

Policies of the University of North Texas Health Science Center	Chapter 07 – Student Affairs, Education and Funding
<b>7.126 Student Code of Conduct and Discipline</b>	

**Policy Statement.**

The primary concern of the University of North Texas Health Science Center ("UNTHSC") is the student. UNTHSC provides all students with a campus environment that is conducive to academic endeavors and social and individual growth. To that end, UNTHSC has adopted policies to govern student behavior that are educational in nature and designed to help students understand expectations and accept responsibility for their own actions. The policies governing student behavior have been formulated into a Student Code of Student Conduct and Discipline ("the Code"). Enrollment at UNTHSC is considered implicit acceptance of the Code and other policies applicable to students, and students are responsible for reviewing the Code and becoming familiar with all included provisions

**Application of Policy.**

This policy applies to all UNTHSC students. The Code applies to conduct that occurs on UNTHSC premises, at UNTHSC activities and also to conduct that may occur off campus that could adversely affect the UNTHSC community and/or pursuit of the UNTHSC educational mission.

**Definitions.**

1. Behavioral Record. "Behavioral record" means the official record of a student's disciplinary history maintained in the Office of Student Affairs including all records created as part of the disciplinary process.
  
2. Committee on Student Conduct. "Committee on student conduct" means a group convened at the request of a student or Student Conduct Representative for the purpose of providing a second opportunity for impartial review of alleged misconduct and/or disciplinary sanctions

3. Complainant. “Complainant” means an individual who files a complaint with the Office of Student Affairs alleging a violation of the Student Code of Conduct and Discipline. Complaints can be made by non-students who were students when the violation occurred, as long as the accused is still a student.
4. Consent. “Consent” means words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objectives of another, or by taking advantage of the incapacitation of another, where the student knows or reasonably should have known of such incapacity. Use of alcohol or drugs may impair an individual’s capacity to freely consent and may render an individual incapable of giving consent. Consent is absent when the activity in question exceeds the scope of previously given consent.
5. Dating Violence. “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of the interaction between the persons involved in the relationship.
6. Day. “Day” means Monday through Friday during regular university business hours, not including dates when the university is officially closed for a recognized state or federal holiday or weather related emergency.
7. Disciplinary Process. “Disciplinary process” means the procedures provided in the Code to consider whether a student has engaged in misconduct, and whether disciplinary sanctions should be imposed.
8. Domestic Violence. “Domestic violence” includes crime of violence by a current or former spouse of a victim, by a person with whom the victim shares a child in common, or by a person who is cohabitating with, or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of a victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any person against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws of the jurisdiction. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, coerce, threaten, blame, hurt, injure, or wound someone.

9. Greater Weight/Preponderance of the Evidence. “Greater weight/preponderance of the evidence” means standard of review in the student disciplinary process which evaluates whether allegations are more likely than not to have occurred.
10. Honor Code Representative. “Honor code representative” means a student representative duly elected or appointed by the student government association from the class and/or school/program of the accused student.
11. Majority Vote. “Majority vote” means a percentage of votes cast by the Committee on Student Conduct equal to more than fifty percent (50%) of the Committee members present (i.e., 50% plus).
12. No Contact Order. “No contact order” means an Order issued by the Senior Student Affairs Officer and/or designee prohibiting contact between individuals involved in a disciplinary matter.
13. Notice of Complaint. “Notice of complaint” means the initial document in the disciplinary process that identifies alleged misconduct in violation of the Code and schedules a conference between the student and the SSAO, or a designee, to discuss alleged violations of the Code and possible sanctions. In matters of alleged academic dishonesty, an Honor Conduct Representative will be present.
14. Permanent Academic Record. “Permanent academic record” means a student's official academic record maintained in the Office of the Registrar.
15. Request for Review. “Request for review” means a request made by a student who disagrees with the disciplinary findings or sanctions as determined by the SSAO or a designee.
16. Responsible Student. “Responsible student” means a student who is found or alleged to have engaged in an act or acts of sexual misconduct in violation of the Code.
17. Senior Student Affairs Officer ("SSAO"). “Senior student affairs officer” means a UNTHSC Official in the Office of Student Affairs who has delegated authority to administer the disciplinary process.
18. Sexual Assault. “Sexual assault” means an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the Federal

- Bureau of Investigation. Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.
19. Sexual Coercion. “Sexual coercion” means the use of manipulation or threat to force someone to have sex.
  20. Sexual Exploitation. “Sexual exploitation” means taking non-consensual or abusive sexual advantage of another for another’s own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, including but not limited to, non-consensual video or audio-taping of sexual activity or undetected viewing of another’s sexual activity.
  21. Sexual Harassment. “Sexual harassment” means Unwelcome conduct of a sexual nature, sex or gender-based, including but not limited to unwelcome sexual advances, requests for sexual favors, sexual violence and other verbal, nonverbal or physical conduct of a sexual nature.
  22. Sexual Misconduct. “Sexual misconduct” means conduct including sexual harassment, sexual exploitation and/or sexual violence.
  23. Sexual Violence. “Sexual violence” means physical sexual acts perpetrated against a person’s will or when a person is incapable of giving consent due to the victim’s use of drugs or alcohol or other disability, including age. Sexual violence includes but is not limited to rape, sexual assault, sexual battery or sexual coercion.
  24. Stalking. “Stalking” means engaging in a course or conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.
  25. Student. “Student” means an individual taking courses at UNTHSC, either full- or part-time, including individuals who withdraw from UNTHSC during the disciplinary process; those who are not currently enrolled in courses but who have a continuing academic relationship with UNTHSC and those who have applied for admission or readmission to UNTHSC.
  26. Student Code of Conduct and Discipline (“the Code”). “Student code of conduct and discipline” means standards of conduct and procedures established to provide a full and fair opportunity for review of alleged student misconduct.

27. Title IX Coordinator. "Title IX coordinator" means university official responsible for monitoring the university's implementation of Title IX, coordinating compliance and investigating complaints of sex discrimination.
28. Trespass. "Trespass" means a permanent prohibition from entering any university premises or university sponsored activities or functions.
29. University Community. "University community" means the collective group of students, faculty, staff, university officials and any other person employed by or contributing to the UNTHSC.
30. University Premises. "University premises" means all buildings, facilities, land and other property that is owned, used or controlled by UNTHSC.

### **Procedures and Responsibilities.**

1. Authority for Discipline - The Code was adopted as a UNTHSC policy by the president of the university in accordance with authority delegated by the Board of Regents of the University of North Texas System. The Code is implemented and enforced under the direction of the Senior Student Affairs Officer (SSAO) with certain committees under the direction of the Office of Student Affairs.

Responsible Party: SSAO, Office of Student Affairs.

2. Student Status - Each student is responsible for their own conduct from the time of application for admission to UNTHSC through the award of a degree, or such time as there is a formal termination of the student relationship with the university. Each student is responsible for conduct occurring before classes begin and after classes end, as well as during the academic year and during periods between enrollment. The Code continues to apply to student conduct even if a student withdraws from UNTHSC during the disciplinary process. In addition, applicants and students who wish to enroll are also responsible for their conduct prior to admission or re-enrollment.

Responsible Party: Student.

3. Violations of Law and the Code. Students may be accountable to criminal or civil authorities for conduct which may also establish a violation of the Code. The UNTHSC disciplinary process will normally proceed during the pendency of any related criminal or civil proceedings and will not be subject to reconsideration even if related criminal charges may be dismissed or otherwise resolved..

Responsible Party: Student.

4. Disciplinary Review of Applicants.

- a. Applicants to UNTHSC and former students seeking re-enrollment, may be referred to the Senior Student Affairs Officer ("SSAO") to consider alleged misconduct that could violate the Code and therefore impact admission or re-enrollment, including falsification of admissions documents. In such cases the SSAO will review the student's alleged misconduct to consider the individual's potential to benefit from attendance at UNTHSC as well as the welfare and safety of the UNTHSC community. The SSAO will provide a recommendation to the Dean of the program or school for which the student is seeking admission or enrollment and the Dean will make the final decision
- b. The Dean may determine not to clear an applicant for admission or a former student for re-enrollment, or place the appropriate sanction upon an applicant or former student when evidence indicates that the applicant or former student has:
  - 1.) engaged in acts that were disruptive to the normal operations of an educational institution,
  - 2.) falsified the enrollment application or admission forms,
  - 3.) engaged in conduct that violates one or more categories of misconduct as prohibited by the Code,
  - 4.) been formally charged with commission of a criminal act, been convicted of a criminal act and still subject to criminal penalty, including but not limited to imprisonment, parole and/or probation.
- c. A student may request a meeting with the SSAO to discuss the Dean's decision regarding admission or conditional admission.
- d. The decision of the Dean relating to admission or re-enrollment based on the disciplinary process is final.

Responsible Party: Applicant, SSAO, Dean.

5. Records. Documents that are created and maintained as part of the disciplinary process are subject to the protections of the Family Education Rights and Privacy Act, 20 U.S.C. §1243g. Disciplinary records, including records created as part of a review before the Committee on Student Conduct, are maintained as part of a student's official behavioral record in the Office of Student Affairs.

Responsible Party: Office of Student Affairs, SSAO.

6. Categories of Misconduct. Students may be disciplined for the misconduct identified below:

a. Acts of Dishonesty. Acts of dishonesty includes but will not be limited to:

1.) Academic dishonesty, including but not limited to:

a.) Cheating - The use of unauthorized assistance in academic exercises, including but not limited to:

i. Use of any unauthorized assistance in graded or ungraded coursework, research, quizzes, tests or examinations.

ii. Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving reports or carrying out assignments.

iii. Use, without permission, of tests, notes or other academic material belonging to faculty, staff or another student.

iv. Dual submission of a paper or project, or re-submission of a paper or project to a different class without express permission of the instructor.

v. Engaging in any act that is designed to or has the potential to give a student an unfair advantage.

b.) Plagiarism - Use of another's thoughts or words without proper attribution in any academic exercise, regardless of the student's intent, including but not limited to:

i. The knowing or negligent use by paraphrase or direct quotations of the published or unpublished words/ideas of another without full and clear acknowledgement or citation.

ii. The knowing or negligent unacknowledged use of materials prepared by another or by an agency engaged in the selling of term papers or other materials.

c.) Forgery - Altering a score, grade or official UNTHSC academic record or forging the signature of an instructor or of another student.

d.) Fabrication - Falsifying or inventing any information, data or research as part of an academic exercise.

- e.) Facilitating Academic Dishonesty - Helping or assisting another in the commission of academic dishonesty.
  - f.) Sabotage - Acting to prevent others from completing their work or willfully disrupting the academic work of others.
- 2.) Furnishing false or misleading information to any UNTHSC official, faculty, staff member or student acting on behalf of UNTHSC or giving false or misleading testimony or evidence at any campus proceeding.
  - 3.) Forgery, alteration, falsification or misuse of any official UNTHSC document, record or instrument of identification.
  - 4.) Tampering with the election of any UNTHSC recognized student organization.
  - 5.) Theft or attempted theft of UNTHSC property, including the unauthorized use of UNTHSC procurement card.
  - 6.) Theft or attempted theft of personal property or UNTHSC services.
  - 7.) Failure to fulfill financial obligations to UNTHSC.
  - 8.) Unauthorized possession, duplication or use of access devices to UNTHSC property.
  - 9.) Unauthorized entry onto or use of UNTHSC premises.
  - 10.) Failure to report violations of the Code.
  - 11.) Misrepresenting oneself as a University official.
- b. Conduct which adversely affects the UNTHSC community – including but not limited to:
- 1.) Obstructing or disrupting teaching, research, administration, disciplinary procedures or other UNTHSC activities whether occurring on- or off-campus.
  - 2.) Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers the health or safety of the student or others. Speech protected by the First Amendment is not a violation of this provision; however, fighting words and statements that reasonably threaten or endanger the health and safety of another are not protected speech. Each allegation of a violation under this provision will be reviewed in consideration of these factors.

- 3.) Unauthorized use or possession of ammunition, firearms, explosives or other objects that are dangerous or flammable or that could cause damage by fire or explosion to persons or property. Firearms are prohibited anywhere on university premises except as specifically authorized by law.
- 4.) Hazing, as defined in the Texas Education Code, including any intentional, knowing or reckless act, occurring on or off UNTHSC premises, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliated with, holding office in, or maintaining membership in an organization, including but not limited to: any type of physical brutality, any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, any activity involving consumption of food, liquid, alcoholic beverages, liquor, drug or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical safety of the student, any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation that adversely affects the mental health, dignity of the student or discourages the student from entering or remaining registered at UNTHSC or that may reasonably be expected to cause a student to leave UNTHSC rather than submit to the describe acts, and any activity that induces, causes or requires a student to perform a duty or task in violation of the Texas Penal Code. Also includes having firsthand knowledge of the planning of hazing or of its occurrence and failing to report it to UNTHSC authorities.
- 5.) Engaging in disruptive activities, as defined in the Texas Education Code, including intentionally obstructing, restraining, preventing or attempting to prevent passage of individuals on campus or into/out of campus buildings by force, by violence or by the threat of same; seizing control of a building/portion of a building to interfere with an administrative, educational, research or other authorized activity; preventing participation in or the holding of a lawful assembly or attempting to prevent same by force/violence, by threat or by causing reasonable fear of force/violence; or disrupting an assembly in progress by one or more such means.
- 6.) Engaging in disorderly or obscene conduct.
- 7.) Breaching the peace; or aiding, abetting or inciting another to breach the peace.

- 8.) Illegal use, possession, sale, manufacture, distribution or effective control of chemical precursors, controlled substances, controlled substance analogues, dangerous or illegal drugs; misuse, possession or effective control with intent to misuse a legal drug or other substance which when not used in accordance with legal intent could cause harm to the user; possession of drug paraphernalia; or being a party to any of the above.
- 9.) Public intoxication; driving under the influence; driving while intoxicated; use, possession or distribution of alcoholic beverages, except as expressly permitted by law and UNTHSC policy.
- 10.) Interfering with any UNTHSC emergency or public safety function such as fire, police or emergency services.
- 11.) Tampering with or misuse of security or safety equipment.
- 12.) Reporting a false emergency or threat.
- 13.) Failing to comply with a reasonable directive of a UNTHSC official, including campus police and officials in the Office of Student Affairs acting in performance of their official duties.
- 14.) Intentionally or recklessly destroying or damaging UNTHSC property or property of others.
- 15.) Engaging in acts of sexual violence including but not limited to rape, sexual assault, sexual battery, sexual coercion, domestic violence, dating violence, stalking, and any other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol or due to an intellectual or other disability.
- 16.) Engaging in acts of sexual harassment including unwelcome conduct of a sexual nature which is sufficiently serious that it unreasonably interferes with or limits another's ability to participate in or benefit from the UNTHSC program or work environment or of creating an intimidating, hostile or offensive working or educational environment; including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature.
- 17.) Engaging in acts of sexual misconduct, sexual abuse, sexual harassment, sexual exploitation, sexual violence, domestic violence, dating violence, sexual assault, stalking, or sexual coercion as defined by state, international and federal law and university policy.

- c. Conduct Affecting Intellectual Property – including but not limited to:
  - 1.) Using or distributing the original work of another (whether copyrighted or not) without the express consent of the owner, including but not limited to the unauthorized downloading of copyrighted material through illegal downloading or peer-to-peer distribution and the distribution for commercial purposes of derivatives works from written materials created by faculty or staff, without express written permission of the originator.
  - 2.) Using or distributing a trademark, including UNTHSC trademarks, without the express written consent of the owner.
- d. Conduct Affecting Computer Resources or Technology – including but not limited to:
  - 1.) Unauthorized access, use, or misuse of UNTHSC computing resources, systems or data.
  - 2.) Disrupting UNTHSC computer operations, or the availability of computer resources.
  - 3.) Using another’s individual identification, password or other credential to access UNTHSC computing resources.
  - 4.) Unauthorized sharing of copyrighted materials through electronic means.
  - 5.) Initiating or contributing to attacks against external networks or UNTHSC systems.
- e. Violations of International, Federal, State or Local Laws (whether convicted or not) or UNTHSC policy.
- f. Interfering with the Disciplinary Process, including but not limited to:
  - 1.) Failing to comply with a request to attend a conduct conference with the Office of Student Affairs.
  - 2.) Failing to comply with sanction(s) imposed under the Code or sanction(s) otherwise imposed by the University, including failing to comply with any “no-contact” order.
  - 3.) Falsifying or misrepresenting information at any stage of the disciplinary process; or knowingly initiating a false complaint to the Office of Student Affairs.

- 4.) Attempting to discourage a person's participation in, or use of the disciplinary process.
  - 5.) Retaliating or engaging in any threatening behavior against a Complainant.
  - 6.) Harassing or intimidating a university official or member of the Committee.
- g. Facilitating Acts of Misconduct, including but not limited to:
- 1.) Failing to report known violations of the Code.
  - 2.) Planning or facilitating an act of misconduct.
  - 3.) Being present during the commission of an act of misconduct and supporting or encouraging the act.
- h. Other Misconduct – As part of the UNTHSC community, students are required to engage in responsible social conduct that aligns with the mission, vision, and values of UNTHSC. Misconduct includes any behavior that violates UNTHSC's mission, vision, and values.

Responsible Party: Student, Recognized student organization.

7. Misconduct Penalties. Any student or recognized student organization found to have engaged in conduct in violation of the Code may be subject to one or more of the following penalties. Repeated misconduct may result in assignment of more serious sanctions, including but not limited to suspension or expulsion. When disciplinary action results in a student leaving UNTHSC, grades will be assigned in accordance with UNTHSC grade policy and academic calendar.
- a. Consultation – An admonition to a student that will not be recorded in a student's permanent record but will be recorded in the student's behavioral record until the student graduates or permanently leaves UNTHSC.
  - b. Written Warning - A written admonition to a student that they have violated the Code and must not engage in future violations. Written warnings will not be recorded in a student's permanent academic record but will be recorded in the student's behavioral record until the student graduates or permanently leaves UNTHSC.
  - c. Educational Sanctions - An instructor may award partial or no credit for an assignment or assessment on which a student engaged in academic dishonesty to be calculated into the final course grade. An instructor may assign a failing grade for a course in which a student has engaged in

academic dishonesty. May also include referral to counseling or educational workshops.

- d. Loss of Privileges - A temporary or permanent loss of university privileges, including but not limited to a student's loss of privilege to join or hold a leadership position in a student organization, to participate in UNTHSC social events, to access UNTHSC computers or networks or a student organization's loss of privilege to register as an official/recognized UNTHSC student organization, to use UNTHSC space or to participate and receive the benefits of status as a UNTHSC recognized student organization. May also include withholding an official transcript or blocking enrollment, making restitution whether monetary or by specific duties, paying related fees, fines, or service charges or other appropriate penalties.
- e. Disciplinary Probation - A written sanction that will be reflected in a student's permanent academic record. Disciplinary probation will be established for a specific duration up to and including the entire period of a student's enrollment. During the period of disciplinary probation the student's conduct will be under close scrutiny with more serious sanctions to be imposed for future misconduct.
- f. Suspension - Removal from UNTHSC for a specified period of time. A suspended student will be removed from enrollment and trespassed from university premises until the period of suspension has expired and the student has applied for re-admission to UNTHSC and been cleared for re-admission by appropriate UNTHSC officials. Will be reflected in a student's permanent academic record.
- g. Administrative Withdrawal - Administrative removal of a student from a class, course or all courses. A withdrawn student may also be trespassed from UNTHSC premises and barred from re-enrollment. Reasons for administrative withdrawal include, but are not limited to:
  - 1.) The student has unmet financial obligations to UNTHSC.
  - 2.) To prevent disruption of the educational process.
  - 3.) The student has failed to respond to an official summons from a UNTHSC official.
  - 4.) The student has been suspended or expelled from UNTHSC.
- h. Expulsion - Permanent severance from UNTHSC. An expelled student will be permanently removed from enrollment and permanently trespassed from university premises. Will be reflected in a student's permanent academic

record.

- i. Immediate/Interim Suspension - Immediate removal from all or part of the university premises while the disciplinary process is pending when a violation reasonably indicates that the student's continued presence poses a substantial or immediate danger to the health, safety or welfare of any member of the university community or to university premises.
- j. Restitution - A monetary finding that requires a specified payment to UNTHSC or other third party.
- k. No-Contact Order - The Senior Student Affairs Officer or his/her designee may impose a limited or campus-wide No-Contact Order between parties involved in a disciplinary matter when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining expected behavior including face-to-face contact, correspondence, email, social media or telephone. Friends or relatives are also prohibited from contact on behalf of either party.

Responsible Party: Student, Recognized student organization.

#### 8. Disciplinary Procedures.

- a. Procedures before the Office of Student Affairs.
  - 1.) Initiation of Disciplinary Action - Disciplinary action may originate in the Office of Student Affairs or in other units of UNTHSC which may initially deal with alleged misconduct such as academic dishonesty which may originate in academic departments, and failure to meet financial obligations to UNTHSC which may originate in the Office of Student Financials and Cashiering.
  - 2.) Review of Alleged Misconduct - The Senior Student Affairs Officer (SSAO) will designate a conduct officer to conduct a preliminary investigation to assess all suspected and reported violations of the Code whether referred by students, faculty, staff, law enforcement, or any other credible third-party source of information without regard to any related criminal arrest, prosecution of any pending criminal or civil litigation. Complaints regarding alleged misconduct should be submitted to the SSAO as soon as possible after the alleged misconduct occurs. Individuals reporting alleged misconduct may be asked to submit a written complaint.
    - a.) In matters of sexual misconduct including domestic violence, dating violence, sexual assault, and stalking:

i. Prior to initiating an investigation, the Office of Student Affairs will review issues related to confidentiality with the Complainant. Complainants are not required to file a written complaint. If the Complainant requests confidentiality or requests that the complaint not be pursued, the Office of Student Affairs will take all reasonable steps to investigate the complaint and respond consistent with the Complainant's request as long as doing so does not prevent the university from responding effectively to sexual misconduct. The Office of Student Affairs will inform the Complainant that confidentiality in the disciplinary process cannot be assured.

ii. If a Complainant insists that they remain anonymous in the investigation, the Office of Student Affairs will inform the Complainant that such a request will limit the university's ability to respond to the complaint. The Office of Student Affairs will evaluate the Complainant's request for confidentiality in the context of the university's responsibility to provide a safe and nondiscriminatory environment for all students.

iii. The Office of Student Affairs will inform Complainant's that retaliation will not be permitted and that steps, such as a No-Contact Order, may be taken to prevent retaliation and that strong action will be taken if retaliation occurs.

iv. The Office of Student Affairs will complete an investigation of allegations within sixty (60) calendar days of receiving notice except in exceptional circumstances as determined based on the availability of witnesses, the number of witnesses or the volume of documents to be collected and/or reviewed. The Office of Student Affairs will regularly update the Complainant and if appropriate the alleged Responsible Student on the status of the investigation. The Office of Student Affairs will assure a prompt, fair, and equitable investigation and resolution and will use the greater weight/preponderance of evidence as a standard of review.

v. The investigation will be conducted by individuals who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and conduct process that protects the safety of the victims and promote accountability.

vi. The Office of Student Affairs will notify the Complainant about their right to file a criminal complaint with appropriate law enforcement officials; however, a criminal complaint will not preclude the Office of Student Affairs from proceeding with its investigation. Students who have not already contacted the Title IX Coordinator will also be informed of the rights to file a complaint with the Title IX Coordinator.

vii. The Office of Student Affairs will notify the Title IX Coordinator upon receipt of a complaint of sexual misconduct subject to the requests for confidentiality communicated by the Complainant. The Office of Student Affairs will coordinate with the Title IX Coordinator throughout the investigation as set forth in UNTHSC policy and will similarly coordinate with campus law enforcement as appropriate.

viii. Any student who reports to the institution that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking must be provided a written explanation of the rights and options for victims.

ix. UNTHSC will not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the Jeanne Clery Act or Title IX.

3.) Notice of Complaint - If the preliminary investigation finds a likelihood that a student has violated the Code the conduct officer will issue a written Notice of Complaint to the student that includes:

a.) A brief description of the alleged misconduct;

- b.) The specific section of the Code that may have been violated and the sanctions that may be applied if a violation is confirmed;
  - c.) A date for the conduct conference with the conduct officer to discuss the alleged misconduct and respond to the alleged violation of the Code. Dates may be extended at the discretion of the conduct officer in the interest of fairness. In matters of alleged academic dishonesty where an Honor Conduct Representative will be present, the Notice of Complaint will also recognize the anticipated presence of the Student Conduct Representative and will identify the Conduct Representative if possible. Students must respond to the notice of complaint in a timely manner and failure to do so may result in further disciplinary action as provided in the Code;
  - d.) The conduct officer may hand deliver the Notice of Complaint to the student, mail the Notice of Complaint to the current address on file for the student with UNTHSC, or e-mail the Notice of Complaint to the student's secure UNTHSC email address. Students are responsible for maintaining a current, accurate address with the UNTHSC Registrar and also for regularly checking their secure UNTHSC email accounts;
  - e.) A copy of the Notice of Complaint related to an allegation of academic misconduct will also be delivered to the Student Conduct Representative for the class/school/program of the student who is the subject of the Notice of Complaint so that the Student Conduct Representative can also be present to participate in the scheduled conduct conference.
- 4.) Conference with Student Affairs Conduct Officer
- a.) In accordance with the Notice of Complaint, the conduct officer appointed by the SSAO will hold an informal conference with the student to review the alleged misconduct.
  - b.) At the conference, the conduct officer will provide the student with the names of any witnesses to the alleged misconduct as permitted by law, and a summary of any relevant information gathered in the investigation. The student will be given an opportunity to respond to the allegations and to present pertinent information including witness information, documents, or other information that would assist the conduct officer in reviewing the alleged misconduct.
  - c.) A student may be accompanied at the conference by an advisor, but the student must represent herself or himself at the conference. If a student intends to be accompanied by an attorney, the student must

notify the conduct officer at least five (5) days prior to the conference so that UNTHSC can have a representative from the Office of General Counsel present at the conference.

- d.) If necessary based on information presented at the conference, the conduct officer may conduct further investigation and must request a subsequent meeting with the student to review any additional information and to offer the student an opportunity to respond.
- e.) Initial conduct conferences may not be recorded by the alleged student or the conduct officer via any electronic devices.
- f.) In matters of alleged sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, the conference with the student must be scheduled no more than twenty (20) days from the date of the Notice of Complaint. Dates may be extended at the discretion of the Office of Student Affairs in the interest of fairness. The Senior Student Affairs Officer or his/her designee will also hold an informal conference with the Complainant within the same timeframe for the Complainant to review the alleged misconduct and to present relevant information including witness information, documents or other information that would assist in reviewing the alleged misconduct. The accused (alleged Responsible Student) and the accuser (complainant) are entitled to the same opportunities to have others present during an institutional conduct conference, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The Complainant may be accompanied by an advisor, but the Complainant must represent herself or himself during the conference. If a Complainant intends to be accompanied by an attorney, the Complainant must notify the Office of Student Affairs at least five (5) days prior to the conference so that the university can have a representative from the Office of General Counsel present for the conference. In this informal conference phase and all subsequent phases of the disciplinary process, the past sexual history of the Complainant and the allegedly Responsible Student will not be considered in a matter of sexual misconduct except as the history may directly relate to the incident in the complaint. Additionally, the alcohol or drug use of the allegedly Responsible Student at the time of the incident will not be considered a mitigating circumstance. All standards of review will use the greater weight/preponderance of evidence.
- g.) Special proceedings in matters of alleged academic dishonesty:

- i. An Honor Conduct Representative will also be present at a conduct conference to review allegations of academic dishonesty unless the opportunity to have the Honor Conduct Representative present is waived in writing by the student.
  - ii. A student involved in allegations of academic dishonesty may waive their opportunity to participate in the initial conduct conference and request that the matter be referred directly to the Committee on Student Conduct for further review. A written waiver must be delivered to the conduct officer prior to the time of the scheduled conduct conference.
- 5.) Notice of Disciplinary Findings and Sanctions - Following the conduct conference, if the conduct officer determines that based on all the available information that the greater weight of the evidence indicates that the student engaged in misconduct in violation of the Code, the conduct officer will deliver a Notice of Disciplinary Findings and Sanctions to the student informing the student of the violation and the assigned sanction(s). Upon request, the conduct officer will provide the student with a copy of the Code and procedure for appeal. If the conduct officer determines that a student has not violated the Code, the conduct officer will notify the student of this finding and no further action will be taken.
  - a.) In matters of alleged sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, the Notice of Disciplinary Findings and Sanctions will be delivered in writing simultaneously to the Complainant and alleged Responsible Student. The Notice will include the procedures for the complainant and the alleged responsible student to appeal the results of the disciplinary findings and sanctions; any changes in the results before they become final; and when the results become final. All notices will be compliant with the requirements of the Family Education Rights and Privacy Act (FERPA).
- 6.) Effective Date of Disciplinary Sanction - Unless a student has been immediately suspended, the sanctions imposed by the conduct officer will not take effect until the disciplinary process is complete. Decisions of the conduct officer resulting in sanctions of a verbal warning, written warning, educational sanctions, loss of privileges, administrative withdrawal and restitution are not subject to further review and are final and effective upon issuance of the conduct officer's decision.
- 7.) Special Procedures in cases of violent crime or sex offense, including domestic violence, dating violence, sexual assault and stalking: During an investigation and throughout the disciplinary process both the alleged

responsible student and the victim will be provided the same opportunity to have others present during the disciplinary proceedings. The Office of Student Affairs will disclose the final results of a disciplinary proceeding, which could range from warnings to expulsion, to an alleged victim regardless of whether the institution confirms that a violation was committed. The Office of Student Affairs can disclose the final results of a disciplinary proceeding to anyone if the institution determines that the alleged responsible student is a perpetrator of a crime of violence or non-forcible sex offense, including domestic violence, dating violence, sexual assault, and stalking, if it is determined that a student committed a violation of the institution's policies. Victims can receive protective measures that could include a no contact order or assistance in changing academic schedules if so requested by the victim and if accommodations are reasonably available.

b. Committee on Student Conduct

1.) Authority of the Committee on Student Conduct - The Committee on Student Conduct (the "Committee") will be assembled at the request of a student, or in the case of sexual misconduct, by the Complainant, in the manner identified below to review a conduct officer's findings of misconduct and/or assigned sanctions at the levels of:

- a.) Disciplinary probation;
- b.) Suspension;
- c.) Expulsion.

Students may not request Committee review for alleged misconduct and/or disciplinary sanctions of verbal warning, written warning, educational sanctions, loss of privileges, administrative withdrawal, immediate suspension or restitution. The decision of the conduct officer is final.

2.) Request for Review by the Committee on Student Conduct - A student who disagrees with the conduct officer's disciplinary findings and/or the severity of the imposed sanctions may request a review by the Committee by filing a Request for Review with the SSAO no later than five (5) working days from the date of the Notice of Disciplinary Finding. Failure to timely file a Request for Review will constitute a waiver of the opportunity for further review unless the SSAO extends the time limits in the best interest of the student or the UNTHSC. The Request for Review must specifically set forth the following:

- a.) The purpose for the requested review, i.e. whether the student seeks to contest the disciplinary finding, or the severity of the sanction, or both.
- b.) A summary of the student's position regarding the disciplinary findings and/or the severity of the sanction.
- c.) The name and address and telephone number to contact the student.
- d.) The signatures of the student requesting the review and the date the request was submitted to the SSAO.
- e.) The chairperson will direct the procedures of the review and will participate fully in all discussion but will offer a vote only in the event of a tie.

### 3.) Composition and duties of the Committee

- a.) The SSAO or a designee will serve as chair of the Committee which will be comprised of seven (7) members, including three (3) faculty, three (3) students and one (1) staff member. The SSAO will appoint committee members on an annual basis to a twelve month term. The SSAO may replace members of the Committee as deemed appropriate at any time during the twelve month period.
- b.) Five (5) Committee members must be present to conduct a Committee review.
- c.) A student, or in the case of sexual misconduct, the Complainant, may object to the service of any Committee members at any time prior to the start of the review based on a concern for the committee member's capacity to make a fair and objective decision. Requests to remove a Committee member will be considered and decided by the Committee chairperson. Any replacement member shall be determined at the discretion of the chairperson if the number of Committee members falls below a quorum of five (5). If the student objects to the presence of the SSAO as Committee chairperson, then the decision regarding possible replacement will be made by majority vote of the Committee members. If the chairperson is removed, a new chairperson shall be selected by the Committee from among the remaining members.
- d.) The chairperson will direct the procedures of the review and will participate fully in all discussion but will offer a vote only in the event of a tie.

- e.) Through the chairperson, the Committee may summon witnesses to provide information as part of the review at the request of the Committee, the SSAO or the student.
  - f.) In matters of sexual misconduct where the alleged Responsible Student has been assigned a sanction of Disciplinary Probation, Suspension or Expulsion, a Complainant may request a review of the Conduct Officer's factual finding before the Committee. The Complainant must submit a Request for Review to the Chairperson of the Committee within three (3) days after the Notice of Disciplinary Findings.
- 4.) Scheduling Notice - Upon receiving a Request for Review, the Chairperson will schedule a date for the requested review and notify the student of the place, date and time for the review. In matters of sexual misconduct, notice will be provided to both the Responsible Party and the Complainant. The Review must normally be arranged no fewer than ten (10) and no more than twenty (20) days after the student delivers the request for review. The student must have notice of the review no fewer than three (3) days prior to the review.
- 5.) Duties of the Chairperson – The Chairperson will:
- a.) Preside over the review and make all decisions regarding review procedures.
  - b.) Adjust review procedures and timeframes in the interest of fairness.
  - c.) Determine the review date and deliver the Scheduling Notice to the student.
  - d.) Provide the student with a summary of the Committee's findings and conclusions within five (5) days after conclusion of the Review.
- 6.) Committee Review Procedures
- a.) Reviews are not open to the public unless a student makes a specific written request for an open review at the time of the Initial Request for review. Individual witnesses may specifically request that their presentation be provided in a closed setting. The chairperson will make all decisions regarding closed reviews.
  - b.) Reviews will be recorded and recordings will be the property of UNTHSC. Copies of the recordings may be provided at the requestor's expense. Recordings will be maintained according to the UNTHSC records retention policy.

- c.) For purposes of establishing a quorum, at least five (5) Committee members must be present throughout the course of the review.
- d.) Reviews are informal proceedings and traditional rules of courtroom evidence do not apply.
- e.) A student who requests a review is expected to attend the review in person. In matters of sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, the alleged Responsible Student and Complainant are expected to attend the review in person, however, the Complainant has the option to make a presentation by alternate means at the discretion of the Chair. Alternate means may include appearance by telephone or close circuit technology or presentation from behind a screen to avoid contact with the Responsible Student. If the student fails to attend the review, the Committee may, at its option, postpone the review, cancel the review or proceed with the review and enter a decision in the student's absence.
- f.) Students will be granted the opportunity to:
  - i. Make an opening statement lasting no longer than twenty (20) minutes, and a closing statement.
  - ii. Call and question witnesses, including the conduct officer who issued the Notice of Disciplinary Findings; however, in the case of a matter involving sexual misconduct, all questions must be directed through the Chairperson.
  - iii. Introduce relevant documents or other information.
  - iv. Have an advisor of the student's own choosing present, including an attorney; however, only the student will be permitted to address the Committee or to ask questions of other witnesses. If the student will attend the review with an attorney, the student must notify the chairperson within five (5) days of submitting the Request for Review. Attorneys will not be permitted to present evidence or argument before the Committee. Should the student be accompanied by an attorney, UNTHSC will also have a representative of the Office of General Counsel present.
- g.) The conduct officer who issued the Notice of Disciplinary Findings is expected to attend the entire review in person and will be permitted to make an opening statement lasting no longer than twenty (20) minutes and a closing statement, and call and question witnesses, including the requesting student, and introduce relevant documents

or other information.

- h.) The Committee, through the chairperson, may request the presence of any other individual to appear and provide information as part of the review process, including the faculty, staff or other UNTHSC official initiating the complaint. Individuals may be asked to offer information through personal testimony or through questioning of other witnesses, including the student. At the discretion of the chair, the Committee may stay the review at any time to accommodate additional witnesses and in the interest of fairness.
  - i.) Except as permitted by the chairperson, individuals, other than the student and the conduct officer, who will provide testimony during the review will only be permitted to remain present at the review during the period of their testimony and questioning.
  - j.) The conduct officer who issued the Notice of Disciplinary Findings must show, by the greater weight of the evidence, that the student engaged in conduct in violation of the Code, and/or that the imposed disciplinary sanction is reasonable in light of the circumstances. In light of this burden, the conduct officer must begin the presentation before the Committee and will be the concluding presentation as well.
  - k.) At the conclusion of all testimony and questioning, all individuals other than the Committee members will be dismissed, and the Committee will convene to deliberate on the matters set forth in the Request for Review. The Committee may uphold, modify or reject the Disciplinary Charges, Findings and Sanctions. The decision must be supported by a majority of the Committee members. In the event that a majority decision cannot be reached, the Chair will vote to end a tie. The Committee deliberations will not be recorded.
- 7.) Committee Findings and Conclusions - The chairperson will provide the student, and in matters of sexual misconduct the Responsible Student/alleged Responsible Student and Complainant, with a written summary of the Committee's findings and conclusions. A copy of the summary will also be provided to the SSAO. The SSAO will take actions as appropriate based on the findings of the Committee. With the exception of matters related to academic dishonesty, the findings and conclusions of the Committee are final and are not subject to further review. Matters of academic dishonesty may be subject to review by the appropriate Dean as described below. Notice related to matters of sexual misconduct will be prepared in compliance with the requirements of the Family Education Rights and Privacy Act (FERPA).

c. Appeal of Decisions of the Committee

1.) Matters of academic dishonesty

- a.) A student may appeal a decision of the Committee on matters of academic dishonesty by filing a written Notice of Appeal with the SSAO no later than five (5) days after the chairperson issues the Committee Findings and Conclusions. The reasons for the appeal should be outlined in the request.
- b.) The SSAO will deliver the Notice of Appeal related to matters of academic dishonesty for review by the Dean of the student's respective school or program.
- c.) The Dean may request that the student and the conduct officer submit written materials related to their respective positions.
- d.) On appeal, the Dean will consider
  - i. The written findings and conclusions of the Committee,
  - ii. Any written materials submitted by the student and SSAO at the request of the Dean,
  - iii. Any recording, whether written or audio that are available of the review.
- e.) The Dean may uphold, modify or reject the decision of the Committee or may refer the matter back to the Committee for the presentation of additional information or reconsideration. All decisions of the Dean are final.

d. Immediate/Interim or Emergency Disciplinary Action - A student may be immediately suspended from all or part of the university premises, when alleged misconduct reasonably indicates that the presence of the student on the university premises poses substantial or immediate danger to the health, safety or welfare or any member of the university community or university property.

- 1.) Conference regarding immediate/interim suspension - A student who receives a Notice of Immediate/Interim Suspension must contact the SSAO within two (2) days of receiving the notice to schedule a conference to discuss: (1) the reliability of evidence supporting the alleged misconduct; and (2) whether the continued presence of the student on the university premises reasonably indicates a substantial or immediate danger to the health, safety, or welfare of any member of the university community or university property. Failure to make a timely request for a

conference or to appear at a requested conference will cause the immediate suspension to remain in effect until the disciplinary process is complete.

- 2.) Findings and conclusions regarding immediate/interim suspension - If the SSAO determines that immediate/interim suspension is appropriate under the circumstances, the SSAO will issue findings and conclusions and the student will be immediately suspended from the university premises, including all events and activities. The immediate/interim suspension remains in effect until the disciplinary process is complete or until otherwise altered by the SSAO. If the SSAO determines that immediate/interim suspension is no longer appropriate, the SSAO may permit the student to return to university premises while the disciplinary process continues. An immediate/interim suspension cannot be reviewed by the Committee on Student Conduct.
- 3.) In matters of sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, a Complainant and alleged Responsible Student will be provided written notice simultaneously regarding the findings and sanctions regarding the immediate/interim suspension in accordance with the Family Education Rights and Privacy Act (FERPA).

e. Timeframes

- 1.) The timeframes set forth in this policy are goals and the university's inability to meet a timeframe will not render the procedures invalid so long as no student rights are violated.
- 2.) Timeframes may be extended by mutual written agreement of decision makers and the student, Responsible Student and/or the Complainant or by approval of the SSAO.
- 3.) The timeframe for investigation of a matter of sexual misconduct may be extended by the SSAO based on the anticipated complexity of the investigation and the severity and extent of the alleged conduct. An extension of the stated timeframe for investigation will be communicated upon approval to the Complainant and to the allegedly Responsible Student.
- 4.) In matters of sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, the Office of Student Affairs will deliver investigation status updates to a Complainant and an allegedly Responsible Student no less than every ten (10) business days during an investigation.

- f. Notice of Non-Discrimination: It is the policy of UNTHSC not to discriminate on the basis of race, color, religion, sex, national origin, age disability or veteran status, or Veterans of the Vietnam Era status, in its educational programs, activities, admission, or employment policies and practices.

Responsible Party: Office of Student Affairs, Student, Committee on Student Conduct, SSAO, Conduct Officer, Dean.

**References and Cross-references.**

UNTHSC 5.201 Non-Discrimination-Equal Opportunity and Affirmative Action

UNTHSC 7.105 Americans with Disabilities Act

UNTHSC 7.116 Students Rights and Responsibilities Policy

Approved: January 2000

Effective: January 2000

Revised: September 2004; February 2007; July 2008; November 2009; August 2010; October 2011; September 2013; June 2015