

TEXAS A&M UNIVERSITY-TEXARKANA
STUDENT CODE OF CONDUCT
2016-2017



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I. STUDENT RIGHTS AND OBLIGATIONS

Students have rights that are to be respected. These rights include respect for personal feelings; freedom from indignity of any type, freedom from control by any person except as may be in accord with published rules and procedures of Texas A&M-~~Texarkana~~(A&M-~~Texarkana~~) or policies and procedures of The Texas A&M University System, and conditions that allow the best use of time and talents toward educational objectives. No officer or student, regardless of position or rank, shall violate those rights; no custom, tradition or regulation in conflict will be allowed to prevail. At all times students are expected to recognize constituted authority, to conform to the ordinary rules of good conduct, to be truthful, to respect the rights of others, to protect private and public property, and to make the best use of time toward the completion of an education.

The Code of Conduct (The Code) is designed neither to be exhaustive nor to encompass all possible relationships between students and the institution. The Code is not rigid or unchangeable. As the relationship between students and the University grows, it may be necessary to modify The Code. It is incumbent upon students to be aware of University rules and procedures. Ignorance of these rules and procedures does not excuse students from adherence to them. Staff and University officials should endeavor to inform students of University rules and procedures, whenever the circumstance is applicable.

II. DISCIPLINARY RULES AND PROCEDURES

Students may be accountable to both civil and criminal authorities and to the University for acts that constitute violation of law and of this Code. Those charged with violations are subject to University disciplinary proceedings even if criminal proceedings are pending and may not challenge university proceedings on the grounds that criminal charges for the same incident have been dismissed, reduced, or are not yet adjudicated. Students and recognized student organizations are cautioned that any material posted on the internet, including social networking sites and Internet blogs, is not private or protected information. Students may be held accountable for content posted in this manner and information obtained from this source may be considered in cases of misconduct.

University officers shall have the right to investigate or seek out information about conduct of suspected persons in any case involving an alleged violation of the law or University rules and procedures. Students are required to comply with the directives of University officials in the performance of their duties. Failure to do so may result in disciplinary action. Students are informed that the university may draw negative inferences that may result in sanctions if they fail to answer questions during a disciplinary hearing. If a student does not appear for a meeting or hearing, the adjudication process will continue.

Pending action on charges, the status of students should not be altered, nor their rights to be present on campus and to attend classes suspended, except for reasons relating to their physical or emotional safety, interim actions, and/or the well-being of the University community or University property.

III. FREEDOM FROM DISCRIMINATION

All students shall be free from discrimination based on race, color, ethnic origin, national origin, color, creed, religion, age, gender, marital status, sexual orientation, uniform service or veteran status, physical or mental disability, or political belief.

IV. UNIVERSITY DISCIPLINARY ACTION

A&M-Texarkana has adopted the following procedures for implementing The Code of Conduct and reserves the right to amend these rules and procedures or make additional rules as deemed necessary for the protection of property and/or the general welfare the University community.

A. University Authority and Civil Power

The institution may impose disciplinary sanctions for behavior on or off campus where the University's interests as an academic community are distinctly and seriously threatened. Infringements of local, state, and federal law are also infringements of University rules.

When it is necessary for members of the A&M-Texarkana University Police, in their capacity as police officers, to investigate the conduct of students or detain or arrest students, all of the legal safeguards of personal rights guaranteed to citizens will be observed in accordance with the law.

B. Administrative Search and Seizures

The overriding standard by which the law tests searches of students is one of "reasonableness" under the circumstances, and University officials must use their good judgment to determine what is reasonable. University property remains the property of the University even when used by students. Residence halls, lockers, etc. are subject to administrative search only in the interest of school safety, sanitation, enforcement of discipline and other University rules and procedures. Search by law enforcement officials may be conducted upon presentation of a proper warrant or pressing circumstances. A student's person and possessions (including vehicle) may be searched by a University official provided the official has reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law or the rules and procedures of the University. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the infraction.

C. Establishment of Fact

In campus hearings, the determination of responsibility for a violation of the Student Code of Conduct is by a preponderance of the evidence. This is often referred in terms such as, "more likely than not or 50% and a feather." Legal terms like "guilt, "innocence" and "burdens of proof" are not applicable, but the university never assumes a student is in violation of university policy. Campus

hearings are conducted to take into account the totality of all evidence available, from all relevant sources and make a determination base on the fact collected.

V. ACADEMIC RULES AND PROCEDURES

A. The Classroom

The instructor is responsible for determining course content, course syllabus, choice of reading materials, type and size of assignments, and classroom attendance rules. Evaluation of academic achievement of students in a course is the responsibility of the professor. In order to maintain an atmosphere conducive to learning, the professor may take reasonable disciplinary measures judged appropriate to protect the learning environment.

B. Freedom of Expression

The instructor has an obligation to encourage free discussion, inquiry, and expression. He/she may not evaluate student performance based on opinions (such as religious belief or political views) or conduct in matters unrelated to academic standards.

C. Student Evaluations of Courses

Students have the opportunity, through a questionnaire available toward the end of each semester, to assess each course in which they are enrolled. Data from these questionnaires, along with other data, are used by the professor in improving his/her teaching effectiveness, and by the University in making decisions on faculty promotion, tenure and salary. As part of these questionnaires, students are asked to make comments about the extent to which each course they are taking has been a significant learning experience. Students are expected to reflect thoughtfully and to make carefully written comments both about how their own actions have influenced their coursework and about the instruction they have experienced.

D. Expectations of the Student

While students are free to take reasonable exception to data or views offered in any course of study and to reserve judgment about matters of opinion, they are responsible for learning the content of any course in which they are enrolled. Students have protection through procedures against prejudiced or capricious academic evaluation.

E. Class Attendance

Classroom participation is essential to the educational process. When requirements of attendance are delineated in the syllabus, the instructor may lower a student's final grade because of absences. Students are responsible for material disseminated in class and/or on-line and are not released from this responsibility because they cease to attend. It is the student's responsibility to be aware of the calendar deadline for officially withdrawing from a course. If a student does not officially withdraw prior to this deadline, and fails to successfully complete the required course work, a failing grade will be recorded.

F. Educational Environment Disruption Rule

If an instructor determines that a student is disrupting the learning environment, he/she shall address such behavior and meet with the student within five (5) business days from the date of the incident to discuss the behavior. If disruptions persist in spite of an instructor's best efforts, the instructor may dismiss a student immediately from the classroom until a final resolution of the matter occurs through the process outlined in this section. Students who fail to leave the classroom may face removal by University Police, possible legal action, and charges under this Code.

If an instructor determines that an unsafe situation occurs due to the actions, behavior, or written or verbal threats from a student, University Police shall be notified and the student shall be removed immediately. In such cases (or in cases of multiple disruptions), the student shall face interim suspension from the class or University until the discipline process is resolved. Following any meeting between the instructor and a student for disruptive behavior, the instructor shall submit an incident report to the Academic Dean, Assistant Vice President of Student Affairs and the accused student describing the incident, the student's behavior, and any action taken, including, but not limited to; a written warning, temporary removal from class, and permanent removal from class. This rule does not preclude the Assistant Vice President of Student Affairs from adjudicating and sanctioning a student for violations. If the student is dissatisfied with the instructor's decision, they may appeal the decision in writing to the Academic Dean within five (5) business days after receipt of the instructor's decision.

G. Grounds for Disruptive Behavior Appeals:

An appeal must meet one or more of the following grounds to be considered:

1. a meeting was not afforded within the stated timeframe, including notice of the alleged violation, and an opportunity to present evidence and other information;
2. a sanction was not appropriate to the violation, and/or the sanctions were arbitrary or capricious;
3. a finding was not supported by evidence; and/or
4. significant information is shown on appeal that was not available at the time of the meeting, could not have been obtained for the presentation during the meeting by the student's exercise of reasonable diligence, and materially affects the finding of a violation or the impression of consequences.

H. Disruptive Behavior Appeal Process

The Academic Dean or his/her designee shall meet with the student within five (5) business days after receipt of the appeal. The Academic Dean will notify the student of his/her decision in writing within five (5) business days of the meeting with the student unless further investigation is necessary. The Academic Dean will forward a copy of the written decision to the instructor and the Assistant Vice President of Student Affairs, and will retain a copy in the department files. In classroom-related disciplinary

appeals, the Academic Dean's decision shall be final and binding. There shall be no further appeal.

I. Student Academic Grievance Process

Faculty members are responsible for developing appropriate methods of evaluating student learning, for evaluating student artifacts fairly, for upholding academic standards, and for enforcing rules concerning academic dishonesty. Decisions made by faculty members regarding the quality or honesty of student work are accepted as expert judgment concerning student performance.

VI. GRADE GRIEVANCE AND APPEAL PROCESS

A. Informal Resolution (Grievance)

A student with a grievance regarding a final course grade should attempt to resolve the issue by conferring with the course instructor. A student challenging a final grade must show that the instructor's judgment was an unfair academic evaluation based upon: some basis other than performance; standards different from those applied to other students in the same course section; or a substantial, unreasonable, and unannounced departure from previously articulated standards on the syllabus. The burden of proof lies with the student.

1. An instructor should make every effort to accommodate the student's schedule if a grade grievance conference is requested.
2. If the student remains dissatisfied after meeting with the instructor, he/she may file a formal, written appeal with the appropriate College Dean within 10 university business days of the grade posting. The student must utilize the *Grade Appeal Petition* form found in the Appendix of this procedure. The Dean shall send a copy of the written appeal to the instructor as soon as practicable but no later than 3 business days after receiving the formal appeal.

B. Formal Resolution (Appeal)

The written appeal must:

1. Identify and provide a thorough explanation of the complaint
2. Define the basis of the complaint
3. Identify the desired outcome
4. Attach any appropriate documentation to support the grievance
5. Provide contact information including email address, cell and home phone numbers, and current address

Within 10 university business days of receiving a copy of the student's written appeal, the instructor shall provide a written response, including supporting documentation, to the College Dean.

Within 10 university business days, the College Dean will establish a grade hearing committee to render a recommendation regarding the grade appeal.

The Grade Appeal Committee shall be an ad hoc committee comprised of two students who are members of the Student Government Association

(SGA), three faculty (one from each college), and the Director of Student Affairs, the latter of whom will be a non-voting member. All appointees will be recommended by the College Dean and confirmed by the Provost and Vice President for Academic Affairs (Provost/VPAA) who shall appoint the committee chair. The College Dean will forward all written documentation to the chair of the committee.

The grade appeal hearing must be held within twenty (20) university business days of the committee chair's receipt of the written appeal from the College Dean. If the 20 university business day time period falls during the summer semester when instructors may not be available, the grade hearing must be scheduled within ten (10) university business days of the first day of class of the fall term.

The chair of the Grade Appeal Committee will serve as the facilitator of the hearing. The chair must designate a time keeper to maintain adherence to the presentation of the appeal and the response to the appeal.

The agenda for the grade appeal hearing must follow the sample *Grade Appeal Hearing Agenda* provided within this procedure.

The committee will provide a written recommendation to the College Dean within 24 hours of the conclusion of the hearing.

After the College Dean has reviewed the student's written appeal, the instructor's written statement, and the recommendation of the Grade Appeal Committee, he/she will make a decision.

The College Dean will provide a written statement documenting his/her decision to the student, the chair of Committee, and to the instructor. The College Dean shall articulate in his/her statement the factual basis/bases for reaching his/her decision.

The College Dean's decision must be made within five (5) university business days of his/her receiving the committee's written recommendation. This decision is final and cannot be appealed.

VII. CHEATING & PLAGIARISM

1. Standards of Academic Conduct and Integrity and Consequences for Their Violation.

A course instructor who has sufficient information to believe that a student has violated this section of the Student Code of Conduct shall notify immediately the Assistant Vice President of Student Affairs to record the incident. Within five (5) business days from the date of discovery, the instructor shall contact the student to arrange a meeting with the student to discuss the alleged academic dishonesty matter. The instructor shall use two of the following methods to inform the student of the meeting request: in person, by university email account (Acemail), Blackboard messaging, phone call, and US Postal Service. Students have five (5) business days to respond to the meeting notification request. Students are informed that the

university may draw negative inferences that may result in sanctions if they fail to attend or answer questions during this meeting. If a student does not respond to the meeting request or appear for the meeting, the adjudication process will continue. If grades must be turned in during the period, the instructor shall give the student a grade of incomplete until the alleged academic dishonesty matter is resolved.

The course instructor shall determine if a violation has occurred based upon a preponderance of evidence after providing the student with an opportunity to be heard. If no violation has occurred, the matter is closed, and the Assistant Vice President of Student Affairs is notified of the outcome. If a violation has occurred, the course instructor shall consult with the College Dean before a sanction is imposed. Notice of violations, sanctions, and the appeals process will be provided to the student within five (5) business days of the meeting. All sanctions will be reported to the College Dean and Assistant Vice President of Student Affairs.

For the first violation, any one or a combination of the following sanctions may be imposed:

- a. Faculty imposed sanction(s) as outlined in the course syllabus;
- b. An oral admonition or reprimand;
- c. A written admonition or reprimand;
- d. A reduction in the grade or a grade of "F" in the course, examination, or assignment;
- e. Removal from the course.

For egregious or multiple violations in which suspension or expulsion from the University may be warranted, the case shall be referred to the Assistant Vice President of Student Affairs for disposition under the student code of conduct.

2. Appeals

If the student wishes to contest the sanction, the student may appeal in writing to the College Dean within five (5) business days of receipt of the sanction notification.

The appeal must meet one or more of the following grounds to be considered:

- a. An administrative meeting was not afforded, including notice of the alleged violation and an opportunity to present evidence and other information;
- b. A sanction was not appropriate to the violation, and/or the sanctions were grossly disproportionate.
- c. A finding was not supported by evidence, and/or
- d. Significant information is shown on appeal that was not available at the time of the administrative meeting; could not have been obtained for the presentation during the meeting by the student's exercise of reasonable diligence; and materially affects the finding of a violation or the impression of consequences.

An appeal is not a rehearing of the original case, but a review of the official record and the written statement of appeal provided by the student.

If the appeal is not submitted in the time allotted, the instructor's action shall be final and binding. Upon a timely appeal, the instructor will forward all written documents and evidence to the College Dean. The Dean will review the documents and will notify the student of his/her decision in writing within five (5) business days of receiving the documents from the instructor. The College Dean will forward a copy of the written decision to the student, instructor, the Assistant Vice President of Student Affairs and will retain a copy in the department files. Except in cases of suspension or expulsion, the College Dean's decision shall be final and binding.

If the sanction is suspension or expulsion, the student may file an appeal with the Provost and Vice President for Academic and Student Affairs limited to the question of suspension or expulsion. The appeal must be in writing and must be submitted within three (3) business days of the student's receipt of the decision of the College Dean. The College Dean will forward the entire file to the Provost's office at the time the appeal is made. The Provost will review the appeal within three (3) business days of receipt of the file and determine whether to uphold the recommended sanction or to recommend a lesser sanction. The Provost will notify the student, College Dean, and Assistant Vice President of Student Affairs of his/her decision in writing.

VIII. NON-ACADEMIC DISCIPLINARY RULES AND PROCEDURES

Prohibited Conduct The following misconduct is subject to disciplinary action. If a student, faculty member, or staff member has knowledge of a person(s) violating The Code or University Rules, he/she should submit knowledge of this alleged action in writing by completing an Incident Report form, which is available online at <http://tamut.edu/Student-Life/Grievance%20Procedures/FINAL%20Conduct%20Incident%20Report%20082014.pdf> or at the Office of Student Life, UC Room 126.

1. Offenses against the university community:
 - a. Acts of dishonesty
 - i. intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency on University premises or at University sponsored activities.
 - ii. forgery, alteration, or misuse of any University document or instrument of identification.
 - iii. misrepresenting information or furnishing false information to University officials.
 - iv. unauthorized access to and/or use of information contained in University records and/or computer files.
 - b. Failure to comply with the directions of University officials acting in the performance of their duties.
 - c. Intentionally, substantially, or inappropriately interfering with freedom of

expression of others on the University premises or at University sponsored activities.

d. Knowingly violating the terms of any disciplinary sanction.

e. Knowingly passing a worthless check, money order or fraudulent use of credit card against the University or a member of the University community.

f. Violation of published University rules and procedures or policies as approved and compiled by the officers of the University. Such rules and procedures shall include but not be limited to The Code of Student Rights and Responsibilities, University Housing Guidelines, Student Organization Manual, Campus Recreation Handbook, or those rules and procedures relating to entry and use of University facilities, traffic regulations and parking, and misuse of student identification cards.

g. Violations of federal, state, or local law on or off-campus by A&M- Texarkana students or student organizations may result in disciplinary action. Action may be taken if a student or student organization acted in a way that substantially interferes with or endangers the University community, or behavior with significant potential to disrupt the educational environment. Acts such as drug trafficking, other felonies, crimes against persons, etc., may result in suspension or expulsion from the University.

2. Offenses against persons include but are not limited to:

a. Intentionally or recklessly causing physical or emotional harm to any person, including self, on University property or at University-sponsored activities off campus, and includes intentionally or recklessly causing reasonable apprehension of such harm.

b. Harassing another person, attempting or threatening to subject another person to violent physical contact, or engaging in a course of conduct or repeatedly committing acts that threaten, or create reasonable apprehension for another person.

c. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to have fear. Course of conduct is defined as “as a pattern composed of more than one act over a period of time, however short, evidencing a continuity of conduct.”

d. Engaging in sexual misconduct, as defined and outlined in the Sexual Misconduct Policy (see section XII).

e. Taking any action or creating any situation that recklessly or intentionally endangers mental or physical health of self or others, or involves the forced consumption of liquor or drugs from self or others for the purpose of initiation into or affiliation with any organization or group. (See Hazing in section VIII)

f. Intentionally exposing genitals, buttocks, or breasts in a public place on

the University premises or at University-sponsored activities.

3. Offenses against property include, but are not limited to:
 - a. Damaging or misusing, whether intentionally or recklessly, fire safety equipment.
 - b. Theft or misuse of property/services on University premises, at University sponsored activities, from University organizations and/or groups, or possession of stolen property/use of stolen services on University premises, at University-sponsored activities, or from University organizations and/or groups.
 - c. Damaging or destroying, whether intentionally or recklessly, University property or the property of others on University premises or at University-sponsored activities. This includes creating a fire or other disturbance that creates damage to University property.
 - d. Unauthorized presence on or use of University premises, facilities, or property.
 - e. Violation of a restriction of access or criminal trespass order.
4. Offenses disrupting order or disregarding health and safety include, but are not limited to:
 - a. Unauthorized distribution, possession, or use of any controlled substance, illegal drug or paraphernalia.
 - b. The use, possession, or distribution of alcoholic beverages on University property except as authorized by University rule.
 - c. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials on University premises or at University-sponsored activities.
 - d. Possession and/or use of ammunition, firearms, or other explosives or propellant devices or weapons (including air powered guns, blowguns, sling shots, nun chucks, etc.) on University premises or at any University sponsored activity.
 - e. Appearing in a public place on University premises or at University sponsored activities manifestly under the influence of a controlled or other intoxicating substance to the degree that there is danger to self, others, or property or there is reasonable apprehension to persons in the vicinity.
 - f. Interfering, whether intentionally or recklessly, with University functions or University-sponsored activities including, but not limited to, studying, teaching, research, University administration, or fire, police, or emergency services.
 - g. Obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular, on institutionally owned or controlled

property.

h. Unauthorized entry or use of institutional facilities; unauthorized possession of university keys or access cards; duplicating university keys or access cards; or propping open of exterior doors to any institutionally owned or controlled property.

i. Disorderly conduct or lewd, indecent or obscene conduct on University owned or controlled property or at University or sponsored functions. This responsibility also applies to events sponsored and supervised by recognized student organizations.

j. Wading, swimming or boating in any body of water on the university campus without prior administrative approval.

5. Abusing, delaying, or interfering with the orderly operation of the judicial process, including but not limited to:

a. Failure to appear before a Judicial Officer when directed to do so.

b. Failure to answer questions.

c. Falsifying information related to judicial process.

d. Influencing others to abuse process or lie to University Officials.

e. Aiding or abetting any misconduct.

f. Failure to comply with sanction(s).

6. Shared Responsibility for Misconduct and Infractions includes, but are not limited to:

a. Students who act in concert to violate University rules and procedures.

b. Students and organizations are responsible for the conduct of their guests on University property or at any University function including those sponsored or organized by registered student organizations.

7. University Housing Rules:

In the University Housing setting, each resident has certain responsibilities to the other residents and to the University. Students residing in University Housing are responsible for knowing and abiding by all of the rules outlined throughout The Code of Student Rights and Responsibilities and in the University Housing Guidelines.

IX. PROHIBITION ON HAZING

Hazing is a criminal violation under Texas Education Code 51 Chapter 37 Section 37.152. A person can be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his/her knowledge to the Assistant Vice President of Student Affairs. Hazing that

does not result in serious bodily injury and failing to report hazing are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in death is a state jail felony. Organizations found guilty of hazing can be fined \$5,000 to \$10,000 or, for incidents causing personal injury or property damage, an amount double the loss or expenses incurred because of the hazing incident. It is not a defense to prosecution that the person hazed consented to the hazing activity. Any person reporting a specific hazing incident to the Assistant Vice President of Student Affairs or other appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious.

This state law does not limit or affect an educational institution's right to enforce its own penalties against hazing. The Education Code defines hazing as "any intentional, knowing, or reckless act occurring on or off the campus of an educational institution, by one person or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliated with, holding office in, or maintaining membership in an organization."

The statute contains a list of conduct that constitutes hazing:

- a. Student violators will be subject to possible suspension or expulsion from the University or other appropriate disciplinary action in accordance with the Student Code of Conduct.
- b. Faculty and staff violators will be subject to possible loss of employment or other appropriate disciplinary action.
- c. Faculty, staff or student organizations that authorize or contribute to actions that violate this rule or procedure may lose University authorization to operate on campus property. Officers of such organizations may be held individually responsible for the actions of their organizations.
- d. Visitors, licensees, and invitees to A&M-Texarkana who violate this rule or procedure will be removed from University property and may be subject to prosecution.

X. ALCOHOL AND OTHER DRUGS

In order to ensure the University's commitment to a quality educational and work environment, every faculty member, employee and student has a right to work and learn in an environment free from the effects of abuse of alcohol and other drugs. It is the policy of the University to discourage the misuse and abuse of alcoholic beverages and other drugs. The Drug Free Schools and Communities Act requires every institution of higher education to inform students of standards of conduct that clearly prohibit violations of local, state, and federal laws pertaining to alcohol and other drugs. Parental notification may be implemented for students who are found responsible for alcohol and drug violations under The Code. Alcoholic beverages may be served and consumed at official University functions and approved non-University functions as designated by the President or his/her designee.

1. The University prohibits the following actions and behaviors:
 - a. Purchase, possession, or consumption of alcoholic beverages by persons under age of 21.
 - b. Aiding and abetting an underage person in the purchase or possession of alcoholic beverages.
 - c. Falsification of a driver's license or other identification in order to obtain alcoholic beverages.
 - d. Appearing in any public place manifestly under the influence of alcohol, such that the individual may endanger his/herself or other persons, damage property, or annoy persons in the vicinity.
 - e. Driving while under the influence or while intoxicated.

2. Alcoholic beverages may be served and consumed at University events held off-campus according to the following guidelines, as well as in addition to the above guidelines:
 - a. The sale, serving, and consumption of alcoholic beverages are strictly prohibited except in areas and at times and dates licensed by the Texas Alcohol Beverage Control Board, or similar agencies in other states.
 - b. Sponsoring group and organizations will be responsible for providing security to ensure that guests conduct themselves properly and to assist with the crowd control.
 - c. Alcohol shall not be consumed or carried in open containers on any street, sidewalk, alley, or in a motor vehicle.
 - d. Activity sponsors must examine the identification of all guests entering the activity. Guests under the age of 21 shall not be permitted to consume alcoholic beverages. If the activity is located in another state, all applicable state and local laws regarding alcohol sales, services, and consumptions shall prevail. Sponsors must assure that official law enforcement or on-site security personnel verify the identification of all participants.
 - e. Littering, infringing upon the rights of others, and abuse of public or private property in connection with possession or consumption of alcoholic beverages is prohibited.
 - f. Promotion or advertising of an event shall not encourage any form of alcohol abuse, nor should events be advertised to place an emphasis on the quantity and/or frequency of use of alcohol.
 - g. Alcohol should not be provided as an award or prize to individuals or campus organizations.
 - h. Student organizations shall designate one person, perhaps an officer of that organization, to assume responsibility for assuring that there is knowledge of and compliance with these alcohol policies. It is recommended that this person participate in the special educational programs offered by the Office of Student Life.

3. Beer distributors, liquor companies, bars, and night clubs are not permitted to:
 - a. advertise on campus,
 - b. co-sponsor an event with a student organization,
 - c. advertise on any schedule card, athletic brochure or press guide, or other printed material,
 - d. provide advertising for University events presented on the radio or television

4. A&M-Texarkana does not assume responsibility for unofficial events held off campus involving individuals or groups affiliated with the University. However, the University reserves the right to hold students and student organizations accountable for violations of federal, state, and local law by A&M-Texarkana students, or student organization off campus in which said violations adversely affect the University community and/or pursuit of its objectives.

XI. DISCIPLINARY PROCEDURES CODE

1. Administration:

Under the direction of the President and the Vice President for Academic and Student Affairs; the Assistant Vice President of Student Affairs has primary authority and responsibility for the administration of student discipline. The Assistant Vice President of Student Affairs may make further delegation of this authority to residence life staff, the PanHellenic Council, Residence Hall Association or other Judicial Officers as needed.

2. Misconduct Complaint:

Any member of the University community, including visitors, parents, or alumni may file a complaint alleging student misconduct. Complaints are filed by completing an Incident Report form, which is available online at <http://tamut.edu/Student-Life/Grievance%20Procedures/FINAL%20Conduct%20Incident%20Report%20082014.pdf> or at the Office of Student Life, room 126 University Center.

3. Misconduct Notice:

When, as a result of a complaint by a member of the University community or as a result of a disciplinary investigation, there is reason to believe a student/student organization has violated conduct rules and procedures, the student/student organization will be so notified in writing by United States Postal Service or via official university email account(Ace mail). The student/student organization must respond as required by the notice.

4. Informal Hearings:

Cases not involving the sanctions of dismissal or suspension from the university may be heard informally, as specified by University procedures, with notice and the opportunity to be heard afforded students/student organizations. An adjudication officer, appointed by the Assistant Vice President of Student Affairs, will discuss the charges with the student/student organizations and afford the student/student organization an informal hearing. Should the adjudication officer find justification, an appropriate disciplinary sanction will be issued. Should the student or student organization deny the charges or the adjudication officer find that the charges require further examination, or should the alleged misconduct merit consideration of suspension or dismissal, the matter will be referred for a formal hearing.

5. Formal Hearings:

The University's procedure for formal hearings shall provide accused students/student organizations with the following procedure guarantees:

- a. Advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence; and the rules of conduct allegedly violated by the student/student organization;
- b. Advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the student/student organization;
- c. A sufficient interval between the date of notification of charges and the date of the hearing, to allow the student/student organization to prepare a defense;
- d. An opportunity for submission of written, physical and testimonial evidence, and for questioning of witnesses by both parties;
- e. An impartial hearing which may consist of a panel or individual appointed by the University;
- f. Maintenance of a written summary or audio record of the hearing at University expense, though students/student organizations may be required to pay the cost of copies of requested records;
- g. A decision based upon presented evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely than not;
- h. A written decision shall be issued within ten (10) business days after the close of the proceedings. In cases of alleged sexual assault, the accuser shall be informed of the outcome of the hearing; and
- i. The student may identify an advisor, counsel, or parent to be present at the hearing. The advisor, counsel, or parent may only consult and interact privately with the student, but he/she will not be allowed to address the hearing board. In cases of alleged sexual assault, the accuser is entitled to have an advisor, counsel or parent present at the hearing.

6. Conduct of Hearings:

- a. The conduct of hearings shall be committed to the University which may make all rules reasonable and necessary for the orderly and efficient disposition of cases.
- b. Conduct hearing are closed to the public and only those directly involved with the hearing may attend.
- c. The conduct of hearings shall ensure that the accused student/student organization has a fair and reasonable opportunity to answer, explain, and defend against the charges.
- d. The University shall have the burden of proof in all cases.

7. Waivers:

A student, through a written statement, may waive his or her rights to a hearing.

8. Appeal Procedures:

Students and student organizations have a right to appeal sanctions pursuant to the procedures set forth in The Code. In order for any appeal to be considered, the student must submit all necessary documentation, including written arguments when appropriate, to the Assistant Vice President of

Student Affairs' office within ten (10) business days of receipt of notice of sanctions. An appeal is not simply a rehearing of the original case, but a review of the official record and the written statement of appeal provided by the student.

9. Grounds for appeals:

An appeal must meet one or more of the following grounds to be considered:

- a. An administrative meeting was not afforded, including notice of the alleged violation, and an opportunity to present evidence and other information;
- b. A sanction was not appropriate to the violation, and/or the sanctions were grossly disproportionate.
- c. A finding was not supported by evidence, and/or
- d. Significant information is shown on appeal that was not available at the time of the administrative meeting, could not have been obtained for the presentation during the meeting by the student's exercise of reasonable diligence, and materially affects the finding of a violation or the impression of consequences.

10. Appeals for cases that do not involve suspension or expulsion:

A judicial appeal will be delivered to the Assistant Vice President of Student Affairs within (10) ten days of receipt of notice of sanctions. The Assistant Vice President of Student Affairs will decide whether to hear the case or send it to an Appeal Panel. Should the Assistant Vice President of Student Affairs hear the case, he/she will review the file and determine whether to approve, reject, or modify an earlier decision or the consequences recommended or imposed within ten (10) business days of receipt of the appeal unless extenuating circumstances apply.

11. Appeals for cases of suspension or expulsion:

The appeal will be forwarded by the Assistant Vice President of Student Affairs to the Office of the Vice President for Academic and Student Affairs. The Vice President for Academic and Student Affairs will decide whether to hear the case or send it to an Appeal Panel. Should the Vice President for Academic and Student Affairs hear the case, he/she will review the file and determine whether to approve, reject, or modify an earlier decision or the consequences recommended or imposed within ten (10) business days of receipt of the appeal unless extenuating circumstances apply.

Should the Appeal Officer decide to send the case to an Appeal Panel, the following procedures will apply:

- a. The Appeal Panel shall consist of three members of the University: one faculty member, one staff member, and one student member.
- b. Panel members shall be appointed by the Appeal Officer. The Assistant Vice President of Student Affairs will provide training to the panel.
- c. An Appeal Panel will normally be convened within twenty (20) business days following notification from the Assistant Vice

President of Student Affairs.

d. The Panel shall review the file and recommend to the Appeal Officer whether to approve, reject, or modify an earlier decision or the consequences recommended or imposed. A majority vote will be required in all decisions.

e. The Appeal Officer will inform the Assistant Vice President of Student Affairs of the decision in writing, and provide these findings and sanctions to the student/student organization in writing within ten (10) business days.

f. The Assistant Vice President of Student Affairs shall implement the decision of the Appeal Officer.

The decision of the Appeal Officer will be final and the sanction(s) imposed will stand.

12. Interim Action/Interim Suspension

Except in cases where the Vice President for Academic and Student Affairs or Assistant Vice President of Student Affairs gives an interim action, the status of students should not be altered, nor their right to be present on campus and to attend classes suspended prior to a disciplinary meeting. The Assistant Vice President of Student Affairs may order that a student be immediately excluded from classes, University facilities (including University Housing), or denied privileges and ability to participate in activities when the student's continued presence may constitute a significant danger to the physical or emotional safety and/or well-being of the student, other students, faculty, staff, or University property.

If the Vice President for Academic and Student Affairs or Assistant Vice President of Student Affairs imposes an interim action, the student will receive written notice stating the reasons for the interim action and be informed of an opportunity to request a meeting regarding the merit of the interim action. If the student requests a meeting, the University shall show probable cause why interim action is warranted, and the student shall have the opportunity to respond. If it appears that the student's behavior warrants a medical withdrawal, the Vice President for Academic and Student Affairs or Assistant Vice President of Student Affairs may initiate the appropriate measures.

13. The University may take the following interim actions:

A. Place a hold on the accused student's registration, transcripts, new awards of financial aid and/or other University records until the case is adjudicated when the following circumstances occur:

- i. The student has failed to respond promptly to requests for information from the University;
- ii. The student has failed to appear for the hearing; or
- iii. The alleged conduct is such that, if true, may pose a threat of harm to the University community or property.

B. When a student has pre-registered for a term after the one in which the hold is placed, the University may also revoke the registration of the student.

C. If there are allegations of misconduct relating to the qualifications of a student to graduate, such as allegations of academic fraud or serious allegations of misconduct, the University may delay graduation until the charges are determined.

D. The decision to place a hold on registration, to revoke registration, or to delay graduation may be appealed to the Vice President for Academic and Student Affairs. The University may impose reasonable conditions on release of the hold.

In addition to the actions described above, the following actions may also be taken:

A. Order that student/student organization be immediately denied University privileges and be excluded from activities on the campus when the student/student organization's continued activity on the campus may constitute a danger to the safety, property, or welfare of the campus.

B. Issue a No Contact Order in cases involving allegation of assault, injury, harassment, or where there is reason to believe continued contact between the accused student or organization members and other specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Assistant Vice President of Student Affairs, the Residence Life Coordinator or Chief of the University Police Department may order that the accused student/student organization members not have contact with specific persons. The student/student organization will receive written notice of the "No Contact Order".

C. Impose an interim suspension from specific locations on campus or from the entire campus if it is believed that continued presence on the campus, or in certain areas of the campus, may interfere with the University community's safety, or the ability to participate effectively in work or studies.

14. Sanction Guidelines

If a student or student organization is found responsible for a violation of The Code, the Judicial Officer will determine the sanction(s) to be imposed. The following sanction guidelines are intended to be a recommended format:

a. **Disciplinary Warning:** An official written notification that the student or student organization's behavior is in violation of university rules and procedures or standards, and clarifies expected behavior for the future. Further misconduct may result in more serious sanctions.

b. **Disciplinary Probation:** This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of University rules during the

probationary period will be viewed not only as a violation based upon the act itself but also as a violation of the probation, which shall result in further action up to and including suspension or dismissal.

c. Suspension: Suspension terminates the student's enrollment at the University for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.

d. Suspension in Abeyance: Although the behavior may warrant suspension or expulsion from the University, due to extenuating circumstances, the Judicial Officer may choose to hold the student or student organization's suspension in abeyance for a specified period of time. When a suspension is held in abeyance, the student or organization may remain at the University provided they observe the conduct rules and procedures at all times and complies with all educational sanctions. Any further violation of The Code may result in immediate Suspension or Expulsion.

e. Suspension of an organization from the University for a specified period of time: The organization will lose its privileges as a registered student organization and can no longer be an active participant in the University for the entire duration of suspension.

f. Expulsion: Expulsion permanently separates a student from the University without opportunity to re-enroll in the future. Expulsion of a student organization entails a permanent separation from the University. The imposition of this sanction is a permanent bar to the student organization's registration and privileges.

***Suspension and Expulsion shall be noted on the respondent's transcript during the period the sanction is active.**

g. Other Sanctions: Other appropriate sanctions may be imposed singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, fines, making restitution for property damage or misappropriation of University property or services, or the property of any person, University Housing contract termination or reassignment to another room, restriction of access to specified campus facilities and/or property, research assignments, criminal trespass, campus service projects, special workshop participation, no contact order, and/or mandatory meeting with counseling personnel.

If a student is suspended or expelled from the University, he/she will not be eligible for reimbursement of funds.

XII SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be

summarized as follows:

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence without actions demonstrating permission cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

Sexual misconduct is a violation of University standards of conduct for students, faculty, staff, and the University community, as well as a violation of the law. Sexual misconduct includes, but is not limited to, forcing, threatening to force, coercing, or deceiving another to engage in sexual activity, or engaging in sexual activity with another knowing that the activity is offensive or unwanted by that person or that person is unable to assess the nature of or control the conduct. Sexual misconduct also includes engaging in sexual activity with another when that person has impaired judgment or control due to alcohol, drugs or other intoxicants. Engaging in sexual conduct without consent is a serious offense; furthermore, such consent, whether verbal or non-verbal may be withdrawn at any time, without regard to activity preceding the withdrawal of consent.

The University will not tolerate such offenses that may not only cause physical harm but also emotional harm.

The University is committed to treating victims/survivors with dignity and respect. Hearing proceedings will strive to accommodate the needs of individuals while collecting information and hearing from any potential witnesses. Violators of this policy may also be subject to criminal prosecution. All members of the University community are asked to report violations of this policy to appropriate authorities by calling the Assistant Vice President of Student Affairs Office at 903-223-3062, the University Police at 903-334-6611 or by filling out an incident report form on the Student Life website at <http://tamut.edu/Student-Life/Grievance%20Procedures/FINAL%20Conduct%20Incident%20Report%20082014.pdf>.

It is the desire of the University to maintain an academic and work environment free of sexual violence for students, faculty, and staff. Sexual harassment violates the University's long-standing policy against discrimination on the basis of sex and is also illegal. It is prohibited in the employment context by Title VII of the 1964 Civil Rights Act and in the education context by Title IX of the Educational Amendments of 1972. A complaint under this policy may be brought by a student based on the conduct of any university community member.

Sexual Misconduct Definitions

Sexual Misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Non---Consensual Sexual Contact (or attempts to commit same)
3. Non---Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

Sexual harassment can be a very serious matter having far-reaching effects on the lives and careers of individuals. Intentionally false accusations can have similar impact. The charge of sexual harassment is not to be taken lightly by a charging party, an accused party, or any member of the University community. A person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action.

The employment and educational environment throughout A&M -Texarkana shall be free from all forms of sexual discrimination and sexual harassment. Conduct constituting sexual harassment is specifically prohibited and will result in appropriate sanctions. Sexual harassment, as defined in Section 39-03 of the Texas Penal Code, is a Class A misdemeanor and a violation of State and Federal statutes.

Sexual Harassment

Sexual Harassment is:

Unwelcome, gender based verbal or physical conduct that is,
Sufficiently severe, persistent or pervasive that it,
Has the effect of unreasonably interfering with, denying or limiting
someone's ability to participate in or benefit from the university's
educational program or activities, and is based on power differentials (quid
pro quo), the creation of a hostile environment, or retaliation.

Further definition and clarification is found in System Policy 08.01 Civil Rights Protections and Compliance. This policy may be viewed on the following website (<http://sago.tamu.edu/policy/intro.htm>) or may be obtained through the Human Resource/Civil Rights Protection Officer or the Assistant Vice President of Student Affairs.

A student having a complaint of sexual harassment may be directed to the Assistant Vice President of Student Affairs.

In some cases an informal resolution process will be used in sexual misconduct cases. An informal complaint is intended to result in the resolution of the complaint and an immediate halt of the unwelcome behavior. If the offending

behavior does not cease, a formal complaint may be filed in writing with the Human Resource/Civil Rights Protection Officer or the Assistant Vice President of Student Affairs.

***The informal process can never be used in cases of sexual assault!**

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, that is without consent and/or by force.

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.

Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse

Sexual Assault

Sexual Assault is defined as any sexual intercourse, however slight, by any person upon another person that is without consent and/or by force.

Consent

Consent is established when a reasonable person would consider the words of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another.

Consent is not given if it results from the use of force, threats, intimidation or coercion.

Coercion

Coercion is unreasonable pressure for sexual activity. Coercion differs from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, and other factors such as isolation. When someone makes it clear that they do not want sex, do not want to go past a certain point, or want it to stop, continued pressure beyond that point can be coercive.

Incapacitation

Engaging in sexual activity with a person, who the respondent knows to be mentally or physically incapacitated, or reasonably should know to be incapacitated, violates this rule.

Incapacitation may result from alcohol(**even one drink could incapacitate a person**) or other drug use, unconsciousness or blackout, or other factors.

Incapacitation is a state where a person cannot make a rational, reasonable decision because they lack the capacity to give knowing consent (to understand the who, what, when, where, why or how of sexual interaction.) Incapacity can also result from illness, sleep, mental disability, and other circumstances.

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

Additional information regarding consent:

A person who does not want to consent to sex is not required to resist.

Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.

Silence, previous sexual relationships, or the existence of a current relationship do not imply consent.

Consent cannot be implied by attire or inferred from the giving or acceptance of gifts, money or other items.

Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent.

A student's intentional use of alcohol/drugs will not function as a defense to a possible violation of this rule.

Sexual Exploitation

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion. Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Sanctions

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police⁴. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

**The university reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.

Responding to Sexual Misconduct

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

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

Contact 911 or the University Police - In addition, the survivor may choose to file a report with the University Police Department. The University Police Department is located at the Central Plant Building or by calling 903-334-6611. The police may conduct an investigation based on potential criminal activity related to the situation you reported, but please be aware that a police investigation is not the same as an investigation through the Office of Student Affairs. You may file complaints simultaneously with the Police and the University's Office of Student Affairs. You may also choose to initiate an independent legal action for damages against the accused. You will need to obtain legal counsel for this action.

Get medical attention as soon as possible – The survivor's health and safety is the most important. A doctor or nurse can check for injuries that may not be visible and can treat you for possible sexually transmitted infections. Hospital staff may also perform a sexual assault exam to collect evidence. This exam can be completed even if you choose not to involve the police and file a report at this time. The survivor may also elect to go to the survivor's own family care physician for medical assessment and treatment. Medical professionals are not required to call law enforcement because an adult patient they are treating has been sexually assaulted (if the victim is a minor they will have to call the police).

Preserve Evidence – If the survivor thinks s/he might want to have a sexual assault examination, the survivor should do its best to preserve evidence. Do not shower, bathe, eat, drink, wash your hands, or brush your teeth until after the exam. If the survivor believes s/he was drugged, the survivor should wait to urinate until arriving at the hospital. However, if the survivor cannot wait to collect his/her first urine at a local medical facility, the survivor should collect urine in a clean container with a lid and take it to the emergency room or police station.

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

Seek free, confidential counseling at Student Counseling Services located on the fourth floor of the John Moss Library room 406 via email at: counseling.services@ace.tamut.edu or at 903-223-3186.

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

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

Protective Orders - In addition to the option of pressing criminal charges against a respondent, the survivor may apply for a legal order of protection from a court. A protective order protects victims of dating violence by ordering the respondent not to commit further acts of violence against the survivor; not to harass, threaten, annoy, alarm, abuse, torment, or embarrass the survivor; not to communicate with the survivor in a threatening or harassing manner; and to stay away from the survivor’s residence, work, or school.

An application for a protective order is free. If the survivor is 18 years old or older, the survivor can seek a protective order for himself or herself. If the survivor is under 18, the survivor can have any adult apply for one on their behalf. To apply for a protective order for dating violence, the respondent must be someone s/he are dating, or someone s/he used to date; and s/he must have physically harmed the survivor, or attempted or threatened to physically harm the survivor. The application for a protective order must be filed in the county in which the survivor or the respondent lives. The court will grant a protective order once the survivor proves that dating violence has occurred and that it is likely to occur again.

Should the survivor choose to seek out a protective order the survivor may apply for one through the Domestic Violence Unit at the Bowie County District Attorney at 903-735-4800.

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

Shelters:

Rape Crisis Center.....903-793-4357

A&M-Texarkana Services

Student Counseling Services	903-334-6726
24 hour on-campus service (UPD)	903-334-6611

Social Service Organizations

National Domestic Violence Hotline.....	1-800-799-SAFE
Family Violence Legal Line	1-800-374-HOPE
Family Law Hotline	1-800-777-FAIR
Sexual Assault Legal Hotline	1-888-296-SAFE

Local Legal Assistance

District Attorney’s Office (Protective Orders & Domestic Violence Unit.....)	903-735-4800
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Crime Victims

Texarkana Police	903-798-3116
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On Campus Services

If the survivor needs additional support during this time in the form of counseling support, alternative on-campus housing options, or academic accommodations, please contact the Office of Student Affairs at 903-223-3062 so a staff member may work with survivor in a timely way to provide assistance.

Request for Privacy

How the University will weigh the Request and Respond:

1. If a survivor discloses an incident to a “responsible employee” but wishes to maintain privacy or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will weigh the request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the survivor.
2. If the University honors the request for privacy, a survivor must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged respondent(s) may be limited.
3. There are times when the University may not be able to honor a survivor’s request in order to provide a safe, non-discriminatory environment for all students.
4. The University has designated the following individual(s) to evaluate requests for privacy once a “responsible employee” is on notice of alleged sexual assault:
 - a) Title IX Coordinator
 - b) (2) Title IX Deputy Coordinators
5. When weighing a survivor’s request for privacy or that no investigation or discipline be pursued, such individuals will consider a range of factors, including the following:
 - a) The increased risk that the alleged respondent(s) will commit additional acts of sexual abuse or other violations.
 - b) Whether there have been other sexual violence complaints about the same alleged respondent.

- c) Whether the alleged respondent(s) has a history of arrests or records from a prior school indicating a history of violence.
- d) Whether the alleged respondent(s) threatened further sexual violence or other violence against the survivor or others.
- e) Whether multiple respondent(s) committed the sexual violence.
- f) Whether the sexual violence was perpetrated with a weapon.
- g) Whether the survivor is a minor.
- h) Whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence, University Police Department reports).
- i) Whether the survivor's report reveals a pattern of behavior (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

6. The presence of one or more of these factors will lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the survivor's request for privacy.

7. If it is determined that the survivor's privacy cannot be maintained, the survivor will be notified in writing prior to starting an investigation and will, to the extent possible, only share information with staff responsible for coordinating or conducting the investigation.

8. The University will remain ever mindful of the survivor's well-being, and will provide information on how the survivor can take steps to prevent retaliation or harm.

Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to have fear. Course of conduct is defined as "as a pattern composed of more than one act over a period of time, however short, evidencing a continuity of conduct."

Stalking behavior includes, but is not limited to, any of the following.

- a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.
- b. Use of online, electronic, or digital technologies, including:
 - i. Posting of pictures or information in chat rooms or on Web sites
 - ii. Sending unwanted/unsolicited email or talk requests
 - iii. Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
 - iv. Installing spyware on a survivor's computer
 - v. Using Global Positioning Systems (GPS) to monitor a victim
- c. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the survivor
- d. Surveillance or other types of observation, including staring or "peeping"
- e. Trespassing

- f. Vandalism
- g. Non-consensual touching
- h. Direct verbal or physical threats
- i. Gathering information about an individual from friends, family, and/or coworkers
- j. Threats to harm self or others
- k. Defamation – lying to others about the victim

DOMESTIC AND DATING VIOLENCE

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

Dating Violence

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

Domestic Violence

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

REPORTING REQUIREMENTS AND GENERAL INFORMATION

To assure University-wide compliance with this policy and applicable law, the Assistant Vice President of Student Affairs and the Human Resource/Civil Rights Protection Officer must be advised of all reported incidents of sexual harassment and their resolution. Reports in which the complainant's and/or the accused names are not revealed should be reported generically. That office will use this information to prepare annual

statistical reports for the campus community on the incidence of sexual harassment. The Assistant Vice President of Student Affairs Office and the Human Resource/Civil Rights Protection Officer will monitor repeated complaints within the same division or against the same individual, to assure that such claims are appropriately handled.

In all cases, a person who (1) reports or complains, (2) participates in an inquiry or investigation, or (3) is accused of sexual harassment incidents may be accompanied by an individual of his or her choice who shall be permitted to attend, but not participate in, the proceedings.

The university will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an informal resolution or formal investigation of a sexual harassment allegation will not be subjected to retaliation.

The University will also take appropriate steps to assure that a person against whom such an allegation is made is treated fairly.

The University will also undertake appropriate follow-up measures to assure compliance with settlements and the goals of this policy.

Inquiries and complaints of sexual harassment shall be treated with the maximum degree of confidentiality. Only when required by law or when personal safety is at risk will confidential information be acted upon or disclosed to others without a complainant's consent.

XIII. PROCEDURE FOR ACCOMMODATIONS APPEAL

If the student feels that he/she has been denied a reasonable accommodation, an appeal may be made to the Disability Advisory Committee Appeals Panel.

A. Appeal Procedure

1. Within ten (10) business days of the denial for accommodation, the student shall submit a written notice to the Assistant Vice President of Student Affairs of his/her wish to appeal that decision.
2. The Assistant Vice President of Student Affairs shall notify the Disability Advisory Committee in writing of the student's wish to appeal within five (5) business days.
3. The Disability Advisory Committee shall form a panel of three (3) individuals to hear the appeal within five (5) business days of receipt of the notice from the Director Student Life.

The Appeals Panel shall be comprised of the following:

- a. Two representatives from the Disability Advisory Committee.
- b. One student appointed by the Disability Advisory Committee.
- c. In no case shall the System General Counsel sit as a member of the Appeals Panel, but they may serve in advisory capacity to the Appeals

Panel.

4. The Appeals Panel will notify the student and the instructor who teaches the class(es) or staff who provide the services in which the accommodation has been denied of the date, time and place of the appeal hearing.

The student shall have the opportunity to explain to the Appeals Panel at the hearing why he/she believes that the decision of the Assistant Vice President of Student Affairs is incorrect. This opportunity includes:

- a. The right to make an oral statement to the Appeals Panel; and
- b. The right to submit supportive documentation.

5. The Assistant Vice President of Student Affairs shall have the opportunity to explain to the Appeals Panel at the hearing his/her reasons for denying an accommodation to the student.

This opportunity includes:

- a. The right to make an oral statement to the Appeals Panel; and
- b. The right to submit supportive documentation
- c. The faculty/staff shall have the opportunity to address the Appeals Panel about the accommodation appeal.

6. The Appeals Panel may ask questions during the hearing of the student, the faculty/staff and the Assistant Vice President of Student Affairs to aid it in its decision.

7. The Appeals Panel must notify the student, faculty/staff and the Assistant Vice President of Student Affairs of its decision in writing within five (5) business days following the conclusion of the hearing.

8. If the student is dissatisfied with the determination of the Appeals Panel, he/she may make a final appeal to the Vice President for Academic and Student Affairs.

Appeal Procedures

- a. The student must submit a written notice of appeal to the Appeals Panel and the Vice President for Academic and Student Affairs within five (5) business days of the Appeal Panel's determination.
- b. All materials possessed by the Assistant Vice President of Student Affairs and the Appeals Panel shall be forwarded to the Office of the Vice President for Academic and Student Affairs upon receipt of the written appeal.
- c. The Vice President for Academic and Student Affairs shall make his/her determination within five (5) business days from receipt of the appeal.
- d. The Vice President for Academic and Student Affairs shall notify the student, the faculty/staff, the Assistant Vice President of Student Affairs and the Appeals Panel in writing of his/her final determination. The decision of the Vice President for Academic and Student Affairs is final.

XIV. PARENTAL NOTIFICATION PROCEDURES

The Family Educational Rights and Privacy Act (FERPA, also known as the

Buckley Amendment), passed by Congress in 1974, was designed both to protect the privacy of students' educational records and to establish the right of students to inspect and review their non-privileged educational records. "Educational records" are all records, in any medium, that are maintained by the college and are directly related to a student, including, for example, academic, disciplinary, and career planning records. Other statutes protect students' rights to privacy over their medical and counseling records. FERPA protects students' privacy rights by defining to whom and under what conditions a college may disclose students' educational records. FERPA has been tested in the courts and modified by Congress in the almost thirty years since its passage, but the essential principles of student rights to access and privacy for their educational records remain intact.

A. FERPA allows a college or university to disclose information to "appropriate parties," which may include parents, without written consent from the student.

A&M-Texarkana does reserve the right to make such notifications in the following situations:

1. The student is over the age of 18 at the time of the alleged violation; or
2. The student is involved in a violation of any federal state or local law, or
3. The student has violated any rule of the institution governing the use or possession of alcohol or a controlled substance, or
4. The student is involved in any emergency situations when notification is determined to be necessary to protect the health or safety of the student or others. This notification may occur due to a medical emergency, or incident of imminent danger.

B. The University President, Vice President or Assistant Vice President of Student Affairs has the authority to contact parents when the violation is severe enough to warrant an immediate need for parental notification.

XV. STUDENT RECORDS

Disciplinary files are held in the Assistant Vice President of Student Affairs Office for five years after the student graduates or are no longer enrolled at A&M-Texarkana. Violations resulting in sanctions of suspension or expulsion from the University will remain as a permanent record within the Assistant Vice President of Student Affairs Office.

Academic records are maintained in the offices of Admissions, Registrar, Academic Deans, chairpersons of departments, and directors of graduate and interdisciplinary programs. University rule and the FERPA of 1974 strictly control the information that may be given out about students. Unless students specifically waive their rights under these statutes (forms available in the Registrar Office) or the University receives a properly served subpoena, only the following directory information may be released:

- Name, address, telephone listing
- E-mail address
- Photograph
- Date and place of birth
- Major field of study
- Grade level
- Participation in officially recognized activities and sports

- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- The most recent previous educational agency or institution attended
- Enrollment status (e.g., undergraduate, graduate, full-time, part-time, etc.)

Absent a written waiver or properly served subpoena, educational information may be released to school officials who have a legitimate educational interest in the information. Certain records may be released to appropriate officials in situations which are life threatening. (See parental notification guidelines. Under FERPA, parents of students over 18 years old have no automatic right to access the student's records without the student's consent, even if the student is an economic dependent.

Right to Inspect Records

Under FERPA, students have the right to inspect and review any and all official records, files, and data pertaining to them (with specific exceptions, a list of which may be obtained from the Registrar's Office).

Students have the opportunity for a hearing to challenge the contents of these records to ensure that the records are accurate and are not in violation of any rights of students. Students have the right to an explanation and interpretation of these records. In the event that any student believes that the records are inaccurate, misleading, or in violation of his/her privacy, the student may request the University to amend these records at that time.

If the holder of the records decides at that time or within a ten (10) day period not to amend the file, the student may do either or both of the following:

- a. Cite in writing the information believed to be inaccurate, misleading or in violation of privacy and submit amended data; this material will be added to the student's file.
- b. Request a hearing before the Educational Rights and Privacy hearing committee. The hearing request should be submitted in writing to the Assistant Vice President of Student Access and Success within a reasonable time, not to exceed thirty (30) calendar days. A written decision, based upon the information taken at the hearing, will include a summary of the information and the reasons for the decision.

XVI. STUDENT USE OF COMPUTER RESOURCES

All students must act responsibly and comply with local, state, and federal laws relating to copyright, security, and electronic media.

All students must make certain that their computer is secured against viruses, worms, hacker attacks, and other intrusions. Further, students are responsible for all uses of their computer and will be held accountable for network traffic originating at their computer or traced back to their computer's IP number (Internet address).

All students must be available on the Texas A&M University-Texarkana e-mail service and read e-mail in a timely manner. Faculty will send e-mail with important information about classes, and the administration, including the Office of Student Affairs and Enrollment Management, will send messages with timely, sometimes critical, announcements. These messages are sent to the "ace.tamut.edu" e-mail

address assigned to each student.

Prohibited Activities

A student shall not damage, destroy, misuse, or otherwise endanger the University's computing and information resources. Specific violations of this standard include, but are not limited to:

- a. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for any activity other than that for which access or use was assigned or authorized;
- b. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for commercial use;
- c. Accessing any University computer, facility, equipment, software, network, or other resource, including e-mail, without authorization;
- d. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit any other violation of this Code of Conduct;
- e. Disrupting, hindering, or damaging the service, use, or ability of others to access or use any University computer, facility, equipment, software, network, or other resource, including e-mail;
- f. Damaging, destroying, misusing, or otherwise harming any University computer, facility, equipment, software, network, or other resource, including e-mail; or
- g. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit acts prohibited under applicable federal, state, or local laws.