

2016-2017 Texas A&M International University



Student Handbook

Published by the Division of Student Success

Texas A&M International University is required to make available the following information to all current students. Please take a moment to read the following information. This Handbook contains numerous links to websites with information that may be useful in reading it. If any link does not function, please email Integrity@tamliu.edu for assistance.

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 Institutional Vision

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

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

Integrity – Model ethical standards of personal and professional behavior.

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

Excellence – Strive for the highest quality in all endeavors.

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!

DIVISION OF STUDENT SUCCESS

MISSION

The Division of Student Success is dedicated to cultivating 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 Name	Location	Contact Number
Office of Admissions	ZSC 129	(956) 326-2200
Office of Financial Aid	ZSC 214	(956) 326-2225
Office of Housing & Residence Life	RLC Club House	(956) 326-1300
Office of International Engagement	STC 124	(956) 326-2565
Office of Student Conduct & Community Engagement	STC 226	(956) 326-2265
Office of Student Counseling & Disability Services	ZSC 138	(956) 326-2230
Office of Student Orientation, Leadership & Engagement	STC 224	(956) 326-2280
Office of Recreational Sports	REC	(956) 326-2289
Office of Recruitment & School Relations	ZSC 130	(956) 326-2270
Office of Student Health Services	STC 125	(956) 326-2235
Office of the University Registrar	ZSC 121	(956) 326-2250

TABLE OF CONTENTS

ARTICLE 1. PURPOSE OF THE STUDENT HANDBOOK	8
ARTICLE 2. STUDENT RIGHTS AND RESPONSIBILITIES	8
<i>Section 2.01 Preamble</i>	8
<i>Section 2.02 The Texas A&M University System Policies</i>	9
<i>Section 2.03 Student Rights (System Policy 13.02)</i>	9
<i>Section 2.04 Students' Responsibilities (System Policy 13.02)</i>	10
<i>Section 2.05 Definitions</i>	10
<i>Section 2.06 Freedom of Access to Higher Education</i>	13
<i>Section 2.07 Freedom in the Class</i>	14
ARTICLE 3. GENERAL UNIVERSITY INFORMATION	14
<i>Section 3.01 Higher Education Opportunity Act of 2008 and Student Right-To-Know</i>	14
<i>Section 3.02 Faculty/Staff Contact Information</i>	14
<i>Section 3.03 Financial Obligations</i>	15
<i>Section 3.04 Behavioral Assessment Intervention Team (BAIT)</i>	15
<i>Section 3.05 Identification Cards</i>	15
<i>Section 3.06 Official University Notifications</i>	15
<i>Section 3.07 Emergency Notification</i>	16
<i>Section 3.08 Family Educational Rights and Privacy Act (FERPA)</i>	16
<i>Section 3.09 Copyright</i>	16
<i>Section 3.10 Hazing</i>	17
<i>Section 3.11 HIV/AIDS</i>	18
<i>Section 3.12 Solicitation</i>	18
<i>Section 3.13 Jeanne Clery Act and Campus Security Act</i>	19
<i>Section 3.14 Civil Rights Protections and Compliance</i>	19
<i>Section 3.15 Campus Sex Crimes Prevention Act</i>	20
<i>Section 3.16 Campus Parking and Non-Motorized Vehicles</i>	20
<i>Section 3.17 Pets</i>	21
<i>Section 3.18 Housing and Residence Life</i>	21
<i>Section 3.19 Student Organizations</i>	22
<i>Section 3.20 Life Threatening Behavior</i>	22
<i>Section 3.21 Risk, Fraud and Misconduct Hotline</i>	23
<i>Section 3.22 Student Complaint Process</i>	23
<i>Section 3.23 Freedom of Speech, Assembly, Expression and Demonstration</i>	23
<i>Section 3.24 Attendance Rule</i>	23
<i>Section 3.25 Student Leave of Absence</i>	24
ARTICLE 4. CLASSROOM BEHAVIOR & ACADEMIC DISPUTES	24

<i>Section 4.01</i>	<i>Classroom Behavior</i>	24
<i>Section 4.02</i>	<i>Disputes over Academic Matters</i>	25
<i>Section 4.03</i>	<i>Grievances Against Faculty</i>	27
<i>Section 4.04</i>	<i>Title IX Complaints in Classroom Behavior</i>	28
ARTICLE 5.	HONOR PLEDGE	28
ARTICLE 6.	THE STUDENT CODE OF CONDUCT AND STANDARDS	29
<i>Section 6.01</i>	<i>Philosophy Statement</i>	29
<i>Section 6.02</i>	<i>Student Conduct Authority</i>	29
<i>Section 6.03</i>	<i>Jurisdiction of the Student Code of Conduct</i>	30
<i>Section 6.04</i>	<i>The Standards of Conduct</i>	30
<i>Section 6.05</i>	<i>Prohibited Behavior</i>	30
ARTICLE 7.	ACADEMIC CONDUCT	38
<i>Section 7.01</i>	<i>Violations of Academic Conduct</i>	38
ARTICLE 8.	STUDENT CONDUCT DISCIPLINARY PROCEDURES	40
<i>Section 8.01</i>	<i>Right to File Grievance Against Students</i>	40
<i>Section 8.02</i>	<i>Process</i>	40
<i>Section 8.03</i>	<i>Standard of Proof: Preponderance of the Evidence</i>	41
<i>Section 8.04</i>	<i>Bystander Provision</i>	41
<i>Section 8.05</i>	<i>Good Cause Provision</i>	41
<i>Section 8.06</i>	<i>Good Samaritan Provision</i>	41
<i>Section 8.07</i>	<i>No Contact Orders (No Communication Order)</i>	42
<i>Section 8.08</i>	<i>Title IX Complaints and Disciplinary Procedures</i>	42
ARTICLE 9.	DISCIPLINARY PROCEEDINGS	42
<i>Section 9.01</i>	<i>Investigation Process</i>	43
<i>Section 9.02</i>	<i>Student Conduct Proceedings</i>	43
<i>Section 9.03</i>	<i>Administrative Hearings</i>	45
<i>Section 9.04</i>	<i>Disciplinary Appeals (non-academic)</i>	45
<i>Section 9.05</i>	<i>Disciplinary Sanction Review Request</i>	46
<i>Section 9.06</i>	<i>Title IX Disciplinary Proceedings</i>	47
ARTICLE 10.	ACADEMIC CONDUCT PROCEEDINGS	48
<i>Section 10.01</i>	<i>Honor Council Mission Statement</i>	48
<i>Section 10.02</i>	<i>Essential Functions of the Honor Council</i>	48
<i>Section 10.03</i>	<i>Membership of the Honor Council</i>	48
<i>Section 10.04</i>	<i>Responsibility of Honor Council</i>	49
<i>Section 10.05</i>	<i>The Role of the Chair and Vice-Chair</i>	50
<i>Section 10.06</i>	<i>The Role of the Office of SCCE</i>	50
<i>Section 10.07</i>	<i>Faculty, Administrators and Staff Reporting of Honor Code Violations</i>	51
<i>Section 10.08</i>	<i>Responsibilities of Faculty</i>	51
<i>Section 10.09</i>	<i>Responsibility of Academic Administrators and Staff</i>	51
<i>Section 10.10</i>	<i>Student Reporting Options</i>	52
<i>Section 10.11</i>	<i>Student Reporting Formats</i>	52
<i>Section 10.12</i>	<i>The SCCE Process</i>	53

<i>Section 10.13</i>	<i>Student Advisor</i>	53
<i>Section 10.14</i>	<i>Academic Misconduct Process</i>	54
<i>Section 10.15</i>	<i>Sanctions for Violations of the Honor Code</i>	56
<i>Section 10.16</i>	<i>Grade Sanctions</i>	56
<i>Section 10.17</i>	<i>General Sanctions</i>	57
<i>Section 10.18</i>	<i>Appeal Process</i>	58
<i>Section 10.19</i>	<i>Appeals of Faculty Findings</i>	58
<i>Section 10.20</i>	<i>Honor Council Findings</i>	59
<i>Section 10.21</i>	<i>Appeal to Provost of Honor Council Decisions</i>	59
<i>Section 10.22</i>	<i>Appeal of Sanctions other than Separation from the University</i>	60
<i>Section 10.23</i>	<i>Appeal of Separation from the University</i>	60
ARTICLE 11.	SANCTIONS	60
ARTICLE 12.	DISCLAIMERS	63
<i>Section 12.01</i>	<i>Disciplinary Hold</i>	63
<i>Section 12.02</i>	<i>Handbook Subject to Change</i>	63
<i>Section 12.03</i>	<i>Case Information and Confidentiality Procedures</i>	63
<i>Section 12.04</i>	<i>Record Retention</i>	64
<i>Section 12.05</i>	<i>Student Disciplinary Background Checks and Certifications</i>	64
ARTICLE 12.	APPENDICES	65
<i>Appendix A:</i>	<i>Attendance Rule</i>	65
<i>Appendix B:</i>	<i>Leave of Absence (LOA) Rule</i>	67
<i>Appendix C:</i>	<i>Student Complaint Process</i>	71
<i>Appendix D:</i>	<i>Freedom of Speech, Assembly, Expression and Demonstration</i>	75
<i>Appendix E:</i>	<i>Good Samaritan/Medical Amnesty Protocol</i>	80
<i>Appendix F:</i>	<i>TAMIU Rules and Standard Administrative Procedures (SAP)</i>	83
<i>Appendix G:</i>	<i>Title IX Procedures and Further Information</i>	84

ARTICLE 1. PURPOSE OF THE STUDENT HANDBOOK

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.

TAMIU is a part of TAMUS and is required to follow all System policies and procedures as set forth by TAMUS. For more information, please visit:
<http://www.tamus.edu/legal/policy/policy-and-regulation-library/>.

Section 2.03 Student Rights (System Policy 13.02)

1. 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.
2. 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, gender identity, sexual orientation, or veteran status in accordance with applicable federal and state laws.
3. A student has the right to personal privacy except as otherwise provided by law, and students and University authorities will observe this alike.
4. 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.

5. 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 evidence, 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 (System Policy 13.02)

1. A student has the responsibility to respect the rights and property of others, including other students, the faculty and the administration.
2. 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.
3. A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.
4. 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.

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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*.
7. The term “**complaint**” means a written petition made by a complainant that seeks to have specific behavior(s) cease.
8. 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 the [Faculty Handbook](#))
9. The “**Honor Council**” means the hearing body responsible for administering academic misconduct cases involving *students*.
10. 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.
11. 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 Director of Student Conduct and Community Engagement.
12. The term “**Institution**” or “**University**” means TAMIU.
13. 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*.
14. 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.
15. The term “**protected classes**” means class based on race, color, national origin, sex, age, disability, creed, religion, sexual orientation, gender identity, and veteran status.
16. The term “**organization**” means any number of people who meet any single or combination of the following criteria:
 - a. Belong to a group whose members are primarily TAMIU *students* including but not limited to academic, athletic, recreational, religious, performance, political, and social or similar groups, and/or,
 - b. Have complied with the formal requirements for *University* recognition, and/or
 - c. Are advised by a *University official* whose position description designates them as an advisor, and/or

- d. Are advised by a *University official* who has volunteered as an advisor, and/or
 - e. Are otherwise considered by the *University* to be an organization.
17. 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.
 18. The term “**possession**” means actual holding or occupancy, either with or without rights of ownership.
 19. The term “**respondent**” means any student whom a complaint is made against and/or charged with a violation of a Student Code of Conduct.
 20. The term “**sanction**” or “**outcome**” includes responses or requirements given by the *University* to a *student* during an *administrative conference or hearing* in response to a violation of the Student Code of Conduct.
 21. The term “**staff**” means any person who is employed by the *University* that is not defined as *faculty*.
 22. 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 *administrative conferences*, and to impose *sanctions* upon any student(s) found to have violated the Student Code of Conduct.
 23. 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.
 24. 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.
 25. The term “**University-affiliated activity**” means any activity on or off campus that is initiated, aided, funded, authorized or supervised by the *University* or by a recognized student organization of the *University*.
 26. The term “**University official**” or “school official” means any faculty or staff member and other authorized individual(s) of the *University*.
 27. The term “**University premises**” means buildings or grounds owned, leased, operated, controlled or supervised by the *University* (including adjacent streets and sidewalks).

28. The term “**University business day**” means Monday through Friday, except for official *University* holidays.
29. 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.
30. The term “**victim**” is that of a student who believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the University community submitted the incident report or charge itself.
31. 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.
32. The term “**witness**” means any individual who may have information relating to a *complaint*.

Section 2.06 Freedom of Access to Higher Education

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, gender identity, sexual orientation, genetic information, disability, or veteran status in admissions, educational programs, or employment of faculty, administration, and staff.

TAMIU will promptly, impartially, 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.tamtu.edu/senate/handbook.shtml>.

Protection Against Improper Disclosure: Information about student views, gender identity, sexual orientation, 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.

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.tamtu.edu/StudentConsumerInformation.shtml>).

Section 3.02 Faculty/Staff Contact Information

For your convenience, TAMTU 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.tamtu.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, tuition and fees, installment loans, parking violations, and/or housing charges. 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 Behavioral Assessment and Intervention Team (BAIT) is to review incidents and respond to students whose behavior may be disruptive or harmful to himself/herself or the TAMIU community. Members of the University community may report concerns to www.tamtu.edu/reportit.

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.tamtu.edu/onecard.

Section 3.06 Official University Notifications

All official communications from the University will be distributed through the TAMIU student e-mail account. It is the responsibility of each student to obtain a student e-mail account and check that e-mail account 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.

Contact the Office of Information Technology located at Killam Library 257 or call (956)326.2310.

For more information, please visit: <http://www.tamtu.edu/oit/index.shtml>.

Section 3.07 Emergency Notification

TAMIU utilizes a broad spectrum of platforms and devices as part of its Emergency Notification System. Primary to this effort is the DustyALRT Emergency Notification System which messages by e-mail, text, social media and the University website, and is supplemented by residence hall TV Channel 50, active crawl notifications, classroom notifications and a mass public address system on campus.

In specific, DustyALRT communicates alert, closure, emergency and weather event information– by SMS text message, official University e-mail accounts and official University Facebook and Twitter accounts. The system and its supplements (classroom notifications and public address system) are only activated to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community).

TAMIU policy is to notify the campus community, via the DustyALRT Emergency Notification System, upon confirmation of a significant emergency or dangerous situation involving immediate threat to the health or safety of students or employees on campus.

All faculty, staff and students are highly encouraged to register at <http://dustyalrt.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. To learn more, please visit <http://www.copyright.gov/>. To learn about policies and procedures please visit <http://www.tamiu.edu/compliance/documents/Rules%20and%20SAPs/29.01.99.L1.27Peer-to-PeerFileSharingSoftware.pdf>.

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 Director of SCCE.

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 Director of SCCE 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 (should this be electric 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; and
- 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 Office of SCCE, STC 226, or call (956) 326.2265.

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. Educational pamphlets are available, upon request, at Student Health Services located in Student Center 125 or call (956) 326.2236.

Section 3.12 Solicitation

Persons interested is engaging in solicitation, of any manner: personal, leaflet, and electronic; about and among the TAMIU campus must first receive permission from the Office of Community Relations and Special Events; additionally, students and student groups must also follow rules established by the Division of Student Success. Upon submission of the completed forms, the Office of the Vice President for Institutional Advancement will render a decision on the request. It is a violation for any person to solicit or sell to students without prior approval, as outlined by this policy, students who do not abide by the outlined process are subject to disciplinary action through the established conduct policies and procedures. The full solicitation policy is published in the TAMIU Standard Administrative Procedure (SAP) [21.99.09.L1.01](#).

For more information contact Community Relations and Special Events at (956) 326-2001 located in STC 271 or visit:

<http://www.tamiu.edu/compliance/documents/21.99.09.L1.01AccesstoUniversityPropertyforSalesandSolicitationPurposes.pdf>.

Section 3.13 Jeanne Clery Act and Campus Security Act

This act is designed to provide prospective, entering and continuing students with information concerning:

- Campus security policies and procedure,
- Security services available,
- Campus crime statistics,
- Campus security authorities, and
- Alcohol and drug use policies.

The Crime Awareness and Campus Safety Report is available on or before October 1 of each year to all current TAMIU students, faculty and staff. Notification is sent to current students, faculty and staff through Uconnect, the University's communication portal, and provides information on how to obtain a copy of the Crime Awareness and Campus Safety Report.

The Crime Awareness and Campus Safety Report is available in hardcopy at the TAMIU Police Department, located in KL 005. The Crime Awareness and Campus Safety Report is also available online at the TAMIU Police Department's web site at: <http://www.tamtu.edu/clery.pdf>.

The Crime Awareness and Campus Safety Report is available for prospective students on the TAMIU Student web site at: <http://www.tamtu.edu/enroll/>.

The Crime Awareness and Campus Safety Report is available for prospective employees on the TAMIU Human Resources web site at: <https://employment.tamtu.edu/>.

Section 3.14 Civil Rights Protections and Compliance

TAMIU provides equal opportunity to all employees, students, applicants for employment, and the public regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity in admissions, educational programs, or employment of faculty, administration, and staff. TAMIU has a zero tolerance policy for illegal discrimination, sexual harassment, and related retaliation.

Under Title IX of the Educational Amendments of 1972, sex discrimination includes all acts of sexual misconduct including sexual harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation; definitions for these terms can be found in 6.04 of this Handbook. For further information concerning the TAMIU Title IX procedures, please visit: Appendix G of this handbook and <http://www.tamtu.edu/compliance/titleixcompliance.shtml>.

All related concerns should be reported to:

Lauren A. Jones, JD

Title IX Coordinator/Director of Equal Opportunity and Diversity

5201 University Boulevard, Killam Library 159, Laredo, TX 78041-1900

(956)326.2857

TitleIX@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.

Section 3.16 Campus Parking and Non-Motorized Vehicles

Pursuant to the directives of the Board of Regents of 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 and Wheeled Devices: Bicycles and wheeled devices are permitted on campus; however, they must yield the right-of-way to pedestrians at all times. Bicycles must be parked in bicycle racks available throughout campus. Bicycles, skateboards, roller blades, roller skates, and similar wheeled devices are **not permitted inside** University buildings, residence halls and/or athletics courts/fields. Additionally, skateboards and other wheeled items may not be ridden on railings, ramps, curbs, stairs/steps, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities. Failure to comply may result in a Student Code of Conduct violation (refer to Article 6 of the Student Handbook).

Hoverboards and similar motorized devices: As with non-motorized vehicles, pedestrians have the right of way at all times. Only motorized vehicles with brakes, or those that will automatically stop when not being ridden are permitted on campus, however, they must yield the right of way to pedestrians, may not be operated in any building, and may not be charged anywhere on campus (indoors or outdoors).

For more information on parking regulations, visit:
<http://www.tamiau.edu/adminis/police/trfrgs.shtml>.

Section 3.17 Pets

Pets are not allowed on campus at any time. The only exceptions are: 1. service-animals assisting those with a qualified disability and 2. emotional support/assistance animals, defined as an animal that "provides emotional support that alleviates one or more identified symptoms or effects of a person's disability." Emotional support/assistance animals are permitted in the residences of qualified persons who reside in campus housing. For accommodation requests, please contact the TAMIU Compliance Office.

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.tamiau.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. To learn more, please visit: <http://www.tamtu.edu/sole/>.

Section 3.20 Life Threatening Behavior

The University, through the Office of Student Counseling Services, will provide assessment, referral, and appropriate treatment, within the available resources of the Institution, for students manifesting behavioral problems. Students assessed with behavioral problems caused by manifestations of a psychological issue may be withdrawn from the University, and this withdrawal may be involuntary.

Dangerous or disruptive behavior caused by manifestations of a psychological issue 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 that would cause significant property damage, would directly and substantially impede the lawful activities of others, 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>

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 student's 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, read Appendix C.

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, read Appendix D.

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, read Appendix A.

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 from TAMIU. Eligible students are encouraged to take advantage of the benefits provided by a LOA, e.g., no need to apply for readmission to the University and may participate in their regularly scheduled registration/enrollment period upon return. Please note that re-admission to a college program may be required.

To learn more about the Student Leave of Absence (LOA) rule, read Appendix B.

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 disruptive to a degree that immediate action is warranted, 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 Conduct and Community Engagement (SCCE) for review and resolution. A copy of all material sent to the Office of Student Conduct should be provided to the faculty's academic Dean or designee and to the student's academic Dean or designee.

When a student's conduct does require immediate removal from the class, these steps are to be followed:

- A. 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.

- B. 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/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 the department head will provide dated copy to both the student and the instructor.
- C. Should classroom conduct issues persist, 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 SCCE. 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 SCCE for review.

A copy of all material sent to the SCCE 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, can expect faculty members to have clear and fair course policies that are implemented in an 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 below). Faculty members are required to report such serious breaches of academic honesty to their chair, their Dean, the Provost, the Honor Council through the Office of Student Conduct and Community Engagement, and the Vice President for Student Success.

Grade sanctions may be imposed only by faculty members, but academic 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 extenuating 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 Conduct and Community Engagement. 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 Director of SCCE 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 Director of SCCE or designee, then within five working days of the meeting with the chair and the Director of SCCE 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 Director of SCCE 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 Director of SCCE or designee 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 of 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.

Section 4.04 Title IX Complaints in Classroom Behavior

For complaints involving classroom behavior that constitutes sexual misconduct, discrimination, and/or harassment refer to Section 3.14 herein for further information.

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 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. All students at the University have a responsibility to ensure the honesty of others 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.

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 Director of SCCE to serve as the chief student conduct administrator and to administer the code.

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

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, 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. The Vice President for Student Success or his/her designee may exercise discretion in deciding whether the Student Code of Conduct governs conduct occurring off campus.

Section 6.04 The Standards of Conduct

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.

INTEGRITY - TAMIU students model ethical standards of personal and professional behavior.

SERVICE – TAMIU students serve the University, regional, national, and international communities.

EXCELLENCE – TAMIU students strive for the highest quality in all endeavors.

Section 6.05 Prohibited Behavior

The University may charge students who have violated the Student Code of Conduct. The conduct described below is considered inappropriate for the community and in opposition to the standards of conduct set forth by the University. The list below is not exhaustive.

Abuse of Student Conduct Process. Action or conduct that hinders, or otherwise interferes with the implementation of this Code, which includes, but is not limited to investigation, hearing and/or appeal process. Prohibited behavior includes, but is not limited to:

1. Failure to obey the notice from a Student Conduct Panel, Student Conduct Administrator, and/or University official to appear for a meeting or conference as part of an official University disciplinary process.
2. Disruption or interference with the orderly conduct of an investigation, conference, or an appeal process.
3. Attempting to influence the impartiality of a member of a Student Conduct Panel prior to, and/or during the course of, the Student Conduct Panel proceeding.
4. Verbal or physical intimidation, and/or retaliation of any party to the Student Conduct proceeding prior to, during, and/or afterwards.
Attempting to discourage an individual's proper participation in, or use of, a student conduct process.

Academic Dishonesty. Academic dishonesty is any act, or attempt, which gives an unfair advantage to the student. Refer to Article 7 and 10

Alcohol. Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by University regulations), is prohibited on TAMU premises and University sponsored events, this includes anyone over the legal age. In addition, use, possession, or distribution of 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. **

Animal Cruelty. Intentionally, knowingly, or recklessly torturing or in a cruel manner killing or causing serious bodily injury to an animal, failing to provide necessary food, water or care for an animal in the person's custody, abandoning unreasonably an animal in the person's custody, transporting or confining an animal in a cruel manner, causing bodily injury to any animal without the owner's consent, causing one animal to fight with another animal, or seriously overworking an animal. Intentionally, knowingly, or recklessly attacking, injuring or killing an assistance animal or inciting another to attack, injure or kill an assistance animal.

This policy is not intended to prohibit:

1. Killing or injuring an animal within the scope of a person's employment or furthering the goals of legitimate educational curriculum as designed and approved by the University.
2. Killing or injuring an animal when the actor had a reasonable fear of bodily injury to self or other person by that animal.

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.**

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.

Dating Violence An act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm. Refer to System Regulation 08.01.01 and/or Appendix G.

Discrimination. Any act or failure to act that is based upon an individual or group's actual or perceived status (**refer to protected classes in System Policy 08.01**) that is sufficiently severe, persistent, or pervasive that it limits or denies the ability of another to participate in or benefit from the University's educational programs or activities. **

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. Refer to 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. Refer to Article 4

Domestic Violence An act, other than a defensive measure to protect oneself against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or the threat of which reasonably causes fear of such harm. Refer to System Regulation 08.01.01 and/or Appendix G.

Drugs. The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. Abusing legally obtained drugs by failing to take the drug as directed. 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 substances 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. Refer to the Standard Administrative Procedures 24.02.01.L1 [Drug and Alcohol Rule](#) & [AOD](#) **

Evading. Intentionally fleeing from a University official or law enforcement officer when the person knows or reasonably should have known the University official or law enforcement officer is attempting to confront, arrest, or detain.

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 or law enforcement officer acting in the performance of their duties.

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.

Fire Safety. Misuse or damage of fire safety equipment. **

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.

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

Identification. Failure to present identification upon the request of a University official or law enforcement officer.

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

Harassment. Any unwelcome conduct by an individual(s) against another individual that is sufficiently severe, persistent or pervasive 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 origin, disability, veteran status, religion, sexual orientation, genetic information, or other protected status consistent with System Regulation 08.01*). Any unwelcome conduct should be reported to campus official, which will act to remedy and resolve reported incidents on behalf of the community. Refer to Section 3.14 herein for further information.**

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

Hostile Environment A situation in which there is harassing conduct based on a legally protected status that is sufficiently severe, persistent or pervasive to create a work or

educational environment that a reasonable person would consider intimidating or abusive. The determination of whether an environment is “hostile” must be based on all of the circumstances, which may include the frequency of the conduct, the nature and severity of the conduct, whether the conduct was physically threatening or humiliating, and the mental or emotional effect of the conduct on the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality or policy violation. Refer to System Regulation 08.01.01.

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.

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 may 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. 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.

Physical abuse. Any attempt to cause injury or inflict pain, or any act 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:

1. Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or,

2. Any activity 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.

Reckless driving. Driving in a manner that recklessly endangers the health and/or safety of oneself or others.

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 Violence. Any intentional or knowing penetration of the sex organs, anus, or mouth without the other person's consent. Refer to System Regulation 08.01.01.

Sexual Exploitation A situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted infection to another person. Refer to System Regulation 08.01.01

Sexual Harassment. A form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, and stalking, dating violence, and domestic violence when based on sex. Refer to System Regulation 08.01.01.

Stalking. Knowingly engaging in conduct, including following a person, that one reasonably believes is threatening the bodily injury or death of themselves, a member of their family or household, or their property. Refer to System Regulation 08.01.01 and/or Appendix G.

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. **

Traffic Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised activities.

Unauthorized Entry. Unauthorized entry into or use of University facilities or property.

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 Code of Conduct or law, the Student Conduct Administrator may elect not to enforce this section of the rule against the student making the recording.

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

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 NCAA Regulations. Violations of any NCAA regulations.

Violation of Published University Rules. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website. Such rules include, but is not limited to, University Housing contracts and rules, University motor vehicle rules, rules relating to the use of student identification cards, entry, smoke and tobacco-free campus rule, and use of University facilities and dining hall conduct.

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 is prohibited. 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. Refer to [System Policy 34.06.02 Weapons](#) **

**** Violation may be Jeanne Clery Act reportable. Other conduct violations may be subject to review for Jeanne Clery Act compliance on a case-by-case basis.**

ARTICLE 7. ACADEMIC CONDUCT

As a member in an academic community, students at TAMIU are expected to act with 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.tamtu.edu/scce/>.

TAMIU Faculty has the discretion to impose grade penalties as deemed necessary. For more information, please visit the [TAMIU Faculty Handbook](#) available at <http://www.tamtu.edu/senate/handbook.shtml>.

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:

- 1) **Plagiarism** – The act of passing off some other person’s ideas, words, or works as one’s own. It includes, but is not limited to, the appropriating, buying, receiving as a “gift”, or obtaining, by any other means, another’s work for the submission as one’s own academic work. Examples include, but are not limited to:
 - a) If in a paper or assignment, you include material that you researched in a book, magazine, newspaper, and/or on the Internet, you **MUST** cite the source. If you do not, you are committing plagiarism;
 - b) If you copy somebody's test answers, take any portion from an article 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;

- c) 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;
 - d) If you hand in the same paper in more than one class without the permission of the instructor.
- 2) **Cheating** – An act of deception in which a student misrepresents that he/she has mastered information related to an academic exercise. Examples include, but are not limited to:
- a) Copying from another student's test, lab report, computer file, data listing, logs, or any other type of report or academic exercise;
 - b) Using unauthorized materials during a test;
 - c) Consulting a cell phone, text messages, PDAs, programmable calculators with materials that give an advantage over other students during an exam;
 - d) Using crib sheets or other hidden notes in an examination, or looking at another student's test paper to copy strategies or answers;
 - e) Having another person supply questions or answers from an examination to be given or in progress;
 - f) 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;
 - g) Deliberate falsification of laboratory results, or submission of samples or findings not legitimately derived in the situation and by the procedures prescribed or allowable;
 - h) Revising and resubmitting a quiz or exam for regarding, without the instructor's knowledge and consent;
 - i) Giving or receiving unauthorized aid on a take-home examination;
 - j) Facilitating academic dishonesty: intentionally or knowingly helping or attempting to help another to violate the Honor Pledge;
 - k) Signing in another student's name on attendance sheets, rosters, Scantrons;
 - l) 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;
 - m) 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

- n) 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.
- 3) **Lying** – Deliberate falsification with the intent to deceive in written or verbal form as it applies to an academic submission.
- 4) **Bribery** – Providing, offering or taking rewards in exchange for a grade, an assignment or the aid of academic dishonesty.
- 5) **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.
- 6) **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.tamtu.edu/reportit>). The timelines 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 Process

University students do not surrender their individual rights as guaranteed to them by the United States Constitution. These include the right to due, 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 a function of the educational process. It is **NOT** an adversarial proceeding or trial in a Court of Law. 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

The level of proof required at TAMIU in University disciplinary cases is a preponderance of the evidence. This means sufficient evidence to show that the facts are more likely to be true than not true.

Section 8.04 Bystander Provision

TAMIU 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.tamtu.edu/scce for more information.

Section 8.05 Good Cause Provision

The survivor or victim of an alleged act of misconduct may be unwilling to serve as the complainant. In such circumstances, if the Vice President of Student Success 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 Vice President of Student Success and/or designee may proceed with complaint. In cases involving Title IX complaints, the Director of Equal Opportunity/Title IX Coordinator will make the determination.

Section 8.06 Good Samaritan Provision

The health and safety of our students are of primary concern at TAMIU (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. To learn about the process, please read Appendix E.

Section 8.07 No Contact Orders (No Communication Order)

No Contact Orders are temporary directives issued by the Office of Student Conduct and Community Engagement prohibiting communication between or among designated students. No Contact Orders (NCOs) are issued when, in the judgment of a Student Conduct Administrator, there is reason to believe that an order would be in the best interest of all parties and the community for promoting peace and civility. The NCO does not imply any judgment regarding the factual nature of the incident. NCO's do not become part of a student's conduct record unless he/she violates the order as determined by the student conduct system. NCO's prohibit all forms of communication between designated students, direct or indirect, written, electronic or through a third party. The Student Conduct Administrator determines the duration of a NCO. Students may request to have a NCO lifted after an appropriate sustained period of compliance.

No Contact Orders are not similar to court imposed restraining orders and do not guarantee that designated parties will avoid sightings or passing interactions on the campus or local community. In some circumstances, a No Contact Order may restrict a student from parts of the campus where they would not have to engage in required academic activities.

Students who are concerned about personal safety should contact the Campus Safety Department (956.326.2100) or local police.

Students who have questions about NCO's may speak with a Student Conduct Administrator during business hours at 956.326.2265.

Section 8.08 Title IX Complaints and Disciplinary Procedures

For complaints involving student conduct disciplinary procedures that constitute sexual violence, discrimination, and/or harassment refer to Section 3.14 herein for further information.

ARTICLE 9. DISCIPLINARY PROCEEDINGS

Any student whose conduct is the subject of a complaint 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 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.

For academic conduct proceedings, please refer to Article 10.

Section 9.01 Investigation Process

The student against whom a complaint is made is a respondent. A respondent will receive notification via University e-mail that an allegation has been reported.

The conduct administrator will schedule a meeting with the student to provide their account of the events in question. The student must attend the meeting. If there is a schedule conflict, the student may reschedule by calling 956-326-2265. 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:

1. A student conduct administrator will meet with the student to explain the allegation.
2. A student conduct administrator will discuss the student's rights and responsibilities.
3. A student conduct administrator will explain the student conduct process.
4. A student conduct administrator will hear any statement that the student may wish to make.
5. The respondent may accept responsibility at this time or during the course of the investigation and waive his/her right to an administrative conference and proceed directly to sanctioning phase as described below.

Should the student conduct administrator determine sufficient basis exists, a conduct proceeding will ensue.

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 proceedings shall be conducted by the following guidelines:

1. The advisor role:

- 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.
2. 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).
 3. Records, exhibits, student impact statements and other written statements will be accepted for consideration at the discretion of the chairperson. Student impact statements, and other documents determined at the discretion of the chairperson, will be taken into consideration during the sanction phase only.
 4. Procedural issues will be determined by the chairperson.
 5. Upon receipt of all information accepted for consideration, the Chairperson shall deliberate in private to determine whether the respondent has violated the student code of conduct as charged.
 6. 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.
 7. All administrative conferences will be recorded. Deliberations shall not be recorded. The record shall be the property of the University and maintained in compliance with the Family Education Rights and Privacy Act (FERPA).
 8. If a respondent fails to 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.

9. A respondent and advisor, if any, shall be allowed to attend the entire portion of the student conduct conference, excluding deliberations by the Chairperson.) provided the accused student and his/her advisor appear at the designated time and do not inhibit the proceeding. The Chairperson has the authority to remove the student or advisor for disruptive behavior. Admission of any other person to the student conduct conference shall be at the discretion of the Student Conduct Administrator.
10. A finding of responsibility may not be based solely upon a respondent's silence during a student conduct conference.
11. A finding of "not responsible," concludes the conduct process and the case is close.
12. A finding of "responsible," will result in sanction(s).
13. A respondent may accept the finding and sanction or appeal the finding and/or sanction. (See Section 9.04).
14. A respondent may elect at any time prior to administrative hearing to waive right to hearing, sign waiver form and proceed to sanction process. Sanction shall be determined by a Student Conduct Administrator.

Section 9.03 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 Director of SCCE or designee. Should a student wish to pursue the administrative hearing the Director of SCCE will hear the case, render a decision and if found responsible for a violation, sanction the student. All outcomes shall be communicated in writing.

Section 9.04 Disciplinary Appeals (non-academic)

A student may request an appeal of the decision of the Student Conduct Administrator or hearing body by filing a Disciplinary Appeal Form (non-academic) to the Vice President of Student Success or designee, subject to the procedures outlined below.

1. A decision or sanction imposed by the Student Conduct Administrator or hearing body may be appealed by the student to the Office of Vice President of Student Success or designee within five (5) University business days of the outcome.
2. The decision as to which procedure to utilize for an appeal filed by a student shall be made solely by the University.
3. The Vice President of Student Success and/or designee will determine whether the grounds for appeal merit a hearing. The student, Vice President of Student Success and/or designee may request a meeting to discuss Disciplinary Appeal Form, and

the appeal process and the merits of the appeal request. A meeting does not constitute the granting of an appeal request.

4. Any sanction(s) imposed as a result of the administrative hearing shall remain in effect during the pendency of a request for appeal that is under consideration.
5. Appeals due to interim suspension will be assessed by the Vice President of Student Success and/or designee for reconsideration of admission to University.

Appeal requests are limited to one or more of the following:

1. A procedural error occurred during the process, which had a direct impact on the outcome.
2. To consider new information, unavailable during the investigation or hearing, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanction(s) imposed is substantially disproportionate to the severity of the violation.

After receiving the written request for an appeal, the Vice President of Student Success or designee may:

- A. Deny the request for an appeal and decision will be final.
- B. Accept the appeal and ask an Administrative Conference Committee to convene and hear the case to review information. Following committee review, the case, at the request of the Vice President of Student Success, outcome shall be considered final and binding.

The Administrative Conference Committee is selected by the Vice President of Student Success and will consist of at least two University members.

Notice: Academic dishonesty appeals differ from other disciplinary matters. For more information on academic grade appeals, go to the Student Handbook - Classroom Behavior & Academic Disputes. To review academic dishonesty appeal process, proceed to Article 10.

Section 9.05 Disciplinary Sanction Review Request

Upon completion of one semester of disciplinary probation or one semester of disciplinary suspension (not applicable for one semester suspensions) and upon completion of all educational sanctions/requirements, a student has the opportunity to request a review of their disciplinary probation or suspension status.

1. Request must be submitted to the Director of SCCE or designee via an online Disciplinary Sanction Review Request Form. This request can only be submitted once a semester.

2. This request is intended to provide a student with the opportunity to discuss in writing what they have done to pro-actively address their behavior while on disciplinary probation/suspension.
3. In considering this request the student should provide information showing how they have been going above and beyond the basic requirements of their sanction(s). Students that simply fulfill the minimum requirements of their sanctions(s) will not be subject for disciplinary sanction review.
4. A request for disciplinary sanction review should include, but is not limited to, information such as the following:
 - a. Positive change in ethical decision making and personal accountability
 - b. Proof of counseling and/or assessment (if applicable)
 - c. Involvement in educational programs and academic progress
 - d. Community involvement/service
5. Upon receipt of the request it will first be reviewed by the Director of SCCE or designee to determine whether or not the student meets criteria for review. If the Director of SCCE or designee agrees that the student's request meets any/all of the above mentioned criteria, the student will be contacted within fifteen (15) University business days (except under unusual circumstance) to schedule a "disciplinary sanction review meeting" with the Director of SCCE or designee.
6. At this meeting, the student will have the opportunity to further discuss with the Director of SCCE or designee why their disciplinary probation and/or suspension status should be altered or terminated. No alterations shall be made to include new or increased sanctions.
7. After the meeting, the Director of SCCE or designee will provide a recommendation and rationale for a decision to the Associate Vice President of Student Success for review and approval/denial.
8. Upon acceptance or denial of recommendation the Director of SCCE or designee will provide outcome to the student in writing within ten (10) business days (except under unusual circumstance).
9. If the Director of SCCE or designee denies the request the decision shall include a written statement that explains the basis for the decision.
10. There is no appeal process for Disciplinary Sanction Review.

Section 9.06 Title IX Disciplinary Proceedings

Title IX Complaints follow different disciplinary proceedings than violations of the Code of Conduct. For information regarding these proceedings, refer to Section 3.14 herein for further information.

ARTICLE 10. ACADEMIC CONDUCT PROCEEDINGS

It is the policy of TAMIU that all faculty, administrators, staff, and students conduct themselves in a manner that does not compromise the values, integrity, reputation, and public trust of this University.

In particular, the TAMIU Honor Code is set forth in the following pages in order to give all employees and students general notice of prohibited academic conduct. It is the responsibility of TAMIU faculty, staff, administration, and students to become familiar with the information presented in the TAMIU Honor Code and to observe all regulations and procedures relating to the Code. In no case will the Honor Code be waived or an exception be granted because any party pleads ignorance of or contends he or she was not informed of the regulations and procedures.

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 10 full-time faculty members and 15 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 SCCE or designee serving as co-chair absent voting privileges, and the vice-chair shall be a student.

Voting members include:

- A. At least 10 full-time faculty members (9 elected by the Faculty-at-large through the Faculty Senate elections process, 1 appointed by the Provost)
- B. At least 15 TAMIU students, including at least one graduate student (12 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. The Chair shall call a hearing to order. Should the Chair be unable to meet his/her obligations, the Vice-Chair will perform the duties of the Chair.
- D. 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 SCCE

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. The SCCE will provide notification of hearing date and time to student upon receiving notice from the student requesting a hearing by the Honor Council and letter of acknowledgement by SCCE.
- C. Administer a Judicial Hold on the student file while the case is adjudicated and sanctions are imposed.
- D. Serve the role of record keeper and case management for all Honor Council meetings.
- E. Notify the student of the outcome of the Honor Council meeting.
- F. 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.

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:

1. Adding language to their syllabi that describes prohibited academic behavior and the consequences of such activity;
2. Having an open discussion about academic integrity with students in their courses early in the semester;
3. Enforcing prohibitions against academic dishonesty as required by the TAMIU Faculty Handbook; and
4. 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.tamtu.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 him/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 The SCCE 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 10.13 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. Honor Council may allow a non-affiliate individual to serve as advisor at council's discretion.

The advisor, upon request of the student, may:

1. Advise the student in the preparation of information relevant to the case;
2. Accompany the student to all academic misconduct proceedings; and/or
3. 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 below.

Section 10.14 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 and/or SCCE notice.

Honor Council appeal hearings shall be conducted by the following guidelines:

1. The advisor role:
 - a. The student respondent has the opportunity to be assisted by an advisor s/he chooses, at his/her own expense.
 - b. 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.
 - 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 Honor Council appeal hearings.
 - d. 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.
2. 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).
3. Pertinent records, exhibits, student impact statements and other written statements may be accepted as information for consideration at the discretion of the chairperson. 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.
4. 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.

5. All procedural questions are subject to the final decision of the chairperson.
6. 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.
7. 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.
8. There shall be a single record of all Honor Council appeal hearings and deliberation. The record shall be the property of the University.
9. Deliberation will be determined on the basis of majority consent of council present at hearing.
10. 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.
11. 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. The Chairperson has the authority to remove the student or advisor for disruptive behavior. Admission of any other person to the Honor Council appeal hearing shall be at the discretion of the Chairperson.
12. There will be no finding of responsibility solely because a student chooses not to appear in person before an Honor Council appeal hearing.
13. 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.
14. If the student is found "responsible," additional sanction(s) may be imposed by Council.
15. The student may accept or reject the Honor Council's decision; if the student wishes to reject the Honor Council's decision, he/she has 10 University business days as of the day of Honor Council notice in which to appeal to the Provost.

16. If the student accepts the Honor Council's decision, then the case is considered closed and hold will be closed, pending completion of imposed sanctions/outcomes.

Section 10.15 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 10.16 Grade Sanctions

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

1. 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.
 - a. **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.
 - b. **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.
 - c. **1000 or 2000 level course** with a 2nd violation in the same course, grade penalty of an "F" in the course;
 - d. **3000 or 4000 or graduate level course** with a 1st violation, grade penalty of an "F" in the course.
2. 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 10.17 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 (except under unusual circumstance) 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.
- G. 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.

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 10.18 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 outcome 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 10.19 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:

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

2. **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 10.20 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 below.

The Honor Council will disclose the student’s academic conduct 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 any. 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 10.21 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:

1. **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.
2. **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.
3. **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.
4. **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 10.22 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:

1. The Provost will hear the case and render a decision.
2. The Provost's decisions are final.

Section 10.23 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.

1. The Provost will hear the case and render a decision.
2. THE SCCE will notify the student of the decision rendered by the Provost.
3. The decision of the Provost is final.

ARTICLE 11. SANCTIONS

The University reserves the right, through fair process, to impose disciplinary and academic sanctions on students who have violated the Student Code of Conduct. Any sanction described below may be placed on deferred status. List below should not be expected to be exhaustive.

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 TAMIU 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:

- Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed position within the University;
- Ineligibility to compete in intercollegiate athletic activity;
- Ineligibility to represent the University in any capacity, including representing the University at any official function;
- 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.

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:

- Ensure the safety and well-being of members of the University community or preservation of University property,
- Ensure the student's own physical or emotional safety and well-being, or
- 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 Vice President for Student Success or designee 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.

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.

ARTICLE 12. DISCLAIMERS

Section 12.01 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.

Section 12.02 Handbook Subject to Change

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 administration.

Section 12.03 Case Information and Confidentiality Procedures

Members of the hearing boards, Vice President of Student Success and/or designee 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.

Members of the hearing boards, Vice President of Student Success and/or designee will disclose the student's conduct 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 12.04 Record Retention

All student conduct files are held by the SCCE.

- If a student wants to review his/her file, a written notice is required.
- A student may review file only in the presence of a member of the SCCE.
- For the benefit of all hearing officers and/or hearing boards, a set of records of all prior meetings will be kept by the SCCE.
- Student records will be retained as required by the TAMUS Records Retention Schedule.

Section 12.05 Student Disciplinary Background Checks and Certifications

Students who apply for jobs, internships, study abroad programs, graduate/professional school, and other opportunities both inside and outside TAMIU, an official background check may be required. Academic integrity and general disciplinary records maintained by the Office of Student Conduct and Community Engagement will not be released to third parties without the student's written consent, unless permitted by law. It is important to note that information may be share with University officials with a legitimate educational interest.

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

ARTICLE 12. APPENDICES

Appendix A: Attendance Rule

TAMIU views class attendance as an individual student responsibility. Students are expected to attend class and to complete all assignments. Faculty members 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.

- A. Among the reasons absences are considered excused by the University are the following:
 1. Participation in University-sponsored activity at the request of University authorities.
 2. Death or major illness to the student or student's immediate family.
 3. Illness of a dependent family member.
 4. Participation in legal proceedings or administrative procedures that require a student's presence.
 5. Religious Holy days/Days of obligation.
 6. A pregnant/parenting student must be granted a leave of absence (LOA) for as long as the student's physician deems the absence medically necessary.
 7. Illness/Injury that is too severe or contagious for the student to attend class.
 8. Required participation in military assignment and duties.
 9. Mandatory admission interviews for professional or graduate school, which cannot be rescheduled.
- B. The student is responsible for providing satisfactory evidence (i.e., physician note, medical release, etc.) to the faculty member or as required by the college within seven calendar days of his or her absence and return to class, to substantiate the reason for absence. If the absence is excused, the faculty member must either provide the student with the opportunity to make up the exam or other work missed or provide a satisfactory alternative to complete the exam or other work missed within 30 calendar days from the date of absence.
- C. Students who miss class due to a University-sponsored activity are responsible for identifying their absences to their faculty member(s) with as much advance notice as possible.
- D. If an off-campus licensed physician provides evidence of a student's illness, the written excuse, orders or documentation must contain the date and time of the doctor's appointment, the prognosis of illness, doctor's opinion and recommendations for the individual student. In addition, the notice should outline whether or not the student is able to attend class. If a physician determines that the student is not ill, he or she will not receive an excused absence. If absence is not an

excused absence, the faculty member will decide whether makeup work will be allowed.

- E. In some courses, attendance and in-class participation are ongoing requirements and an integral part of the work of the course. In other courses, occasional in-class assessments may occur, sometimes without advance notice. It is the responsibility of the faculty member to inform each class at the beginning of the semester of the in-class participation expected and the effect of absences will have on the student's evaluation of work in the course.
- F. Authorized absences are allowed for official University-sponsored activities that are:
 - 1. Required due to mandatory participation in a University-sponsored activity.
 - 2. Required for an official class
- G. Undergraduate students requiring an extended absence should consult the Student Leave of Absence rule.

OFFICE OF RESPONSIBILITY:

Office of Student Success

Vice President for Student Success

Revised: June 2016

Approved by Provost: 1/15/2013

Appendix B: Leave of Absence (LOA) Rule

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. Absences during summer sessions are excluded as continuous enrollment is not affected. Eligible students are encouraged to take advantage of the benefits provided by a LOA, e.g., no need to apply for readmission to University and may participate in their regularly scheduled registration/enrollment period upon return. Please note that re-admission to a college program may be required.

Eligibility Requirements

To be eligible for a LOA, a student must be eligible to register for classes and meet the following criteria:

1. Be a degree-seeking undergraduate student.
2. Be registered during the semester immediately prior to the beginning of the LOA.
 - a. A student who was admitted as a new first-time freshman or transfer student but did not attend will not be eligible for a LOA. Instead, he or she should contact Office of Admissions.
 - b. A student who was readmitted but did not attend will not be eligible for a LOA. Instead, he or she should contact the Office of Admissions.
3. Be in academic good standing or on academic probation, with his or her college.
4. Have no holds (e.g., disciplinary, business, testing, etc.), which would restrict registration. Note: Students with Business Office holds may be given consideration for a LOA if authorized by the Bursar's Office.
5. Have submitted any outstanding high school and/or transfer transcripts, if prior admission/readmission and continued enrollment was contingent upon receipt of those transcripts.

Process for Obtaining a LOA

Student:

1. Review the rule and complete the Leave of Absence Request form promptly upon first knowledge that a LOA is needed.
2. Schedule appointment with department chair and college/school Dean for review and approval: College/school approval is required for an absence of two or more consecutive semesters to review the LOA application and the following issues:
 - a. Impact on progress toward degree.
 - b. Catalog year and status after LOA.
 - c. Academic good standing issues.

- d. Transfer policies, incomplete grades, agency requirements (e.g., state licensing/certification) and other academic issues, if applicable.
 - e. Possible change of majors to a major within same college or in another college. Process for completing major change prior to LOA is reviewed.
3. Contact other offices, if applicable:
- a. Office of International Engagement – International students must receive mandatory advisement, including signature, from the Office of International Engagement to discuss the impact of the LOA to their immigration status. An international student on approved LOA must contact the Office of International Engagement prior to his/her return to TAMIU to clear visa status and request appropriate immigration documents.
 - b. Office of Financial Aid – Students who have received financial aid should request information about loan counseling, program rules that require continuous enrollment, and satisfactory progress. Students who have received scholarships should request information about possible deferment policies.
 - c. Office of Housing & Residence Life – Students living on campus must formally petition to be released from their Residential Life License Agreement. If future housing is needed, students must reapply for housing.
 - d. Bursar's Office – Students should review their online student account and pay all outstanding charges to avoid late charges and possible referral to an outside collection agency. Students requiring assistance with their accounts should visit or call the Bursar's Office. Students with Business Office holds must contact the Bursar's Office in order to setup a formal payment plan. Once a formal payment plan has been created, the Bursar's Office will provide sign-off on the LOA which is then returned to the appropriate office for processing.
 - e. Veterans Affairs – Students with veterans' educational benefits and/or students leaving the University due to a military activation should contact the Veteran Affairs Office in the Office of the University Registrar for information and assistance.
4. Submit the Leave of Absence Request form:
- a. Once the required signatures have been obtained, the application is returned to the Office of the University Registrar. The student may return the form in person.
 - b. The student follows the established procedures for withdrawing if registered for the current term and finds that completely withdrawing mid-semester is necessary, as well as the procedures for canceling any registration already submitted for any future term(s) during the requested LOA.

NOTE: Students receiving financial aid must visit the Financial Aid Office for information on how withdrawal impacts their financial aid.

- c. Satisfactory evidence (i.e., physician note, medical release, etc.) must be submitted to the instructor or as required by the college.
- d. The student updates his or her mailing address on the student information system, if necessary.

Additional Conditions of LOA Requests

LOA Duration

A LOA may be granted for more than two consecutive regular semesters. (A regular semester is defined as a fall or spring semester and excludes winter and summer sessions; for example, LOA is granted for fall and spring or spring through fall.)

If the student does not return at the agreed semester, he or she would need to undergo formal readmission to TAMIU, to include submission of a new application and any necessary transcripts.

1. A student may request a LOA more than once; however, the cumulative total of such requests may not exceed two years.
2. A student may request an extension prior to the scheduled return of a regular semester. Approval consideration will be at the college's discretion, based on the reason of the request. For example, appropriate extensions may result from students leaving for active military duty or religious missions.
3. A student may return earlier than the original agreed return date but should provide notice as soon as possible, keeping in mind applicable deadlines, such as advising, registration, financial aid, etc.

Student Status during the LOA

A student granted a Leave of Absence retains his/her admitted student status. However, he/she is not registered and, therefore, does not have all the rights and privileges of a registered student and should be aware of the following consequences:

1. Office of Financial Aid – A student is not eligible for any financial aid disbursements during the semesters while on LOA. A student on a LOA will be reported to lenders and loan service agencies as “non-attending” and will need to contact his/her lenders for information on possible repayment requirements.
2. Enrollment verification requests – Enrollment verifications for other entities, such as parents' health or auto insurance companies, will also be reported as “non-attending.”
3. Facilities Access:
 - a. Library – A student on a LOA will have limited access to library resources. He/she may access library resources, including use of electronic databases and journals, while physically present in any campus library. No remote access to proprietary databases and electronic resources is available.

Normal borrowing privileges are not retained, but restricted privileges may be available for a fee. A student interested in checking out TAMIU library material should contact any library circulation services.

- b. Student Health Services – A student on a LOA for a particular semester is not registered for any credit hours and, therefore, not eligible to use Student Health Services.
- c. Computing resources – A student on a LOA will not have access to computing resources, including computing labs. Students will be able to maintain their TAMIU @dusty accounts.
- d. Recreational Sports – A student on a LOA will lose access to recreational sports.

Returning from a LOA

1. At the time of return, a student must continue to be eligible to register (i.e., have no enrollment restrictions, such as an account delinquency, disciplinary hold, or academic disqualification).
2. A student returning earlier than the original agreed return date should provide notice to the Office of the University Registrar as soon as possible, keeping in mind applicable deadlines, such as advising, registration, financial aid, etc.
3. A student must meet all financial aid requirements and deadlines for the academic year of his/her return.
4. The Office of the University Registrar will identify concerns, if any, arising during the student's LOA, which may make the student ineligible for registration and work with the college to resolve them, if possible.

Contact Information:

Return to: Office of the University Registrar
Zaffirini Student Success Center, 121
Laredo, TX 78041-1900
956-326-2250

OFFICE OF RESPONSIBILITY:

Division for Student Success

Appendix C: Student Complaint Process

As indicated in its mission, TAMIU provides students with the highest quality programs, built on a solid academic foundation in the arts and sciences, and prepares them to lead their chosen professions in an increasingly complex, culturally diverse state, national, and global society. Consistent with our mission, TAMIU welcomes opinion and feedback about rules, procedures, programs and services in order to make changes that contribute to student 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 complaints and filing appeals, TAMIU students must follow the rules and procedures that have been established within the unit about which the complaint is being filed. Generally, procedures require that a student discuss the matter with the staff, faculty, or department in which the issue originated.

Informal Process

A student with a complaint that a policy, rule, regulation, or procedure has been improperly applied in a particular case has recourse through complaint procedures. In most instances, complaints can be resolved through an informal process. Basic steps include:

- discuss the matter with the staff, faculty, or department in which the issue originated;
- if the issue is not resolved, contact the supervisor, department chair, or associate/assistant dean to investigate the issue and allegations.

Formal Process

If the issue is still unresolved after following the appropriate informal complaint procedures, the student may choose to have the issue “officially documented.” An officially documented complaint should be submitted using the [Report It form](#).

The Office of Student Conduct and Community Engagement receives the complaint and forwards it to the appropriate department head, Dean, or supervisor. The department for which the complaint is lodged will contact the student within 10 University working days to arrange resolution. Resolutions should be forwarded to the Office of Student Conduct and Community Engagement for record keeping.

To establish official documentation, the complaint or appeal must be submitted in writing and must include the name, contact information of the person filing the complaint, and a brief description of the circumstances, including who has been involved, and current status.

Specific Complaints

Appeal of charge of academic violation: (such as a charge of plagiarism) must be submitted to the Office of Student Conduct and Community Engagement in writing within 10 University business days of notice of the charge. Appeal of charge does not include grade penalty appeal, which must follow the grade appeal process.

Grade Appeal Process

Faculty are authorized to change final grades when they have committed a computational error, and to do so must receive approval of department chair and Dean. To receive that approval, faculty must attach a detailed explanation of the reason for the mistake. Rarely would another reason be entertained as legitimate for a grade change. A student who disputes a grade on an assignment must discuss the situation with the faculty member teaching the course. If students believe that they have been graded improperly, they may follow the grade appeal process defined above (See Article 4).

Academic Suspension

Students who have been placed on Academic Probation and fail to achieve the minimum institutional cumulative grade point average during the next long semester will be placed on Academic Suspension. Students on Academic Suspension must sit out one long semester, and may re-enroll after such absence under Academic Probation. Prior to enrolling, the returning student must meet with an academic advisor to develop an Academic Improvement Plan. The advisor will then meet with the student throughout the semester to monitor the student's progress in meeting established goals and to determine appropriate subsequent actions.

To appeal the Academic Suspension, the student may submit a [petition for academic reinstatement](#) (<http://www.tamtu.edu/affairs/registrar/documents/PetitionforAcademicReinstatement.pdf>) and a [student self-assessment](#) to the Dean of the College/School in which he/she is pursuing a degree. If the petition is approved, the student may enroll on Academic Probation. Prior to enrolling, the returning student must meet with the Dean to develop an Academic Improvement Plan. The Dean or designate will meet with the student throughout the semester to monitor his/her progress in meeting established goals and determine appropriate subsequent actions.

Complaints alleging violations of the American with Disabilities Act (ADA)

TAMTU offers reasonable accommodations for students with disabilities. Students may contact Student Counseling and Disability Services for policy and procedures for requesting accommodations or for filing a complaint.

Fraud and Abuse Complaint

Fraud, waste and abuse of resources of any kind by University employees is prohibited. TAMUS maintains a Risk, Fraud and Misconduct Hotline for reporting fraudulent, wasteful or abusive activities. The Hotline, a telephone and web-based reporting system, provides a way to anonymously report instances of suspected fraud, waste and abuse. The web-based reporting system can be accessed at <https://secure.ethicspoint.com/domain/media/en/gui/20500/index.html>. A person may also call 1-888-501-3850 to report an issue.

Student Conduct Grievance

Any member of the University community may file a grievance against a student who violates the Student Code of Conduct/Student Rules. Grievances must be filed in writing within 15 University working days of the discovery of the alleged infraction to the Office of Student Conduct and Community Engagement via the [Report It](http://www.tamui.edu/reportit) reporting system (<http://www.tamui.edu/reportit>). Timelines 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.

Student Financial Aid Appeal

A student not meeting SAP standards due to extenuating circumstances may appeal a financial aid suspension by submitting an Appeal of Financial Aid Satisfactory Academic Progress. Examples of extenuating circumstances include a major medical condition or hospitalization of self or immediate family member, death of immediate family member, or victims of violent crimes. Personal or financial issues with family, friends, or roommates are not considered extenuating circumstances.

The Financial Aid Appeal Committee will only evaluate appeals for students who have a complete financial aid folder and are enrolled for the semester of appeal. Students should make payment arrangements with the Bursar's Office while their appeal is being reviewed to ensure that they are not dropped for non-payment. The student will be notified thru official University student email account when the results of the appeal are available. Federal regulations do not allow the decisions of the Committee to be overturned by another institutional office or official.

Harassment Complaints

Individuals who believe they have or may have been sexually harassed, or who have experienced harassment based on race, color, national origin, creed, religion, age, disability, sex, gender identity or sexual orientation should file a complaint with the Title IX Coordinator: Lauren A. Jones, JD, 5201 University Boulevard, Killam Library 159B, Laredo, TX 78041-1900, (956)326.2857, TitleIX@tamui.edu.

Student Organization Complaints

The Office of Student Orientation, Leadership and Engagement oversees all recognized student organizations on the TAMIU campus. Individuals who wish to file a complaint against a recognized student organization or a member, or officer, of a recognized TAMIU student group should follow the procedure outlined in [The Leader: A Guide for Student Organizations](http://www.tamiau.edu/sole/documents/TheLeader.pdf) available at <http://www.tamiau.edu/sole/documents/TheLeader.pdf>.

Other complaints about academic procedures or personnel must be filed with the appropriate College or School.

Concerns or complaints about non-curricular procedures or personnel must be filed with the appropriate unit.

Record Keeping Procedures

Officially documented formal complaints will be kept on record for one year or in accordance to System Record Retention Policy in the Office of Student Conduct and Community Engagement. Individual units are responsible for responding to and addressing student concerns and forwarding resolutions to the Office of Student Conduct and Community Engagement for record keeping. In most cases a summary of the outcome will suffice.

OFFICES OF RESPONSIBILITY:

Division of Student Success

and

Office of the Associate Vice President for Compliance

Approved: Fall 2010

Effective: Spring 2011

Updated: July 2016

Appendix D: Freedom of Speech, Assembly, Expression and Demonstration

Last Updated: *May 2012*

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.

Section I. Forums

As a public institution of higher learning, TAMIU provides forums for the expression of ideas and opinions. These include:

- Traditional public forums include the University's public streets, sidewalks, and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- Designated public forums include other parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- Limited public forums have limited open access for public expression, or they may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the Office of Student Conduct & Community Engagement.
- Non public forums are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, Sue and Radcliffe Killam Library, research and computer laboratories.

Security needs, terror alerts, local and national events may affect the availability of spaces that would otherwise be routinely available.

Information about existing requirements, restrictions, or security concerns will be discussed at the time the reservation request is processed.

Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the expressive rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Any participant in a disruptive activity may face criminal charges.

Ideas or expressions put forth in expressive activities are not necessarily the views of TAMIU, its officers, administrators, or leaders, unless otherwise noted.

Section II. Reservable Free Speech Areas

University Success Center north green, Student Center patio and Kinesiology, Wellness and Recreation Center north patio are reservable free speech areas and will be reserved at the request of student and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in Section III. Each is available for reservation as described below.

- USC North Green – green space on north side of USC. Sound equipment is allowed for use in this area for a fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings, as determined by the University.
- Student Center Patio – Located on the east side of the Student Center. Sound equipment is allowed for use in this area for a fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings, as determined by the University.
- KWRC North Patio – Located on the north side of the KWRC. Sound equipment is allowed for use in this area for a fee. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings, as determined by the University.

Section III. Advance Reservation Requirements

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation in the form of an event confirmation from Event Services is required for expressive activity for events or activities promoted in advance, sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advanced reservation in the form of an event confirmation from Event Services is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, study activities, and/or research activities are taking place.

Section IV. Reservation Procedures

Students and Student Organizations requiring advanced reservations shall request use of the space through the Office of Student Conduct & Community Engagement on the second floor of the Student Center. If advanced reservation is required per Section III above, requests must be made at least five (5) business days in advance of the event as additional collaboration and coordination may be required. There may be fees associated with equipment requests, contact Event Services for a fee listing.

Non Students, Faculty, Staff requiring advanced reservations shall request use of the space through Event Services on the first floor of the Student Center. If advance reservation is required per Section III above requests must be made at least five (5) business days in advance of the event as additional collaboration and coordination may be required. There may be fees associated with equipment requests, contact Event Services for a fee listing.

Usually use of the space will usually be assigned to the person or organization that requests the area first. University sponsored events have first priority for use of campus facilities. The university reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.

The decision to confirm a request for space will be based on proper and timely completion of the Event Request form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the preceding criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request to a student or student organization may be appealed to the Director of Student Conduct & Community Engagement or designee. All other appeals should be filed with the Vice President for Institutional Advancement or designee.

At the time of the request the following information will be required:

- Name of the person or organization sponsoring the event.
- Contact information for one individual who will be present throughout the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Copies of any literature to be distributed.
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and throughout the event.

Section V. Guidelines for Expression

1. Disruptive Activity–Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. Reasonable Access–It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Similarly, vehicular and pedestrian traffic should not be obstructed.
3. Picketing–Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
4. Tents - Tents are limited to appropriate outdoor areas as determined by the University. Use of tents during tailgating activities for home NCAA sporting events do not require prior approval. Overnight occupancy of tents is not allowed except for special events that are exclusively student events and approved in advance by the Office of Student Conduct & Community Engagement. For these types of events, tents must be removed within 8 hours after the event is finalized. Special events that are exclusively student events must be sponsored by a university department or a student organization and a risk management plan must be completed. TAMIU reserves the right to remove or prohibit the erection of any tent that its representatives deem unsafe or interferes with University operations.
5. Literature Distribution – Literature may be distributed in traditional and designated free speech areas. Such activities should not become disruptive nor should they impede access.
6. Symbolic Protest–Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience’s view or prevent the audience from being able to pay attention.
7. Noise–Making sustained or repeated noise in a manner that substantially interferes with a speaker’s ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
8. Force or Violence–Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is forbidden.
9. Presenting Identification–In accordance with the Texas Education Code, it is unlawful for any person on any property either owned or controlled by the University to refuse to identify him/herself to a university official in response to a request.

For the purpose of these rules a person identifies him/herself by presenting a student or faculty/staff ID card or state issued ID card.

10. Damage to Property–Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees. Along with restitution for property damage, parties may face penalties under the Student Code of Conduct as well as criminal charges.
11. Other University Rules–All applicable University Student Rules should be followed whenever engaging in activities on campus. Consult the [Student Handbook](#) for further information.
12. All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, and TAMIU Student Rules. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

OFFICE OF RESPONSIBILITY:

Office of Student Conduct & Community Engagement

Division of Student Success

Appendix E: Good Samaritan/Medical Amnesty Protocol

Purpose

The health and safety of our students are of primary concern at TAMIU (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 Office of Student Conduct & Community Engagement (SCCE) may discourage students from seeking medical assistance for themselves or others in a time when medical attention is needed. This 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.

Protocol

The Good Samaritan/Medical Amnesty Protocol is an approach to reducing the dangerous consequences caused by alcohol or controlled substance/drug-related emergencies by increasing the likelihood that members of the TAMIU community will call for medical assistance. In order to promote this, if a student:

1. Seeks medical assistance for themselves while intoxicated and/or under the influence of controlled substance/drugs, or
2. assists an individual who is intoxicated and/or under the influence of controlled substance/drugs by seeking medical assistance.

The student requiring medical attention and/or the individual(s) who assists may be granted amnesty from formal disciplinary action by SCCE for violating the existing alcohol and drug policies as described in the TAMIU Student Handbook.

The Good Samaritan/Medical Amnesty Protocol offers a health-focused response to medical emergencies rather than a disciplinary consequence. Amnesty does not preclude disciplinary sanctions due to other violations of the Student Code of Conduct (not related to the Alcohol/Drug Rule) such as theft, sexual harassment/assault, hazing, etc. Likewise, this protocol does not prevent action by TAMIU Police Department or other law enforcement personnel and only governs the application of the University's Student Code of Conduct and has no status in other jurisdictions.

Students may not invoke the Good Samaritan/Medical Amnesty Protocol at the time when his/her case is being heard or investigated by SCCE.

The Good Samaritan/Medical Amnesty Protocol does not limit the authority of law enforcement or University staff to act as required at the time of an alleged violation of University standards or state or local laws. Based on the entirety of the incident, SCCE staff will make the final determination as to the applicability of this protocol and reserves the right to reduce sanctions or dismiss charges.

The student(s) eligible for amnesty under the Good Samaritan/Medical Amnesty Protocol will be required to meet with the Director of SCCE (or designee) to discuss participation in appropriate educational programs/activities, appropriate alcohol or substance abuse assessments and/or treatments. Although the student(s) receiving amnesty with the protocol will not be assigned formal disciplinary sanctions or have a formal disciplinary case, records of all incidents addressed by the protocol will be maintained by SCCE, including remedies. Any subsequent alcohol or controlled substance/drug-related incident will prompt a higher degree of concern and will be evaluated by SCCE for the availability of amnesty to the student. Failure to complete educational assignments or recommended treatments issued by SCCE will revoke the eligibility of the medical amnesty protocol and may result in formal disciplinary action. Amnesty will not be granted for incidents that occur off-campus.

Qualifications

Students/Student organizations receiving medical assistance or students/student organizations initiating medical assistance in an alcohol or controlled substance/drug-related emergency qualify for amnesty of the student conduct process from SCCE if:

1. The student/student organization requests medical assistance from TAMU PD, medical emergency professionals or other University officials on behalf of a student experiencing an alcohol or controlled substance medical-related emergency;
2. The student/student organization seeking medical attention does so at the time of the incident;
3. The student/student organization eligible for amnesty meets with the Director of SCCE (or designee) within 10 business days of the incident;
4. The student/student organization eligible for amnesty agrees to timely completion of assigned educational activities, assessments and/or treatments assigned by SCCE;

In such cases in which the student/student organization completes assignments, the incident will not be documented as a formal disciplinary record for the individual.

Criteria for granting amnesty may include but is not limited to: the severity of the incident, the student's disposition regarding the incident, whether the student has been granted amnesty in the past, and the student's previous conduct record.

Students participating in intercollegiate programs (athletics), and previously invoked the Safe Harbor Program under the Athletics Department, are not eligible to invoke the Good Samaritan/Medical Amnesty Protocol.

Expectations

The implementation of the Good Samaritan/Medical Amnesty Protocol is for TAMIU to continue being an entity, which is proactive about the health and safety of our students and to also instill in all Dustdevils the moral responsibility to help people in need. At TAMIU, we expect that students will take a proactive role in protecting the safety and well-being of their peers and the University community.

The Good Samaritan/Medical Amnesty Protocol also serves to be an educational experience that will allow all students an opportunity to learn from their decision-making process and make healthier decisions in the future. It is the expectation that a student use the Good Samaritan/Medical Amnesty Protocol minimally and as a learning experience. Therefore, after being granted amnesty once, the availability of amnesty to the student is at the discretion of the SCCE.

OFFICE OF RESPONSIBILITY:

Office of Student Conduct & Community Engagement

Division of Student Success

Appendix F: TAMIU Rules and Standard Administrative Procedures (SAP)

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 08.01.01](#)

[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](#)

Appendix G: Title IX Procedures and Further Information

1. Conduct that violate Title IX should be reported promptly to the Title IX Coordinator or Deputy Title IX Coordinator. Complaints against faculty members, non-faculty employees, students, student athletes, or third parties can be made by anyone within the TAMIU community.
 - a. Complaints against faculty members should be directed to the Deputy Title IX Coordinator: Dr. Kevin Lindberg, Associate Provost, 5201 University Boulevard, Killam Library 333A, Laredo, TX, 78041-1900, (956)326.2601, klindberg@tamiu.edu.
 - b. Complaints against non-faculty employees, students, student athletes, or third parties should be directed to the Title IX Coordinator: Lauren A. Jones, JD, Director of Equal Opportunity and Diversity, 5201 University Boulevard, Killam Library 159B, Laredo, TX, 78041-1900, (956)326.2857, TitleIX@tamiu.edu.
 - c. Report It at <http://www.tamiu.edu/reportit/>.

The deadline to file such complaint should be consistent with System Regulation 08.01.01.

2. Violations of Title IX constitute illegal discrimination/harassment/retaliation based on sex, sexual orientation, and gender identity including all types of sexual misconduct. Violations include, but are not limited to the following:
 - a. Sexual harassment;
 - b. Sexual violence;
 - c. Dating violence;
 - d. Domestic violence;
 - e. Stalking;
 - f. Non-consensual sexual contact;
 - g. Sexual exploitation;
 - h. Related retaliation; and
 - i. Sexual discrimination.

Definitions for these terms can be found in section 6.04 of the Student Handbook.


3. The investigative process shall be thorough, impartial, and prompt. Unless extenuating circumstances warrant, the process should take no longer than 60 days from the date that the complaint is received to the date that the written decision is rendered. The timeline provided throughout this section refers to University **business days**.

- a. Once a complaint is received by the Title IX Coordinator (hereinafter referred to as “Coordinator”) or Deputy Title IX Coordinator (hereinafter referred to as “Deputy”), the Coordinator must notify System Ethics and Compliance Office that said complaint has been received.
- b. The Coordinator must promptly conduct the preliminary investigation. During that time, the Coordinator and/or Deputy may collect evidence including, but not limited to, documentation, statements, and interviews from the complainant, respondent, and witnesses.
- c. Upon completion of the initial investigation, the Title IX Coordinator will make a determination whether an investigation is warranted.
 - i. If the Coordinator determines that an investigation is warranted, an investigative authority will be assigned to complete a investigation and hold an investigation planning meeting within 5 University business days.
 - ii. If the Coordinator determines that an investigation may not be warranted, the Coordinator will consult with the Office of General Counsel and may conduct an inquiry into the circumstances of the complaint and: (a) dismiss it as untimely filed, baseless, or not a violation of civil rights policy; (b) close it for insufficient information to investigate; or (c) refer it to the appropriate office to handle such complaints if not related to civil rights.
- d. During the investigation, the investigative authority will review the complaint, collect additional evidence and shall make a determination based on the preponderance of the evidence. Upon completion of said investigation, the investigative authority will complete an Investigation Report, which will be provided to the Coordinator within 30 University business days of assignment to the case. The Investigation Report will be submitted and there will be an administrative review of said Report.
- e. The Coordinator shall provide it to the investigative authority, who will have 5 University business days to finalize the Investigation Report and submit it to the Coordinator, who will in turn provide it to the Office of General Counsel.
- f. Upon approval of the Office of General Counsel, the final approved investigation Report shall be provided to the adjudicating administrators.
- g. Within 5 University business days of receipt, the adjudicating administrators will render a written decision. Said decision shall be provided to the following:
 - i. Complainant and respondent, concurrently;
 - ii. The respondent’s immediate supervisor and/or department head, if necessary; and

- iii. The investigative authority.
- h. Within 5 University business days of receipt of the written decision, both parties shall have the right to file a written appeal, which shall be provided to the Coordinator. Basis for all Title IX Investigation appeals shall be:
 - i. A procedural error or omission that significantly impacted the outcome;
 - ii. New evidence, unknown or unavailable during the investigation that could have significantly impacted the outcome; or
 - iii. The appropriateness or severity of the sanctions.
- i. The appellate process can be found on section 9.04 of the Student Handbook.
- j. Decision of this appeal shall be final.
- 4. At any time during the process, the Coordinator or Director of Student Conduct and Community Engagement can direct interim accommodations and/or protective measures, as appropriate.
- 5. Both the complainant and respondent may have an advisor present, though communication may not be made directly between the Coordinator/investigator and the advisor.
- 6. For Title IX investigations, the following definitions shall be used, which are slightly different than the definitions contained in the Student Handbook:
 - a. Complainant – any person who brings forward a complaint alleging that actions or behaviors have violated Title IX.
 - b. Complaint – a petition made by the complainant concerning actions or behaviors that constitute a violation of Title IX.
 - c. Investigative authority – one or more individuals appointed to conduct a formal inquiry to discover and examine the facts of an allegation.
 - d. Respondent – any person, group of people, or organization against whom a Title IX complaint has been brought.
- 7. For additional information, please refer to System Regulation 08.01.01.L1, its pending revisions, System Regulation 08.01, System Regulation 08.01.01, and <http://www.tamtu.edu/compliance/index.shtml>.

OFFICE OF RESPONSIBILITY:

Office of Compliance, 956-326-2855



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