Texas A&M International University

Student Handbook

Published by the

Division of Student Success

Office of Student Affairs

Office of Student Conduct and Community Engagement

Revised January 2015
Our Mission

Texas A&M International University (TAMIU), a member of The Texas A&M University System, prepares students for leadership roles in an increasingly complex, culturally diverse state, national, and global society. TAMIU provides a learning environment built on a solid academic foundation in the arts and sciences. The University offers a range of baccalaureate and master’s programs and the Doctor of Philosophy degree in International Business Administration. In addition, the University pursues a progressive agenda for global study and understanding across all disciplines.

Through instruction, faculty and student research, and public service, TAMIU improves the quality of lives for citizens of the border region, the State of Texas, and national and international communities.

Our Vision and Values

TAMIU aspires to become a premier international university, serving as the agent of change for the people of the region, the nation, and the world through multicultural teaching, research, and service.

Our institutional values are:

Respect – Respect for individual, their points of view and their diverse backgrounds.

Integrity – Model ethical standards of personnel and professional behavior.

Service – Serve the University, regional, national, and international communities.

Excellence – Strive for the highest quality in all endeavors.
DIVISION OF STUDENT SUCCESS

MISSION

The Division of Student Success is dedicated to cultivate an environment of respect, integrity, service, and excellence. Through motivation, accessibility and support, we empower our diverse student population to develop their greatest potential that continues beyond graduation.

OFFICES

Each office in the Division serves to assist students in achieving their life goals.

Your Division of Student Success includes:

Office of Admissions
Office of Financial Aid
Office of Housing and Residence Life
Office of Student Affairs
Office of Student Conduct and Community Engagement
Office of Student Counseling and Disability Services
Office of Student Health Services
Office of Student Orientation, Leadership and Engagement
Office of Recreational Sports
Office of Recruitment and School Relations
Office of the University Registrar
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HANDBOOK SUBJECT TO CHANGE

SUBJECT TO CHANGE AND RECENT CHANGES

OTHER RULES AND INFORMATION

TAMIU RULES AND STANDARD ADMINISTRATIVE PROCEDURE (SAP’S)

ALMA MATER

TAMIU FIGHT SONG
Article 1.  PURPOSE OF THE STUDENT HANDBOOK

Texas A&M International University (TAMIU) provides undergraduate and graduate level course work in the four colleges of the University. In the tradition of American higher education, TAMIU transmits and creates knowledge, provides an opportunity for the personal growth and development of individuals, supports the spirit of free inquiry, and contributes to the improvement of its surrounding society. The University recognizes its special obligation to serve the higher education needs of South Texas, while serving the larger communities of Texas, the United States, and the world.

It is the responsibility of the administration, faculty, staff, and students to be aware of and abide by all approved policies, procedures, rules, and regulations set forth by The Texas A&M University System Board of Regents that are posted on the System home page or that are disseminated through handbooks and manuals to all component campuses that make up The Texas A&M University System (TAMUS). The TAMIU Student Handbook, which contains a description of the rights and responsibilities of all students enrolled at this institution, is posted on the University website for quick reference and easy access to students, faculty, and staff.

The statements set forth in the Student Handbook should not be construed as the basis of a contract between the student and the institution.

While the provisions of the Student Handbook will ordinarily be applied as stated, TAMIU reserves the right to change any provisions listed without notice to individual students. It should be noted that all students are responsible for keeping abreast of any changes in regulations and/or procedures that may have bearing on their enrollment at TAMIU.

Article 2.  STUDENT RIGHTS AND RESPONSIBILITIES

Section 2.01  Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well being of society. Free inquiry and free expressions are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The purpose of this statement is to enumerate the essential provisions for the student freedom and responsibility to learn at TAMIU.
Section 2.02  The Texas A&M University System Policies
The rights of students are to be respected. These rights include respect for personal feelings, freedom from indignity of any type, freedom from control by any person except as may be in accord with published rules of The System academic institutions, and conditions allowing them to make the best use of their time and talents toward the objectives, which brought them to the system academic institutions. No officer or student, regardless of position or rank, shall violate those rights; no custom, tradition or rule in conflict will be allowed to prevail.

Students are expected at all times to recognize constituted authority, to conform to the ordinary rules of good conduct, to be truthful, to respect the rights of others, to protect private and public property, and to make the best use of their time toward an education.

Texas A&M International University is a part of The Texas A&M University System and is required to follow all System policies and procedures as set forth by The Texas A&M University System.  http://sago.tamu.edu/

Section 2.03  Student Rights
A student shall have the right to participate in a free exchange of ideas, and there shall be no University rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution.

Each student shall have the right to participate in all areas and activities of the University, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.

A student has the right to personal privacy except as otherwise provided by law, and students and University authorities will observe this alike.

Each student shall be free from disciplinary action by University officials for violations of civil and criminal law off campus, except when such a violation is determined also to be a violation of the provision regarding off-campus conduct in the Student Code of Conduct.

Each student subject to disciplinary action arising from violations of university student rules shall be assured a fundamentally fair process. At all student conduct hearings, an accused student shall be assumed not responsible until proven responsible by the preponderance of the information, and the burden of proof shall rest with those bringing the charges. In all proceedings, all students shall be guaranteed a fundamentally fair process.

Section 2.04  Students’ Responsibilities
A student has the responsibility to respect the rights and property of others, including other students, the faculty and the administration.

A student has the responsibility to be fully acquainted with the published University Student Rules and to comply with them and the laws of the land.

A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.
A student has the responsibility to recognize the University’s obligation to provide an environment for learning.

Section 2.05 Definitions
The following definitions will be used throughout the handbook.

a) The term “Administrative Conference” means a process, which provides an opportunity for an accused student to respond to specific charge or charges. The purpose of an Administrative Conference is to determine whether there is a preponderance of evidence to support the charges and if so, to determine the appropriate sanction or sanctions. Only information presented during the Administrative Conference can be used to determine if there is a finding of responsibility.

b) The term “acceptance of responsibility” means the charged student agrees that their behavior/conduct constitutes a violation of the Student Code of Conduct, as outlined in the student conduct notice, and waives right to appeal and accepts outcomes/sanctions imposed.

c) The term “aggravating factors” means any circumstances accompanying the commission of misconduct that add to its seriousness. Examples may include the use of violence or force, violation of a trust or duty, premeditation of an incident, the existence of a previous conduct violation, and elements of hate or bias.

d) The term “chairperson” means Student Conduct Administrator who is authorized by the Vice President for Student Success or his/her designee, to take the lead role in conducting Administrative Conference(s) when there is more than one Student Conduct Administrator present.

e) The term “charge” means an allegation of a potential violation of the Student Code of Conduct. Charges are issued after a Student Conduct Administrator has determined sufficient information exists to hold an administrative conference.

f) The term “complainant” means any person who submits information indicating that a student may have violated the Student Code of Conduct. Information brought forth by the complainant may result in an investigation.

g) The term “complaint” means a written petition made by a complainant that seeks to have specific behavior(s) cease.

h) The term “faculty member” means any person hired by the University to conduct classroom, teaching, or research activities or who is otherwise considered by the University to be a member of its faculty. (Refer to Faculty Handbook)

i) The “Honor Council” means the hearing body responsible for administering academic misconduct cases involving students.

j) The term “investigation” means the follow through on a complaint to ascertain details and circumstances associated with the complaint. Investigations may result in charge(s), a form of alternative dispute resolution, or dismissal of complaint. This determination is
made at the sole discretion of the Associate Vice President for Student Affairs and/or
designee.

k) The term **“investigative authority”** means a trained investigator assigned to conduct a
thorough, reliable, and impartial review and investigation of a complaint, under the
oversight and guidance of the Title IX Coordinator/Deputy Coordinator.

l) The term **“Institution”** or **“University”** means Texas A&M International University or
TAMIU.

m) The term **“may”** is used in the permissive sense.

n) The term **“member of the University community”** includes any person who is a **student,**
    **faculty member, staff, University official** or any other person employed by the University.

o) The term **“mitigating factors”** means extenuating circumstances that may be taken into
account to reduce a sanction. These factors do not constitute a justification or excuse for
the offense in questions.

p) The term **“protected classes”** means class based on race, color, national origin, sex, age,
disability, creed, religion, sexual orientation, gender identity, gender expression,
pregnancy, and veteran status.

q) The term **“organization”** means any number of people who meet any single or
combination of the following criteria:
   1) Belong to a group whose members are primarily Texas A&M International
      University **students** including but not limited to academic, athletic, recreational,
      religious, performance, political, and social or similar groups, and/or,
   2) Have complied with the formal requirements for **University** recognition, and/or
   3) Are advised by a **University official** whose position description designates them as
      an advisor, and/or
   4) Are advised by a **University official** who has volunteered as an advisor, and/or
   5) Are otherwise considered by the **University** to be an organization

r) The term **“peace officer”** means a person designated by the University or the State or
federal government with the responsibility of enforcing laws, policies or rules.

s) The term **“possession”** means actual holding or occupancy, either with or without rights
of ownership.

t) The term **“respondent”** means any student charged with a violation of a Student Code of
Conduct.

u) The term **“sanction”** includes responses or requirements given by the **University** to a
    **student** during an **administrative conference** in response to a violation of the Student
    Code of Conduct. University sanctions include all items listed in this Student Code of
    Conduct.

v) The term **“shall”** is used in the imperative sense.

w) The term **“staff”** means any person who is employed by the **University** that is not defined
as **faculty**.
The term “Student Conduct Administrator” means a University official authorized by the Vice President for Student Success or his/her designee to collect information, to initiate charge letters, articulate charges in conferences, present information to support charges, to conduct conferences, and to impose sanctions upon any student(s) found to have violated the Student Code of Conduct.

The term “student” includes all persons who have been offered admission, and/or who are taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies and who is either currently enrolled or was enrolled the previous semester and registered for a future semester. Persons who withdraw after allegedly violating the Student Conduct Code, or who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered students. In addition, persons who are enrolled with the Intensive Language Institute are also considered “students”, for the purpose of enforcing this code.

The term “survivor” shall mean any individual to whom an alleged sexual misconduct, harassment, and/or discrimination of protected class was directed regardless of whether there has been a finding of responsibility for the accused student(s) allegedly involved.

The term “University-affiliated activity” means any activity on or off campus that is initiated, aided, authorized or supervised by the University or by a recognized student organization of the University.

The term “University official” means any faculty or staff member and other authorized individual(s) of the University.

The term “University premises” means buildings or grounds owned, leased, operated, controlled or supervised by the University (including adjacent streets and sidewalks).

The term “University business day” means Monday through Friday, except for official University holidays.

The “Vice President for Student Success” is that person designated by the University President to be responsible for the administration of the Student Code of Conduct. The Vice President for Student Success may assign his/her designee to meet these responsibilities.

The term “violation” encompasses those behavior expectations contained in, but not limited to, the Student Handbook. These violations should be read broadly and are not designed to define prohibited conduct in exhausted terms.

The term “witness” means any individual who may have information relating to a complaint.

Section 2.06 Freedom of Access to Higher Education
Texas A&M International University (TAMIU) is committed to providing an educational and work environment that is conducive to the personal and professional development of every student. TAMIU is responsible for providing an equal opportunity environment, and is accountable for creating an atmosphere that values and nurtures community, respect, and accessibility.
TAMIU is committed to serving the State’s students and citizens through education, leadership development, research, and service. Accordingly, TAMIU does not discriminate or permit harassment against any individual on the basis of race, ethnicity, color, national origin, religion, age, sex, pregnancy, childbirth, or related medical conditions, sexual orientation, genetic information, disability, or veteran status in admissions, educational programs, or employment of faculty, administration, and staff.

TAMIU will promptly and thoroughly investigate all complaints of discrimination, sexual harassment, and related retaliation in accordance with applicable federal and state laws, Texas A&M University System Policy 08.01 and Regulation 08.01.01, and University rules and procedures.

Students have the right to pursue an education without disruptive interference. No University processes or facilities involved in the student’s access to the pursuit of education are to be interrupted by students or other individuals. Any persons involved in such disruption subject themselves to both University disciplinary action and/or legal action.

Section 2.07 Freedom in the Class

The professor, in the classroom and in conference, will encourage free discussion, inquiry, and expression as long as such is within the scope of the course he/she is teaching. Student performance will be evaluated solely on academic basis, not on opinions or conduct in matters unrelated to academic standards.

Protection of Freedom of Expression: Students will be free to take reasoned exception to the data or views in any course of study and to withhold judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. Students have the right to be evaluated for their participation and work in the classroom in accordance with the parameters as indicated in the course syllabus. A syllabus will be provided to each student at the first class meeting. In the event that the student believes that he/she has not been accorded the proper evaluation, the student may initiate an appeal as outlined in the Faculty Handbook. An online version can be found by visiting http://www.tamiu.edu/senate/handbook.shtml.

Protection Against Improper Disclosure: Information about student views, beliefs, and political associations, which professors acquire in the course of their work as instructors, advisors, and counselors will be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

Section 2.08 Subject to Change

The information contained in the Student Handbook is true and correct at the time of publication to the best knowledge of the administration. However, these provisions are not to be regarded as an irrevocable contract between the student and TAMIU. The regulations and requirements are necessarily subject to change without notice at anytime at the discretion of the Vice President of Student Success or his/her designee. For the most recent version of the Student Handbook and the Student Code of Conduct, please see https://www.tamiu.edu/studentaffairs/StudentHandbook1.shtml.
Article 3. GENERAL UNIVERSITY INFORMATION

Section 3.01 Higher Education Opportunity Act of 2008 and Student Right-To-Know
Federal regulations require the University to release specific information to the student body, visit the HEOA Disclosure Site for more information (http://www.tamiu.edu/StudentConsumerInformation.shtml).

Section 3.02 Faculty/Staff Contact Information
For your convenience, TAMIU offers an online directory with useful information that provides phone numbers, e-mails and office location. A printable directory with all phone numbers is also available. Please visit http://www.tamiu.edu/directory for this information or call (956) 326-2001.

Section 3.03 Financial Obligations
Students are expected to pay all financial obligations to the University when due. Failure to pay such obligations may result in the student being dropped from classes and/or exclusion from final exams and/or further enrollment. Financial obligations, are not limited to, returned checks, returned check charges, lost or damaged library book charges, loss or breakage of instructional material or equipment, emergency loans or tuition installment loans and/or parking violations. Delinquent accounts are in jeopardy of being sent to a collection agency where the collection fees are an additional charge incurred by the student.

Section 3.04 Behavioral Assessment Intervention Team (BAIT)
The purpose of the Behavior Assessment and Intervention Team is to review behavioral incidents and ensure a systematic response to students whose behavior may be disruptive or harmful to himself or herself or the TAMIU community and to assist in protecting the health, safety, and welfare of students and other members of the TAMIU community. Members of the University community may report concerns to www.tamiu.edu/reportit

Specifically, the charge for this team is to:

1) Assess situations involving a student who poses a potential risk of harm to persons or property in the University community or is of substantial disruption to University activities in accordance with policies stated in the Student Code of Conduct.
2) Consult with administration, faculty, staff and other students affected by the inappropriate behaviors of a disruptive student.
3) Coordinate the University response to a violent, threatening, or significantly disruptive student.
4) Develop a specific strategy to manage the threatening or disruptive behavior with regard to the safety and rights of others and to minimize the disruption to the University community.
5) Make recommendations to responsible University officials on appropriate action consistent with University policy and procedure statements and with State and federal law.
Section 3.05 Identification Cards
The TAMIU OneCard is the official identification card for students of TAMIU. The OneCard allows access to services, the library, computer labs, recreation center, other academic resources and University athletic events. The OneCard has a debit account called Dusty Dollars. Dusty Dollars are a convenient, cashless way of paying for goods or services on campus. You can obtain your OneCard at Campus Card Services located at Senator Judith Zaffirini Success Center room 131 or call (956) 326-2878. For more information, please visit www.tamiu.edu/onecard.

Section 3.06 Official University Notifications
All official communications from the University will be distributed through student e-mail accounts. It is the responsibility of each student to obtain a student e-mail account and check that address on a regular basis. Students must request a TAMIU e-mail account through the Office of Information Technology. Failure to keep up with TAMIU e-mail will not be an excuse for being unaware of announcements, deadlines, or other pertinent information to students. In addition, students are strongly encouraged to utilize the University’s portal, UConnect, to keep abreast of official University news and information, important calendar items and special student engagement opportunities.

Section 3.07 Emergency Notification
In the event of a campus emergency a text message, e-mail or pager notification will be sent out using the DustyALRT system. All faculty, staff and students are highly recommended to register at http://dustyalert.tamiu.edu.

Section 3.08 Family Educational Rights and Privacy Act (FERPA)
The Family Educational Rights and Privacy Act (FERPA) is a federal law that was put in place to protect the educational records of students. In most cases, information from a student’s record cannot be released without prior written consent of the student. Visit the University Registrar located in Senator Judith Zaffirini Success Center room 121 or call (956) 326-2250 for more information.

Section 3.09 Copyright
The Copyright Act of 1976 grants to copyright owners the exclusive right to reproduce their works and distribute copies of their work. Works that receive copyright protection include published works such as a textbook. Copying a textbook without permission from the owner of the copyright may constitute copyright infringement. Civil and criminal penalties may be assessed for copyright infringement. Civil penalties include damages up to $100,000; criminal penalties include a fine up to $250,000 and imprisonment.

Section 3.10 Hazing
Hazing is a criminal violation under Texas Law. A person may be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his/her knowledge to the Associate Vice President for Student Affairs.

Both failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in a death is a state jail felony. An organization found guilty of hazing may be fined
$5,000 to $10,000 or, for incident causing personal injury or property damage, an amount double the loss or expenses incurred because of the hazing incident.

It is not a defense to prosecution that the person hazed consented to the hazing activity.

Any person reporting a specific hazing incident to the Associate Vice President for Student Affairs is immune from civil and criminal liability unless the report is in bad faith or malicious.

This State law does not limit or affect an education institution’s right to enforce its own penalties against hazing.

The Education Code defines hazing as “any intentional, knowing, or reckless act occurring on or off the campus of an educational institution by one person 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 an organization.” The statute contains a list of conduct, which constitutes hazing.

Examples of hazing include, but are not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activities;
- Any type of physical activity that subjects the individual to risk or harm or that adversely affects the mental or physical health or safety of an individual, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, etc.;
- Any activity involving the large and/or unreasonable consumption of food, liquid, alcoholic beverages, drugs, or other substance which subjects the individual to risk of harm or which adversely affects the mental or physical health or safety of the person;
- Any activity that intimidates or threatens the person with ostracism, subjects the individual to mental stress, shame, or humiliation, or adversely affects the mental health or dignity of the individual;
- Any activity that induces or requires the student to perform a duty or task, which involves a violation of the Penal Code.

If you have firsthand knowledge of the planning or occurrence of a specific hazing incident, you must report it or you will have committed a hazing offense. Report any incidence of hazing to the Associate Vice President for Student Affairs, STC 226, or call (956) 326-2280.

**Section 3.11 HIV/AIDS**

TAMIU will not use a person’s HIV status to make employment or admission decisions nor to determine how services are delivered, except as allowed by state or federal law. The University will not ask students if they are HIV positive. HIV positive students are allowed to attend class without restriction as long as the students is physically and mentally able to participate and perform assigned work and reasonably poses no health risk to others.

**Section 3.12 Solicitation**

It is a violation for any person to solicit or sell to individual students at any time on the property, campus, or grounds of TAMIU except in those cases where specific authorization has been extended by the Board of Regents of the TAMUS (APRM C.11.11). This rule also includes
solicitation via e-mail. All requests for access to solicitation or sales on University grounds must be directed to the Office of the Vice President for Finance and Administration or designee.

Section 3.13  Jeanne Clery Act and Campus Security Act
This act is designed to provide prospective, entering and continuing students with information concerning:

a) Campus security policies and procedure,
b) Security services available,
c) Campus crime statistics, and
d) Alcohol and drug use policies.

The information concerning campus security is published yearly by the University Police Department and is available at: http://www.tamiu.edu/adminis/police/Crime.htm.

Section 3.14  Civil Rights Protections and Compliance (Title IX)
TAMIU provides equal opportunity to all employees, students, applicants for employment, and the public basis of race, ethnicity, color, national origin, religion, age, sex, pregnancy, childbirth, or related medical conditions, sexual orientation, genetic information, disability, or veteran status in admissions, educational programs, or employment of faculty, administration, and staff.

For specific details please see Article 11 in this Handbook.

All student related concerns should be reported to:

Mr. Jerry Alva, Associate Vice President for Student Affairs
956-326-2282
Student Center 226
gerardo.alva@tamiu.edu

Section 3.15  Campus Sex Crimes Prevention Act
The Campus Sex Crimes Prevention Act is a federal law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or working or volunteering on campus. The act requires sex offenders to provide notice, as required under state law, to each institution of higher education in that state at which the person is employed, carries out a vocation, or is a student. The act also requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that is entered into appropriate state records or data systems. For more information about the Campus Sex Crimes Prevention Act, please visit www.tamiu.edu/adminis/police.

In compliance with State and federal law, information about registered sex offenders may be obtained through the TAMIU Police Department or searched at the Texas Department of Public Safety Sex Offender Database: http://records.txdps.state.tx.us/dps_web/Portal/index.aspx.

Further, the University offers Rape, Aggression, Defense (R.A.D.) System. R.A.D. is a program of realistic self-defense tactics and techniques for women. R.A.D. is a comprehensive, women-
only course that begins with awareness, prevention, risk reduction and risk avoidance, while progressing on to the basics of hands-on defense training. *R.A.D. is not a Martial Arts program.* Our courses are taught by nationally certified R.A.D. instructors and provide each student with a workbook/reference manual. The manual outlines the entire Physical Defense Program for reference and continuous personal growth, and is the key to our *free lifetime return and practice policy for R.A.D. graduates.* For more information, please visit [www.tamiu.edu/adminis/police/rad](http://www.tamiu.edu/adminis/police/rad).

**Section 3.16 Campus Parking and Non-Motorized Vehicles**

Pursuant to the directives of the Board of Regents of The TAMUS, as well as the laws of the State of Texas and Texas Transportation code, these regulations are in full force and effect on the campus of TAMIU. Regulations are enforced 24 hours a day by the University Police. Students are expected to pay parking violations as outlined in the Financial Obligations section. In 2013, TAMIU eliminated campus wide parking permits. Permits, however, are required for designated reserved lots and spaces.

Non-motorized vehicles: Pedestrians have the right-of-way at all times. Bicycles are permitted on campus; however, they must yield the right-of-way to pedestrians and must be parked in bicycle racks available throughout campus. *Bicycles are not permitted inside University buildings.* Other non-motorized vehicles including, but not limited to skateboards, roller skates, and in-line roller blade skates may not be operated on any of the sidewalks or driveways or in any building on the TAMIU campus.

*For more information on parking regulations, visit:* [http://www.tamiu.edu/adminis/police/pproce.shtml](http://www.tamiu.edu/adminis/police/pproce.shtml)

**Section 3.17 Pets**

Pets are not allowed on campus at any time. The only exceptions are service-animals assisting the blind, deaf or mobility impaired.

**Section 3.18 Housing and Residence Life**

Housing and Residence Life provides a variety of on-campus living options. In order to protect students, the Office Housing and Residence Life staff, and the TAMIU administration have implemented specific rules. Those who reside on campus are provided such rules, and would be adjudicated by the staff of Housing and Residence Life if found in violation of listed housing rules. Student may face adjudication by the University based on the severity of the violation and/or if the Student Code of Conduct was violated.

For more information about Housing and Residence Life, visit: [http://www.tamiu.edu/housing/rulesandcommunitystandards.shtml](http://www.tamiu.edu/housing/rulesandcommunitystandards.shtml)

**Section 3.19 Student Organizations**

Student Organizations are formed to further the common interest of its members and the University community. Organizations are open to all students and serve an essential component to the co-curricular programs at TAMIU. Student organizations and their advisors are responsible for compliance with the Student Code of Conduct, State and federal laws. More
information and guidelines concerning recognized student organizations are available in *The Leader*, a guidebook published by the Office of Student Orientation, Leadership and Engagement.

**Section 3.20 Life Threatening Behavior**
The University shall, through the Office of Student Counseling Services, provide evaluation, referral, and appropriate treatment, within the available resources of the Institution, for students manifesting serious psychological problems. The personnel of all departments of the University are expected to refer students with apparent psychological problems to Student Counseling Services. Students who display dangerous or disruptive behavior caused by manifestations of a serious psychological problem may be withdrawn from the University, and this withdrawal may be involuntary.

Dangerous or disruptive behavior caused by manifestations of a serious psychological problem includes but are not limited to:

a) Instances where a student engages in, or threatens to engage in, inappropriate behavior which poses a danger of causing physical harm to self or others, or inappropriate behavior that demonstrates a student’s inability to care for self, and/or

b) Instances of inappropriate behavior, which would cause significant property damage, or would directly and substantially impede the lawful activities of others, or that substantially interferes with or impedes the educational experiences of others, or would interfere with the educational process and the orderly operation of the University, and/or

c) Instances where a student engages in inappropriate behavior where a contributing factor is failure to follow a prescribed medical or psychological treatment plan, and/or

d) Instances of inappropriate behavior that causes a chronic, inordinate use of university resources including, but not limited to, staff time, psychological services, medical services, and/or emergency services, thereby result in an undue burden to the University.

**Section 3.21 Risk, Fraud and Misconduct Hotline**
The Risk, Fraud and Misconduct Hotline is available to ensure The TAMUS continues to operate under the highest ethical standards and principle. To learn more or report issues involving fraud, waste, and abuse to The TAMUS, visit the following: [https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html](https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html)

**Section 3.22 Student Complaint Process**
Consistent with our mission, TAMIU welcomes opinion and feedback about our rules, procedures, programs and services in order to make changes that contribute to a students’ success, development, and goal attainment. TAMIU is committed to ensuring that students have access to appropriate rules and procedures for articulating concerns and registering appeals.

In registering concerns and filing appeals, TAMIU students must follow the rules and procedures that have been established within the unit about which the concern is being filed. Generally, the
procedures require that a student discuss the matter with the staff, faculty, or department in which the issue originated.

To learn more about the Student Complaint Process, visit the following: https://www.tamiu.edu/studentaffairs/AppendixHComplaint1.2.shtml.

Section 3.23 Freedom of Speech, Assembly, Expression and Demonstration
TAMIU is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. The University will protect the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution. TAMIU maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

To learn more about Freedom of Speech, Assembly, Expression and Demonstration, visit the following: https://www.tamiu.edu/studentaffairs/FreedomofSpeechAssemblyExpressionandDemonstration.shtml

Section 3.24 Attendance Rule
TAMIU views class attendance as an individual student responsibility. Students are expected to attend class and to complete all assignments. Instructors are expected to give adequate notice of the dates on which major tests will be given and assignments will be due. Graduate students are expected to attend all examinations required by departments or advisory committees as scheduled formally.

To learn more about the Attendance Rule and specific excused absences, see the following website: http://www.tamiu.edu/studentaffairs/AppendixFAttendanceRule1.2.shtml

Section 3.25 Student Leave of Absence
The Student Leave of Absence (LOA) rule assists and encourages students to return and graduate after an absence of two or more consecutive long semesters from TAMIU. Eligible students are encouraged to take advantage of the benefits provided by a Leave of Absence, e.g., no need to apply for readmission and may participate in their regularly scheduled registration/enrollment period upon return to the University.

To learn more about the Student Leave of Absence (LOA) rule, see the following website: http://www.tamiu.edu/affairs/registrar/documents/LOAForm.pdf

Article 4. CLASSROOM BEHAVIOR & ACADEMIC DISPUTES
TAMIU supports the principle of freedom of expression for both faculty members and students. The University respects the rights of faculty members to teach and students to learn. Maintenance of these rights requires classroom conditions that do not impede their exercise. Classroom behavior that seriously interferes with either: the faculty’s ability to conduct the class or the ability of other students to profit from the instructional program will not be tolerated. An individual engaging in disruptive classroom behavior may be subject to disciplinary action.
Section 4.01 Classroom Behavior

When a student’s behavior in a class is so seriously disruptive as to compel immediate action, the faculty member has the authority to remove a student from the class on an interim basis. A student who has been removed from a class on an interim basis is entitled to an informal hearing before the head of the department offering the course within three working days of the removal. The department head may either:

1) Approve an agreement of expectations between the student and the faculty member and reinstate the student to the class, or,

2) Extend the removal of the student from the class and refer the case to the Office of Student Affairs for review. A copy of all material sent to the Office of Student Affairs should be provided to the faculty’s academic Dean or designee and to the student’s academic Dean or designee.

When a student action is not so serious as to require immediate removal from the class, these steps are to be followed:

1) The faculty member responsible for the class or activity where the alleged disruptive behavior occurred should inform the student that his/her behavior has been inappropriate. The faculty member should describe to the student specific needed changes in the student’s behavior. The student will be provided an opportunity to modify his/her behavior in accordance with the changes identified. The faculty member will provide the student with a written, dated summary of his/her discussion with the student, and the faculty member will retain a file copy of this summary.

2) If a student believes the faculty’s expectations are unreasonable, he/she may confer with the faculty’s department head about this matter. The department head may choose to support the guidelines developed by the faculty, or he or she may work with the faculty to develop a modified set of expectations. If there are changes in the faculty’s original set of expectations, a signed and dated copy will be provided to both the student and the instructor.

3) Should a student’s behavior continue to be unacceptable, the faculty will apprise his/her (the instructor’s) department head of what has occurred and will share with the department head the written summary of the discussion with the student. The department head may wish to initiate additional discussion with the faculty and/or the student. If the department head concurs with the faculty’s view that the problem has not been resolved, the situation may be referred to the Office of Student Affairs. A memorandum briefly describing the student’s behavior, as well as a copy of the written summary of the faculty’s discussion with the student and any other related material, should be forwarded to the Office of Student Affairs for review. A copy of all material sent to the Office of Student Affairs should be provided to the faculty’s academic Dean or designee and to the student’s academic Dean or designee.
Section 4.02 Disputes over Academic Matters

As printed in the Faculty Handbook, faculty members are responsible for determining the curriculum of a course, for developing appropriate methods of evaluating student learning, for evaluating fairly, for upholding academic standards, and for enforcing policies concerning academic honesty. Decisions made by faculty members regarding the quality or honesty of student work – especially decisions about course grades – are, as a matter of routine, accepted as authoritative and cannot be overturned by administrative officers. Students, however, have a right to expect faculty members to have defensible course policies and to implement them in a reasonable, equitable manner. Students who believe that they have grounds for challenging faculty members’ decisions regarding academic issues – excepting those pertaining to matters of academic freedom – may appeal using the procedure outlined below [based on one recommended by the American Association of University Professors in Policy Documents & Reports, 9th edition, Baltimore: The Johns Hopkins University Press and AAUP, 2001, pp. 113-14]. It should be noted that in cases of academic dishonesty students may be subject not only to grade sanctions in courses but also to disciplinary action (see Student Violations of Academic Integrity under STUDENT AFFAIRS below). Faculty members are required to report such serious breaches of academic honesty to their chair, their Dean, the Provost, the Honor Council, and the Vice President Student Success.

Grade sanctions may be imposed only by faculty members, but suspension or expulsion may be imposed only by the Provost, as specified in the Faculty Handbook. As with disputes about course grades, students may appeal grade sanctions for academic dishonesty only by following the procedure outlined below.

Except under unusual circumstances, the process outlined below for student appeals of faculty academic decisions should be completed within three academic working weeks (15 working days) after the student’s first meeting with the faculty member to question the faculty member’s decision.

1) The student must first meet with the faculty member and discuss the faculty member’s decision. This meeting should occur as soon as possible after the decision has been made, normally within one week of the student being notified of the decision. The faculty member is expected to listen to the student, to provide an explanation for his or her decision, and to be willing to change the grade or decision should the student’s argument be persuasive. To change final course grades, a faculty member must submit a “Grade Change Form” and attach an accompanying memorandum justifying the decision to change the grade. The faculty member’s department chair and Dean must approve the change.

2) If the faculty member refuses to alter his or her decision or grade, the student may then discuss the matter with the faculty member’s department chair or immediate academic supervisor (hereafter, “chair” will be used to mean either the department chair or the
immediate academic supervisor). If the chair believes that the student’s claims may have merit, the chair would discuss the matter with the faculty member.

3) If the student is not satisfied with the chair’s assessment of the issue or if the faculty member refuses to alter his or her decision after discussing it with the chair, the student may then request that an ad hoc committee of faculty members review the matter. This committee would consist of three tenured faculty members within the same discipline or department. If in some unusual case the chair determines that a sufficient number of tenured faculty members cannot be selected from the same discipline or department, then the chair may add tenured faculty members from closely related disciplines. From the pool of eligible tenured faculty members designated by the chair, the faculty member, the student, and the chair will each nominate one faculty member to serve on the committee.

4) The ad-hoc committee of faculty members would hear from the student, the faculty member, and the chair and examine relevant documents. If the committee concludes that the faculty member’s original decision was justified, then the committee would provide the student with a written statement explaining the reasons for the committee’s decision. The student may request in writing that the committee reconsider its decision and provide reasons for so doing. If the committee refuses to reconsider or if it reaffirms its original recommendation, then the matter is considered settled and the faculty member’s original decision stands. If the committee concludes that the faculty member should alter his or her original decision, the committee would provide the faculty member with a written recommendation explaining the committee’s reasons. If the faculty member disagrees with the committee’s recommendation, he or she must provide the committee with a written explanation for the refusal.

5) If after considering the faculty member’s explanation for refusing to alter his or her decision the ad hoc committee is still persuaded that in the interest of justice to the student the decision should be overturned, then the committee may recommend in writing to the chair that the faculty member’s decision be overturned. The committee may also make this recommendation to the chair if the faculty member fails to alter his or her decision and also fails to respond to the committee’s original recommendation. The faculty member would receive a copy of the recommendation to the chair and would have a final opportunity to alter his or her original decision. If the faculty member does not do so, then the chair, and only the chair, would be empowered by the written recommendation of the committee to override the faculty member’s original decision, and, if pertinent to the case, to alter the student’s course grade. In order to certify that the grade dispute process outlined above has been followed appropriately, the Dean of the college or the school and the Provost will review all decisions by chairs to change grades against the will of a faculty member.

Section 4.03 Grievances Against Faculty

Conflicts between faculty members and students that do not relate to faculty decisions regarding such academic issues as course policies and grades will be considered the subject of grievances. The process for resolving grievances between faculty members and students is as follows.
1) Before a grievance is filed, the aggrieved faculty member or student must make a good faith effort to meet with the other party about his or her concerns. If the other party is unwilling to meet, if the aggrieved party has reasonable concerns about his or her physical safety, or if the meeting produces no resolution to the conflict, then the aggrieved party may initiate a grievance by following the steps outlined below.

2) If the grievant is a faculty member, he or she will file a written complaint with the Office of Student Affairs. If the grievant is a student, he or she will file a written complaint with the faculty member’s department or division chair. In either case, both parties will receive a written acknowledgement of the complaint within five working days.

3) The student and faculty member will meet with the Associate Vice President for Student Affairs or designee, and the faculty member’s chair. Both the faculty member and the student must be present, unless one party waives that right. This meeting will take place within five working days of the acknowledgement of the grievance.

4) If the complaint remains unresolved after meeting with the department chair and the Associate Vice President for Student Affairs or designee, then within five working days of the meeting with the chair and the Associate Vice President for Student Affairs or designee, both the student and the faculty member will meet with either the Dean of the respective college (or academic administrator to whom the chair reports) if the grievant is a student, or with the Vice President Student Success if the grievant is a faculty member. Both the faculty member and the student must be present, unless one party waives that right.

5) If the complaint remains unresolved after that meeting, it will then be heard within five working days by an ad-hoc committee consisting of the faculty member’s department or division chair, the Associate Vice President of Student Affairs or designee, a member of the Student Government Association selected by the President of the Student Government Association, a member of the Faculty Senate selected by the Faculty Senate President, and a person selected by the non-grieving party from his or her peers. The chair of the committee will be the Associate Vice President of Student Affairs (or the Vice President Student Success’s designate) if the grievant is a faculty member, or the department chair if the grievant is a student. The chair of the committee will ensure that the committee is formed appropriately and meets on schedule. After hearing from both sides in the dispute and examining whatever documentation has been provided by the parties involved, the ad hoc committee will make its recommendation in writing to either the Provost or the Vice President Student Success, as appropriate. Both parties involved in the complaint should receive the written recommendation within three working days after the committee concludes its deliberations.

6) The Provost or the Vice President Student Success will notify in writing both parties of his or her final decision to resolve the grievance within three working days of receiving the committee’s recommendation.
Article 5.  **HONOR PLEDGE**

*On my honor, as a member of the TAMIU community, I pledge to uphold the values of respect, integrity, service and excellence throughout my academic and professional career.*

Article 6.  **THE STUDENT CODE OF CONDUCT AND STANDARDS**

Upon registration, students automatically become members of the University community and assume full responsibility for proper conduct until their separation from the institution. Misconduct at the University is not tolerated as it diminishes the overall value of the degrees awarded by TAMIU. All students at the University should be involved in assuring the honesty of all students through their own individual actions and deeds.

Conduct standards at the University are set forth in writing in order to give students general notice of prohibited behavior. These prohibited behaviors should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

**Section 6.01 Philosophy Statement**

The TAMIU community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and disclosure. The student conduct program is committed to an educational and developmental process that balances the interests of individual students with the interest of the University community.

A community exists on the basis of shared values and principles. At TAMIU, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of core values that include respect, integrity, service and excellence.

The student conduct process at TAMIU is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies and/or rules. Sanctions are intended to challenge students’ moral and ethical decision-making and to help them bring their behavior into accord with our community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is different from criminal and civil proceedings. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of the University rules without information showing that it is more likely than not that a rule violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.
Students at the University are provided a copy of the Student Handbook annually in the form of a link on the University website and/or Uconnect. Students are responsible for having read and abiding by the provisions of the Student Code of Conduct.

Section 6.02  Student Conduct Authority
The Vice President for Student Success is vested with the authority over student conduct by the President. The Vice President for Student Success has designated the Associate Vice President for Student Affairs to serve as the chief student conduct administrator and the Office of Student Conduct and Community Engagement (SCCE) to administer the code. SCCE shall develop procedures for the administration of the student conduct system and for the implementation of Student Conduct Conferences that are consistent with provisions of the Student Code of Conduct.

Decisions made by a Student Conduct Administrator shall not be final until the appeal processes have been exhausted, waived, or time has expired.

Section 6.03  Jurisdiction of the Student Code of Conduct
The Student Code of Conduct shall apply to conduct that occurs on University premises and/or at University sponsored activities or any other activity, which adversely affects the University community and/or the pursuit of its objectives (mission). This action may be taken for either affiliated or non-affiliated activities.

The University may take action in situations occurring off university premises involving: student misconduct demonstrating flagrant disregard for any person or persons; or when a student’s or student organization’s behavior is judged to threaten the health, safety, and/or property of any individual or group. Using his/her sole discretion, the Vice President for Student Success or his/her designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis.

Section 6.04  The Rules and Prohibited Behavior
The University reserves the right, through fair process, to impose disciplinary and academic sanctions on students who have violated the Student Code of Conduct. The conduct described below is considered inappropriate for the community and in opposition to the core values set forth by the University. List below should not be expected to be exhaustive.

RESPECT – TAMIU students recognize that respecting individuals, their points of view and their diverse background is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Behavior that violates this institutional value includes, but is not limited to:
**Bullying and Cyber-bullying.** Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression. The use of electronic media to intimidate or threaten an individual.

**Discrimination.** Any act or failure to act that is based upon an individual or group’s actual or perceived status (*sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status*) that is sufficiently severe and pervasive that it limits or denies the ability to participate in or benefit from the University’s educational programs or activities.

**Harassment.** Any unwelcome conduct by an individual(s) against another individual that is sufficiently severe, pervasive or persistent that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, which includes conduct based on actual or perceived status (*sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status*). Any unwelcome conduct should be reported to campus official, which will act to remedy and resolve reported incidents on behalf of the community.

Hostile Environment - Unwelcome conduct by an individual(s) against another individual that is sufficiently severe, pervasive or persistent that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents, unless extremely serious, will not amount to hostile environment harassment.

**Stalking.** Course of conduct directed at a specific person that would cause a reasonable person to cause fear. Course of conduct is defined as “as a pattern composed of more than one act over a period of time, how ever short, evidencing a continuity of conduct.” Stalking behavior includes, but is not limited to, any of the following.

a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.

b. Use of online, electronic, or digital technologies, including:
   i. Posting of pictures or information in chat rooms or on Web sites
   ii. Sending unwanted/unsolicited email or talk requests
   iii. Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
   iv. Installing spyware on a victim’s computer
   v. Using Global Positioning Systems (GPS) to monitor a victim

c. Pursuing, following, waiting, or showing up uninvited at or near a residence,
workplace, classroom, or other places frequented by the victim
d. Surveillance or other types of observation, including staring or “peeping”
e. Trespassing
f. Vandalism
g. Non-consensual touching
h. Direct verbal or physical threats
i. Gathering information about an individual from friends, family, and/or co-workers
j. Threats to harm self or others
k. Defamation – lying to others about the victim
l. When stalking is gender based, it is considered Protected Class harassment.

**Hazing.** Any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property; and/or assisting, directing, or in anyway causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment; and/or engaging in conduct which tends to bring the reputation of the organization, group, or University into disrepute for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as part of any activity of a recognized student organization, student group, or special groups. Previously relied upon “traditions,” (including fraternity/sorority/CoEd, or any other group or organization activity, practice or tradition) intent of such acts, or coercion by current or former student leaders of such groups, or former students will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question. Refer to Sect. 3.09 Hazing for examples.

The hazing rule is not intended to prohibit the following conduct:

a) Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practice associated with such events; or
b) Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

Hazing is also a violation of Texas State Law. (See the [Sec. 2 Ch. 4, Education Code](#))

**Hindering or interfering.** Action or conduct that hinders, or otherwise interferes with the implementation of this Code.

**Intimidation.** Any implied threats or acts that cause a reasonable fear of harm in another.

**Intimate partner abuse.** Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a sexual or dating relationship. This includes threats, assault, property damage, and violence or threat of violence to one’s self or to the family...
members of the sexual or romantic partner when used as a method of coercion, control, punishment, intimidation or revenge. The existence of the relationship is determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationships. For criminal proceeding, the following are applicable definitions.

a) **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim were the existence of the relationship is determined based on consideration of the length of the relations, the type of relationship, and the frequency of interaction between the persons involved in the relationships.

b) **Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former souse of intimate partner of the victim, by a person whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence law applicable in Texas, or by any other person against an adult or youth victim who is protected from the persons acts laws applicable in Texas.

**Physical abuse.** Any attempt to cause injury or inflict pain, or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person (or group) against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse. The physical abuse rule is not intended to prohibit the following conduct:

a) Customary public athletic events, contests, or competitions that are sponsored by the university or the organized and supervised practices associated with such events; or

b) Any activity conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

**Retaliation.** Any adverse action taken by a member of the University community against any individual on the basis of a report made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by the University.

**Sexual Misconduct.** Includes, but is not limited to, non-consensual sexual abuse, non-consensual sexual contact, sexual exploitation, sexual harassment.

a) **Non-Consensual Sexual Abuse.** Any sexual intercourse, however slight, with any object, by any person upon another person that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
b) **Non-Consensual Sexual Contact.** Any intentional sexual touching, however slight, with any object, by any person upon another person that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

c) **Sexual Exploitation** - Occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include:

1. Exposing one’s genitals and/or breast in non-consensual circumstances or inducing someone to expose their genitals and/or breast.
2. Observing or taking a photograph of another person’s intimate parts without that person’s consent, in a situation where the person observed or photographed has a reasonable expectation of privacy, for the purpose of the observer’s own sexual gratification or the gratification of another. “Photograph” includes a photograph, motion picture, videotape, live feed, print, negative, slide, social media or other mechanically, electronically, digitally, or chemically produced or reproduced visual material.

d) **Sexual Harassment** - Interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, living conditions, and/or educational evaluation;
2. Submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or educational environment. Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive. The determination of whether an environment is “hostile” is a fact specific inquiry based upon subjective and objective factors of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. A single instance of sexual assault can constitute a hostile environment.

**Unauthorized Entry.** Unauthorized entry into or use of University facilities or property.
INTEGRITY - TAMIU students model ethical standards of personal and professional behavior. Behavior that violates this institutional value includes, but is not limited to:

Academic Dishonesty - Academic dishonesty is any act, or attempt, which gives an unfair advantage to the student.

False reporting. Intentionally initiating or causing to be initiated any false report, warning, threat of fire, explosion or other emergency concerning the University and University-sponsored activities.

Furnishing false information and/or withholding information. Forgery, unauthorized alteration or misuse of any document, record or instrument of identification. Also includes withholding material information from the University, misrepresenting the truth before a hearing of the University and making false statements to any University official. The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.

Theft. Unauthorized removal or stealing and/or attempting removal or stealing of a member of the University community or other personal or public property, on or off campus. This includes knowingly possessing such stolen property.

Unauthorized representation. Unauthorized representation of the University or any recognized entity of the University.

Unauthorized recording. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress. This includes, but is not limited to surreptitiously taking picture of another person in a gym, locker room, or restroom or recording administrative meetings with University officials. If a recording is made and the capture is a violation of the Student Rules or law, the Student Conduct Administrator may elect not to enforce this section of the rule against the student making the recording.

SERVICE – TAMIU students serve the University, regional, national, and international communities. Behavior that violates this institutional value includes, but is not limited to:

Fire Safety. Misuse or damage of fire safety equipment.

Gambling. Gambling in any form on University-owned or controlled property grounds.

Off-Campus Conduct. When a student is alleged to have violated the Student Conduct Code by an offense committed off of university premises, the university reserves the right to investigate
and adjudicate. The University may take action in situations occurring off university premises involving: student misconduct demonstrating flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its objectives. This action may be taken for either affiliated or non-affiliated activities.

a) If the Vice President for Student Success determines that the offense affects the university as stated above, then the SCCE shall hold an administrative conference to consider whether the offense is of such nature as set out above, whether or not the student committed the offense, and take appropriate action. The action of the university administrative hearing officer shall be made independent of any off-campus authority.

**Student Organizations.** Violations of University policies, or of campus regulations concerning the recognized student organizations, the use of University facilities, or the time, place, and manner of public expression.

**Vandalism.** Behavior that destroys, damages, or litters any property of the university, of another institution, or of another person, on university premises or at university-sponsored activities.

**Violation of Law.** Any act that violates federal, state, or local laws or regulations and which is not otherwise covered in this code is not allowed.

**Violation of published University rules.** Such rules include University Housing contracts and rules, University motor vehicle rules, rules relating to the use of student identification cards, entry and use of University facilities and dining hall conduct.

**EXCELLENCE – TAMIU students strive for the highest quality in all endeavors. Behavior that violates this institutional value includes, but is not limited to:**

**Alcohol.** Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by University regulations), is prohibited on Texas A&M International University premises and University sponsored events. In addition, use, possession, or distribution or alcohol beverages while driving or riding in or on a vehicle on University premise is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. Individuals may not be in a state of public intoxication or drunkenness. Individuals may not operate a motor vehicle or another form of transportation while intoxicated or while under influence of alcohol.

**Complicity.** Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to the same extent as completed violations.

**Computing resources.** Failure to comply with University regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal
resources, use of computer resources for unauthorized commercial purposes or personal gain; failure to protect password or use of student account; breach of computer security, harmful access or invasion of privacy. Misuse and/or other abuse of computer facilities and resources including but not limited to:

a) Use of another individual’s identification and/or password.

b) Use of computing facilities and resources to send obscene or threatening message.

c) Use of computing facilities and resources in violation of copyright laws.

**Disorderly conduct.** Public behavior that is disruptive, lewd, or indecent; breach of peace; or aiding, or procuring another person to breach the peace at functions sponsored by the University or participated in by members of the University community.

**Disruptive activity.** Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University missions, processes, or functions including public-service functions, or other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

a) Leading or inciting others to disrupt scheduled and/or normal activities on university premises.

b) Classroom behavior that seriously interferes with either (a) the faculty member’s ability to conduct the class or (b) the ability of other students to profit from the instructional program (See Article 4).

c) Any behavior in class or out of class, which for any reason interferes with class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University. (See Article 4)

**Failure to appear.** Failure to appear for a University disciplinary/academic proceeding to respond to allegations or to appear as a witness when reasonably notified to do so. This includes disciplinary hearings, university investigations, and appeals hearings.

**Failure to comply.** Failure to comply with directions of University officials acting in the performance of their duties.

**Identification.** Failure to present identification upon the request of a University official.

**Illegal drugs.** The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substance is prohibited. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled and/or prescribed substance and/or drug paraphernalia and/or dangerous drug is also prohibited. Individuals may not operate a motor vehicle or another form of transportation while under the influence of drugs or while intoxicated. (See Drug and Alcohol Rule & AOD)
**Motor vehicle/Traffic violations.** Repeated or flagrant violations of any regulations related to the use of parking motor vehicles on campus property. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised activities.

**Violating terms of any disciplinary/academic sanctions.** Knowingly violating the terms of any disciplinary sanction (including failing to meet deadlines and/or committing a violation of university rules while serving a probationary sanction) imposed in accordance with University rules.

**Weapons and explosives.** Possession or use of firearms, fireworks, or explosives on University-owned or controlled grounds and property. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Weapons may include, but are not limited to, all firearms, pellet guns, slingshots, martial arts devices, switchblade knives and clubs. (See [Weapons Rule](#))

### Article 7. ACADEMIC CONDUCT

As a member in an academic community, students at Texas A&M International University are expected to exhibit a high level of honesty and integrity in their pursuit of higher education, be mature, be self-directed and be able to manage their own affairs. Students who are unwilling to abide by these basic expectations will find themselves facing academic and/or disciplinary sanctions. Students are expected to share in the responsibility and authority with faculty and staff to challenge and make known acts that violate the TAMIU Honor Code. For more information on the Honor Code, please visit the Office of Student Conduct and Community Engagement website at [https://www.tamiu.edu/scce/](https://www.tamiu.edu/scce/)

TAMIU Faculty has the discretion to impose grade penalties as deemed necessary. For more information, please visit the [TAMIU Faculty Handbook](#).

### Section 7.01 Violations of Academic Conduct

Academic dishonesty is any act, or attempt, which gives an unfair advantage to the student. Academic dishonesty includes, but is not limited to:

a) **Plagiarism** – The act of passing off some other person’s ideas, words, or work’s as one’s own. It includes, but is not limited to, the appropriation, buying, receiving as a “gift”, or obtaining, by any other means, another’s work for the submission are one’s own academic work. Examples include, but are not limited to:

1) If in a paper or assignment, you include material that you researched in a book, magazine, newspaper, and/or on the Web, you MUST cite the source. If you do not, you are committing plagiarism;

2) If you copy somebody's test answers, take an essay from a magazine and pass it off as your own, lift a well-phrased sentence or two and copy and paste them without
crediting the author or using quotation marks, or even pass off somebody's good ideas as examples of your own genius, you are committing plagiarism;

3) If you borrow/lend a term paper, hand in, as one's own work, a paper purchased from an individual or off the Internet, or submit, as one's own, any papers from living group's, club’s, or organization's files;

4) If you hand in the same paper in more than one class without the permission of the instructor.

b) **Cheating** – An act of deception in which a student misrepresents that he/she has mastered information related to an academic exercise. Examples include:

1) Copying from another student’s test, lab report, computer file, data listing, logs, or any other type of report or academic exercise;

2) Using unauthorized materials during a test;

3) Consulting a cell phone, text messages, PDAs, programmable calculators with materials that give an advantage over other students during an exam;

4) Using crib sheets or other hidden notes in an examination, or looking at another student's test paper to copy strategies or answers;

5) Having another person supply questions or answers from an examination to be given or in progress;

6) Having a person other than oneself (registered for the class) attempt to take or take an examination or any other graded activity. In these cases all consenting parties to the attempt to gain unfair advantage may be charged with an Honor Pledge violation;

7) Deliberate falsification of laboratory results, or submission of samples or findings not legitimately derived in the situation and by the procedures prescribed or allowable;

8) Revising and resubmitting a quiz or exam for regarding, without the instructor's knowledge and consent;

9) Giving or receiving unauthorized aid on a take-home examination;

10) Facilitating academic dishonesty: intentionally or knowingly helping or attempting to help another to violate the Honor Pledge;

11) Signing in another student's name on attendance sheets, rosters, Scantrons;

12) Submission in a paper, thesis, lab report, or other academic exercise of falsified, invented, or fictitious data or evidence, or deliberate or knowing concealment or distortion of the true nature, origin, or function of such data or evidence;

13) Procurement and/or alteration without permission from appropriate authority of examinations, papers, lab reports, or other academic exercises, whether discarded or actually used, and either before or after such materials have been handed in to the appropriate recipient; and

14) Using, buying, selling, stealing, transporting, soliciting, copying or possessing, the contents of an un-administered test, a required assignment or a past test which has, by the professor, not been allowed to be kept by their students.
c) **Lying** – Deliberate falsification with the intent to deceive in written or verbal form as it applies to an academic submission.

d) **Bribery** – Providing, offering or taking rewards in exchange for a grade, an assignment or the aid of academic dishonesty.

e) **Collusion** – The unauthorized collaboration with another person in preparing academic assignments offered for credit and/or grade, collaborating with others on projects where such collaboration is expressly forbidden, or where the syllabus states the default as being one's own work.

f) **Flagrant academic misconduct** – repeated or flagrant violation(s) of the academic rule.

Article 8. **STUDENT CONDUCT DISCIPLINARY PROCEDURES**

Section 8.01 **Right to File Grievance Against Students**

Any member of the University community has the right to file a grievance against a student that is in violation of the Student Code of Conduct. Grievances should be filed in writing within fifteen (15) University working days of the discovery of the alleged infraction to the Office of Student Conduct and Community Engagement via reporting system (http://www.tamiu.edu/reportit). The time lines for the grievance process may be extended for good cause shown or upon the unilateral discretion of the Office of Student Conduct and Community Engagement.

Section 8.02 **Fair Process**

University students do not surrender their individual rights as guaranteed to them by the United States Constitution. These include the RIGHT TO FAIR, PROMPT and IMPARTIAL PROCESS. The purpose of the University disciplinary system is educationally based and is to decide if the student has abused freedoms and failed to accept responsibility for his or her action; to communicate this failure to the student(s) involved and to permit the student(s) to respond; to determine an appropriate response by the University; and to assist the student(s) to make a constructive response of self-discipline.

A University hearing is **NOT** a trial or a Court of Law. Any attempt to make the hearing something else would seriously impair the educational function of the hearing, which requires open discussion rather than an adversarial debate. Attorneys, counselors, and advisors are not permitted to represent any student at a University hearing. However, an advisor may be present but may not speak at a hearing. Request for advisor to be present must be done so in writing a minimum of 3 university business days before the scheduled hearing.

Section 8.03 **Standard of Proof: Preponderance of the Evidence**

In a case where there is factual dispute, the hearing officer/panel can never have absolute proof of what really happened because the hearing officer/panel is never an eyewitness. The best the hearing officer/panel can do is be persuaded of what probably happened. The standard of proof is intended to assure all concerned that the intensity of the hearing officer/panel’s belief is uniform in all cases.
The level of proof required at TAMIU in University disciplinary cases is a preponderance of the evidence. This simply means that the proof need only show that the facts are more likely to be so than not so. A preponderance of the evidence in the case means such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in the hearing officer/panel’s mind the belief that what is sought is more likely true than not true. [From: Long, N.T., (1985). The standard of proof in student disciplinary cases. Journal of College and University Law, 12(1), 73-74.]

Section 8.04  Bystander Provision
Texas A&M International University empowers students, through training, to respond in a moment of need. Green Dot is a movement, a program, and an action. The aim of Green Dot is to prevent and reduce power-based violence at TAMIU by engaging students as active bystander who step in, speak up, and interrupt potential acts of violence. The Green Dot movement is about gaining a critical mass of students, staff and faculty who are willing to do their small part of actively and visibly reduce power-based personal violence at TAMIU.

The best way to get involved with Green Dot and maximize your impact as an active bystander is to attend Green Dot Bystander Training. The training is free, catered, and great for resumes. At this training you will learn the skills of being an active bystander, examine your own barriers to taking action, and ultimately gain the ability to intervene early on in situations that could lead to violence. Visit: www.tamiu.edu/scce for more information.

Section 8.05  Good Cause Provision
The survivor of an alleged act of misconduct due to “sexual misconduct/sexual harassment/class protected discrimination/harassment” may be unwilling to serve as the complainant. In such circumstances, if the Associate Vice President of Student Affairs and/or designee believe there is good cause for charges to be brought against the respondent(s) in the interest of the University community, the Associate Vice President of Student Affairs and/or designee may proceed with complaint.

Section 8.06  Good Samaritan Provision
The health and safety of our students are of primary concern at Texas A&M International University (TAMIU). TAMIU is committed to ensuring that students obtain timely medical assistance for themselves and fellow Dustdevils in the case of medical emergencies.

As such, the Division of Student Success recognizes that the potential for disciplinary action by the SCCE may discourage students from seeking medical assistance for themselves or others in a time when medical attention is needed. The Good Samaritan/Medical Amnesty Protocol has been developed with the intention to assist those individuals whose judgment or health is severely affected due to alcohol consumption and/or controlled substances by removing impediments to seeking such assistance. Students are encouraged to contact TAMIU PD, medical emergency professionals or other University officials when assistance is needed.
Section 8.07 Hold on Academic Record
A hold will be placed on a student's University record while one or more of the following are pending: investigation, disciplinary proceedings, expulsion, outstanding sanctions, dismissal, separation, suspension, campus banishment, deferred suspension, conduct probation, honor code review, and/or interim suspension. This hold will prevent the student from: 1) registering for future terms; 2) participating in drop/add; 3) receiving an academic transcript; and 4) receiving a diploma.

Article 9. Disciplinary Proceedings

Any student whose conduct has been called into question by any member of the University community or who is alleged to have violated the Code of Conduct and/or any regulations of TAMIU or The TAMUS will be notified of the charges via e-mail and/or in person by the SCCE.

At the point that the SCCE receives notification, a student conduct administrator will conduct an investigation to ascertain details and circumstances associated with the complaint. Investigation may result in charges, a form of alternative dispute resolution, or dismissal of complaint.

Section 9.01 Investigation Process
The student will receive a notification via University e-mail informing that an allegation has been brought against the student.

The student must attend the scheduled appointment to provide his/her account of the events. If there is a schedule conflict, the student may reschedule by calling 956-326-2286. Failure to attend the meeting may be a violation of the Student Code of Conduct and may result in the student conduct process moving forward without the student’s participation. The following will proceed:

a) A student conduct administrator will meet with the student to explain the allegation.
b) A student conduct administrator will discuss the student’s rights and responsibilities.
c) A student conduct administrator will explain the student conduct process.
d) A student conduct administrator will hear any statement that student may wish to make.
e) Should the respondent accept responsibility during the course of the investigation, the respondent may waive his/her right to an administrative conference and proceed directly to sanctioning phase as described in Article 12.

Should the student conduct administrator determine there is sufficient information that a charge is merited, proceedings in section 9.02 will apply.
Section 9.02  **Student Conduct Proceedings**

All charges shall be presented to the respondent in written form via University e-mail. The respondent will be given at least three (3) University business days to prepare for an administrative conference. In all student conduct proceedings, the respondent shall be presumed not responsible until it is determined that a violation of the University rules occurred by a preponderance of the evidence. Student conduct proceeding shall be conducted by the following guidelines:

a) The respondent has the opportunity to be assisted by an advisor s/he chooses, at his/her own expense.

b) Attorneys, counselors, and advisors **are not permitted** to represent any student at an administrative conference. However, an advisor may be present, but may not speak at an administrative conference. Request for advisor to be present must be done so in writing a minimum of three (3) business days before the scheduled administrative conference.

c) Students who are charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor at administrative conferences.

d) The respondent is responsible for presenting his/her own information. Therefore, a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the administrative conference. Administrative conferences will not typically be delayed due to scheduling conflicts of an advisor. There is no restriction on whom a student may consult or seek advice from; the restriction pertains to the administrative conference only.

e) The respondent and the Student Conduct Administrator may arrange for witnesses to present pertinent information to the Chairperson. Witnesses may provide this information to and answer questions from the Chairperson, Student Conduct Administrator and respondent. (Character statements shall be accepted in written form only).

f) Pertinent records, exhibits, student impact statements and other written statements may be accepted as information for consideration at the discretion of the chairperson. Student impact statements and other documents determined at the discretion of the chairperson shall be taken into consideration during the sanction phase only.

g) All procedural questions are subject to the final decision of the chairperson.

h) After the portion of the administrative conference concludes, in which all pertinent information has been received, the Chairperson shall deliberate in private to determine whether the respondent has violated the student code of conduct as charged.

i) The focus of inquiry in administrative conferences shall be the determination of whether a violation of University rules occurred. In all initial student conduct proceedings, the burden of proof shall rest with the University, and said burden of proof shall be by a preponderance of the evidence.
j) There shall be a single verbatim record, such as a digital recording, of all student conduct conferences. Deliberations shall not be recorded. The record shall be the property of the University.

k) If a respondent with notice does not appear at an administrative conference, the information in support of charges shall be presented, considered, and a decision may be made. The Chairperson may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the conference. There is no entitlement to these accommodations and they shall be determined by a Student Conduct Administrator. A Student Conduct Administrator may also make reasonable accommodations to provide access for students with disabilities.

l) The respondent and his/her advisor, if any, shall be allowed to attend the entire portion of the student conduct conference at which information is received (excluding deliberations) provided the accused student and his/her advisor appear at the designated time and do not inhibit the proceeding. Admission of any other person to the student conduct conference shall be at the discretion of the Student Conduct Administrator.

m) There will be no finding of responsibility solely because a student remains silent during a student conduct conference.

n) If the student is found “not responsible,” the process ends and incident report closed.

o) If the student is found “responsible,” a sanction(s) will be assigned.

p) The student may accept or reject decision.

Section 9.03 Appeals

The decision as to which procedure to utilize for a grievance filed by a student shall be made solely by the University and shall be based on the fact pattern of each particular case.

1) A decision or sanction imposed by the Student Conduct Administrator may be appealed by the respondent, or in cases of sexual misconduct or sexual harassment, the survivor, to the Office of Student Affairs within five (5) University business days of the outcome. Such appeals must be submitted in writing.

2) The decision as to which procedure to utilize for a grievance filed by a student shall be made solely by the University and shall be based on the fact pattern of each particular case.

3) When an appeal has been filed, the Vice President of Student Success and/or designee will determine whether the grounds for appeal merit a hearing.

The appeal must be based on one or more of the following:

a) A procedural error occurred during the process, which had a direct impact on the outcome.

b) New information has come to light, which has a direct impact on the outcome.

c) The sanction administered is unjustified in its severity or leniency.
After receiving the written request for an appeal, the Vice President of Student Success may:

a) Deny the request for an appeal and VP decision will be final.
b) Accept the appeal and ask an Administrative Conference Committee to reconvene and hear the case again with the new information. After the committee reviews the case at the request of the Vice President of Student Success, the matter shall be considered final and binding upon all involved.

Appeals due to suspension will be assessed by the Vice President of Student Success and or designee for reconsideration of admission to University.

Notice: Academic appeals differ from disciplinary. For more information on academic appeals, go to the Student Handbook - Classroom Behavior & Academic Disputes.

Section 9.04 Administrative Hearings
A student charged with a disciplinary violation of the student code of conduct has the right to elect an administrative hearing before the Associate Vice President of Student Affairs or designee. Should a student wish to pursue the administrative hearing the Associate Vice President of Student Affairs will hear the case, render a decision and if found responsible for a violation, sanction the student.

Article 10. ACADEMIC CONDUCT PROCEEDINGS

The Honor Council consists of faculty and students who have been elected by the Faculty Senate, appointed by the Provost or appointed by the Vice President for Student Success. The Honor Council serves to provide faculty and students with a means by which they may report academic dishonesty, to provide students with a means of appealing charges of academic dishonesty, to serve as an initial hearing body for academic cases outside of the classroom, and to provide the Provost with recommendations regarding general academic sanctions or remedial efforts.

Section 10.01 Honor Council Mission Statement
It is the mission of the TAMIU Honor Council to serve as a centralized system established to respond fairly to academic violations of the TAMIU Honor Code.

Section 10.02 Essential Functions of the Honor Council
The Honor Council serves to provide faculty and students with a means by which they may report academic dishonesty, to provide students with a means of appealing charges of academic dishonesty, and to provide the Provost with recommendations regarding general academic sanctions or remedial efforts.

The Honor Council shall have the authority to create processes and operating procedures to implement the Honor System and to enforce the rules described in the following sections. Through the Office of Student Conduct and Community Engagement, this Council shall serve as an initial hearing body for cases involving academic integrity outside the scope of a course
offered at TAMIU, and as an appellate body for students charged with violating the Honor Code during a course offered at TAMIU. The Honor Council will also be the central body responsible for maintaining records and for coordinating communication, prevention, training, remediation, and adjudication efforts for the Honor System. All proposed revisions to Honor Code will be submitted to Faculty Senate for review and disposition.

Section 10.03  Membership of the Honor Council

The Honor Council reports to the Provost. The Honor Council will consist of at least 19 full-time members (7 full-time faculty members and 12 University students). Five members are the required minimum for quorum to be achieved, of which must include two members from each constituency (faculty and students). At the first meeting of each year, the Honor Council will elect a Chair and a Vice-Chair. A faculty member will chair the Honor Council with the Director of Student Conduct and Community Engagement serving as co-chair absent voting privileges, and the vice-chair shall be a student.

Voting members include:

a) 7 full-time faculty members (6 elected by the Faculty through the Faculty Senate elections process, 1 appointed by the Provost)
b) 12 TAMIU students, including at least one graduate student (9 appointed by the VP of Student Success and 3 appointed by the Provost)
c) Members must be elected and appointed by September 1 of each academic year. Faculty serve two-year terms; student members serve one-year terms. Both faculty and student representatives may serve more than one term on the Honor Council.
d) If faculty or student resigns or cannot complete term, a new member will be elected/appointed to finish the initial term.
e) The Honor Council will hold general meetings at least twice (2 times) a semester.
f) General meetings and trainings are considered mandatory. In addition, all members are expected to attend at least one hearing per long-semester. Failure to adhere to mandatory general meetings and trainings will trigger a review of membership by the Honor Council.
g) A member may not vote when a case is considered a conflict of interest or may not be fair and impartial due to the nature of the case.

The Honor Council may consult with The TAMUS legal representative through the Office of the Provost as needed. A legal representative from the TAMUS will serve on the council in situations where there are obvious legal issues and concerns.

Section 10.04  Responsibility of Honor Council

Members of the Honor Council are expected to attend all general meetings and trainings, including one hearing per long-semester, of the Honor Council and to fulfill the following duties:

a) Serve as an educator – inform students, faculty, staff, and administrators about the TAMIU Honor System and its mission and policies; promote academic integrity on campus.
b) Serve as a hearing panel member – hear all information and render decisions on whether a student is responsible for violation. If the student is found responsible for the violation, the Honor Council will reaffirm the faculty member’s findings and issue a fair
and educational sanction.

c) **Serve as a case investigator** – investigate and gather information with reporter(s), witness(es), and alleged violator(s) as coordinated with the Office of Student Conduct and Community Engagement. This duty will include the ability to request information in writing from faculty, witness(es), and alleged violator(s) as is necessary to ensure a fair hearing.

**Section 10.05 The Role of the Chair and Vice-Chair**

The duties of the Chair will be to call regular meetings, conduct meetings, serve as the official liaison with the SCCE, and provide leadership to the Council.

a) The Chair shall be selected from the faculty members of the Honor Council, and the Vice-Chair shall be selected from the student members of the Honor Council.

b) The Chair will present all cases to the Honor Council;

c) Upon receiving notice from the student requesting a hearing by the Honor Council, the Chair shall call a hearing within ten (10) university business days;

d) Should the Chair be unable to meet his/her obligations, the Vice-Chair will perform the duties of the Chair.

e) In the absences of the Chair and Vice-Chair, the Chair will designate a Chair Pro-temp.

**Section 10.06 The Role of the Office of Student Conduct and Community Engagement**

In coordination with the Honor Council, the SCCE will confer with the Chair of the Honor Council to assess current academic cases involving students and will serve as the facilitator and investigator of information. The SCCE will be responsible for the following:

a) Gather information based on submission of the Sanction Letter, and supporting documents submitted by the faculty member.

b) Administer a Judicial Hold on the student file while the case is adjudicated and sanctions are imposed.

c) Serve the role of record keeper and case management for all Honor Council meetings.

- d) Notify the student of the outcome of the Honor Council meeting.

- e) Include the faculty member, department/division Chair, Dean, and Provost as recipients of both the initial letter to the alleged student respondent and the final outcome notification letter.

If the student fails to respond to the letter, the student waives his/her right to a hearing by the Honor Council, and the SCCE will retain the case for record. Student appeals of original allegation of academic misconduct must be submitted in writing within ten (10) University business days to the SCCE for Honor Council review. Sanctions imposed are final; there are no appeals.

**Section 10.07 Faculty, Administrators and staff Reporting of Honor Code Violations**

Faculty (meaning any individual listed as the teacher of record for a course at the University, including adjuncts), administrators, and staff share in the responsibility and authority to challenge and make known acts that violate the TAMIU Honor Code.

**Section 10.08 Responsibilities of Faculty**

Faculty are expected to take proactive steps to promote academic integrity including, but not limited to:
a) Adding language to their syllabi that describes prohibited academic behavior and the consequences of such activity;
b) Having an open discussion about academic integrity with students in their courses early in the semester;
c) Enforcing prohibitions against academic dishonesty as required by the TAMIU Faculty Handbook; and
d) Enforcing specified grade penalties for cheating or plagiarism, as outlined in their syllabi or as required by their department, college, or the TAMIU Faculty Handbook.

Upon finding a violation of the Honor Code, a faculty member has the responsibility to:
   a) Assess the situation and impose an academic sanction on the student;
   b) Send a sanction letter to the student’s TAMIU e-mail account, within ten (10) University business days of the discovery of the alleged violation and arrange for a conference with the student, if at all possible;
   c) Copy the Provost, Chair, and Dean of the department, the Office of the Registrar, the Dean of the Office of Graduate Studies and Research (if the student is in graduate school), and the SCCE on the sanctioning letter (e-mail); and
   d) Submit copies of course-work, and the source of academic misconduct, to the SCCE through the “Report It” system online within ten (10) University business days of the discovery of the alleged violation.

All breaches of the Honor Code and violations of academic integrity must be reported to the SCCE through the Reporting System (http://www.tamiu.edu/reportit) within ten (10) University business days of the discovery of the alleged violation.

Section 10.09 Responsibility of Academic Administrators and Staff
Academic administrators and staff are expected to take proactive steps to promote academic integrity including, but not limited to:

Academic administrators and staff are expected to provide support to the faculty and the students in enforcing the Honor Code. Specifically, they should encourage faculty to be proactive in informing students about the Honor Code and in teaching students appropriate ways to conduct and acknowledge research. Academic Administrators should also provide strong support to faculty who are appropriately and fairly enforcing the Honor Code.

Staff, which includes graduate assistant teaching (GAT), graduate assistant research (GAR) and graduate assistant non-teaching (GANT), must report allegation of academic misconduct to the faculty of record in which the alleged misconduct occurred.

Information shared with the Office of Student Counseling and Disability Services is confidential.

Section 10.10 Student Reporting Options
Students have two options when reporting an alleged violation. They may report an alleged violation either to the Honor Council through the SCCE or the faculty of the course in which the alleged violation occurred. Initiating formal procedures is a necessary and obligatory remedy
when other methods are inappropriate or have failed (e.g., drawing attention to a suspected violation, peer pressure, etc.).

If a student is alleged to have violated the Honor Code but the class, department, and faculty cannot be identified, charges may be brought by anyone who has knowledge of the violation.

False and malicious reporting of an incident shall be considered a violation of the Honor Code, and should be adjudicated by the Honor Council and the SCCE.

Section 10.11 Student Reporting Formats
There are three student-reporting formats for the Honor Code violations: (1) general reporting, (2) confidential reporting, and (3) anonymous reporting. Each reporting format will initiate some action by the Honor Council and can potentially lead to the initiation of a case. All reports must be made in writing.

a) General Reporting - General reporting constitutes a submission of a report in which the reporting party is willing to fully identify himself/herself to all involved in the case. This is the preferred reporting format and will ensure that all facts are obtainable.

b) Confidential Reporting - Confidential reporting constitutes a submission of reports in which the reporting parties are willing to provide their names to faculty and/or the Honor Council, but wish to have their names remain confidential through the proceedings of the case. Confidential reporting allows faculty and/or the Honor Council to contact the reporting party to gather further information when necessary.

c) Anonymous Reporting - Anonymous reporting constitutes a submission of a report in which the reporting party desires to remain anonymous. This report will be considered a tip and handled as such. The reporting party will not be identifiable and cannot be contacted for further information on the case. An anonymous tip is not sufficient ground to initiate a charge; however, the tip can initiate an investigation.

Section 10.12 Hold on Academic Record
A hold will be placed on a student's University record while one or more of the following are pending: disciplinary proceedings, expulsion, outstanding sanctions, dismissal, separation, suspension, campus banishment, deferred suspension, conduct probation, honor code probation, and/or interim suspension.

Section 10.13 Office of Student Conduct and Community Engagement Process
The student will receive a notification via University e-mail or in person informing the student that an academic misconduct charge has been brought against him/her.

The SCCE will schedule an appointment with student respondent to provide his/her account of the events. The following will then proceed:

1. A student conduct administrator will meet with the student to explain the charge.
2. A student conduct administrator will discuss the student’s rights and responsibilities.
3. A student conduct administrator will explain the academic misconduct process.
4. A student conduct administrator will hear any statement that student may wish to make for case file or Honor Council review.
5. Should the student respondent accept responsibility during the course of the meeting with
faculty or student conduct administrator, the respondent waives his/her right to an appeal.

Section 10.14 Student Advisor
Recognizing that participating in the student academic misconduct process can be a challenging experience for any student, a student can seek the assistance of an advisor. An advisor must be an administrative official, faculty member, or student of the University. The advisor, upon request of the student, may:

- Advise the student in the preparation of information relevant to the case;
- Accompany the student to all academic misconduct proceedings; and/or
- Advise the student in the preparation of an academic appeal.

The advisor shall not speak for the student respondent, but rather assist the student in preparing for the academic misconduct appeal. More information on advisor expectations is available in Article 10.17.

Section 10.15 Academic Misconduct Process
Students are expected to pay all financial obligations to the University when due. All charges shall be presented to the student respondent in written form via University e-mail. The student respondent will be given ten (10) University business days to request an Honor Council Hearing as of the date of the faculty notice. Honor Council appeal hearings shall be conducted by the following guidelines:

1. The student respondent has the opportunity to be assisted by an advisor s/he chooses, at his/her own expense.
2. Advisors are not permitted to represent any student at an Honor Council appeal hearing. An advisor may be present and communicate with the student, but shall not address the Honor Council at the appeal hearing. Request for advisor to be present must be done so in writing a minimum of three (3) business days before the scheduled appeal hearing.
3. Students who are charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor at Honor Council appeal hearings.
4. The student respondent is responsible for presenting his/her own information. Therefore, a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Honor Council appeal hearing. Appeal hearings will not typically be delayed due to scheduling conflicts of an advisor. There is no restriction on from whom who a student may consult or seek advice; the restriction pertains to the appeal hearing only.
5. The student respondent, the faculty member, and the SCCE (on behalf of Council) may arrange for witnesses to present pertinent information to the Chairperson. Witnesses may provide this information to and answer questions from the Chairperson, SCCE, and student respondent. (Character statements shall be accepted in written form only).
6. Pertinent records, exhibits, student impact statements and other written statements may be accepted as information for consideration at the discretion of the chairperson.
7. The student may appear in person to the Honor Council appeal hearing but will be limited to five (5) minutes to present his/her appeal.
8. The Honor Council will have the right to ask up to ten (10) minutes of additional
questions of student respondent in regards to his/her testimony.

9. All procedural questions are subject to the final decision of the chairperson.

10. After the testimony portion of the Honor Council appeal hearing concludes, in which all pertinent information has been received, the members of the hearing panel shall deliberate in private to determine whether the student respondent has violated the Honor Code as charged.

11. The focus of inquiry in Honor Council appeal hearings shall be the determination of whether a violation of the Honor Code has occurred. In all Honor Council appeal hearings proceedings, the burden of proof shall rest with the University, and said burden of proof shall be by a preponderance of the evidence.

12. There shall be a single record of all Honor Council appeal hearings and deliberation. The record shall be the property of the University.

13. Deliberation will be determined on the basis of majority consent of council present at hearing.

14. If a student respondent does not appear at an Honor Council appeal hearing, the information in support of charges shall be presented, considered, and a decision may be made. The Chairperson may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, student respondent, and/or other witnesses during the hearing. There is no entitlement to these accommodations and they shall be determined by Chairperson. The Chairperson may also make reasonable accommodations to provide access for students with disabilities.

15. The student respondent and his/her advisor, if any, shall be allowed to attend the entire portion of the Honor Council appeal hearing at which information is received (excluding deliberations) provided the accused student and his/her advisor appear at the designated time and do not inhibit the proceeding. Admission of any other person to the Honor Council appeal hearing shall be at the discretion of the Chairperson.

16. There will be no finding of responsibility solely because a student chooses not to appear in person before an Honor Council appeal hearing.

17. The Council will inform parties involved of its decision as to whether the student is “responsible” or “not responsible” for the academic misconduct for which he/she stands accused.

18. If the student is found “responsible,” additional sanction(s) may be imposed by Council.

19. The student may accept or reject the Honor Council’s decision; if the student wishes to reject the Council’s decision, he/she has ten (10) University business days as of the day of Council notice in which to appeal to the Provost (Article 7).

20. If the student accepts the Honor Council’s decision, then the case is considered closed and hold will be closed (after 10 University business days of Honor Council decision).

Information shared with the Office of Student Counseling and Disability Services is confidential.

**Section 10.16 Sanctions for Violations of the Honor Code**

Instances of academic misconduct represent behavior that is of an especially serious nature. Sanctions assigned to instances of academic misconduct should convey the message that this type of behavior can serve as a destructive force within the academic community. However, a wide range of sanctions can be employed in order to strike an appropriate balance between sending a message of accountability and enhancing a violator’s moral and cognitive
development. While this list is not designed to be exhaustive, it demonstrates the wide range of sanctions that can be utilized to respond to findings of responsibility for academic misconduct.

Section 10.17 Grade Sanctions
Faculty alone are responsible for assigning grade penalties in their courses for violations of the Honor Code.

a) The following are possible sanctions for academic dishonesty within a single course. These are non-binding recommendations. Faculty retains the right to assign grade penalties as deemed appropriate for their course.

1. **1000 or 2000 level course** with a 1st violation, a grade penalty of an “F” or “0” on the assignment or exam, if faculty deems the violation a result of a misunderstanding of the requirements of proper documentation.

2. **1000 or 2000 level course** with a 1st violation, a grade penalty of an “F” in the course, if faculty deems the violation a result of a deliberate attempt to deceive and not a result of misunderstanding of proper documentation.

3. **1000 or 2000 level course** with a 2nd violation in the same course, grade penalty of an “F” in the course;

4. **3000 or 4000 or graduate level** course with a 1st violation, grade penalty of an “F” in the course.

b) If the faculty member determines that assigning a grade of “F” to the course is the appropriate penalty and this action is reported to the SCCE prior to the deadline for dropping courses in the stated semester, the student forfeits his/her right to drop the course in question.

Section 10.18 General Sanctions
A student may face general sanctions in addition to any grade penalty imposed by a faculty member. The Honor Council may make a request to the Provost that one of the following actions outlined below be taken. The Honor Council request must be made within ten (10) University business days of receiving the faculty member’s report. The Provost will notify the student within ten (10) University business days of receiving the request of the Honor Council.

a) Any undergraduate student in any level course who is reported for a 2nd offense will automatically have his/her case reviewed by the Honor Council for possible assessment of additional sanctions, regardless of whether the student appeals the accusation of plagiarism/cheating or not. In all cases in which there are multiple reports against an individual student, the Honor Council will initiate a new complaint/report, for which said student will have the same rights of appeal as in any other reported academic violation.

b) Any graduate student who is reported for a 1st offense will automatically have his/her case reviewed by the Honor Council for possible assessment of additional sanctions, regardless of whether the student appeals the accusation of plagiarism/cheating or not. In all cases in which there is a report against an individual graduate student, the Honor Council will initiate a new complaint/report, for which said graduate student will have the same rights of appeal as in any other reported academic violation.
c) For a student in a 1000 or 2000 level course with a 2nd violation or a 2nd offense in the same semester, the standard sanction shall be the grade penalty of an “F” in the course and the student may face suspension for one long semester (fall or spring).

d) For a student in a 3000 or 4000 level course with a 2nd violation or a 2nd offense in the same semester, the standard sanction shall be the grade penalty of an “F” in the course and the student will be suspended one academic year (including summer).

e) For a graduate student with a 1st violation, the standard sanction shall be the grade penalty of an “F” in the course and suspension for one academic year (including summer). (Refer to the Graduate Handbook).

f) For a student with violations beyond those stipulated in points c-e above, the standard sanction shall be the grade penalty of an “F” in the course and expulsion from the University.

The recommendations below are additional potential sanctions that a student found responsible for academic dishonesty may face.

a) Recommendation to the Provost for expulsion of the student from the specific program of study or from the University.

b) Recommendation to the Provost for Honor Code suspension of the student from the specific program of study or from the University.

c) Probation for Academic Dishonesty with a statement of the consequences for additional infractions and a description of the conditions, which must be met to end probationary status.

d) Required completion of an appropriate training or remediation program, whether or not probationary status is imposed.

e) Other sanctions as deemed necessary (see Student Handbook).

A student who is on “Honor Code Probation” is subject to the following restrictions:

a) Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed position within the University.

b) Ineligibility to compete in intercollegiate athletic activity.

c) Ineligibility to represent the University in any capacity, including representing the University at any official function.

d) Ineligibility to receive a University-administered scholarship or fellowship when the “Honor Code Probation” is in place for longer than one semester.

Additional restrictions or conditions also may be imposed, depending on the timing, nature and severity of the misconduct. Examples are inability to pre-register, to receive an official transcript, or to participate in commencement exercises.

The Honor Council will disclose the student’s academic misconduct outcome to persons who meet the definition of a school official who has a legitimate educational interest in the record and/or who are performing a task that is specific to the sanction imposed.

**Section 10.19 Appeal Process**

A student who is found responsible for an Honor Code violation, assessed a sanction, and has yet to appeal, has ten (10) University business days from the date of notification of the sanction to
file an appeal of the findings. The appeal must be stated in writing and addressed to the chair of the Honor Council in care of the SCCE. The chair will determine if the appeal merits a hearing.

Section 10.20  Appeals of Faculty Findings
Faculty alone are responsible for assigning grade penalties in their courses for violations of the Honor Code. A student’s appeal of a faculty member’s charge of academic dishonesty must be based on one of the following reasons:

a) **Insufficient or misinterpreted evidence** that led to the initial finding of the violation of the Honor Code.

b) **Substantial new evidence** not available at the time of the original faculty decision. In this case, the Honor Council will consider new information that is sufficient to alter a decision or other relevant facts not known to the person appealing at the time of the original hearing.

Section 10.21  Honor Council Findings
The Honor Council will hear the appeal and assess a finding of “responsible” or “not responsible” of academic misconduct. The Honor Council will notify the student, the faculty member, the chair of the department, the dean and the Provost of its findings. If the Honor Council assesses a finding of “responsible,” the student may appeal following the appeal process defined in Section 10.22.

The Honor Council will disclose the student’s academic misconduct outcome to persons who meet the definition of a school official who has a legitimate educational interest in the record and/or who are performing a task that is specific to the sanction imposed.

Should such an appeal be successful, the faculty member may assess the Honor Council’s findings and recommendations. If the faculty member declines the recommendation of the Honor Council and refuses to change the grade, the student may appeal to the chair of the department to initiate the Grade Appeal Process.

Section 10.22  Appeal to Provost of Honor Council Decisions
In the event that the Honor Council upholds the faculty member’s original charge, a request for appeal may be made in writing to the Provost. The request must be submitted within ten (10) University business days after notification of the Honor Council’s decision.

There are four bases of appeal:

a) **Substantial new evidence** not available at the time of the original Honor Council hearing. The Provost will consider new information that is sufficient to alter a decision or other relevant facts not known to the person appealing at the time of the original hearing.

b) **Procedural irregularities**: The Provost will determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with
prescribed procedures giving the accused student a reasonable opportunity to prepare and present rebuttal of allegations.

c) **The sanction is not commensurate with the violation:** The Provost will determine whether the sanction(s) imposed were appropriate for the violation of the Honor Code, which the student was found to have committed.

d) **The finding of responsibility is inconsistent with the facts presented in the hearing:** The Provost will determine whether the decision reached regarding the accused student was based on a preponderance of evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Honor Code occurred.

After receiving the written request for an appeal, the Provost and/or his/her designee may:

1) **Deny** the request for an appeal and the Honor Council decision will be final.
2) **Accept** the appeal and ask the Honor Council to reconvene and hear the case again with the new information.

**Section 10.23 Appeal of Sanctions other than Separation from the University**

If the Provost and/or his/her designee finds that there is adequate basis for an appeal:

a) The Chair of the Honor Council will call a special hearing to review the resubmission of appeal.

b) The Appeals Panel shall consist of at least three (3) members who did not serve on the original case hearing panel, which made the original recommendation.

c) The Appeals Panel will hear the appeal and make a recommendation to the Provost within ten (10) University business days of the student’s notification of appeal.

d) The Provost’s decisions are final.

**Section 10.24 Appeal of Separation from the University**

A student who has been assessed by the Provost on a recommendation by the Honor Council of a sanction of expulsion, dismissal, or suspension from the University has ten (10) University business days upon receiving notification of separation from the University to appeal sanction.

a) The appeal must be made in writing to the Provost.

b) The decision of the Provost is final.

**Section 10.25 Case Information and Confidentiality Procedures**

Members of the Honor Council may provide each other, the faculty, the staff, and the students involved in a particular case, or outside parties connected to the situation, with information as is necessary to protect the health, safety, and privacy of the student or other persons. They may also provide the same constituencies with information to generate a course of action in accordance with applicable legal and professional standards of confidentiality. These standards include the release of information pursuant to the Texas Open Records Act and Access to Student Records Pursuant to the Family Educational Rights and Privacy Act and Privacy Act of 1974.

The Honor Council will disclose the student’s academic misconduct outcome to persons who meet the definition of a school official who has a legitimate educational interest in the record and/or who are performing a task that is specific to the sanction imposed.
Section 10.26  Records Retention

a) All case files are held by the SCCE.
   1) If a student wants to review his/her file, a written notice is required.
   2) Student may review file only in the presence of a member of the SCCE.

b) For the benefit of the Honor Council, a set of records of all prior meetings will be kept by the SCCE.

c) Student records will be retained as required by the TAMUS Records Retention Schedule.

The Division of Student Success and SCCE uphold the Family Educational Rights and Privacy Act in all matters.

For more information about the Honor Council Procedures, please visit the following website: https://www.tamiu.edu/senate/handbook.shtml

Article 11.  SEXUAL MISCONDUCT, SEXUAL HARASSMENT AND PROTECTED CLASS DISCRIMINATION AND HARASSMENT PROCEEDINGS

TAMIU provides equal opportunity to all employees, students, applicants for employment, and the public based on race, ethnicity, color, national origin, religion, age, sex, pregnancy, childbirth, or related medical conditions, sexual orientation, genetic information, disability, or veteran status in admissions, educational programs, or employment of faculty, administration, and staff. Conduct constituting sexual misconduct, sexual harassment, related retaliation and protected class discrimination is strictly prohibited and will result in appropriate sanctions.

Students wishing to file a complaint alleging sexual misconduct, sexual harassment, related retaliation and protected class discrimination should follow the outlined proceedings, which supplement TAMIU Rule 08.01.01.L1 procedures.

For the purposes of this code, the term “survivor” shall mean any individual to whom an alleged sexual misconduct, harassment, and/or discrimination of protected class was directed regardless of whether there has been a finding of responsibility for the accused student(s) allegedly involved.

Section 11.01  Sexual Misconduct Violations
Texas A&M International University prohibits the following conduct, as well as attempts to commit and aiding, abetting or inciting others to commit the following acts:

a) Non-consensual Sexual Abuse: Any sexual intercourse, however slight, with any object, by any person upon another person that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

b) Non-consensual Sexual Contact: Any intentional sexual touching, however slight, with any object, by any person upon another person that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or
themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

c) Sexual Exploitation: Occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include:
   1) Exposing one’s genitals and/or breast in non-consensual circumstances or inducing someone to expose their genitals and/or breast.
   2) Observing or taking a photograph of another person’s intimate parts without that person’s consent, in a situation where the person observed or photographed has a reasonable expectation of privacy, for the purpose of the observer’s own sexual gratification or the gratification of another. “Photograph” includes a photograph, motion picture, videotape, live feed, print, negative, slide, social media or other mechanically, electronically, digitally, or chemically produced or reproduced visual material.
   3) Non-consensual visual or audio recording of sexual activity.

d) Sexual Harassment: Interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, living conditions, and/or educational evaluation;
   b. Submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or,
   c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or educational environment. Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive. The determination of whether an environment is “hostile” is a fact specific inquiry based upon subjective and objective factors of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. A single instance of sexual assault can constitute a hostile environment.

Section 11.02 Survivor’s On and Off Campus Resources

If a student or an acquaintance is a survivor of an act of sexual misconduct the following may serve as a resource for receiving and connecting to services.

Get to a safe place – the survivor should seek a safe location such as apartment/home, residence hall, or the residence of a trusted friend or relative.

Contact 911 - In addition, the survivor may choose to file a report with the University Police
Department. The University Police Department is located at Killam Library, suite 005, their phone number is (956) 326-2100. The police may conduct an investigation based on potential criminal activity related to the situation you reported, but please be aware that a police investigation is not the same as an investigation through the Office of Student Affairs. You may also choose to initiate an independent legal action for damages against the accused. You will need to obtain legal counsel for this action.

Get medical attention as soon as possible – The survivor’s health and safety is the most important. A doctor or nurse can check for injuries that may no be visible and can treat you for possible sexually transmitted infections. Hospital staff may also perform a sexual assault exam to collect evidence. This exam can be completed even if you choose not to involve the police and file a report at this time. The survivor may also elect to go to the survivor’s own family care physician for medical assessment and treatment. Medical professionals are not required to call law enforcement because an adult patient they are treating has been sexually assaulted (if the victim is a minor they will have to call the police).

Preserve Evidence – If the survivor thinks s/he might want to have a sexual assault examination, the survivor should do its best to preserve evidence. Do no shower, bathe, eat, drink, wash your hands, or brush your teeth until after the exam. If the survivor believes s/he was drugged, the survivor should wait to urinate until arriving at the hospital. However, if the survivor cannot wait to collect his/her first urine at a local medical facility, the survivor should collect urine in a clean container with a lid and take it to the emergency room or police station.

Write it Down - The survivor should try to write down as much information about the circumstance of the incident including a description of the respondent.

Seek free, confidential counseling at Student Counseling Services located in the Senator Judith Zaffirni Student Success Center, suite, 138 at 956-326-2230.

Utilize Campus Resources – You may visit Student Health Services located in Student Center, suite 125 or by calling (956) 326-2235. The Office of Student Affairs may also be able to connect you to additional services available.

Notify the Office of the VP of Student Affairs – Once a student notifies the Office of the VP of Student Affairs information will be shared and victims will be assisted in connecting to on and off campus resources and navigating through various processes. If the alleged respondent is a member of the University community the Office of Student Affairs will initiate an investigation to ensure the action stops and the safety of the University community is maintained. The victim will be informed of the outcome.

Protective Orders - In addition to the option of pressing criminal charges against a respondent, the survivor may apply for a legal order of protection from a court. A protective order protects victims of dating violence by ordering the respondent not to commit further acts of violence against the survivor; not to harass, threaten, annoy, alarm, abuse, torment, or embarrass the survivor; not to communicate with the survivor in a threatening or harassing manner; and to stay away from the survivor’s residence, work, or school.
An application for a protective order is free. If the survivor is 18 years old or older, the survivor can seek a protective order for himself or herself. If the survivor is under 18, the survivor can have any adult apply for one on their behalf. To apply for a protective order for dating violence, the respondent must be someone s/he are dating, or someone s/he used to date; and s/he must have physically harmed the survivor, or attempted or threatened to physically harm the survivor. The application for a protective order must be filed in the county in which the survivor or the respondent lives. The court will grant a protective order once the survivor proves that dating violence has occurred and that it is likely to occur again.

Should the survivor choose to seek out a protective order the survivor may apply for one through the Domestic Violence Unit at the Webb-Zapata County District Attorney at 956-523-4900.

The survivor may also wish to consult the services contained below:

**Shelters:**
Casa de Misericordia Shelter..........................956-712-9590
Emergency Runaway Shelter (SCAN)..................956-725-7211/724-3177

**TAMIU Services**
Student Counseling Services ..................................956-326-2230
Student Health Services ....................................956-326-2235
24 hour on-campus service (UPD) ......................956-326-2911

**Social Service Organizations**
Casa de Misericordia (Non-Residential Services)
( Domestic Violence Information and Guidance)........956-712-9590
Family Counseling & Social Services .....................956-724-3604
Abuse of Elderly or Disabled Adults......................956-725-5195
Child Protective Services..................................956-728-7383
SCAN..............................................................956-724-3177
South Texas Council on Alcoholism & Drug Abuse.....956-791-6131
Salvation Army..................................................956-723-4133
Suicide Crisis Hotline ........................................956-722-5433
Laredo State Center (MHMR)...............................956-723-2926

**Local Legal Assistance**
District Attorney’s Office
( Protective Orders & Domestic Violence Unit) ..............956-523-4900
Texas Rio Grande Legal Aid........................................956-722-7581
Laredo Law Center
( Legal Services for Low Income Applicants for divorce)........1-800-840-3379

**Mercy Ministries of Laredo**
Sister Rosemary Welch, R.S.M., R.N.
Director of Outreach Service................................956-721-7402
Crime Victims
Laredo Police Investigator Michelle Hinojosa ........................................... 956-795-3160
National Domestic Violence Hotline ....................................................... 1-800-799-SAFE

Hearing Impaired .......................................................... 1-800-787-3224
Family Violence Legal Line ............................................................... 1-800-374-HOPE
Family Law Hotline .............................................................. 1-800-777-FAIR

512-476-1866

Sexual Assault Legal Hotline ......................................................... 1-888-296-SAFE
If the survivor needs additional support during this time in the form of counseling support,
alternative on-campus housing options, or academic accommodations, please contact the Office
of Student Affairs at 956-326-2282 so that a staff member may work with survivor in a timely
way to provide assistance.

Section 11.03 Privacy and Confidential Provision
TAMIU encourages survivors of sexual violence to talk to somebody about what happened – so
survivors can get the support they need, and so the University can respond appropriately.

Employees on campus have different abilities to maintain a survivor’s confidentiality and
privacy. Some are required to maintain near complete confidentiality; talking to them is
sometimes called a “privileged communication.”

Other employees may talk to a survivor in confidence, and generally only report to the
University that an incident occurred without revealing any personally identifying information.
Disclosures to these employees will not trigger a University investigation into an incident against
the survivor’s wishes.

Thirdly, some employees are required to report all the details of an incident (including the
identities of both the victim and alleged respondent) to the Title IX Coordinator or Deputy
Coordinator. A report to these employees (called “responsible employees”) constitutes a report to
the University – and generally obligates the University to investigate the incident and take
appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential
disclosure options available to them – so they can make informed choices about where to turn
should they become a victim of sexual violence. The University encourages survivors to talk to
someone identified in one or more of these groups:
   a) Privileged Communication: Professional Counselors
      1) Professional, licensed counselors who provide mental-health counseling to
         members of the University community (and including those who act in that role
         under the supervision of a licensed counselor) are not required to report any
         information about an incident to the Title IX coordinator without a survivor’s
         permission.
2) You may seek professional counseling services at Student Counseling and Disabilities Services, located in the Zaffirini Student Success Center 138, or call (956) 326-2230 to schedule an appointment and obtain more information.

3) **A survivor who speaks to a professional counselor must understand that, if the survivor wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.**

4) While professional counselors may maintain a survivor’s confidentiality, they may have reporting or other obligations under state and Federal law (e.g., mandatory reporting to law enforcement of incident involving minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.)

5) If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community the University Police Department will issue a timely warning the community. Any such warning will not include any information that identifies the survivor.

b) Reporting to “Responsible Employees”

1. A “responsible employee” refers to all University employees (e.g., full-time, part-time, contractual, etc.) as defined in TAMIU Rule 08.01.01.L1.

2. A “responsible employee” is a University employee who has the duty to report incidents of sexual violence or other student misconduct, or whom a student could reasonably believe has this authority or duty.

3. When a survivor tells a “responsible employee” about an incident of sexual violence, the survivor has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

4. A “responsible employee” must report the facts related to the incident to the Associate Vice President of Student Affairs/Title IX Deputy Coordinator all relevant details about the alleged sexual violence shared by the survivor – including the names of the survivor and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

5. Information reported to a “responsible employee” who involves a student, whether it’s as a survivor or accused, will be shared with the Associate Vice President of Student Affairs/Title IX Deputy Coordinator. Before a survivor reveals any information to a “responsible employee,” the employee should ensure that the survivor understands the employee’s reporting obligations – and, if the survivor wants to maintain confidentiality, direct the survivor to confidential resources.

6. If the survivor wants to tell the “responsible employee” what happened but also maintain privacy, the “responsible employee” should tell the survivor that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Associate Vice President for Student Affairs/Title IX Deputy Coordinator, the “responsible employee” will also inform the Associate Vice President for Student Affairs/Title IX Deputy Coordinator of the survivor’s request for privacy.
7. “Responsible employees” will not pressure a survivor to request privacy, but will honor and support the survivor’s wishes. By the same token, “responsible employees” will not pressure a survivor to make a full report if the survivor is not ready to.
8. “Responsible employees” are to cooperate fully with those performing an investigation pursuant to TAMIU Rule 08.01.01.L1.

c) Request for Privacy: How the University will weigh the Request and Respond
1. If a survivor discloses an incident to a “responsible employee” but wishes to maintain privacy or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will weigh the request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the survivor.
2. If the University honors the request for privacy, a survivor must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged respondent(s) may be limited.
3. There are times when the University may not be able to honor a survivor’s request in order to provide a safe, non-discriminatory environment for all students.
4. The University has designated the following individual(s) to evaluate requests for privacy once a “responsible employee” is on notice of alleged sexual assault:
   a) Title IX Coordinator (Ms. Sandra Pena, HR Director)
   b) Title IX Deputy Coordinator (Mr. Jerry Alva, Associate VP for Student Affairs)
   c) Title IX Deputy Coordinator (Dr. Kevin Lindberg, Associate Provost)
5. When weighing a survivor’s request for privacy or that no investigation or discipline be pursued, such individuals will consider a range of factors, including the following:
   a) The increased risk that the alleged respondent(s) will commit additional acts of sexual abuse or other violations.
   b) Whether there have been other sexual violence complaints about the same alleged respondent.
   c) Whether the alleged respondent(s) has a history of arrests or records from a prior school indicating a history of violence.
   d) Whether the alleged respondent(s) threatened further sexual violence or other violence against the survivor or others.
   e) Whether multiple respondent(s) committed the sexual violence.
   f) Whether the sexual violence was perpetrated with a weapon.
   g) Whether the survivor is a minor.
   h) Whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence, University Police Department reports).
   i) Whether the survivor’s report reveals a pattern of behavior (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
6. The presence of one or more of these factors will lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the survivor’s request for privacy.
7. If it is determined that the survivor’s privacy cannot be maintained, the survivor will be notified in writing prior to starting an investigation and will, to the extent possible, only share information with staff responsible for coordinating or conducting the investigation.

8. The University will remain ever mindful of the survivor’s well-being, and will provide information on how the survivor can take steps to prevent retaliation or harm. Retaliation against the survivor, whether by students or University employees, will not be tolerated.

Section 11.04 The Survivor’s Rights
Texas A&M International University will work diligently to provide the following.

a) Provide the survivor with information related to victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus.

b) Inform the survivor of the right to report a crime to campus or local law enforcement – and provide the survivor with assistance if the survivor wishes to do so.

c) The survivor is not required to participate in any University investigation or disciplinary proceeding.

d) The survivor shall not be required to attend the student conduct conference.

e) The survivor shall have the opportunity to submit an impact statement detailing the alleged consequences suffered by the survivor.

f) The survivor has the right to be assisted by an advisor s/he chooses, at his/her own expense.

g) Attorneys, counselors, and advisors are not permitted to represent any student at an administrative conference. However, an advisor may be present but may not speak at an administrative conference. A request for an advisor to be present must be done so in writing a minimum of three (3) days before the scheduled administrative conference.

h) Students who are charged in the same fact pattern, or who are not in good standing with the University, are not eligible to serve as an advisor at administrative conferences.

i) The survivor is responsible for presenting his/her own information. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the administrative conference. Administrative conferences will not typically be delayed due to scheduling conflicts of an advisor. There is no restriction on who a student may consult or seek advice from; the restriction pertains to the administrative conference only.

j) The survivor shall have the opportunity to request immediate on-campus housing relocation (based on available space), transfer of classes or other steps to prevent unnecessary or unwanted contact or proximity to the accused student, when such contact is likely to place the survivor in danger of bodily injury and/or cause the survivor severe emotional distress.

k) The survivor, or surviving family member if the survivor dies as a result of the alleged misconduct, shall be informed of the outcome of the administrative conference.
l) The proceedings and outcome of all administrative conferences are considered confidential information in accordance with the Family Educational Rights and Privacy Act of 1974. Such information should not be otherwise re-disclosed. (DCL page 14)
m) The survivor shall have the right to not have her/his past behavioral history discussed during the student conduct conference. The Associate Vice President for Student Affairs/Title IX Deputy Coordinator or designee shall determine questions of relevancy.
n) In administrative conferences which may result in a University mandated separation from the University for the accused student, there shall be a single verbatim record, such as a tape or digital recording, of all administrative conferences before a Student Conduct Administrator. Deliberations shall not be recorded. The record shall be the property of the University.

Section 11.05 University Title IX Coordinator and Deputy Coordinator
The Employee Relations, Institutional Equity and Title IX Coordinator shall be the contact person for oversight of TAMIU’s civil rights programs and shall be the designated Title IX Coordinator. The Title IX Coordinator shall be the contact person for sexual harassment and discrimination complaints filed against a non-faculty employee or for such complaints filed by third party.
Ms. Sandra Pena, 956-326-2365 or sandra@tamiu.edu

The Associate Vice President for Student Affairs shall be the designated deputy coordinator and shall be the contact person for incidents involving a student.
Mr. Jerry Alva, 956-326-2282 or gerardo.alva@tamiu.edu

The Associate Provost shall be the designated deputy coordinator for sexual harassment and discrimination complaints filed against faculty members and graduate assistants teaching and research.
Dr. Kevin Lindberg, 956-326-2601 or klindberg@tamiu.edu

Section 11.06 Protected Class Discrimination and Harassment Provision
TAMIU prohibits discrimination and harassment based on membership in a Protected Class, including intimate partner abuse and stalking which are considered sex or gender discrimination.

Protected Classes are: Class based on race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, pregnancy, and veteran status.

1. Discrimination: Occurs when an individual suffers an adverse consequence, such as failure to be hired or promoted, denial of admission to an academic program, etc., on the basis of her/his Protected Class.
2. Harassment: Verbal or physical conduct based upon an individual’s Protected Class that unreasonably interferes with that individual’s work or academic performance or creates an intimidating or hostile work or educational environment. This includes cyber bullying which means the use of electronic media to intimidate or threaten an individual.
3. **Hostile Environment:** Unwelcome conduct by an individual(s) against another individual based on her/his Protected Class that is sufficiently severe, pervasive or persistent that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents, unless extremely serious, will not amount to hostile environment harassment.

4. **Intimate partner abuse:** Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a sexual or dating relationship. This includes threats, assault, property damage, and violence or threat of violence to one’s self or to the family members of the sexual or romantic partner when used as a method of coercion, control, punishment, intimidation or revenge. The existence of the relationship is determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationships. For criminal proceeding, the following are applicable definitions.

   a. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of the relationship is determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationships.

   b. **Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former souse of intimate partner of the victim, by a person whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence law applicable in Texas, or by any other person against an adult or youth victim who is protected from the persons acts laws applicable in Texas.

6) **Stalking, gender-based:** stalking is a course of conduct directed at a specific person that would cause a reasonable person to have fear. Course of conduct is defined as “as a pattern composed of more than one act over a period of time, however short, evidencing a continuity of conduct.” Stalking behavior includes, but is not limited to, any of the following.

   a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.

   b. Use of online, electronic, or digital technologies, including:

      i. Posting of pictures or information in chat rooms or on Web sites
      ii. Sending unwanted/unsolicited email or talk requests
      iii. Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
      iv. Installing spyware on a survivor’s computer
      v. Using Global Positioning Systems (GPS) to monitor a victim
c. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the survivor

d. Surveillance or other types of observation, including staring or “peeping”
e. Trespassing
f. Vandalism
g. Non-consensual touching
h. Direct verbal or physical threats
i. Gathering information about an individual from friends, family, and/or co-workers
j. Threats to harm self or others
k. Defamation – lying to others about the victim
l. When stalking is gender based, it is considered Protected Class harassment.

7) Retaliation: Any adverse action taken by a member of the University community against any individual on the basis of a report made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by the University.

8) Intimidation – Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

Section 11.07 Consent Definition

Consent for sexual activity is clear, knowing, and voluntary words, which create mutually understandable, clear permission regarding willingness to engage in, and the conditions of, sexual activity. Consent must be active; silence by itself cannot be interpreted as consent.

1. Consent is not effectively given if it results from the use of force, including threats, intimidation or coercion.
2. Force is the use of physical violence or imposing on someone physically to gain sexual access.
3. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given. For example, threats to kill the survivor, themselves, or to harm someone survivor cares for constitute a threat(s).
4. Intimidation occurs when someone uses his or her physical presence to menace a survivor, although no physical contact occurs, or where knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places the survivor in fear as an implied threat.
5. Coercion is unreasonable pressure for sexual activity. Coercion differs from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, and other factors such as isolation. When someone makes it clear that they do not want sex, do not want to go past a certain point, or want it to stop, continued pressure beyond that point can be coercive.
6. Engaging in sexual activity with a person, who the respondent knows to be mentally or physical incapacitated, or reasonably should know to be incapacitated, violates this rule.
7. Incapacitation may result from alcohol or other drug use, unconsciousness or blackout, or other factors. Incapacitation is a state where a person cannot make a rational, reasonable
decision because they lack the capacity to give knowing consent (to understand the who, what, when, where, why or how of sexual interaction.) Incapacity can also result from illness, sleep, mental disability, and other circumstances.

8. Giving incapacitating or “rape” drugs, such as Rohypnol, Ketamine, GHB, and Scopolamine/Burundanga to another person is a violation of the Student Code of Conduct.

9. Additional rules regarding consent.
   a. Consent will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standards is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another.
   b. A person who does not want to consent to sex is not required to resist.
   c. Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.
   d. Silence, previous sexual relationships, or the existence of a current relationship do not imply consent. Consent cannot be implied by attire or inferred from the giving or acceptance of gifts, money or other items.
   e. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent.
   f. A respondent’s intentional use of alcohol/drugs will not function as a defense to a possible violation of this rule.
   g. In order to give effective consent, the person giving consent must be of legal age.

Section 11.08 Investigation Proceeding for Resolving Complaints or Reports of Sexual Misconduct, Sexual Harassment, and Protected Class Discrimination and Harassment

TAMIU does not tolerate, and will be responsive to any reports of, sexual misconduct, sexual harassment, and other forms of protected class discrimination and harassment, and is committed to providing a prompt and equitable resolution of complaints.

The primary concern of TAMIU is student safety. To facilitate reporting, minor infractions by the complainant will be addressed informally whenever possible.

As defined in Sect. 8.04 (Good Cause Provision), the survivor of an alleged act of misconduct due to “sexual misconduct/sexual harassment/class protected discrimination/harassment” may be unwilling to serve as the complainant. In such circumstances, if the Associate Vice President of Student Affairs and/or designee believe there is good cause for charges to be brought against the respondent in the interest of the University community, the Associate Vice President of Student Affairs and/or designee may proceed with complaint.

The following outline the investigative proceeding that will be followed by TAMIU.
1. The Associate Vice President of Student Affairs (AVPSA)/Title IX Deputy Coordinator shall resolve these reports or complaints equitably and as promptly as practicable after the report or complaint is made. Options include but are not limited to:
   a) Investigating the report or complaint as described below;
   b) With the agreement of the parties, attempting to resolve the report or complaint through an informal resolution process such as mediation or a meeting between the alleged offender and a student conduct officer or a third party (mediation will not be used in cases involving allegations of sexual abuse);
   c) Determining that the facts of the complaint or report, even if true, would not constitute a violation of the student code of conduct or applicable policy.

If the AVPSA/Title IX Deputy Coordinator determines that the facts contained in a complaint are insufficient without further fact gathering an investigation will be performed. In all instances of alleged sexual abuse, an investigation will be required, for all investigation the following procedures will be followed.

1. Within 5 University business days of receiving the complaint, the Associate Vice President of Student Affairs (AVPSA)/Title IX Deputy Coordinator shall perform all the following procedures.
   a) Notify—and forward copies of the complaint as appropriate to University officials.
   b) Assign an investigative authority, to convene with him/her to help strategize the investigative methodology and timelines. The investigative authority will be assigned based on status of the alleged respondent (e.g., if alleged respondent is a student, the investigative authority may be a trained member of the division of Student Success; if alleged respondent is a faculty member, the investigative authority may be a trained faculty member; if alleged respondent is a staff member, the investigative authority may be a trained staff member).

The term "investigative authority" means a trained investigator assigned to conduct a thorough, reliable, and impartial review and investigation of a complaint, under the oversight and guidance of the Title IX Coordinator/Deputy Coordinator.

2. Once the investigative authority has been assigned, the investigative authority has 15 University business days to review and investigate the complaint by performing the following procedures.
   a) Gather relevant documents and physical evidence (if any), such as written statements or reports previously submitted by individuals involved.
   b) Interview the complaints, alleged respondent, and witnesses (as applicable). This may require re-interviewing all parties.
   c) Assess evidence and determine whether discrimination, sexual abuse, and/or related retaliation occurred.
   d) Ordinarily, investigations shall be concluded and investigative reports (also known as a Complainant Investigation Report) will be submitted to the AVPSA/Title IX Deputy Coordinator and/or administrative conference committee no later than 15 University business days following the receipt of a complaint.
   e) If unusual circumstances require additional time, extensions may be granted but
must not exceed an additional 15 University business days.

If an investigation is conducted, the investigative authority will send the respondent a notice of investigation which will include a description of the alleged complaint, the student code of conduct rules alleged to have been violated, and the requirement that the respondent must attend a scheduled meeting with the investigative authority within the time frame designated in the notice. The notice will be sent to the student’s University email address. In addition the investigative authority may choose to use alternative methods such as: mailing or permanent address appearing in the university’s student information system, to an address appearing in a police report, or may be hand delivered. Notice to the student will be considered furnished on the date of hand-delivery, on the date emailed, or three days after the date the notice is placed in U.S. mail. At the meeting, the respondent will have the opportunity to respond to the complaint(s). The complainant and the respondent shall have the right to present relevant information to the investigative authority, including identifying witnesses, to have an advisor present during the administrative conference, and to receive a copy of the investigator’s report at the conclusion of the investigation and appropriate review, to the extent permitted by law.

If the respondent does attend the scheduled meeting or attend a conference by the date specified in the notice of investigation, or if the respondent schedules a conference but does not attend or attends but does not participate, the investigative authority may complete the investigation based on the information obtained. The investigative authority may utilize police investigation reports or other documentation made available. The AVPSA/Title IX Deputy Coordinator and/or investigative authority will discuss campus support services available to the parties and will discuss with the survivor whether s/he resides in the same housing, has campus activities and/or classes with the respondent, and will take interim steps as needed to protect the complainant and the campus prior to the outcome of the investigation, including, but not limited to, class and campus housing moves, non-contact orders, and interim suspensions as he/she deems necessary and appropriate. The AVPSA/Title IX Deputy Coordinator or investigative authority will discuss the complainant his/her options for obtaining criminal or civil protection or restraining orders and for reporting to law enforcement.

4. The Title IX Coordinator shall be notified when an investigation occurs.

5. At the conclusion of an investigation, the investigator shall prepare a written report that will include a statement of factual findings and a determination as to whether or not there was a violation of the Student Conduct Code or University rules. The standard of proof shall be a preponderance of the information, as explained in Article 8 of the Student Conduct Code. The report shall be presented for review to the AVPSA/Title IX Deputy Coordinator and/or administrative conference committee.

6. The administrative conference committee shall consist of no less than two members of the Division of Student Success who have received appropriate training regarding implementation of this rule. Ordinarily the AVPSA/Title IX Deputy Coordinator will serve on the administrative conference committee.

7. The administrative conference committee may consult with System legal, request that further
investigation be done by the same or another investigative authority, or request that the investigation be conducted again by another investigative authority. The administrative conference committee may adopt the investigator’s report as its own or may prepare a separate report based on the findings of the investigation. The administrative conference committee may not, however, conduct a separate investigation.

8. At the conclusion of the investigation and upon a decision rendered by the administrative conference committee, the AVPSA/Title IX Deputy Coordinator shall provide a written outcome notice to the survivor and the respondent, concurrently.

9. In cases where the investigation results in a determination that the Student Code of Conduct or University rule has been violated and sanctions issued, the outcome notice will be forwarded to the SCCE director, to implement and manage sanctions.

10. In all cases, the AVPSA/Title IX Deputy Coordinator shall retain the investigator’s report and final sanction decision for a minimum of five years or for as long as determined by the A&M System Record Retention Policy.

11. All records, reports and investigations relating to sexual misconduct or protected class discrimination and harassment shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

12. Any student who provides false information to any university official during the investigation process may be charged with violating the Student Conduct Code and reported to the Office of Student Conduct and Community Engagement for adjudication.

Section 11.09 Appeals of Sexual Misconduct, Sexual Harassment, Protected Class Discrimination and Harassment
The decision as to which procedure to utilize for an appeal filed by the survivor or the respondent shall be made solely by the Vice President of Student Success and shall be based on the fact pattern of each particular case.

The survivor or the respondent may appeal a decision or sanction imposed by the administrative conference committee, to the Vice President of Student Success within five (5) University business days of the outcome notice. Such appeals must be submitted in writing. When an appeal has been filed, the Vice President of Student Success and or designee will determine whether the grounds for appeal merit a hearing.

The appeal must be based on one or more of the following:
1. A procedural error occurred during the process, which had a direct impact on the outcome.
2. New information has come to light, which has a direct impact on the outcome.
3. The sanction administered is unjustified in its severity or leniency.

After receiving the written request for an appeal, the Vice President of Student Success may:
1. Deny the request for an appeal and decision will be considered final.
2. Accept the appeal and re-open the investigation and/or reconvene the administrative conference committee. After the committee reviews the case at the request of the Vice President of Student Success, the matter shall be considered final and binding upon all involved.

3. **Section 11.10 Complaints by Affiliated University Entity**

   Sometimes a student works or study at the worksite or program of another organization affiliated with the university. When a violation is alleged by or against university students in those circumstances, the complaint shall be handled as provided in the affiliation agreement between the university and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the university may, in its discretion, choose to 1) Conduct its own investigation; 2) Conduct a joint investigation with the affiliated entity; 3) Defer to the findings of an investigation by the affiliated entity where the university has reviewed the investigation process and is satisfied that it was fairly conducted; or 4) Use the investigation and findings of the affiliated entity as a basis for further investigation.

**Section 11.11 Sanction Statement**

Any student found responsible for violating the provision on nonconsensual sexual abuse will likely receive a sanction of suspension or expulsion. Any student found responsible for violating the provision on nonconsensual sexual contact, sexual exploitation, sexual harassment or protected class discrimination or harassment will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous conduct code violations. The Associate Vice President for Student Affairs/Title IX Deputy Coordinator and/or designees reserves the right to broaden or lessen any range of recommended sanctions in the event of mitigating factors or egregiously offensive behavior.

**Section 11.12 Retaliation**

Parties who believe they have been retaliated against due to participating in the proceeding described above should notify the AVPSA/Title IX Deputy Coordinator. To be considered retaliation there must an **adverse action taken by a member of the University community against any individual on the basis of a report made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by the University.** A determination of whether an action is adverse is made on a case-by-case basis.

**Section 11.13 Prevention and Education**

TAMIU is dedicated to provide awareness and prevention through programming and training. The Green Dot Bystander training is designed to equip students with intervention techniques and respond in a moment on need. More, all incoming students are required to attend a one-hour workshop focused on sexual misconduct, sexual harassment, discrimination of a protected class and harassment during new student, transfer, study abroad and international orientation. The Division of Student Success is proactive throughout the academic year, and engages its students to participate in a variety of programs designed to educate on healthy and safe decision-making skills.
Section 11.14  Sanctions

Academic Sanctions: The Honor Council or the instructor may assign appropriate academic sanctions based upon the specifics of the incident. The provision will be clearly defined. Such academic requirements may include, but are not limited to, plagiarism coursework, educational workshop, etc.

Banishment from Campus: In addition to being suspended or expelled from the University, the student is banned from entering the grounds and/or facilities owned, operated and/or maintained by the University. Entrance onto campus or into those facilities/areas will be viewed as a violation of this sanction and the student will be confronted and charged accordingly for trespassing and failure to comply.

Campus Housing Probation: An official notice that the student’s conduct is in violation of residence hall rules, University Apartments rules and/or University rules and that more stringent student conduct sanctions, including removal from housing, may result if future violations occur.

Community/University Service: A student may be offered an opportunity to complete a specified number of hours of Community/University Service in lieu of other sanctions.

Conduct Probation: An official warning that the student’s conduct is in violation of Texas A&M International University Student Rules, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is deemed “not in good standing” with the University. This sanction includes the same restrictions listed in Deferred Suspension.

Conduct Review: An official warning that the student's conduct is in violation of TAMIU Student Rules, but is not sufficiently serious to warrant expulsion, dismissal, suspension, or conduct probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain “in good standing” with the University. If there is a finding of responsibility for subsequent violations of the student rules during this period of time, more severe sanctions will be administered.

Deferred Loss of Campus Housing Privilege: The sanction of Loss of Campus Housing Privilege may be placed in deferred status. If a student is found in violation of any University rule during the time of the deferred sanction, removal from housing takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation may also be taken.

Deferred Suspension: The sanction of Deferred Suspension may be placed in deferred status. If the student is found in violation of any University rule during the time of Deferred Suspension, the Suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a Deferred Suspension sanction is deemed “not in good standing” with the University. A student who is not in good standing is subject to the following restrictions:
a) Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed position within the University;

b) Ineligibility to compete in intercollegiate athletic activity;

c) Ineligibility to represent the University in any capacity, including representing the University at any official function;

d) Ineligibility to receive a University-administered scholarship or fellowship when the sanction is in place for longer than one semester.

**Dismissal:** Separation of the student from the University for an indefinite period of time. Readmission to the University may be possible in the future, but no specific time for a decision is established.

**Educational Requirements:** A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.

**Expulsion:** Permanent separation of the student from the University whereby the student is not eligible for readmission to this university.

**Grade penalty:** A penalty grade may be a reduced score or grade for the assignment or a reduced grade for the course.

**Honor Code Probation:** An official notice that the student’s academic conduct is in violation of TAMIU Student Rules, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on Honor Code probation is deemed “not in good standing” with the University. This sanction includes the following restrictions:
  a) Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed position within the University;
  b) Ineligibility to compete in intercollegiate athletic activity;
  c) Ineligibility to represent the University in any capacity, including representing the University at any official function;
  d) Ineligibility to receive a University-administered scholarship or fellowship when the sanction is in place for longer than one semester.

**Honor Code Suspension:** Separation of the student from the University for a definite period of time due to academic dishonesty. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case, and a decision regarding eligibility for readmission.

**Interim University or Housing Suspension:** In certain circumstances, the Vice President for Student Success, or a designee, may impose an interim University or housing suspension prior to the hearing. Interim suspension may be imposed only to:
  a) Ensure the safety and well-being of members of the University community or preservation of University property,
  b) Ensure the student’s own physical or emotional safety and well-being, or
c) Ensure the safety and well-being of University students and personnel, if the student poses a definite threat of disruption of or interference with the normal operations of the University. During the interim suspension, students shall be denied access to the University residential facilities and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Success, or designee, may determine to be appropriate.

**Letter of Enrollment Block:** A letter stating that the student may not reenter TAMIU without prior approval through the SCCE or Vice President for Student Success if enrollment has been blocked for a previous student conduct problem or for medical reasons.

**Letter of Reprimand:** A letter that makes a matter of record any incident that reflects unfavorably on the student or the university.

**Loss of Campus Housing Privilege:** Removal from University housing for disciplinary reasons.

**Loss of Parking Privileges on Campus:** Revocation of campus vehicle registration, and forfeiture of permit and all refund rights to said permit.

**Restitution:** A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

**Restrictions:** The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

**Suspension:** Separation of the student from the University for a definite period of time. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

**Warning:** Admonition of a student for actions unbecoming to the University community.

**Section 11.15 Disciplinary Hold**

A hold will be placed on a student's University record while one or more of the following are pending, disciplinary proceedings, expulsion, outstanding sanctions, dismissal, separation, suspension, campus banishment, deferred suspension, conduct probation, honor code review, and or interim suspension. Hold is placed on student data systems such as Banner. This hold will prevent the student from: 1) registering for future terms; 2) participating in drop/add; 3) receiving an academic transcript; and 4) receiving a diploma.
Handbook Subject to Change

Subject to Change and Recent Changes

Other Rules and Information
Attendance Rule (Revised Spring 2013)
Leave of Absences
Student Complaint Process
Freedom of Speech, Assembly, Expression and Demonstration
Drug-Free School and Communities Act (DFSCA) and Drug and Alcohol Abuse Prevention Regulations
Biennial Report

TAMIU Rules and Standard Administrative Procedure (SAP’s)

For more information about TAMIU Rules and SAP’s, see the following website:
http://www.tamiu.edu/compliance/

Drug and Alcohol Rule 34.02.01.L1
Sexual Harassment Rule 34.01.99.L1
Smoke-Free Campus Rule 34.05.99.L1
Student Travel Rule 13.04.99.L1
Use of Information Resources and Facilities Rule 29.01.99.L1
Alma Mater

A Song for Texas A&M International University

Near to Rio Grande’s waters, stately towers above the plain,
Stands our noble Alma Mater, wisdom raised for all to gain.

Binding nations, hearts and visions, aspirations ever new,
   Hail to Thee, our Alma Mater!
   Hail to Thee, dear TAMIU!

Here, ‘neath sun and gentle breezes, dove and deer lodge safely by,
May Thy children, safe in wisdom, flourish ever ‘neath Thy sky.
   Pledge we faith and homage ever, joined in our diversity,
   May time ne’er efface the memory of our University!

Binding nations, hearts and visions, aspirations ever new,

   Hail to Thee, our Alma Mater!
   Hail to Thee, dear TAMIU!

TAMIU Fight Song

Go! Dustdevils! South Texas shining pride.
   Go! Dustdevils, with spirit from inside!
      Fight! Fight! Fight!
Go! Dustdevils, we'll always stand by you.
Let’s go Dustdevils, the pride of TAMIU!
   Fight! Fight! Fight!
      T!...A!...M-I-U!
   TAMIU!
   Dustdevils!
   Go... Fight!