of a student to provide an address change or forwarding address with the registrar, the failure to read mail or e-mail, or the refusal to accept a registered letter shall not constitute good cause for failure to comply with the summons.

Sec. 8-303. Administrative Disposition of Violations or Challenging the Disciplinary Action

a. Uncontested Cases with Agreed Sanctions: In any case, except in a case finding a violation of the Sexual Harassment Policy, where the respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the Dean assesses, the student may execute a written document as outlined in subsection 8-103 (a.). This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.

b. Alternatively, a student may elect to sign an administrative disposition waiving the right to the hearing under subchapter 8-400 but possibly reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the president's designee as determined by institutional procedures in accordance with subchapter 8-600 of this policy.

c. In any case finding a violation of the Sexual Harassment Policy, the case will proceed under subchapter 8-400 of this policy unless both the accused and the accuser agree to the terms of the administrative disposition and thus waive the hearing and appeals.

d. Cases in which the Proposed Sanction involves Suspension, Academic Sanctions or Expulsion: In those cases in which the Dean proposes suspension, including suspension of rights and privileges, academic

sanctions, or expulsion as a sanction, the charges shall be heard and determined by a fair and impartial hearing officer in accordance with subchapter 8-400. For any case, except one involving a violation of the Sexual Harassment Policy, however, a student may elect to sign an administrative disposition as outlined in subsection 8-103 (a), waiving the right to the hearing, but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the president or his/her designee in accordance with section 8-600 of this policy. In cases where a student is found in violation of the Sexual Harassment Policy, the case will proceed before a hearing officer unless both the accused and the accuser agree to the waiver of the hearing procedures if it falls under the alternative grievance process. If not, it will proceed with a hearing officer as stated in the Sexual Harassment Policy.

e. Cases in which Suspension, Academic Sanctions, or Expulsion are not Proposed as a Sanction: In those cases not subject to (c) above, the Dean will inform the student in writing of the charges, evidence, proposed findings, and the proposed sanction(s). The Dean will allow the student an opportunity to meet with the Dean to provide evidence on their behalf. Unless signing an administrative disposition, waiving a hearing and appeal as outlined in (a) above, the student maintains the right to appeal the finding of the Dean and/or the proposed sanctions to the president or his/her designee. This appeal must be made in writing and submitted within 14 days of the decision being rendered.

f. In any case involving a violation of the Sexual Harassment Policy, the accuser will be provided an equal opportunity to participate in the process.

g. Burden of Proof. Upon a hearing of the charges, the Dean or other institutional representative has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.

Sec. 8-304. Scholastic Violations

a. When a faculty member has reason to suspect that a student has violated university regulations concerning scholastic dishonesty, the faculty member may refer the case to the Dean who shall proceed under section 8-301, or the faculty member may meet with the student(s) involved and discuss the alleged violation and the evidence that supports the charge. After conferring with the student, the faculty member may dismiss the allegation or proceed under 8-304 (b) or (c);

b. In any case where a student accused of scholastic dishonesty does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures, the faculty member may assess an academic sanction pursuant to section 8-503, and shall inform the student of such action in writing, and report the disposition of the incident to the Dean. The Dean may summon the student for consideration of an additional disciplinary sanction.

c. In any case where a student accused of scholastic dishonesty disputes the facts upon which the charges are based, or chooses not to waive the right to a hearing before a hearing officer, the faculty member shall refer the matter to the Dean who shall then proceed under section 8-301.

d. A student may appeal the decision of a faculty member under 8-304 (b) by giving written notice to the Dean within 14 days from the date on which the decision was announced. The appeal is conducted in accordance with subchapter 8-600. The appeal is restricted to the issue of sanction, and no transcript shall be required.

Sec. 8-305. Alcohol and Drug Amnesty Policy

a. UT Tyler recognizes that students who are involved in a drug or alcohol-related incident/situation may be hesitant to seek medical attention or report any related sexual misconduct due to fear of disciplinary action.

b. Under the Alcohol and Drug Amnesty Policy, students who seek emergency medical assistance for themselves or others, or students who report Title IX cases where alcohol or drugs are involved will not face formal student conduct charges from the Office of Student Conduct and Intervention if the students follow the following guidelines:

1. Student(s) calls 911 when alcohol poisoning is present or suspected;
2. Student must be the first person to call and remain on the scene until medical assistance arrives;
3. Involved student(s) will be referred to the Dean of Students Office;
4. Student(s) will be evaluated for inclusion under the Alcohol and Drug Amnesty Policy provided the call for help takes place prior to police and/or staff involvement;

5. Students eligible for consideration under the Alcohol and Drug Amnesty Policy will still be required to participate in an educational component and may be referred for an individual assessment; however, they will not face formal disciplinary action;
 6. Students who fail to complete their educational component may face formal charges under this policy;
 7. The Alcohol and Drug Amnesty Policy does not apply to other violations of UT Tyler rules that may occur in conjunction with any alcohol-related infractions, and is specifically not applicable if the case is believed to involve hazing;
 8. The Alcohol and Drug Amnesty Policy is only applicable to UT Tyler's student conduct process. SB1331 (911 Lifeline Law) states that anyone under 21 calling for help for himself or another will not be cited for possession or consumption of alcohol. However, this immunity is limited to the first person to call and request medical assistance, and is contingent on that person remaining on the scene until medical assistance arrives and on that person cooperating with medical/law enforcement personnel.
- c. Under the Alcohol and Drug Amnesty Policy, students who are victims of a Title IX case or who report a Title IX case where alcohol or drugs are involved will not face formal student conduct charges from the Office of Student Conduct and Intervention if the students follow the following guidelines:
1. Students are encouraged to seek immediate medical attention if necessary;
 2. Student(s) reports the Title IX incident to appropriate staff member (ie: Title IX officer, UPD, Dean of Students Office, CARE Team);
 3. Student must be the first person to report the Title IX incident;
 4. Involved student(s) will be referred to the Dean of Students Office;
 5. Student(s) will be evaluated for inclusion under the Alcohol and Drug Amnesty Policy provided the call for help takes place prior to police and/or staff involvement;
 6. Students eligible for consideration under the Alcohol and Drug Amnesty Policy will still be required to participate in an educational component and may be referred for an individual assessment; however, they will not face formal disciplinary action;
 7. Students who fail to complete their educational component may face formal charges under this policy;
 8. The Alcohol and Drug Amnesty Policy does not apply to other violations of UT Tyler rules that may occur in conjunction with any alcohol-related infractions and is specifically not applicable if the case is believed to involve hazing.

Subchapter 8-400. Hearing

Sec. 8-401. Duties of the Hearing Officer

- a. In those cases under section 8-303(d) in which the respondent disputes the facts upon which the charges are based and the proposed sanction is suspension (including suspension of rights and privileges), an academic sanction, or expulsion, such charges shall be heard and determined by a hearing officer.
- b. Where a student is alleged to have violated the Sexual Harassment Policy, the procedures governing the investigatory and disciplinary processes are outlined in the Sexual Harassment Policy, and the procedures in this policy do not apply.
- c. When interim disciplinary action has been taken by the Dean under subsection 8-301 and remains in place following the opportunity for the student to address the allegations and/or potential threat, the student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified in this policy within 10 days after the interim disciplinary action was taken; however, if the Dean determines that there is good cause, the 10 day period may be extended for a reasonable period.
- d. The hearing officer will preside over the hearing and:
 1. shall conduct the hearing in an orderly manner and control the conduct of witnesses and participants in the hearing;
 2. shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses;
 3. may question witnesses;
 4. is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System;
 5. shall, within 14 days of the hearing, render and send to the Dean and the respondent a written decision which shall contain findings of fact and conclusions as to whether or not the respondent is responsible for the violations as charged;
 6. shall, upon a finding of responsibility, assess a sanction or sanctions specified in Section 8-500.

Sec. 8-402. Duties of Dean

a. The Dean shall set the date, time, and place for the hearing and notify the respondent of the date, time, and place; arrange for recording the hearing as provided in subsection 8-407(d); and furnish a suitable room, necessary equipment, and clerical assistance for the hearing officer.

Sec. 8-403. Notice

a. The Dean shall notify the respondent by letter of the date, time, and place for the hearing. The notice shall be delivered in accordance with 8-403 (b).

b. The letter shall specify a hearing date at least 10 days after the date of the letter unless the hearing is being held under the conditions required in subsection 8-301(c). The letter shall be delivered in person to the student, emailed to the student at the e-mail address on record with the University, or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received 3 days after the date of mailing. A notice sent via e-mail will be considered to have been received on the day sent. A student may request, in writing, that an earlier date be set if feasible to arrange. The hearing officer for good cause, or by agreement of the student and Dean, may postpone the hearing and shall notify the Dean and the respondent of the new hearing date.

c. A letter mailed under 8-403 (a) shall:

1. direct the respondent to appear on the date and at the time and place specified;
2. advise the respondent of his or her rights:
 - A. to appear;
 - B. to make an opening and closing statement;
 - C. to challenge the person designated to hear the charges under section 8-405;
 - D. to present testimony of witnesses and documentary evidence;
 - E. to cross-examine witnesses (as permitted by the hearing officer);
 - F. to be assisted by an adviser at the hearing;
 - G. and to appeal under subchapter 8-600;
3. contain the name of the person appointed to act as hearing officer;
4. contain the names of witnesses who may testify against the respondent, a brief summary of the testimony to be given by each, and a list of documentary and other evidence that will be offered against him or her; the university may supplement the list of witnesses and documents for good cause, as determined by the hearing officer;
5. contain a copy of the complaint, which entails a written statement of the charges; and
6. notify the respondent that, if they are advised by an attorney, the Dean's adviser may be an attorney from the Office of the General Counsel of the University of Texas System. An adviser may confer with and advise the Dean or respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the hearing officer.

d. At least 5 days before the hearing, the Dean will make available a copy of documents to be introduced at the hearing.

e. The Dean may suspend or otherwise alter the status of a respondent who fails, without good cause, to comply with a letter sent under this section, or the Dean may proceed with the hearing in the student's absence.

f. The failure of a student to provide an address change or forwarding address, or the refusal to accept a registered letter shall not constitute good cause for failure to comply with a letter sent under this section.

Sec. 8-404. Preliminary Matters

a. Charges arising out of a single transaction or occurrence against one or more students may, at the discretion of the Dean, be heard together, but the hearing officer, for good cause, may grant a separate hearing.

b. At least 5 days before the hearing date, the student and Dean shall furnish each other with a list of any witnesses, a summary of each witness's testimony and a copy of any documents and other evidence they may offer; the student may supplement the list of witnesses and documents for good cause, as determined by the hearing officer.

c. At least 5 days before the hearing date, the respondent shall furnish the hearing officer with the name of

the adviser, if any, who will appear with the respondent.

Sec. 8-405. Challenges to the Hearing Officer

- a. The respondent may challenge the hearing officer's alleged lack of fairness or objectivity but is not entitled to disqualify the person from serving.
- b. The challenge must be in writing, state the reasons for the challenge, and be submitted to the hearing officer through the office of the Dean at least 3 days prior to the hearing.
- c. The hearing officer shall be the sole judge of whether they can serve with fairness and objectivity. In the event a hearing officer recuses themselves, a substitute will be chosen in accordance with procedures of the institution.

Sec. 8-406. Procedure

- a. The hearing is informal and closed, except that, with the consent of the respondent and the Dean, the hearing may be open.
- b. In sexual harassment or sexual assault cases, both parties shall have the right to be present throughout the hearing, to have an adviser present during the hearing, to not have irrelevant evidence of past sexual history with third parties admitted as evidence; and to have a closed hearing.
- c. The Dean may recommend a sanction to be assessed by the hearing officer. The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the student, and/or other factors deemed relevant by the Dean. The respondent shall be entitled to respond to the recommendation of the Dean. In making the sanctioning decision, the hearing officer will take into consideration any mitigating or aggravating factors.
- d. The hearing will be recorded. If either party desires to appeal the decision of the hearing officer in accordance with subchapter 8-600, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the hearing officer.
- e. The hearing officer shall proceed generally as follows:
 1. the Dean reads the complaint;
 2. the hearing officer informs the respondent of their rights listed in subsection 8-403(c)(2);
 3. the Dean presents the university's witnesses and evidence;
 4. the respondent presents their witnesses and evidence;
 5. the Dean and the respondent present rebuttal evidence and argument;
 6. the hearing officer decides whether a violation has occurred and assesses a sanction in accordance with section 8-408.

Sec. 8-407. Evidence

- a. Legal rules of evidence do not apply to hearings under this policy; the hearing officer may admit and give effect to evidence that possesses probative value and is commonly accepted by reasonable people in the conduct of their affairs.
- b. All evidence shall be offered during the hearing and made a part of the hearing record.
- c. The hearing officer shall decide whether a violation has occurred and assess an appropriate sanction solely on the basis of admitted evidence. The hearing officer may consider a respondent's disciplinary record only in determining an appropriate sanction.
- d. A recording shall be made of the hearing under supervision of the Dean. The recording shall be provided to the president in the event of an appeal by either party.

Sec. 8-408. Decision

- a. The person hearing the charges shall render and send to the Dean and the respondent, a written decision that contains findings of fact and a conclusion as to whether the respondent is responsible for the violations as charged. Upon a finding of responsibility, the hearing officer will assess a sanction or sanctions in accordance with subchapter 8-500. The sanction or sanctions shall also be stated in the decision.

Sec. 8-409. Record

a. The hearing record consists of:

1. the recording of the hearing;
2. the documents received in evidence;
3. any investigation report and supporting evidence; and
4. the decision of the hearing officer.

b. If notice of appeal is timely given as provided in section 8-601, the Dean shall prepare the record; the hearing officer shall certify its completeness and accuracy; and the Dean shall send it to the president, with a copy to the student appellant, on or before the tenth day after the record has been certified.

Subchapter 8-500. Sanctions**Sec. 8-501. Authorized Disciplinary Sanctions**

a. The Dean, under subchapter 8-300, or the hearing officer after a hearing, under subchapter 8-400, may impose one or more of the following sanctions for violation of a Regents' Rule, university regulation, or administrative rule:

1. warning;
2. disciplinary probation;
3. withholding of grades, official transcript, and/or degree;
4. bar against readmission, bar against enrollment, drop from enrollment in one or more courses, and/or withdrawal from the institution;
5. restitution or reimbursement for damage to, or misappropriation of, university or UT System property;
6. suspension of rights and privileges including, but not limited to: participation in athletic or extracurricular activities and residing in or entering university housing;
7. failing grade or reduction of a grade for an examination or assignment or for a course, or other academic sanction;
8. denial of degree;
9. deferred suspension;
10. suspension from the university for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will be issued according to the University's refund schedule. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the procedures adopted in the institution's code of conduct when all conditions of the suspension are met;
11. expulsion (permanent separation from the university). Expulsion creates a permanent notation on the student's academic transcript;
12. revocation of degree and withdrawal of diploma;
13. other sanction as deemed appropriate under the circumstances.

b. If a violation of a Regents' Rule, university regulation, or administrative rule, other than section 8-804(a)(12), is committed because of the race, color, or national origin of a student or students directly harmed by the violation, such a discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate sanction under 8-501(a).

Sec. 8-502. Nature of Disciplinary Sanctions

a. A warning is a written reprimand from the Dean to the student on whom it is imposed.

b. Disciplinary probation is a defined period of time during which the student may be required to comply with specific terms and conditions, such as meeting with the Dean on a regular basis during the probationary period. Further violations will result in consideration of suspension. The Dean or the hearing officer may impose conditions related to the offense, such as counseling, educational seminars, or community service. Failure to meet the condition(s) shall be considered an additional violation.

c. The Dean or hearing officer may withhold the issuance of an official transcript, grade, diploma, or degree to a student alleged to have violated a rule or regulation of the University of Texas System or the university which would reasonably allow the imposition of the sanction of withholding an official transcript, grade, diploma, or degree. The Dean may take such action pending a hearing and/or exhaustion of appellate rights

when, in the opinion of the Dean, the best interests of The University of Texas System or the university would be served by this action.

d. A bar against readmission and/or a drop from current enrollment or a drop from one or more courses may be assessed as a sanction, as appropriate under the circumstances. For example, a bar against readmission and/or a drop from current enrollment may be imposed on a student who fails to respond to a summons by the Dean to discuss an alleged violation of the Regents' Rules, university regulations, or administrative rules. The sanction shall be lifted when the student responds to the summons as requested.

e. Restitution is reimbursement for damage to, or misappropriation of, property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

f. Suspension of rights and privileges is an elastic sanction. The Dean or the hearing officer may impose limitations to fit the particular case. Suspension of eligibility for official athletic and non-athletic extracurricular activities prohibits, during the period of suspension, the student on whom it is imposed 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.

g. A failing grade or other academic sanction may be assigned to a student for a course in which they were found guilty of scholastic dishonesty.

h. A student found responsible for scholastic dishonesty may be denied their degree.

i. Deferred suspension may be imposed on a student for whom suspension from the institution is an appropriate sanction, but for whom there are mitigating circumstances as determined by the Dean or hearing officer. If a student is found to have violated any rule of the university or UT System while the sanction of deferred suspension is in effect, the sanction for such a violation will be immediate suspension. The facts of the case may be decided by a hearing officer and/or appealed to the president, but the sanction may not. The Dean or hearing officer may impose conditions related to the offense and failure to meet such conditions shall be considered an additional violation.

j. Suspension from the institution for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student when all conditions of the suspension are met. A former student who has been suspended for disciplinary reasons is prohibited from being on the campus of any UT System institution during the period of such suspension without prior written approval of the chief student affairs officer of the UT System institution at which the suspended student wishes to be present.

k. Expulsion from the university is permanent separation from the university and includes the same prohibitions as those for suspension. Expulsion creates a permanent notation on the student's academic transcript. A former student who has been expelled for disciplinary reasons is prohibited from being on the campus of any UT System institution during the period of such expulsion without prior written approval of the chief student affairs officer of the UT System institution at which the suspended student wishes to be present.

l. Revocation of the degree and withdrawal of the diploma may be imposed when the violation involves scholastic dishonesty or otherwise calls into question the integrity of the work required for the degree.

m. Other sanctions may be imposed when, in the opinion of the Dean or the hearing officer, the best interests of UT System or the university would be served.

Sec. 8-503. Authorized Academic Sanctions

a. A faculty member, under section 8-304, or the Dean or hearing officer, may impose one or more of the following sanctions for scholastic dishonesty:

1. written warning that further scholastic violations may result in a more severe sanction;
2. no credit or reduced credit for the paper, assignment, or test in question;
3. retaking of examination or resubmission of assignment;
4. failing grade or reduced final grade for the course.

b. The Dean, with approval of the student's academic dean, may assign an academic sanction for violation of a university regulation concerning scholastic dishonesty to a student who fails, without good cause, to comply with section 8-302 or subsection 8-403(e).

c. A student who is in violation of a university regulation concerning scholastic dishonesty may also be subject to one or more of the sanctions in section 8-501.

Subchapter 8-600. Appeal

Sec. 8-601. Right to Appeal

a. Either the Dean or the respondent may appeal a disciplinary decision to the president's designee. In sexual harassment cases, the alleged victim may pursue an appeal under the same procedure as the respondent.

b. A respondent (and the Dean, where applicable) may appeal on any of the following grounds:

1. The sanctions imposed are inappropriate and/or not commensurate with the circumstances (note: this is the only appeal option available for administrative dispositions under subsection 8-303(e));
2. A procedural irregularity affected the outcome of the matter;
3. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter; or
4. The Dean, investigator(s), or hearing officer had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.

c. The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the president's designee (hereafter "Appeal Official,") with a copy to the other party. The appeal must be stamped as received by the office of the Appeal Official no later than 14 days after the appealing party has been notified of the decision and sanction. The non-appealing party (and in sexual harassment cases, the alleged victim) may, but is not required to, submit a response to the appeal which must be received by the Appeal Official within 7 days after receipt of the appeal. For purposes of calculating deadlines, the date that an appealing party has been notified of the sanction or the date the appealing party received a copy of the hearing officer's decision is 3 days after the date the document was sent by mail to the recipient or, if emailed to the recipient, the day the e-mail was sent. An appeal of a sanction given by the Dean in accordance with Sec. 8-303 will be reviewed solely on the basis of the written argument of the student and the Dean. The appeal of a decision of a hearing officer given in accordance with subchapter 8-400, will be reviewed solely on the basis of the record from the hearing. The Dean will submit the record from the hearing to the Appeal Official as soon as it is available to the Dean. Notice of appeal, timely given by a respondent, suspends the imposition of sanction until the appeal is finally decided, but interim action may be taken as authorized under subsection 8-301(c). Further, grades or degrees may also be withheld pending conclusion of the appeal.

Sec. 8-602. Consideration of Appeal

a. The decision will be reviewed upon the basis of the written appeal and response as outlined in 8-601 and the certified record of the hearing, if any.

b. The Appeal Official, may, at their discretion, entertain oral argument in an appeal from the decision of the hearing officer. In the case of a faculty or administrative disposition of the charges, the decision will be based upon review of written arguments provided by the student and the faculty member or the Dean as appropriate.

c. The Appeal Official may approve, reject, or modify the decision in question, or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

d. The action of the Appeal Official shall be communicated in writing to the respondent and the Dean within 30 days after receiving the appeal and official record. The decision of the Appeal Official shall be the final appellate review

Subchapter 8-700. Disciplinary Records

Sec. 8-701. Access to Disciplinary Records

a. The academic transcript of a student suspended or expelled for disciplinary reasons (not academic) shall be marked with "Disciplinary Suspension" or "Disciplinary Expulsion" as appropriate. A notation should state whether the student is eligible to reenroll.

- b. If the student becomes eligible to reenroll in the institution or the institution determines that good cause exists to remove the notation, the notation can be removed upon the request of the student.
- c. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. Disciplinary records shall be treated as confidential, and shall not be accessible to anyone other than the conduct officer or university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable State or federal laws or court order or subpoena.
- d. A permanent written disciplinary record shall be kept for every student assessed a sanction of suspension, expulsion, denial or revocation of a degree, and/or withdrawal of a diploma.
- e. A record of scholastic dishonesty shall be maintained for at least 5 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.
- f. The disciplinary record shall be maintained by the Office of Student Conduct and Intervention. The disciplinary record shall be separate from the student's academic record and shall be treated as confidential and shall not be accessible to anyone other than the Dean or university officials with legitimate educational interests, except on written authorization of the student or in accordance with applicable state or federal laws, or court order or subpoena.

Sec. 8-702. Notice to the Registrar

- a. The Dean shall 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.
- b. The bar may be imposed by the Dean 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.
- c. The Dean shall notify the registrar and the academic dean if any of the sanctions of withholding grades, official transcript or degree, denial of degree, or revocation of degree and withdrawal of diploma are imposed.

Subchapter 8-800. Student Standards of Conduct

Sec. 8-801. Conduct Expected of Students

a. This subchapter describes offenses for which a disciplinary proceeding may be initiated, but the university expects from its students a higher standard of conduct than the minimum required to avoid discipline. The university expects all students to obey the law, to show respect for other members of the university community, to fulfill contractual obligations, to maintain absolute integrity and a high standard of individual honor in scholastic work, and to observe standards of conduct appropriate for a community of scholars.

Sec. 8-802. Academic Dishonesty

- a. The Dean or a faculty member may initiate disciplinary proceedings under section 8-300 against a student accused of academic dishonesty.
- b. "Academic Dishonesty" includes, but is not limited to: cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable, in whole or in part, to another person without giving sufficient credit, taking an examination for another person, falsifying academic records, and any act designed to give unfair academic advantage to the student (such as, but not limited to: submission of essentially the same written assignment for two courses without the prior permission of the instructor, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment), or the attempt to commit such an act.

1. "Cheating" includes, but is not limited to:

- A. copying from another student's test paper or other assignment;
 - B. using test materials during a test that are not authorized by the person giving the test;
 - C. failing to comply with instructions given by the person administering the test;
 - D. possession of materials during a test which are not authorized by the person giving the test, such as class notes, calculators, electronic devices, books, or specifically designed "crib notes." The presence of textbooks constitutes a violation only if they have been specifically prohibited by the person administering the test;
 - E. using, buying, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part, without permission of the instructor; or accessing a test bank without instructor permission;
 - F. discussing the contents of an examination with another student who will take the examination;
 - G. divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to or kept by the student. This includes distributing materials electronically to online resources;
 - H. substituting for another person, or permitting another person to substitute for oneself, to take a course, a test, or any course-related assignment;
 - I. paying or offering money or other valuable thing to, or coercing another person to, obtain an unadministered test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution, or computer program;
 - J. falsifying research data, laboratory reports, and/or other academic work offered for credit;
 - K. 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;
 - L. misrepresenting facts for academic advantage to the University or an agent of the University, including 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; or
 - M. engaging in written, oral, or any other means of communication with another student during a test, or giving aid to or seeking aid from another person during a test or on another assignment where doing so is prohibited by the instructor.
2. "Plagiarism" is the appropriation of 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 requirement(s).
 3. "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of any provision of the rules on academic dishonesty, including disclosing and/or distributing the contents of an exam.
 4. "Falsifying academic records" includes, but is not limited to: altering or assisting in the altering of any official record of the university or UT System, the submission of false information or the omission of requested information that is required for or related to any academic record of the university or the UT System. Academic records include, but are not limited to: applications for admission, the awarding of a degree, grade reports, test papers, 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.

Sec. 8-803. Financial Transactions with the University

a. Students who owe debts to the university may be denied admission or readmission to the university and have their 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 to the appropriate administrative office.

Sec. 8-804. Certain Other Offenses

a. Notwithstanding any action taken by civil authorities or agencies charged with the enforcement of criminal laws on account of the violation, the Dean may initiate disciplinary proceedings under subchapter 8-300 against a student who is alleged to have violated any of these policies:

1. Violation of the Law. Students may not engage in conduct that violates 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. Weapons. Unless authorized by federal, state, or local laws, or without written permission from the UT Tyler Chief of Police, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, while on campus or on any property or in any building or facility owned or controlled by UT System or the institution, is subject to discipline. The University has a Campus Carry Policy and any violation of that policy by a student will be handled according to the procedures in this policy unless that policy explicitly states otherwise.
 - A. Weapons including knives, imitation firearms, toys, replica, paintball guns, BB guns, Airsoft etc., unless authorized by federal, state, or local laws are prohibited without the express written permission from the UT Tyler Chief of Police. A student found in possession without written approval is subject to discipline;
3. Open carry. Open carry of handguns is prohibited by law on campus;
4. Disruptive Behavior. Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by UT System or the institution is subject to discipline. Obstruction or disruption includes, but is not limited to: any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources;
5. Endangering Behavior. Any student who engages in conduct that endangers the health or safety of any person may be subject to discipline;
6. Vandalism. Any student who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by the institution or UT System is subject to discipline;
7. Keys. Students may not be in possession of, or make use of, university keys for unauthorized purposes;
8. Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law in *Texas Education Code Section 51.936* and *Sections 37.151-157*. Hazing, with or without the consent of a student, whether on or off campus, is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.
9. "Hazing" means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act:
 - A. is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
 - B. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or safety of the student;
 - C. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - D. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation law; or
 - E. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection.

In an effort to encourage reporting of hazing, UT Tyler may grant immunity from student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing, prior to being contacted, concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

10. Alcohol. Students may not use, or possess without proper authorization, alcoholic beverages in a university classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate and intramural athletic facility, or any other public campus area or any on-campus residence;
11. Any student who commits theft, steals, or takes unauthorized possession of any personal property of any community member or University property within the buildings or facilities owned or controlled by the University or UT System is subject to discipline;
12. Illegal Drugs. Any student who is found responsible for illegal use, possession, and/or sale of a drug or narcotic is subject to discipline. Use and or possession of prescription medication is a violation of this policy if the student does not have a prescription for the medication. Distribution of prescription medication to any student other than the student for whom the medication is prescribed, is a violation of this policy;
13. Possession of drug paraphernalia. The use or possession of equipment, products, or material which is used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance is prohibited;
14. Inciting. Any student who engages in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action is subject to discipline;
15. Harassment/Bullying. 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;
16. Sexual Misconduct is defined in the Sexual Harassment Policy;
17. False Information. A student who knowingly furnishes false information to, or withholds material information from, any university officials is subject to discipline. This prohibition includes a student who knowingly files a false report related to another student's alleged violation of the Student Code of Conduct ;
18. Inappropriate Behavior. Students may not engage in conduct that is inappropriate for members of an academic institution (such conduct includes but is not limited to: pranks, public nudity, harassing phone calls or email, and berating or otherwise abusive behavior);
 - A. In the case of disruptive activity on the campus of the university, neither the Dean nor the president, or any representative of them, shall negotiate or attempt to negotiate with any person or persons so engaged. When such a situation arises, the Dean or the president, or their representative, shall 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 8-300;
19. Unauthorized Use. Any student who engages in the unauthorized use of property, equipment, resources, supplies, buildings, or facilities owned or controlled by the university or UT System, including the unauthorized entry into property, buildings, or facilities owned or controlled by the university or UT System, is subject to discipline;
20. Altering of Official Documents. A student who alters or assists in the altering of any official record of UT System or the institution or who submits false information or omits requested information that is required for, or related to, an application for admission, the award of a degree, or any official record of UT System or the institution is subject to discipline. A former student who engages in such conduct is subject to bar against readmission, revocation of degree, and withdrawal of diploma. This prohibition includes a student who participates or assists in the forging, altering, or duplicating of any parking permit, traffic ticket, or parking ticket issued by the University; any ticket for admission to a program or event sponsored by the University; any means of identification issued by the University; any instrument obligating the University to pay any sum of money; any key which may be used for entering any building owned or controlled by the University; or participating in such actions with other persons;
21. Any student who retaliates in any way against an individual who has brought a complaint under this policy (or other University policy), or participated in an investigation or disciplinary process of such complaint;
22. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct (in this and other University Policies) that takes place during the period of suspension;
23. Any student who engages in gambling on property, buildings, or facilities owned or controlled by the institution is subject to discipline;
24. Students using University information resources or connecting to University information resources with a personal or non-University owned system will be held responsible for adhering to all University policies and procedures regarding Information Resource Usage as well as state and federal rules and regulations. Information Resources System usage violations include, but are not

limited to: unauthorized system/network activity and unauthorized distribution or altering of programs and/or data.

b. It is unlawful for any person, on any property of the university, to refuse to identify himself or herself to an institutional representative in response to a request. 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 or the executive secretary to the board; any executive officer or administrative officer of UT System; any administrative officer of the university, and any attorney, peace officer, or security officer of UT System or the university acting pursuant to the authority of Texas law. Resident Assistants and other Residence Life staff acting pursuant to the course of their authorized duties are also considered institutional representatives.

c. Any person who violates any provision of the Regents' Rules, the rules and regulations of the University of Texas at Tyler, 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, is subject to disciplinary sanction.

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