

CHAPTER 49. STUDENT DISCIPLINE AND CONDUCT

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CHAPTER 49. STUDENT DISCIPLINE AND CONDUCT**SUBCHAPTER A. GENERAL PROVISIONS****SECTION 49.01 PURPOSE**

(a) The University of Texas System and The University of Texas at Dallas have rules and regulations for the orderly and efficient conduct of their business, and each student is charged with notice and knowledge of and compliance with the contents and provisions thereof.

(b) All students are expected and required to obey federal, state and local laws, to comply with the Regents' Rules and Regulations, with System and university rules and regulations, with directives issued by an administrative official of the System or the university in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

(c) Any student who engages in conduct that violates the Regents' Rules and Regulations, the System or university rules and regulations, specific instructions issued by an administrative official of the university or the System acting in the course of his or her authorized duties, or federal, state, or local law is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

(d) This chapter contains regulations for dealing with alleged student violations of such rules and regulations, specific instructions, or federal, state or local laws or regulations. It also contains, in Subchapter F, descriptions of standards of conduct to which students must adhere.

SECTION 49.02 SCOPE

(a) This chapter applies to student organizations as well as individual students.

(b) An individual who is not currently enrolled as a university student remains subject to the disciplinary process for conduct that occurred during any period of enrollment. Also subject to this chapter are individuals accepted for admission or readmission to the university and individuals who have been enrolled at the university in a prior semester or summer session and are eligible to continue enrollment in the semester or summer session that immediately follows.

SECTION 49.03 DEFINITIONS

- (a) In this chapter, unless the context requires a different meaning,
- (1) "class day" means a day on which classes or reading periods before semester or summer session final examinations are regularly scheduled or on which semester or summer session final examinations are given;
 - (2) "weekday" means Monday through Friday, excluding any day that is an official holiday of the university;
 - (3) "day" means a calendar day;
 - (4) "dean" means the Dean of Students or a delegate of the Dean;
 - (5) "vice president" means the Vice President for Student Affairs;
 - (6) "president" means the President of The University of Texas at Dallas;
 - (7) "student" means a person enrolled or formerly enrolled at the university or a person accepted for admission or readmission to the university;
 - (8) "university" means The University of Texas at Dallas;
 - (9) "System" means The University of Texas System;
 - (10) "university rule" means a rule, a regulation or instruction contained in the university's Handbook of Operating Procedures or other official publication or document;
 - (11) "Regent's Rule" means a rule or regulation contained in the Rules and Regulations of the Board of Regents, The University of Texas System;
 - (12) "hearing officer" means the individual or individuals selected in accordance with procedures adopted by the university pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges, make findings of fact, and, upon a finding of guilt, impose an appropriate sanction;
 - (13) "campus" consists of all real property, buildings, or facilities owned or controlled by UT Dallas.

SUBCHAPTER B. ADMINISTRATION OF DISCIPLINESECTION 49.05 DEAN

(a) The dean has primary authority and responsibility for the administration of student discipline.

(b) It shall be the dean's duty to investigate allegations that a student has violated a Regents' Rule, university or System rule, specific orders or instructions issued by an administrative official of the university or the System in the course of his or her duties or any provision of federal, state, and/or local laws.

(c) In carrying out these responsibilities, the dean works cooperatively with academic administrators and faculty members in the disposition of scholastic violations and with staff members in Residential Life in the disposition of campus housing violations. The dean may

seek, as needed, additional information from individuals who have expertise relative to the case, especially in instances of scholastic dishonesty involving technical material, projects, or assignments.

SECTION 49.06 FACULTY ROLE IN SCHOLASTIC VIOLATIONS

(a) Judgments of academic dishonesty are distinguished from academic judgments concerning whether a student has or has not completed an assignment as required. The former involve considerations of misconduct and punishment and are the responsibility of the Dean of Students. Under authority delegated by the dean, a faculty member who has reason to suspect that a student has engaged in scholastic dishonesty may do either of the following:

- (1) if the cheating was directly witnessed by the faculty member or if the faculty member has clear documentary evidence, the case should be referred directly to the dean with the reasons and/or evidence for the charge and a recommendation for punishment. The dean shall proceed under Subchapter C; or
- (2) if the cheating was not directly witnessed by the faculty member or if, in the case of plagiarism, the documentary evidence is ambiguous, 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 refer the allegations to the dean with a recommendation for a penalty, or choose not to refer the allegations to the dean if the faculty member determines that they are not supported by the evidence.

(b) Upon receipt of the evidence and recommendation from the faculty member, the dean shall proceed under Subchapter C. If the student is found in violation of the code of conduct, the dean will review the student's prior disciplinary record and assess a penalty that is appropriate to the circumstances. In a course in which a failing grade has been assessed for scholastic dishonesty, the student will not be allowed to withdraw as a way of preventing the grade from being entered on their record. The dean will inform the student and the faculty member of the decision.

SECTION 49.07 FACULTY ROLE IN REMOVAL FOR MISCONDUCT

(a) Misconduct reported by faculty will usually involve disruptive behavior in class or in relation to a class. Under authority delegated by the dean, a faculty member who has reason to believe that a student has engaged in disruptive behavior may do either of the following:

- (1) if the disruptive behavior was directly witnessed by the faculty member or if the faculty member has clear documentary evidence, the case should be referred directly to the dean with the reasons and/or evidence for the charge and a recommendation for punishment. The dean shall proceed under Subchapter C; or
- (2) if the disruptive behavior was not directly witnessed by the faculty member but was witnessed or reported by students or others, the faculty member may meet with the student(s) involved and discuss the alleged violation and the evidence

that supports the charge. Such meetings should be documented to the extent possible. After such meeting or meetings, the faculty member may refer the allegation with the assembled documentation to the dean with a recommendation for a penalty, or choose not to refer the allegations to the dean if the faculty member concludes that they are not supported by the evidence.

- (3) If the faculty member considers the behavior of the student menacing or threatening, he or she may ask the Dean of Students to bar the student from his or her class or from the campus with immediate effect until the matter is formally resolved. This request may be made while the faculty member is still assembling the documentation of the misconduct in question, or it may accompany the documentation. The dean will promptly notify the faculty member and the concerned associate dean for graduate or undergraduate education regarding the actions taken in response to such requests.
- (b) Upon receipt of the evidence and recommendation from the faculty member, the dean shall proceed under Subchapter C. If the student is found in violation of the code of conduct, the dean will review the student's prior disciplinary record and assess a penalty that is appropriate to the circumstances. The student will not be allowed to withdraw as a way of preventing removal for misconduct.

SECTION 49.08 STAFF ROLE IN REMOVAL FOR MISCONDUCT

(a) Misconduct reported by staff will usually involve menacing or abusive behavior they are subject to in such capacities as secretary, administrative assistant, or representatives of university offices, such as the Bursar or Student Services. Under authority delegated by the dean, a member of the university staff who has been subject to abusive or menacing behavior or who has witnessed menacing, abusive, or disruptive behavior may do either of the following:

- (1) if the staff person is the object of threatening, menacing, or abusive behavior in such a way that the staff person feels themselves under an immediate physical threat, they should call the campus police to have the person escorted off campus. The police will report the matter to the Dean of Students. The dean shall proceed under Subchapter C; or
 - (2) if the staff person considers the behavior menacing or abusive but not an immediate physical threat, they should report the matter to their superior and the Dean of Students. The report should include the staff person's written account of the incident and any additional documentation that might be available. The dean shall proceed under Subchapter C; or
 - (3) if the misconduct or disruptive behavior was not directly witnessed by the staff person but was witnessed or reported by students or others, the staff person may either refer the matter to the Dean of Students directly or refer the witnesses to his or her superior. In the former case, the staff person should again provide as much documentation as possible. The dean shall proceed under Subchapter C.
- (b) If the student is found in violation of the code of conduct, the dean will review the student's prior disciplinary record and assess a penalty that is appropriate to the circumstances. If the person complained of is a student and that student is barred from the campus, his or her

instructors and relevant academic administrative officer (Associate Dean of Graduate or Undergraduate Instruction) will be notified.

SECTION 49.09 HEARING OFFICER

The president will select a hearing officer to hear specific charges under this chapter and where so provided, to hear specific charges under other provisions of this title (see Section 49.12).

SUBCHAPTER C. DISCIPLINARY PROCEEDINGS AND DISPOSITION

SECTION 49.10 INVESTIGATION

(a) All allegations and information that a student has engaged in conduct proscribed herein shall be given to the dean.

(b) Action under this chapter may go forward regardless of possible or pending other administrative, civil or criminal proceedings arising out of the same or other events.

(c) The dean or the dean's designee shall investigate the alleged violation. The preliminary investigation shall include a summons to the accused student in accordance with Section 49.14 to confer with the accused student concerning the allegations. Following completion of the investigation, the dean may:

- (1) dismiss the allegation as unfounded;
- (2) attempt to mediate a resolution which is acceptable to both parties;
- (3) proceed administratively under Section 49.11; or
- (4) prepare a hearing notice based on the allegation and proceed under Section 49.13.

(d) Pending a hearing or other disposition of allegations against a student, the dean may take such immediate interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the institution. This includes but is not limited to a suspension and bar from the campus when it reasonably appears to the dean from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the university. In the case of interim discipline, a hearing will generally be held under the hearing procedures specified in Section 49.13 within ten (10) days after the interim disciplinary action was taken; however, at the discretion of the dean the ten (10) day period may be extended for a period not to exceed an additional ten (10) days.

(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 System or the university that would reasonably allow the imposition of such penalty. 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 System or the university would be served by this action.

(f) The dean will notify the faculty member bringing the case and the associate dean of graduate or undergraduate education in his or her school of the interim action. The faculty member and associate dean will be notified at the same time as the student.

SECTION 49.11 ADMINISTRATIVE DISPOSITION

(a) In any case where the accused student elects not to dispute the facts upon which the charges are based and agrees to the sanctions the dean assesses, the student may execute a written waiver of the hearing procedures. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.

(b) In any case where the accused student elects not to dispute the facts upon which the charges are based, but does not agree with the sanctions assessed by the dean, the student may execute a written waiver of the hearing procedures specified in Section 49.13 yet retain the right to appeal the decision of the dean only on the issue of penalty. Except in cases involving only the assessment of the minimum penalty prescribed in Subsection 49.25(b), the appeal regarding the penalty will be to the president of the university. The appeal is considered on the basis of written arguments of the student and the dean.

(c) In cases of dishonesty or misconduct referred by faculty, the dean will notify the faculty member bringing the case and the associate dean of graduate or undergraduate education in his or her school of the disposition. The faculty member and associate dean will be notified at the same time as the student.

SECTION 49.12 APPOINTMENT OF HEARING OFFICERS

In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial hearing officer. The president shall appoint the hearing officer.

SECTION 49.13 HEARINGS

(a) Hearings shall be conducted in accordance with the procedures contained in this chapter which assure both the university and the accused student the following rights:

- (1) both parties will exchange lists of witnesses, a summary of witness testimony, and copies of documents to be introduced at the hearing at least five (5) days prior to hearing.
- (2) each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the dean's advisor may be an attorney from the Office of General Counsel of the System. If the student chooses an advisor who is an attorney, the student must give written notice of the name and address of the attorney to the dean at least three (3) week days before the time set for commencement of the hearing. An advisor may confer with and advise the dean or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the hearing officer.
- (3) The dean may recommend a penalty to be assessed by the hearing officer. The recommendation may be based upon past practice of the university for violations of a similar nature, the past disciplinary record of the student, or other factors

deemed relevant by the dean. The accused student shall be entitled to respond to the recommendation of the dean.

- (4) the hearing will be recorded. If either party desires to appeal the decision of the hearing officer, the official record will consist of the recording of the hearing, the documents received in evidence and the decision of the hearing officer. At the request of the president, the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.

(b) Such hearings shall be closed to all persons other than the student charged, the dean, an advisor for each of them, the hearing officer, witnesses while they are presenting evidence, and the person designated to record the hearing.

SECTION 49.14 NOTICES

(a) The dean shall prepare notices as appropriate to the student charged.

(b) Any student may be summoned by written request of the dean for a meeting for purposes of the investigation and/or to discuss the allegations. The written request shall specify a place for the meeting and a time at least three (3) weekdays after the date of the written request if the request is sent regular mail, or at least two (2) weekdays after the date of the request if the request is sent by e-mail or hand delivered. The written request may be mailed to the address appearing in the records of the registrar, e-mailed to the student at the e-mail address on record with UT Dallas, or may be hand delivered to the student.

(c) If a student fails to respond to a summons without good cause, as determined by the dean, the dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the dean may proceed to implement hearing procedures.

(d) Except in those cases where immediate interim disciplinary action has been taken, the dean shall initiate hearing procedures against a student charged by providing the student at least ten (10) days written notice of the date, time, and place of the hearing and the name of the hearing officer. The notice letter shall provide a statement of the charge(s) and a summary statement of the evidence supporting such charge(s).

(e) The notice of hearing shall be delivered in person to the student 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 on the third day after the mailing, excluding any intervening Sunday. The date for a hearing may be postponed by the hearing officer for good cause or by agreement of the student and dean.

(f) A summons or a notice sent to the address listed in the registrar's records shall constitute full and adequate notice. The failure of a student to provide the registrar with a current address, or forwarding address, the refusal to accept delivery of the letter, or failure to read mail or e-mail shall not be a good cause for failure to respond to the summons or notice.

(g) If a student fails without good cause, as determined by the dean, to comply with a hearing notice sent under Subsection (d), the hearing will proceed as scheduled and the student will be notified of the decision of the hearing officer in accordance with Section 49.17(c)(5) and (6).

SECTION 49.15 CHALLENGES TO THE HEARING OFFICER

(a) The accused student may challenge the impartiality of the hearing officer. The challenge must be in writing, stating the reasons for the challenge, and be submitted to the hearing officer through the Office of the Dean at least three (3) days prior to the hearing.

(b) The hearing officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the hearing officer disqualifies himself or herself, a substitute will be chosen by the president.

SECTION 49.16 PROCEDURE

The hearing officer shall proceed generally as follows during the hearing:

- (a) the dean reads the charge;
- (b) the hearing officer informs the accused student of his or her rights in accordance with Section 49.13;
- (c) the dean presents the university's case;
- (d) the accused student presents his or her defense;
- (e) the dean and the student present rebuttal evidence and argument;
- (f) the hearing officer deliberates in private to decide the issue of guilt or innocence and assess an appropriate penalty or penalties in the event of a finding of guilt.

SECTION 49.17 CONDUCT OF HEARINGS

(a) The hearing officer must rule upon objections that are made to the admissibility of evidence offered at the hearing. No evidence other than that admitted at the hearing shall be considered by the hearing officer. In ruling upon the admissibility of evidence, the following criteria will be considered:

- (1) in order to be admissible, documents and testimony of witnesses must be relevant to the issues to be decided by the hearing officer. Generally, evidence is relevant if it tends to prove or disprove the facts at issue. There must be some logical connection between the evidence offered and the facts that are in dispute. Upon objection, evidence that is not relevant should be excluded.
 - (2) testimony of witnesses should be based upon the personal knowledge or observation of the witness. If such testimony is based upon what the witness has read or has been told by someone, it is hearsay and the hearing officer should give it little or no consideration in deciding the issues. Hearsay does not rebut or contradict the testimony of a witness with direct knowledge of the subject nor will hearsay be sufficient to prove or disprove a matter at issue.
 - (3) evidence that is merely cumulative of evidence already in the record should be excluded by the hearing officer upon objection or upon a determination by the hearing officer that it is merely repetitious. The hearing officer has the discretion to determine when further evidence on an issue becomes repetitive.
- (b) Upon a hearing of the charges, the dean has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of credible evidence.

- (c) The hearing officer shall:
 - (1) make all rulings on matters relating to the conduct of the hearing including matters regarding admission of evidence and testimony of witnesses;
 - (2) have the right to question witnesses;
 - (3) have the right to the advice and assistance of legal counsel from the Office of General Counsel of the System;
 - (4) maintain an orderly hearing and permit no person to be subjected to abusive treatment and may eject or exclude anyone who refuses to be orderly;
 - (5) render and send to the dean and the accused student a written decision that contains findings of fact and a conclusion as to whether the accused student is responsible for the violations as charged;
 - (6) upon a finding of responsibility, assess a penalty or penalties; when an accused student is found responsible for the illegal use, possession, or sale of a drug or narcotic on campus, the assessment of a minimum penalty, as stated in Subsections 49.25 (a) (7) and (10), is required;
 - (7) in cases involving a crime of violence, notify the alleged victim of the decision. The alleged victim, upon receipt of information regarding the decision, shall be bound to keep in confidence such information.
- (d) Consolidated Hearings
 - (1) where more than one student is charged with conduct arising out of a single occurrence, or out of connected multiple occurrences, a single hearing may be held for all of the students so charged. Such students may request that their case be consolidated with others, or separated from others.
 - (2) the hearing officer shall make determinations regarding consolidation. All cases affected shall be rescheduled for hearing.

SECTION 49.18 DISCIPLINARY RECORDS

- (a) Disciplinary records shall be maintained as provided in Chapter 47, Subchapter C, Section 47.15 which states
 - (1) 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 unless the record is permanent in conjunction with the above stated penalties. The disciplinary record of other penalties shall be maintained for such period as determined by the dean.
 - (2) A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed and any other pertinent information. This disciplinary record shall be maintained by the Office of the Dean of Students. It shall be treated as confidential, and shall not be accessible to or used by anyone other than the dean or university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.
- (b) The dean shall notify the registrar and/or other appropriate administrative offices if a disciplinary penalty restricts a student from being enrolled at the university or at a component of

the system during the period of the penalty and/or if the penalty involves withholding of grades, official transcript, or degree; denial of degree; revocation of degree; withdrawal of diploma; bar against readmission; drop from enrollment; reduced or failing grade; suspension or expulsion from the university; or other penalty about which the registrar or administrative official would have a need to know.

SUBCHAPTER D. PENALTIES

SECTION 49.25 AUTHORIZED DISCIPLINARY PENALTIES

(a) One or more of the following penalties may be assessed by the dean pursuant to Section 49.11 or, with the exception of admonition or warning probation, by the hearing officer after a hearing:

- (1) admonition;
- (2) warning probation;
- (3) disciplinary probation;
- (4) withholding of grades, official transcript or degree;
- (5) bar against readmission and/or cancellation of enrollment;
- (6) restitution or reimbursement for damage to or misappropriation of university property;
- (7) suspension of rights and privileges, including participation in athletic or extracurricular activities;
- (8) failing grade for an examination or assignment or course and/or cancellation of all or any portion of prior course credit;
- (9) denial of degree;
- (10) suspension from the university for a specified period of time;
- (11) expulsion (permanent separation from the university);
- (12) revocation of degree or withdrawal of diploma;
- (13) housing probation; and/or
- (14) other penalty as deemed appropriate under the circumstances.

(b) If the hearing officer finds a student responsible for the illegal use, possession, and/or sale of a drug or narcotic on campus, the hearing officer must assess a minimum sanction of suspension for a specified period of time and/or suspension of rights and privileges as provided in Subsections 49.25(a) (7) and (10) of this Chapter.

(c) In the case of hearings regarding allegations against a student organization, additional penalties are authorized in Chapter 45, Section 45.26.

SECTION 49.26 NATURE OF DISCIPLINARY PENALTIES

(a) An admonition is a written reprimand from the dean to the student on whom it is imposed.

(b) Warning probation indicates that further violations will result in more severe disciplinary action. Warning probation may include conditions related to the offense, such as counseling, educational seminars, or unpaid work assignments. Failure to meet the condition(s) shall be considered an additional violation.

(c) Disciplinary probation indicates 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 in violation of this Chapter. Disciplinary probation may include conditions related to the offense, such as counseling, educational seminars, or unpaid work assignments. Failure to meet the condition(s) shall be considered an additional violation.

(d) Withholding of grades, officially certified transcript or degree may be imposed upon a student who fails to pay a debt owed the university, and the penalty terminates on payment of the debt. These penalties may also be imposed for other violations including scholastic dishonesty. The dean may take such action pending a hearing and/or exhaustion of appellate rights when in his or her opinion, the best interests of the system or the university would be served by this action.

(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 penalty. Limitations may be imposed to fit the particular case. During the period of suspension, the student may be prohibited from participation in official athletic and athletic extracurricular activities ; joining a registered student organization; taking part in a registered student organization's activities and attending its meetings or functions; and nonathletic extracurricular activity. A suspension may be imposed for not more than one calendar year.

(g) A failing grade or other academic penalty may be assigned to a student for a course in which he or she was found guilty of scholastic dishonesty.

(h) A student found guilty of scholastic dishonesty may be denied his or her degree.

(i) Suspension from the university prohibits, during the period of suspension, the student from entering the university campus, except in response to an official summons. Suspension may be imposed for not more than one calendar year, after which application may be made for readmission.

(j) Expulsion from the university is permanent and includes the same prohibitions as those for suspension.

(k) No former student who has been suspended or expelled for disciplinary reasons from a component institution of the system shall be permitted on the campus of any component institution during the period of such suspension or expulsion without the prior written approval of the chief student affairs administrator of the component institution at which the suspended or expelled student wishes to be present.

(l) Housing probation is imposed for behavior that indicates an unwillingness or inability to conform to the standards of a community living situation. It requires that during the period of probation the student demonstrate that he/she is capable of conduct in conformance with University Village, Waterview Park, and university rules. Other reasonable and appropriate restrictions or conditions on housing activities and privileges during the probationary period may be imposed including periodic conferences with professional staff members or reassignment of housing.

(m) 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.

(n) Other penalties may be imposed when, in the opinion of the dean or the hearing officer, the best interests of the System or the university would be served.

SUBCHAPTER E. APPEAL OF DECISIONS

SECTION 49.30 PROCEDURES

(a) A student may appeal a disciplinary sanction assessed by the dean. A student and/or the dean may appeal the hearing officer's decision to the president by following the procedures set forth in this section.

(b) The appealing party must submit a written appeal, stating the specific reasons for the appeal and any argument, to the president of the university, with a copy to the other party. The appeal must be stamped as received by the President's Office no later than fourteen (14) days after the appealing party has been notified of the sanction assessed by the dean or the decision of the hearing officer. If the notice of penalty assessed by the dean or the decision of the hearing officer is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for the appeal. The non-appealing party must submit a response to the appeal, which must be received by the President's Office no later than five (5) days after the receipt of the appeal with a copy to the other party.

(c) The appeal of the decision of the hearing officer will be reviewed solely on the basis of the record from the hearing.

(d) Should the president so request, the dean shall cause the recording of the hearing to be transcribed and shall send the record to the president with a copy to the student. At the discretion of the president both parties may present oral argument in an appeal from the decision of the hearing officer.

(e) Upon consideration of the appeal, the president may approve, reject, or modify the decision, or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. If the finding as to responsibility is upheld by the president in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed by Subsection 49.25(b) of this Chapter.

(f) The action of the president shall be communicated in writing to the student and the dean within thirty (30) days after the appeal and related documents have been received. The decision of the president is the final appellate review.

SUBCHAPTER F. STUDENT STANDARDS OF CONDUCT

SECTION 49.36 SCHOLASTIC DISHONESTY

(a) The university expects all students to maintain a high level of responsibility with respect to academic honesty. Because the value of an academic degree depends on the absolute integrity of the work done by the student for that degree, it is imperative that a student maintain a high standard of individual honor in his or her scholastic work.

(b) The dean may initiate disciplinary proceedings under Subchapter C against a student accused of scholastic dishonesty upon complaint by a faculty member or a student.

(c) Scholastic dishonesty is the submission as one's own work of material that is not one's own. As a general rule, it includes, but is not limited to, one of the following acts: cheating, plagiarism, and/or collusion.

(d) Cheating includes, but is not limited to

- (1) copying from another student's test paper, laboratory report, other report, or computer files, data listings, and/or programs or engaging in conduct that facilitates such conduct by another student.
- (2) using during a test, materials not authorized by the person giving the test;
- (3) failing to comply with instructions given by the person administering the test which would include, but not be limited to, time restrictions, use of blue book, seating arrangements;
- (4) collaborating with or seeking aid from or giving aid to another student during a test;
- (5) knowingly using, buying, selling, stealing, transporting, or soliciting in whole or in part the contents of an unadministered test, test key, homework solutions, or computer program;
- (6) substituting for another student, or permitting another person to substitute for oneself, to take a test;
- (7) soliciting another person to obtain an unadministered test or information about an unadministered test;
- (8) discussing the contents of an examination with another student who will take the examination;
- (9) possession during a test of materials that are not authorized by the person giving the test, such as class notes 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.
- (10) submission of substantial portions of the same academic work for credit (including oral reports) more than once without written authorization from the instructor.

(e) Plagiarism means the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the submission or incorporation of that work in one's own written work offered for credit without appropriate attribution.

(f) Collusion means the unauthorized collaboration with another person in preparing academic assignments offered for credit.

(g) Falsifying academic records means the altering of grades or other falsification (statements, acts or omissions) of academic records including but not limited to the application for admission, grade reports, test papers, registration materials, and reporting forms used by the registrar's office or other university offices.

(h) Falsifying data or experiments includes, but is not limited to, the submission of false findings and/or the citation of false references in research or other assignments submitted for credit and/or for the awarding of a degree.

SECTION 49.37 MISCONDUCT

(a) Any student who engages in conduct that violates the Regents' Rules and Regulations, System or university rules and regulations, specific instructions issued by an administrative official of the university or the System acting in the course of his or her authorized duties, violates federal, state, or local laws, or fails to maintain the standard of conduct appropriate for an academic institution, is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

(b) Any behavior which may have been influenced by a student's mental state or use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of his or her actions.

(c) Primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. This provision is not designed to be used as a means to punish classroom dissent. The expression of a disagreement with the instructor is not in itself disruptive behavior. Disruptive behavior includes, but is not limited to, stalking; abusive behavior toward the instructor or other students; persistent failure to maintain decorum; efforts to induce other students to cheat or assist in cheating on papers or examinations whether or not such cheating actually occurs; efforts to induce an instructor to award or change a grade with threats of harassing litigation; or abusive, threatening or intimidating behavior toward other students or the instructor outside of class but in relation to the class.

A student who repeatedly engages in disruptive class behavior shall be referred by the faculty member to the dean who will proceed under the provisions of Subchapter C.

(d) The dean may initiate disciplinary proceedings under Subchapter C against a student who

- (1) violates a federal or state penal law on university property or in connection with any university-oriented activity.
- (2) 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 owned or controlled by the System or the university.
- (3) conducts himself or herself in a manner that significantly endangers the health or safety of members of the university, or of visitors on the campus; this includes but is not limited to physical abuse, verbal abuse, threats, intimidation, harassment and coercion.
- (4) steals, damages, defaces, destroys, or takes unauthorized possession of university property or property belonging to another. This includes roadside signs, road markers, and parking lot signs and ties. The removal of these items is considered theft and can contribute to major accidents.
- (5) engages in hazing, submits to hazing, or fails to report first-hand knowledge of hazing incidents; such conduct is prohibited by state law and, in addition to disciplinary actions, is punishable by fines up to \$10,000 and confinement in county jail for up to two years. Hazing is defined by state law as, "...any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed

against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution." Any person with knowledge that a specific hazing incident has occurred on or off campus must report the incident to the dean.

- (6) uses alcoholic beverages on property and in buildings and facilities owned or controlled by the System or the university, except while on premises that have been licensed by the Texas Alcoholic Beverage Commission or while in attendance by invitation at a specific event sponsored by the System or the university and at which alcoholic beverages are served for those over the age of 21.
- (7) engages in gambling, or in illegal use, possession, and/or sale of a drug or narcotic.
- (8) enters, walks, runs, lies, plays, remains, or is in the water of any fountain or other artificial body of water located on the university campus which is not designated and maintained for recreational or therapeutic purposes, or who dumps, throws, places or causes any material, object, person, animal, trash, waste or debris to be placed in the water of any fountain or other artificial body of water located on the university campus, or who damages, defaces, or removes any portion of any fountain, monument, building, statue, structure, facility, tree, shrub, or memorial located on property owned or controlled by the System or the university.
- (9) engages in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- (10) acting either singly or in concert with others, obstructs, interferes with or disrupts any teaching, research, administrative, disciplinary, public service, learning, or other authorized activity to be held or conducted on campus, or on property or in a building or facility owned or controlled by the System or the university. Obstruction or disruption includes but is not limited to any act that interrupts, modifies or damages utility services or equipment, communication services or equipment, university computers, computer programs, computer records or computer networks accessible through the University's computer resources.
- (11) violates any rule or regulation governing on-campus residential living or provision of a residential living contract.
- (12) alters or assists in the altering of any official record of the System or the university or submits false information or omits requested information that is requested for or related to an application for admission, the award of a degree, or any official record of the System or the university. A former student who engages in such conduct is subject to bar against readmission, revocation of degree and withdrawal of diploma.
- (13) engages in sexual assault which is defined as physical contact of a sexual nature which is against one's will or without one's consent.

- (14) engages in disorderly, lewd, indecent, inappropriate, disruptive, loud, or obscene conduct or behavior that interferes with the orderly functioning of the university or interferes with an individual's pursuit of an education on university-owned or -controlled property or during an authorized university class, field trip, seminar, competition, or other meeting or university-related activity on or off university property.
 - (15) engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the System or the university.
 - (16) fails to comply with a verbal or written request or instruction of an official of the university or the System acting in the course of his or her duties.
 - (17) gives false testimony or other evidence at a campus disciplinary or other administrative proceeding.
 - (18) publishes or aids in publishing or circulates or aids in circulating any anonymous publication.
 - (19) engages in physical abuse or threat of physical abuse of any person on the campus, within any building or structure owned or controlled by the university or at any function, program, event, or assembly conducted, sponsored, supervised or authorized by the university.
 - (20) commits such acts that constitute a violation of the Texas Penal Code.
 - (21) has knowledge of, or is in the presence of the manufacture, use, possession or sale of an illegal substance. Having knowledge of such behavior or being present when a violation occurs constitutes equal responsibility and involvement in the incident.
 - (22) skateboards, roller skates, roller blades, and bicycles inside university facilities or in unauthorized outdoor areas.
 - (23) engages in misuse, vandalism of, or tampering with fire equipment, including fire extinguishers, alarms, hoses, and smoke detectors, as well as false reporting of a fire, bomb threat, or other emergency.
 - (24) participates in the game "assassin," "killer" or variations thereof on university owned or controlled property.
 - (25) engages in prohibited conduct while participating in off-campus activities sponsored by the university or the System, including field trips, internships, rotations or clinical assignments.
 - (26) attempts, aids, abets, conspires, hires or is an accessory to any conduct prohibited by Chapter 49, or
 - (27) otherwise engages in conduct that is inappropriate for members of an academic institution (such conduct includes but is not limited to pranks, throwing food at persons or property, public nudity and harassing phone calls).
- (e) In the case of disruptive activity on the campus of the university, neither the president nor any officer in the office of the chancellor, nor any representative of any of them, shall negotiate with any person or persons so engaged. When such a situation arises, the president, or the office of the chancellor, or any representative of any of them, 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 the dean may initiate disciplinary proceedings under Subchapter C.

SECTION 49.38 SEXUAL ASSAULT

(a) It is the policy of the university to strive to maintain an environment that is free from intimidation and inappropriate sexual conduct. In particular, the university will not tolerate any form of sexual assault, including, but not limited to, acquaintance rape, date rape, sodomy, sexual assault with an object, fondling or any other form of non-consensual sexual activity.

(b) A student who individually, or in concert with others, participates or attempts to participate in a sexual offense, regardless of whether it takes place on or off campus, is subject to disciplinary action under Subchapter C, notwithstanding any action that may or may not be taken by the civil authorities.

(c) The university encourages any person who is the victim of a forcible or non-forcible sexual offense to immediately report the incident to any of the "Campus Security Authorities" (university police, office of the Dean of Students, university residence life personnel and Deans, Directors, Department Heads, except those with significant counseling responsibilities). Other university personnel which may be contacted are Student Health Services and the Women's Center. Additional resources outside the university are available (see attached list of resources). There is no requirement to notify law enforcement authorities of a sexual offense; however, the university encourages all victims to do so and university personnel will assist in notifying local and campus police to report a sexual offense. University police should be notified as soon as possible (the preservation of evidence is crucial in a sexual offense case). Do not bathe, shower, douche, or change clothing. If needed, contact one of the above mentioned resources, or a support person for assistance. University police will handle all cases that occur on campus. If transportation is needed to obtain a medical examination, the university police department will arrange for transportation to the hospital. For the protection of the victim, a pseudonym can be used in the report process.

(d) When a student reports that the campus regulations prohibiting sexual assault have been violated, informal procedures that provide for the protection of the emotional health and physical safety of the complainant may be invoked. For example, a student who lives on campus may be moved to another campus living environment if he or she chooses and if accommodations are reasonably available. Similarly, a complainant may be allowed to make changes in his or her class schedule. Such arrangements will be made through the Office of the Dean of Students. If the complainant provides credible evidence that the accused student has engaged in prohibited sexual assault, the dean may take interim disciplinary action against the accused student as appropriate.

(e) A student who wishes to file a complaint that will be addressed by the University disciplinary system should contact the dean at 883-6391. A student may choose to file a complaint with the dean whether or not the student chooses to press criminal charges. A student who wishes to file a complaint against a faculty or staff member may contact the dean as well. Procedures for discipline and dismissal of staff and faculty are outlined in the university Handbook of Operating Procedures.

(f) Notwithstanding the rights of the accused student, faculty or staff member, a complainant under this policy is entitled to the following rights:

- (1) The right to present his/her testimony during the disciplinary hearing.
- (2) The right to have a support person present. This person is not entitled to represent the complainant nor to assist the complainant with his or her

testimony. If the support person is to act as a witness, the hearing officer may require him or her to testify prior to the hearing.

- (3) The right not to have evidence of his or her past sexual history with third parties admitted as evidence.
- (4) The right to have the hearing closed to spectators.
- (5) The right to know the outcome of the hearing to the extent permitted by the federal Family Educational Rights and Privacy Act.

(g) The university Counseling Center (883-2575) and the Dallas County Rape Crisis Center (653-8740) and the Collin County Rape Crisis Center (881-0088) are available to provide support services for anyone affected by any form of sexual assault. Students who may have been assaulted by someone who is not affiliated with the university may also contact any of the available university support services.

(h) Below is a list of educational and preventative programs and support services on campus that address the issue of sexual assault. Brochures and other printed materials are available from each office. Additional information may be obtained by calling the numbers listed.

STUDENT COUNSELING CENTER	883-2575
Individual and group counseling Educational Programs	
STUDENT HEALTH CENTER	883-2747
Educational and prevention information Testing for sexually transmitted diseases after an assault Presentations upon request	
SUMMER ORIENTATION PROGRAMS--NEW STUDENT PROGRAMS	883-2456
Programs to provide awareness of sexual assault on campus Resources for prevention and support	
THE UNIVERSITY OF TEXAS AT DALLAS POLICE	883-2331
Crime prevention presentations that include issues related to assault Escort service Crime statistics information	
RESIDENTIAL LIFE/HOUSING	883-6391
Peer Adviser training on issues related to sexual assault On-site educational programs Individual and group support and follow-up	

SUBCHAPTER G. FINANCIAL TRANSACTIONS WITH THE UNIVERSITY**SECTION 49.45 TUITION AND FEES**

A student who fails to provide full payment of tuition and fees, including late fees assessed, to the university when the payments are due is subject to one or more of the following actions at the university's option:

- (a) bar against readmission;
- (b) withholding of grades, degree and official transcript; and
- (c) all penalties and actions authorized by law.

SECTION 49.46 RETURNED CHECKS

Students will be assessed a fee for each returned check unless their bank provides written notification that the bank was at fault. Students who write bad checks to the university for tuition and fees will have their registration canceled unless full payment is made by the census day listed in the academic calendar shown in the current university catalog.

SECTION 49.47 OTHER DEBTS

Students who owe other debts to the university, including but not limited to parking and library fees, will be subject to a ban against readmission and withholding of grades, degree and official transcript.