

Policy SL-SC-PO1

Student Conduct and Discipline

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I. **Title**

UT Arlington's Code of Student Conduct and Discipline

II. **Policy**

A. **Subchapter 9-100 General Provisions**

The University of Texas at Arlington Office of Student Conduct strives to uphold and support a high standard of personal and academic integrity for all students in a manner that is consistent with the educational goals and mission of the University and UT System and the University's Academic Honor Code. This is achieved through a conduct process that focuses on personal responsibility and accountability for students' actions and the impact those actions might have on the greater community.

The office is engaged in educating the community regarding the University's standards and procedures for student conduct. These standards and procedures promote civility and protect the rights and safety of the UT Arlington community. The disciplinary process shall be fair, equitable, educational and developmental, supporting the commitment that students become responsible members of the University community.

1. **Standards of Conduct**

All students are expected and required to follow federal, state, and local laws, to comply with the Regents' *Rules and Regulations*, with The University of Texas System and institutional rules and regulations, with directives issued by an administrative official of the UT System or The University of Texas at Arlington in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

2. Purpose and Scope

The purpose of this chapter is to prescribe the standards of conduct expected of students enrolled at the University, specify disciplinary penalties which can be imposed when conduct does not conform to the prescribed standards, and establish due process procedures for the imposition of such penalties.

- a. A student neither loses the rights nor escapes the responsibilities of citizenship. All students are expected to follow federal, state and local laws and regulations, the Regents' [Rules and Regulations](#) of The University of Texas System, the rules and regulations of the University, the orders or instructions issued by an administrative official of the University or the UT System in the course of his/her duties, and to observe standards of conduct that are appropriate for an educational institution. Any student who engages in conduct that is prohibited is subject to disciplinary action regardless of whether such conduct takes place on or off the campus or whether civil or criminal penalties are also imposed for such conduct.
- b. Individuals who are not currently enrolled at a component institution of The University of Texas System remain subject to the disciplinary process for conduct that occurred during any period of enrollment and for statements, acts, or omissions related to application for enrollment or the award of a degree. The following persons shall be considered students for the purposes of these policies and regulations:
 - i. a person currently enrolled at UT Arlington
 - ii. a person who has applied for admission or readmission to an institution of the UT System or has been accepted for admission or readmission to UT Arlington
 - iii. a person who has been enrolled at an institution of the UT System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows
 - iv. a person who engaged in prohibited conduct at a time when he or she met the criteria of i, ii, or iii immediately above

3. Applicability

Each student is responsible for the notice of and compliance with the provisions of the Regents' *Rules and Regulations* and the rules of the institution.

4. Who is Subject to Discipline

Any student (as defined in Subchapter 9-100, II.A.2.b, who engages in conduct that violates the Regents' *Rules and Regulations*, the UT System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the UT System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct that occurs on or off campus, including but not limited to institution or UT System sponsored off-campus activities such as field trips, internships, rotations, or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct.

5. **Bar From Campus**

A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any U.T. System institution during the period of such suspension or expulsion without prior written approval of the Vice President for Student Affairs of the U.T. System institution at which the suspended or expelled student wishes to be present. In a request for such approval, the former student is required to disclose in writing each institution from which the individual has been suspended or expelled and the conduct leading to the disciplinary action.

B. **Subchapter 9-200 Administration of Discipline**

1. **Proscribed Conduct**

- a. the violation of any provision of the Regents' *Rules and Regulations* of The University of Texas System;
- b. the violation of any rule or regulation of the University of Texas at Arlington or The University of Texas System;
- c. failure to comply with any order or instruction of an official of the University or the University of Texas System acting in the course of his/her duties;
- d. any student who damages, defaces, mutilates, destroys, or takes possession of any property, equipment, supplies, buildings, or facilities owned or controlled by the University, the UT System, or any other third party without authorization;
- e. any student who engages in the unauthorized use (including unauthorized entry) of property, equipment, supplies, buildings, or facilities owned or controlled by the UT System or institution;
- f. scholastic dishonesty, including, but not limited to, cheating, plagiarism, and collusion on an examination or an assignment being offered for credit. Each student is accountable for work submitted for credit, including group projects;
 - i. *cheating on an examination or an assignment includes:*

- I. copying the work of another, allowing someone to copy, engaging in written, oral or any other means of communication with another, or giving aid to or seeking aid from another when not permitted by the instructor;
 - II. using material during an examination or when completing an assignment that is not authorized by the person giving the examination or making the work assignment, including, but not limited to, electronic or digital devices such as calculators, cell phones, camera phones, scanner pens, personal digital assistants, or flash drives, etc.;
 - III. taking or attempting to take an examination for another, or allowing another to take or attempt to take an examination for a student;
 - IV. using, obtaining, or attempting to obtain by any means, the whole or any part of an examination or work assignment that is not provided for your use by your instructor;
 - V. resubmission of work which has previously been submitted for course credit at any educational institution, unless prior approval is received from both faculty;
 - VI. any act designed to give unfair advantage to a student or the attempt to commit such an act;
- ii. *plagiarism* means the unacknowledged incorporation of the work of another in work that is offered for credit;
 - iii. *collusion* means the unauthorized collaboration with another in preparing work that is offered for credit;
- g. a student who alters or assists in the altering of any official record of the UT System or institution or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the UT System or institution or gives a false response to an inquiry made by an official of the University or the UT System acting in the course of his or her duties. The sanction for a former student who engages in such conduct may include a bar against readmission, revocation of degree, and withdrawal of diploma;
 - h. forging or altering or attempting to forge or alter any parking permit, traffic ticket, or parking ticket issued by the University, any ticket for admission to a program or event sponsored by the University, any means of identification issued by the University, any instrument obligating the University to pay any sum of

money, any key that may be used for entering any University facility, or participating in such action with others;

- i. accessing, utilizing, or participating with others in the access or use of any University, UT System, or third party record, instrument, or document (electronic or otherwise) except when such use is authorized by statute, a rule or regulation of the University, or with the written permission of the person to whom such record, instrument, or document relates;
- j. using, allowing use of, or participating with others in the use of any permit, means of identification, key or means of access, including electronic swipe cards or card keys, issued by the University or the UT System to a person other than the entitled;
- k. any intentional, knowing, or reckless act, occurring on or off campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated to, affiliating with, holding office in, or maintaining membership in any university student organization, group, or team whose members are or include students at an educational institution.

The term hazing includes, but is not limited to any type of physical brutality, physical activity, activity involving consumption of food, liquid, drugs, or alcohol, activity that intimidates or threatens the student, or any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the [Texas Education Code Section 51.936](#);

Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

Hazing in state educational institutions is prohibited by State law ([Texas Education Code Section 51.936](#) and [Sections 37.151 - 37.157](#)).

- l. illegal use, manufacture, possession, sale, or distribution of any substance that is a controlled substance under federal or state law or regulation, or the possession and/or use of paraphernalia associated with a controlled substance, or the use of any substance (e.g., nitrous oxide, glue, paint, etc.) in a manner other than prescribed or directed with the intent to alter a student's mental state;

If a student is found responsible for the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum sanction assessed shall be suspension from the institution for a

specified period of time and/or suspension of rights and privileges.

- m. unauthorized use or possession of any intoxicating beverage including, but not limited to, minor in possession, minor in the presence, public intoxication, allowing minors access, or any violation of alcohol policy;
The University, in support of the Texas Alcoholic Beverage Commission amnesty policy, affords amnesty to a minor seeking aid in a medical emergency if the minor (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance under Subdivision (1); and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel.
- n. any conduct that constitutes a violation of a federal, state, or local law or regulation regardless of whether the conduct results in the imposition of the penalty prescribed by the federal, state, or local law;
- o. possession or use of any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, in or on a University building or facility owned or controlled by the UT System or the University of Texas at Arlington except as may be authorized by federal, state, or local law;
- p. advocacy, either oral or written, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
- q. physical abuse or threat of physical abuse of any person whether on or off campus;
- r. engaging in behavior that would be deemed by a reasonable person to be disruptive in nature;
Disruptive behavior includes, but is not limited to, engaging in or attempting to engage in conduct, either alone or in concert with others, that is intended to obstruct, disrupt, or interfere with, or that in fact obstructs, disrupts, or interferes with any instructional, educational, research, administrative, disciplinary, or public service activity or program, or any athletic event or public performance or other activity authorized to be conducted in or on campus or on property or in a building or facility owned or controlled by the UT System or The University of Texas at Arlington;
Obstruction or disruption may include noise violations, any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, or computer equipment,

software, records, or networks, or any behavior which results in the inappropriate utilization of University resources.

- s. using any University fountain or other artificial body of water, that is not designed and maintained for recreation or therapeutic purposes, in an unauthorized manner. This includes:
 - i. entering, walking, lying, playing, remaining, or being in the water of any fountain or other artificial body of water
 - ii. dumping, throwing, placing or causing any material, object, trash, waste, soap, or debris to be placed in the water of any fountain or other artificial body of water
- t. engaging in any behavior prohibited by the terms of suspension (outlined in formal notification of suspension) that takes place during the period of suspension;
- u. any student who engages in conduct that endangers the health or safety or welfare of any person;
- v. any violation of the University's sexual harassment policies as outlined in Policy 5-513 Sexual Harassment and Sexual Misconduct Policy and Policy 5-511 Consensual Relationships. *The University affords amnesty to victims reporting sexual assault or other violent crimes. For details on this policy contact the Relationship Violence and Sexual Assault Prevention Educator (rvsp@uta.edu).*
- w. any violation of the University's harassment policy as outlined in Harassment (HOP Subchapter 11-200).

C. Subchapter 9-300 Initiation of Disciplinary Charges

1. Investigation and Preliminary Action

a. Disciplinary Process

- i. The Office of Student Conduct will investigate allegations that a student has engaged in conduct that violates any of the policies outlined in Subchapter 9-200, II.B.1. If there is a more specific policy that specifies the procedures for investigation, such as the Sexual Harassment and Sexual Misconduct policy, that policy will govern; however, all the powers provided herein to the Office of the Student Conduct for investigations involving student witnesses, including summons, interim, disciplinary action, and withholding transcripts, grades and degrees are delegates to the investigator designated in that policy.
- ii. The investigation is intended to be tailored reasonably and appropriately to the facts and circumstances of the

particular case. Typically, it will include interviews with the complainant, the respondent, and witnesses. Interviews may be supplemented by the gathering of physical, documentary, or other evidence within reason and under the circumstances of the particular case. As part of the investigation, the University will provide the parties an opportunity to present witness testimony and other relevant evidence. In sum, the investigation is intended to provide for the reasonable gathering of reliable and relevant facts. It is intended to be thorough, impartial, and respectful of the individuals involved. The investigation process will endeavor to respect, within reason, the privacy of individuals involved.

- iii. The investigation and disciplinary action may proceed regardless of whether action is taken by other authorities. The Office of Student Conduct may contact a student for a meeting for purposes of the investigation and/or to discuss the allegations or may summon any student as provided in Subchapter 9-300, II.C.1.b. for an administrative meeting. After an investigation the Conduct Officer may:
 - dismiss the allegations, or
 - proceed administratively under Subchapter 9-300, II.C.1.c., or
 - proceed with notice and hearing under Subchapter 9-400.

b. **Summoning a Student**

- i. The Office of Student Conduct may summon any student for the purposes of the investigation and/or discussion of allegations that the student has engaged in conduct that may result in disciplinary action. The written request shall specify a place for the meeting and a time at least three weekdays after the date of the written request if the request is sent regular mail, or at least two weekdays after the date of the request if the request is sent by email or hand delivered. The written request may be mailed to the student at the address appearing in the Registrar's records; emailed to the student at the student's University issued email address; or may be hand delivered to the student.
- ii. If a student fails to appear without a valid reason, the Office of Student Conduct may bar or cancel the student's enrollment until the student appears or responds to the summons or may proceed with the disciplinary procedures in the absence of the student.

- iii. The failure of the student to maintain a current address with the Registrar; to refuse to accept a registered or certified letter; or failure to read mail or email shall not be a valid reason for failure to comply with a summons letter.

c. Administrative Disposition

- i. The Conduct Officer will review the evidence, determine whether to proceed with charges, and if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Conduct Officer will offer the student the opportunity to respond to the charges and review available evidence supporting the charges.
- ii. In any case except in a case finding a violation of the Sexual harassment and Sexual Misconduct Policy where the accused student elects not to dispute the alleged facts upon which the conduct violations are based and agrees to the sanctions the conduct Officer proposes, the student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.
- iii. In any case where the accused student elects not to dispute the facts upon which the charges are based, but does not agree with the sanctions proposed by the Conduct Officer, the student may execute a written waiver of the hearing procedures specified under Subchapter 9-400, yet retain the right to appeal the decision of the Conduct Officer only on issue of sanction(s). This appeal will be heard by the President or his/her designee and must be made in writing and submitted within 14 calendar days of the decision being rendered.
- iv. In any case finding a violation of the Sexual Harassment/Sexual Misconduct Policy the case will proceed under II.C.1.d of this policy unless both accused and accuser agree to the terms of the administrative disposition and waive the hearing and appeals.

d. Challenging the Disciplinary Action

- i. Cases in which the proposed sanction(s) involve suspension, academic sanctions or expulsion: in those cases in which the Conduct Officer proposes suspension, including suspension of rights and privileges, academic sanctions, or expulsion as a sanction, the charges shall be heard and determined by a fair and impartial Hearing

Officer in accordance with Subchapter 9-400. However, a student not found in violation of the Sexual Harassment and Sexual Misconduct policy may elect to sign an administrative disposition waiving the right to the hearing under Subchapter 9-400, but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President or his/her designee and must be made in writing and submitted within 14 calendar days of the decision being rendered. In cases where a student is found in violation of the Sexual Harassment and Sexual Misconduct Policy, the case will proceed before a Hearing Officer unless both the accused and the accuser agree to the waiver of the hearing procedures.

- ii. Cases in which neither suspension, an academic sanction, nor expulsion is proposed by the Conduct Office: the Conduct Officer will inform the student in writing of the charges, evidence, findings, and the sanction(s) and allow the student an opportunity to meet with the Conduct Officer to provide evidence on his/her behalf; unless signing a waiver as outlined in Subchapter 9-300, II.C.1.c. the student maintains the right to appeal the finding of the Conduct Officer and/or the proposed sanctions to the President or his/her designee, this appeal must be made in writing and submitted within 14 calendar days of the decision being rendered. In any case involving a violation of the Sexual Harassment and Sexual Misconduct Policy, the accuser will be provided an equal opportunity to participate in the process.

e. **Interim Disciplinary Action**

- i. After an initial assessment of the allegations and evidence by the investigator, pending a hearing or other disposition of the allegations against a student, the Office of Student Conduct may take such immediate interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the institution. This includes, but is not limited to, suspension and a bar from the campus when it reasonably appears to the Director of the Office of Student Conduct, from the circumstances, that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting an authorized program or activity of the University. The Office of Student Conduct may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the UT System or the institution that would reasonably allow the imposition of such sanction. The Office of Student Conduct may take such action pending a hearing, resolution by administrative disposition, and/or

exhaustion of appellate rights if the Office of Student Conduct has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Office of Student Conduct the best interests of the UT System or the institution would be served by this action.

- ii. When interim disciplinary action is imposed, the student is entitled to administrative disposition of the allegations under Subchapter 9-300, II.C.1.c. or a hearing before a Hearing Officer under Subchapter 9-400. A hearing following interim disciplinary action will generally be held within 10 days after the interim disciplinary action was taken, however, at the discretion of the Director of the Office of Student Conduct the 10 day period may be shortened, or extended for a period not to exceed an additional 10 days. Notwithstanding the above, the Office of Student Conduct may withhold the issuance of an official transcript, graduation, diploma, or degree to a student alleged to have violated a rule of regulation of the University of Texas System or the University which would reasonably allow the imposition of such sanction. The Office of Student Conduct may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Conduct Officer has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Director of the Office of Student Conduct, the best interests of the University of Texas System and the University would be served by this action.

2. **Discipline by Faculty**

- a. A faculty member who believes that a student has engaged in a violation of the University's policy on scholastic dishonesty as outlined in Subchapter 9-200, II.B.1.f. will initiate and follow reporting procedures of the Office of Student Conduct.
- b. If the student was enrolled in the course during the term that the violation occurred, faculty members are authorized to take the following actions after meeting with students or referring them to the Office of Student Conduct for adjudication:
 - i. If the student does not dispute the facts upon which the allegation of scholastic dishonesty is based and executes a written waiver of the hearing procedures the faculty member may assess an academic penalty and refer the case to the Office of Student Conduct for assessment of a disciplinary sanction(s); the student may appeal the disciplinary sanction assessed under Subchapter 9-300, II.C.1.c. The appeal is limited to the issue of the disciplinary sanction(s).

- ii. If the student disputes the facts upon which the allegation of scholastic dishonesty is based or the faculty member does not meet with the student, the faculty member will refer the matter to the Office of Student Conduct for processing under Subchapter 9-300, II.C.1. and issue an incomplete grade until the matter is adjudicated.
- iii. If the student was not enrolled in the course during the term that the violation occurred, the faculty member will refer the case to the Office of Student Conduct for assessment of a disciplinary sanction(s); the faculty member may not impose an academic penalty in a course that was previously completed in a prior term or in a separate course that the student is enrolled in.

D. Subchapter 9-400 Hearing Process

In those cases in which the accused student disputes the facts upon which the charges are based and the disciplinary penalty being imposed involves Suspension, Academic Sanctions or Expulsion such charges shall be heard and determined by a fair and impartial Hearing Officer.

1. Interim Disciplinary Action Accelerated Hearing

When interim disciplinary action has been taken by the Office of Student Conduct under Subchapter 9-300, II.C.1.e, the student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified in Subchapter 9-400 within 10 days after the interim disciplinary action was taken; however, at the discretion of the Conduct Officer, the 10-day period may be shortened, or extended for a period not to exceed an additional 10 days.

2. Notice of Hearing

Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s), names of witnesses and a summary of their testimony, and a summary statement of the evidence supporting such charge(s). The notice shall be delivered in person to the student or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Conduct Officer. If the hearing is postponed it is responsibility of the accused student and the Conduct Officer to notify their respective witnesses.

3. Impartiality of the Hearing Officer(s)

The accused student may challenge the impartiality of a Hearing Officer(s). The challenge must be in writing, state the reasons for the

challenge, and be submitted to the Hearing Officer(s) through the Office of Student Conduct at least three weekdays prior to the hearing. The Hearing Officer(s) shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event a Hearing Officer(s) disqualifies himself or herself, a substitute will be chosen in accordance with procedures of the institution.

4. Duties of Hearing Officer(s)

The Hearing Officer(s) is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer(s) shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel. The Hearing Officer(s) shall render and send to the Office of Student Conduct a written decision that contains findings of fact and a conclusion as to whether the accused student is responsible for the violations as charged. Upon a finding of responsibility the Hearing Officer(s) shall assess disciplinary action and/or sanctions specified in Subchapter 9-500. When an accused student is found responsible for the illegal use, possession, or sale of a drug or narcotic on campus, the assessment of a minimum sanction provided in Section II.B.1.I. will apply.

5. Hearing Procedures

- a. The hearing shall proceed in the following manner:
 - i. The Hearing Officer shall read aloud the charges against the accused student, explain the rights of the parties and answer questions from the parties concerning the procedures to be followed;
 - ii. The Conduct Officer shall proceed to present evidence in support of the charges;
 - iii. The accused student shall present evidence in his/her defense;
 - iv. Each party may present rebuttal evidence; and
 - v. Argument may be presented by each party
- b. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing. This does not preclude either party from offering evidence that is strictly in rebuttal to evidence or testimony presented by the other party during the course of the hearing.
- c. Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses,

and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Conduct Officer's advisor may be an attorney from the University or an attorney from the UT System Office of General Counsel. An advisor may confer with and advise the Conduct Officer or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer(s). In sexual harassment/sexual assault cases, the alleged victim shall have the right to be present throughout the hearing, to have an advisor present during the hearing, to have irrelevant past sexual history with third parties excluded from the evidence, and to have a closed hearing.

- d. The Conduct Officer may recommend a sanction to be assessed by the Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Conduct Officer. The accused student shall be entitled to respond to the recommendation of the Conduct Officer.
- e. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer(s) in accordance with Subchapter 9-600, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer(s). At the request of the Appellate Officer, the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript. No other camera or photographic equipment of any kind, nor any equipment that may be used to record or transmit sound, shall be permitted to be used in the hearing room or in the hallway immediately outside of the hearing room during the hearing process.
- f. The hearing officer has full discretion in maintaining the decorum of the hearing. If at any point the Hearing Officer determines that any person(s) in attendance at the hearing causes or contributes to any disruption, disturbance, or distraction of the hearing, such person(s) shall be required to leave the hearing room.
- g. If the accused student fails to appear at the time and place scheduled for the disciplinary hearing, the hearing shall proceed in the absence of the student and without benefit of their testimony.
- h. For hearings of Title IX Complaints, as defined hereafter, to protect the complainant, the Hearing Officer may allow the victim and accused to appear separately, appear through the use of teleconferencing technology, place a petition or divider between the victim's seat and the accused, or take any other reasonable precautions.

6. **Burden of Proof**

- a. The Conduct Officer shall have the burden of establishing the truth of the charges against the accused student by the preponderance of the evidence. The term preponderance of the evidence means the greater weight of the credible or believable evidence.
- b. As the party having the burden of proof, the Conduct Officer shall have the right to open and conclude, both in presenting evidence and in argument. In the argument at the close of presentation of evidence, the Conduct Officer may recommend a sanction to be assessed by the Hearing Officer in the event the accused student is found responsible for the charges. The recommendation may be based upon penalties assessed in the past for violations of a similar nature, the nature and circumstances of the conduct, the past disciplinary record of the accused student, or other relevant factors. The accused student shall be entitled to respond to the recommendation in his/her argument to the Hearing Officer.

7. Witnesses

- a. Each witness shall be requested by the Hearing Officer to swear or affirm that the testimony he/she will give will be true.
- b. The witnesses shall be removed from the hearing room to some place where they cannot hear the testimony given by any other witness in the hearing. This process is called placing the witnesses under the rule. Neither party shall be placed under the rule. Witnesses placed under the rule shall be instructed by the Hearing Officer not to converse about the case or their testimony with each other or with any person other than the parties or their respective advisor, and that they are not to read any report of or comment upon the testimony given at the hearing while under the rule. Violation of such instructions will result in the imposition of such sanction as the Hearing Officer may deem appropriate, including the exclusion of the testimony of the witness.
- c. For hearings of Title IX Complaints, as defined hereafter, a party shall not be entitled to personally question or cross-examine the other party. The Hearing Officer may choose to allow the parties to submit questions to the Hearing Officer to ask the questions on their behalf. The Hearing Officer may screen the questions submitted by the parties and only ask those it deems appropriate and relevant to the case. Questions about the complainant's sexual history with anyone other than the alleged perpetrator will not be permitted. Further, the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual misconduct.

8. Evidence

- a. The term Evidence refers to the means by which alleged facts are either proved or disproved. It includes the testimony of witnesses and documentary or objective exhibits offered by the parties and admitted by the Hearing Officer.
- b. The Hearing Officer shall be the sole judge of the admissibility of evidence, the credibility of the witnesses, the weight to be given to the evidence, or any inference drawn there from. The Hearing Officer may ask such questions of witnesses or the parties as may be deemed appropriate to ascertain the facts or to aid the Hearing Officer in deciding the admissibility of evidence, the credibility of a witness, or the weight to be given to evidence admitted.
- c. Documents, letters, writings, pictures, drawings, or objects that a party plans to offer in evidence shall first be given to the Hearing Officer to be marked and identified as the exhibit of that party and listed by the Hearing Officer. After being marked and identified, each exhibit shall be shown to the opposing party and that party shall be given the opportunity to object to the admission of the exhibit.
- d. Either party may object to the admission of evidence upon any ground deemed appropriate. The Hearing Officer shall rule upon such objections and either admit or exclude the evidence.
- e. Evidence which is irrelevant, immaterial, or unduly repetitious will be excluded by the Hearing Officer upon objection of either party.

9. **Decision**

The Hearing Officer must within 10 days render a written decision to the Office of Student Conduct that contains findings of fact and a conclusion as to whether the student is responsible for the violations charged. Upon a finding of responsibility, the Hearing Officer shall assess disciplinary actions as specified in Subchapter 9-500, II.E.1, and disciplinary sanction(s) as specified in Subchapter 9-500, II.E.2.

UTA will disclose to the alleged victim of a crime of violence or non-forcible sex offense, the report of the results of any disciplinary proceeding conducted by UTA against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

E. **Subchapter 9-500 Disciplinary Outcomes**

1. **Disciplinary Action**

The following actions may be taken by the Office of Student Conduct or by the Hearing Officer(s) as applicable, in accordance with these

procedures. Disciplinary actions may result in a reportable disciplinary record as outlined below:

- a. **On Notice:** the student is formally notified of the University's policy related to an alleged violation.
- b. **Official Warning:** the student is formally warned that their behavior was found to be a violation of University policy.
- c. **Disciplinary Probation:** the student's status is between "good standing" and dismissal from the institution, further violations will likely result in suspension or expulsion. Disciplinary probation may limit a student's ability to be involved in campus life (student organizations, study abroad, etc.). Disciplinary probation results in a seven year reportable disciplinary record.
- d. **Suspension of Rights and Privileges:** the student shall not be eligible to participate in official events or activities of the University or the UT System, whether athletic or non-athletic, shall not join a registered student organization or participate in any meetings or activities of a registered student organization of which he/she may already be a member, or shall not be appointed or elected to or continue to function in any office or position within student government or the student newspaper or may not be inducted into or continue to participate as a member of an honorary or service organization. Student may also be barred from entering specified buildings or restricted from using particular facilities during the period of suspension. Students may be barred from residing in and entering all University owned or controlled housing, residence halls, or apartments.
- e. **Bar Against Readmission:** an individual is ineligible to enroll at the University during the period of the bar.
- f. **Suspension:** a student may not attend any courses and may not enter in or on University property or facilities, except in response to an official summons from the Office of Student Conduct during the period of suspension. Suspension creates a permanent reportable record and is noted on the official transcript during the term of suspension. Students who are currently enrolled will be administratively withdrawn from all courses, and refunds will not be issued. The notation can be removed upon the request of the student when all conditions of the suspension are met.
- g. **Expulsion from the University:** a student is administratively withdrawn from any current courses and a permanent bar against readmission and a bar from campus are imposed. Expulsion creates a permanent reportable record and a permanent transcript notation.
- h. **Revocation of Degree and Withdrawal of Diploma:** a student is found responsible for a violation after the conferral of degree

and awarding of diploma. Appropriate licensing boards/agencies are notified when this occurs. This creates a permanent reportable record and a permanent transcript notation.

- i. **Withholding of Grades, Official Transcript, and/or Degree:** this action may be taken pending the results of the disciplinary process or upon outcome of the hearing.
- j. **Interim Disciplinary Action:** immediate action is being taken by the Office of Student Conduct pending the disposition of the formal hearing in accordance with Subchapter 9-400.

2. **Disciplinary Sanctions**

The following sanctions may be assigned to students in addition to the actions outlined above:

- a. **Educational Programs or Activities:** developed to expand the student's understanding of the regulation or policy and/or to help the student learn more about himself/herself in relation to the policy or violation.
- b. **Community Service:** a student may be assigned to complete hours of community service at a registered non-profit agency of their selection.
- c. **Parental Notification:** pursuant to federal exemptions of FERPA policy, the Office of Student Conduct may contact parents for students found responsible for alcohol or drug related violations.
- d. **Restitution or Reimbursement:** requires a student to make restitution or reimburse the University for loss or damage to, or unauthorized taking or use of, property owned or controlled by the University or any other third party when the conduct of the student has resulted in such loss or damage. The student shall be advised of the amount of the loss or damage, and it may either be charged to the student's University account or submitted by the student to the Office of Student Conduct via cashier's check by a deadline specified.
- e. **Grading Penalty:** students may be assigned a grading penalty in association with a finding of responsibility in a scholastic dishonesty violation. This grading penalty is determined by the faculty member of record for the course in which the violation occurred, and the recommended grading penalty will be disclosed by the faculty member when the violation is reported to the Office of Student Conduct.
- f. Other sanctions as deemed appropriate under the circumstances.

F. **Subchapter 9-600 Appeal Process**

A student may appeal a disciplinary action taken by the Office of Student Conduct in accordance with Subchapter 9-500. Either the Office of Student Conduct or the student may appeal the decision of the Hearing Officer(s). In sexual harassment/sexual assault cases, the alleged victim may pursue an appeal under the same procedure as the accused student. An appeal shall be in accordance with the following procedures:

1. Appeal Procedures

The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the President of the institution or his/her designee (hereafter "Appeal Official") with a copy to the other party. The appeal must be stamped as received in the Office of Appeal Official no later than 14 days after the appealing party has been notified of the sanction assessed by the Conduct Officer or the decision of the Hearing Officer(s). If the notice of sanction assessed by the Conduct Officer or the decision of the Hearing Officer(s) is sent by mail, the date the notice or decision is mailed initiates the 14-day period for the appeal. The non-appealing party, and in sexual harassment/sexual assault cases, the alleged victim, may submit a response to the appeal, which must be received by the Appeal Official no later than five days after receipt of the appeal, with a copy to the other party. An appeal of the sanction assessed by the Conduct Officer in accordance with Subchapter 9-300, II.C.1.d will be reviewed solely on the basis of the written argument of the student and the Conduct Officer. The Office of Student Conduct will submit the record from the hearing to the Appeal Official as soon as it is available. At the discretion of the Appeal Official, both parties may present oral argument in an appeal from the decision of the Hearing Officer(s).

2. Appeal Official's Authority

The Appeal Official may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that upon a finding of responsibility in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the sanction may not be reduced below the sanction as prescribed by Subchapter 9-200, II.B.1.

3. Communication of Decision

The action of the Appeal Official shall be communicated in writing to the student(s) and the Office of Student Conduct within 30 days after the appeal and related documents have been received. The decision of the Appeal Official is the final appellate review.

4. Effect of Appeal upon Disciplinary Action

An appeal of the decision of the Conduct Officer or the Hearing Officer(s) shall temporarily hold any disciplinary action pending the final decision of the Appeal Official except when interim disciplinary action has been taken.

When the decision of the Conduct/Hearing Officer is upheld, any previously determined dates associated with the sanctions/actions imposed may be adjusted as a result of the appeal timeline at the discretion of the Appeal Official.

G. Subchapter 9-700 Disciplinary Record

The University will maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. A record of scholastic dishonesty will be maintained for five years unless the record is permanent in conjunction with the above stated sanctions. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. This disciplinary record shall be maintained by the Office of Student Conduct. It shall be treated as confidential, and shall not be accessible to anyone other than university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

H. Sub-Chapter 9-800 Timelines

All timelines stated herein may be extended or shortened by the University for good cause provided that there is no detriment to the investigation, the complainant or the accused. The University endeavors to resolve all reports of sexual misconduct within sixty (60) days in accordance with the Department of Education's Office for Civil Rights guidelines. To the extent possible, investigators and decision makers are encouraged to process complaints expeditiously, while maintaining the integrity of the investigation. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. In the event that the investigation and resolution of a report of sexual misconduct exceeds sixty (60) days, the University will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the University may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact gathering is not completed in a reasonable time.

I. Sub-Chapter 9-900 Title IX Investigations

Allegations of sexual misconduct, including but not limited to sexual harassment, sexual assault, sexual violence, stalking, dating violence, and domestic violence (collectively "Title IX Complaints") shall be investigated and

resolved as violations of student conduct as outlined in Sub-Chapter 9-300, et. seq. with the following exceptions.

1. Title IX Coordinator and Deputy Coordinator.
Title IX Complaints shall be immediately reported to the Title IX Coordinator as required by *Sexual Harassment and Sexual Misconduct Policy* ([Policy 5-513](#)). The Title IX Coordinator is ultimately responsible for oversight of the investigation and resolution of all reports of Title IX Complaints. The Title IX Coordinator shall work with the Title IX Deputy Coordinator for students, to assign a Title IX Investigator in place of the Conduct Officer. Except as provided for within this sub-chapter, the investigation, hearing and appeal processes shall be conducted in accordance with Sub-Chapter 9-300 et. seq. After conducting any necessary assessment/investigation, but prior to any hearing the investigator will prepare a report setting forth the facts gathered, which will be forwarded to the Deputy Coordinator and Title IX Coordinator for review to ensure oversight of the investigation. The University Title IX Coordinator may provide guidance throughout the discipline process to ensure policy and federal laws are followed. Based on the outcome of the investigation and/or hearing, the Title IX coordinator will take appropriate measures designed to end the type of misconduct, prevent its recurrence, and address its effects.

III. Definitions

Administrative Disposition: a document signed by the student and the Conduct Officer which includes a statement of the disciplinary charges, the findings, the sanction, and a waiver of the hearing procedures and possibly a waiver of appeals under Regents' *Rules and Regulations*, [Rule 50101](#), Part 2, and institutional rules regarding student discipline

Campus: all real property, buildings, or facilities owned or controlled by the institution

Vice President for Student Affairs: the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule

Conduct Officer: the administrative officer or officers responsible for the administration of the disciplinary process at each institution. The Conduct Officer acts under the direction of the Vice President for Student Affairs.

Hearing Officer: an individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Vice President for Student Affairs to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s)

Student: the following persons shall be considered students for purposes of these policies and regulations:

- A. a person currently enrolled at an institution of the UT System

- B. a person accepted for admission or readmission to an institution of the UT System
- C. a person who has been enrolled at an institution of the UT System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows
- D. a person who engaged in prohibited conduct at a time when he or she met the criteria of 1, 2, or 3

Day: a calendar day, except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations

Weekday: Monday through Friday, excluding any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations.

IV. **Relevant Federal and State Statutes**

[Texas Education Code Section 51.936](#) and [Sections 37.151 - 37.157](#).

V. **Relevant UT System and Institutional Policies, Procedures, and Forms**

[UT Arlington HOP Policy 5-513 Sexual Harassment and Sexual Misconduct](#)

[UT Arlington HOP Policy 5-511 Consensual Relationships](#)

Regents' Rules and Regulations, [Rule 50101](#), Part 2, Relationship Violence and Sexual Assault Prevention Educator (rvsp@uta.edu)

VI. **Who Should Know**

Each student is responsible for the notice of and compliance with the provisions of the Regents' Rules and Regulations and the rules of the institution.

The following persons shall be considered students for the purposes of these policies and regulations:

- a person currently enrolled at UT Arlington
- a person who has applied for admission or readmission to an institution of the UT System or has been accepted for admission or readmission to UT Arlington
- a person who has been enrolled at an institution of the UT System in a prior of the UT System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows
- a person who engaged in prohibited conduct at a time when he or she met the criteria of 1, 2, or 3 immediately above (purpose and scope)

VII. **UT Arlington Officer(s) Responsible for Policy**

Office of Student Conduct

VIII. **Dates Approved or Amended**

Approved July 10, 2012

Amended January 29, 2013

Amended March 2, 2015

IX. **Contact Information**

All questions concerning this policy should be directed to the Office of Student Conduct; conduct@uta.edu; 817-272-2354.