

Chapter 11. Student Conduct and Academic Integrity

Subchapter 11–100. General Provisions

Sec. 11–101. Preamble

- a. As a member of The University of Texas at Austin community, students accept not only the rights and privileges of membership, but also the responsibility to uphold a long and steadfast tradition of excellence. In abiding by the core values of the University – learning, discovery, freedom, leadership, individual opportunity, and responsibility – and adhering to the tenets of academic integrity, students will uphold an Honor Code reflective of a scholarly community devoted to academic and personal success.
- b. This chapter contains rules for dealing with alleged violations of University policy in a manner consistent with the requirements of procedural due process and in accordance with The University of Texas System Rules and Board of Regents' Rule: 50101.

Sec. 11–102. Application and Jurisdiction

- a. The Dean of Students has primary authority and responsibility for the administration of the university process for students alleged to have engaged in conduct that violates this Chapter.
- b. Any student who engages in conduct that violates the institutional rules and policies, specific instructions issued by an administrative official of the institution or the University of Texas System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline. The provisions of this rule cover conduct occurring on campus. It also covers conduct occurring off-campus, including but not limited to university off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct. This Rule does not apply to matters subject to the University Handbook of Operating Procedures 3-3031 (“HOP 3-3031”) as that policy’s provisions control, except to the extent that such matters are assessed under Track C of HOP 3-3031 and are referred to the Dean of Students.
- c. **Impact of Other Proceedings.** University disciplinary action may be instituted against a student charged with conduct that potentially violates both the civil/criminal law and University policy or rules without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Chapter may be carried out prior to, simultaneously with, or following criminal proceedings off campus. Disciplinary decisions and sanctions imposed under this Chapter will not be subject to change based upon the outcome of criminal charges or decisions.
- d. University disciplinary action instituted by the Dean of Students will be based upon the “Preponderance of Evidence” standard. This standard is satisfied if the action is deemed more likely to have occurred than not.
- e. **Choice of Provision.** Administrative processing of any alleged violation of institutional rules will advance procedurally under *The General Information Catalog* that is in effect on the day that the Dean of Students receives notification of the alleged violation and not the date on which the alleged violation is noted to have occurred.

Subchapter 11–200. Student Conduct Administration

Sec. 11–201. Notice

- a. Notification of conduct proceedings, including but not limited to notice of allegations, interim action, meeting requests, hearings, and resolution, shall be sent by the Dean of Students to the student by letter or by e-mail, using addresses on file with the registrar’s office.
 1. A letter or email sent to an address listed in the registrar’s records will constitute full and adequate notice.
 2. The student’s failure to provide and/or maintain current addresses, refusal to accept delivery of a letter, or failure to open an e-mail message will not constitute good cause for failure to comply with the meeting request. Policies on the use of e-mail for official correspondence are provided in Appendix M.

Subchapter 11–300. Definitions

In this chapter, unless the context requires a different meaning, the following definitions apply.

- a. “Academic Record” – University or University of Texas System documents relating to a student’s scholastic record. Components of a student’s academic record may include, but are not limited to, applications for admission, academic transcripts, the awarding of a degree, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.
- b. “Administrative Disposition” – A document issued to a student which includes a statement of the alleged conduct, institutional rule(s) implicated, investigative findings, assessed sanction(s), and resolution options.
- c. “Advisor” – A single individual who may accompany a student to a meeting with the Dean of Students or a hearing regarding an alleged violation of this Chapter. An Advisor may confer with and advise the student but may not advocate for the student in a meeting with the Dean of Students or in a hearing or directly address the Student Conduct Panel or Hearing Officer. An Advisor cannot be a student allegedly involved in the same disciplinary matter as the accused student, or any individual who will serve as a witness for the accused student. Advisors may be dismissed from any meeting or conduct proceeding if they disrupt the process.
- d. “Appeal” – To contest the outcome of an Administrative Disposition, a Faculty Disposition, or a hearing to an additional level of review.
- e. “Appellate Officer” – A person designated by the President to issue final decisions in a student conduct matter.
- f. “College Liaison” – An employee designated by each academic college that serves as the primary contact between the Dean of Students and the academic college to facilitate communication and process regarding academic misconduct cases, including referrals and cases submitted via Faculty Disposition.
- g. “Complainant” – A person who is reported to be the victim of prohibited conduct related to a Track C case.
- h. “Complaint” – A written statement prepared by the Dean of Students before an investigation or a hearing that outlines the alleged violation(s) of a Regents’ Rule, University regulation, or administrative rule to be investigated and resolved by the Dean of Students, a Student Conduct Panel or a Hearing Officer.
- i. “Day” – An 8:00 a.m. to 5:00 p.m. calendar day, excluding weekends, University holidays, and days on which regularly scheduled classes are suspended due to emergent situations. If a deadline defined in this Chapter falls on a Saturday, Sunday, University holiday, or skeleton crew day, that deadline will be moved to the next day.
- j. “Dean of Students” – The Dean of Students of The University of Texas at Austin or the Dean of Students’ delegate or representative.

- k. "Disciplinary Decision" – A written decision determining whether or not a student is responsible or not responsible for a violation of this Chapter. The "Disciplinary Decision" includes the findings of fact in support of the decision along with the assessed sanction(s), if applicable.
- l. "Disciplinary Record" – A student record maintained by the Dean of Students in connection with a violation or an alleged violation of this Chapter. The Disciplinary Record may include complaints, notices, hearing records, disciplinary decisions, and other documents required under this Chapter or deemed relevant by the Dean of Students. Disciplinary Records may be disclosed to outside parties in accordance with subchapter 9–300 of the *Institutional Rules*.
- m. "Faculty Disposition" – A document utilized by a Faculty Member to resolve an allegation of academic misconduct in their course, where the faculty member and student are in agreement as to the finding of responsibility and assigned sanction(s).
- n. "Faculty Member" – A person who teaches a class as part of their employment, and who has authority to assign grades for the class.
- o. "Hearing" – A formal proceeding in which a student, accused of violating university policy as defined in this Chapter, may present their case to a Hearing Officer or a Student Conduct Panel.
- p. "Hearing officer" – A university employee appointed by the President to conduct hearings of alleged violations of this Chapter.
- q. "HOP 3-3031 Track C cases" or "Track C cases" – Allegations of conduct that potentially constitute Sex Discrimination, Sexual Exploitation, Unprofessional/Inappropriate Conduct, Retaliation, False Information or False Complaint, or Interference with Grievance Process, as defined in [HOP 3-3031](#). These cases are investigated by the Department of Investigations and Adjudication in University Compliance Services and referred to the Dean of Students for disciplinary decision.
- r. "Interim Disciplinary Action" – An immediate disciplinary action taken against the accused student before completion of the student conduct process. Interim Disciplinary Action may include, among other things, suspension, suspension of a right or privilege, or a prohibition from entering campus or any part of campus.
- s. "President" – The president of The University of Texas at Austin.
- t. "Referral" – A report received by the Dean of Students alleging student conduct that may rise to a violation of this Chapter.
- u. "Respondent" – The person reported to be the alleged perpetrator of conduct related to a Track C case.
- v. "Sanction" – Official action by the university against a student who is the subject of a finding of responsibility for a violation of this Chapter. University sanctions include all items listed in Section 11-700 of this Chapter.
- w. "Student" – A person who is currently enrolled at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior term and is eligible to continue enrollment in the term that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus, or who engaged in prohibited conduct at a time when he or she met the above criteria. For the purposes of this chapter, individuals who are not currently enrolled at the University remain subject to the disciplinary process for conduct that occurred while they were enrolled.
- x. "Student Conduct Board" (SCB) – A group comprised of students appointed by the President to serve on Student Conduct Panels.
- y. "Student Conduct Panel" (SCP) – The entity or group of persons composed primarily of members of the Student Conduct Board, who, along with faculty and/or staff, conduct hearings and issue decisions concerning academic misconduct and behavioral misconduct violations. The Student Conduct Panel shall not hear matters pertaining to Track C cases or violent conduct violations.
- z. "Title IX" – Refers to Title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except sections 904 and 906 thereof; 20 U.S.C. 1681, 1682, 1683, 1685, 1686.
- aa. "Title IX Coordinator" – The employee of the University with major responsibility for Title IX compliance efforts and who is designated to handle complaints under Title IX.
- bb. "University" – Refers to The University of Texas at Austin. For the purposes of this Chapter, "University" also includes all activities and programs sponsored by or affiliated with The University of Texas at Austin regardless of the actual location where such activities or programs occur, including but not limited to, field trips, internships, rotations, and clinical assignments.
- cc. "Vice President for Student Affairs" – Refers to the Vice President for Student Affairs of The University of Texas at Austin, the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that implement the Model Policy for Student Conduct and Discipline of The University of Texas System.
- dd. "Witness" – A person who may have information related to a complaint or referral.

Subchapter 11–400. Prohibited Conduct

Sec. 11–401. Academic Misconduct

- a. The Dean of Students or a Faculty Member may initiate conduct proceedings under subchapter 11–500 against a student suspected of engaging in or attempting to engage in academic misconduct, as defined in this section and which may consist of any of the following activities
 1. **Copying** – copying answers or information from another individual's academic assignment;
 2. **Failure to Comply with Instructions** – failing to comply with instructions pertaining to an academic assignment or course requirement for the purpose of gaining an academic advantage;
 3. **Unauthorized Materials** – obtaining, using, or possessing materials without authorization, including but not limited to class notes, textbooks, calculators, online resources, and/or electronic devices;
 4. **Unauthorized Aid or Assistance** – providing aid or assistance to, or utilizing aid or assistance from, another individual or source without authorization, and pertaining to an academic assignment or course requirement;
 5. **Substitution** – substituting for another person, or permitting another person to substitute, to attend a class or complete any academic assignment or other course requirement;
 6. **Falsification or Fabrication** – falsifying or fabricating any information, data, or citation in any academic work offered for credit, or work done in conjunction with the completion of course or degree requirements;
 7. **Plagiarism**
 - A. when a person represents another's material as their own work without attribution;
 - B. when a person misrepresents citation or attribution for purposes of an academic advantage; or,
 - C. when a person submits essentially the same work for two assignments without the permission of the Faculty Member.
 8. **Collusion** – unauthorized collaboration with another student or students;

9. **Failure to Follow Course Requirements** – conduct that fails to adhere to standards promulgated by an academic unit or Faculty Member, and that is not otherwise constitutionally protected;
10. **Other Academic Misconduct** – any activity in which a student receives or attempts to receive an unfair academic advantage.

Sec. 11–402. Behavioral Misconduct

- a. The Dean of Students may initiate conduct proceedings under subchapter 11–500, or make an incident report and determine discipline under HOP 3-3031 when there is a finding of responsibility, against a student suspected of engaging in or attempting to engage in behavioral misconduct, as defined in this section and which may consist of any of the following activities:
 1. **Local, State, or Federal Law Violations** – any behavior that may violate any federal, state, or local law, ordinance, or regulation;
 2. **Weapons** – possesses, uses, or displays firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, body armor or make shift body-armor, masks, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor on property owned or controlled by the University, without written permission from the Dean of Students, unless authorized by federal, state or local laws; or, violates Policy 8-1060, Campus Carry, of the Handbook of Operating Procedures;
 3. **Dangerous Materials** – Use of a hazardous substance (chemicals, fireworks, explosives, etc.) with the intent, either explicit or when viewed through an objective standard, to cause harm, threat, or a reasonable fear for safety;
 4. **Threatening or Endangering Behavior** – any behavior that threatens or endangers the health of any student, employee, or visitor to the University;
 5. **Track C Cases** – allegations of conduct that potentially constitute Sex Discrimination, Sexual Exploitation, Unprofessional/Inappropriate Conduct, Retaliation, False Information or False Complaint, Interference with Grievance Process, as defined in HOP 3-3031.
 6. **Theft** – unauthorized use, possession, or removal of property, services, or resources of others
 7. **Hazing or Hazing Activity** – any intentional, knowing, or reckless act, occurring on or off of the campus of an educational institution, by one person alone or acting with others, directed against a person, for the purpose of pledging, joining, being initiated into, affiliating with, holding office in, or maintaining membership in any organization. Hazing includes but is not limited to:
 - A. any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
 - B. any type of physical activity that involves or results in sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the person to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person;
 - C. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, in addition to those described by Paragraph E, that subjects the person to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person;
 - D. any activity that intimidates, demeans, embarrasses, or threatens the person with ostracism, that subjects the person to stress, shame, or humiliation, that adversely affects

the mental health or dignity of the person or discourages the person from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a person to leave the organization or the institution rather than submit to acts described in this subsection;

- E. any activity that involves coercing, as defined by Section 1.07 Penal Code, a student to consume a drug or an alcoholic beverage or liquor in any amount.;
 - F. any activity that threatens the wellbeing of a person by restricting their ability to communicate with others to get medical help, to document prohibited conduct, or report misconduct; such as, but not limited to, the confiscation of a personal communication device; and
 - G. any activity that induces, causes, or requires the person to perform a duty or task that involves a violation of the Penal Code. See Texas Education Code, Section 37.151(6) for more information.
8. **Alcohol Misconduct**
 - A. engages in unauthorized use, possession, sale, distribution, or consumption of alcoholic beverages on or in University property, including but not limited to a classroom, laboratory, auditorium, office, athletic facility, or residence hall;
 - B. engages in the improper use, possession, sale, distribution, or consumption of alcoholic beverages, including but not limited to underage possession of alcohol, underage consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, or driving while intoxicated;
 9. **Drugs**
 - A. engages in the unauthorized use or possession of a drug, or possession of drug paraphernalia;
 - B. engages in the unauthorized sale or distribution of a drug.
 10. **Individual and/or Unauthorized Group Disturbance** – engages in speech, including but not limited to verbal, electronic, or written communication, that is directed to incite or produce imminent lawless action and is likely to incite or produce such action.
 11. **Harassment** – hostile or threatening conduct or speech, whether oral, written, or symbolic, that:
 - A. is sufficiently severe, pervasive, and objectively offensive to create an objectively hostile or threatening environment that interferes with or diminishes the victim’s ability to participate in or benefit from the services, activities, or privileges provided by the University; and
 - B. personally describes or is personally directed to one or more specific individuals.
 - C. When harassment is sex or gender based, the definitions for quid pro quo and hostile environment harassment, set out in Handbook of Operating Procedure 3-3031(V)(B), apply over this policy’s harassment provision.
 12. **Property**
 - A. **Unauthorized Use** – engages in unauthorized use of property, keys, equipment, resources, supplies, buildings, or facilities owned or controlled by the University or The University of Texas System;
 - B. **Unauthorized Entry** – engages in unauthorized entry into property, buildings, structures, or facilities owned or controlled by the University or The University of Texas System;
 - C. **Damage** – damages, defaces, destroys, or tampers with property of the University, property belonging to any student or employee of the University, or property of a visitor to the University

- D. **Water and Fountains** – enters, remains, or is in the water of any fountain or other artificial body of water on the University campus that is not designed and maintained for recreational or therapeutic purposes; dumps, throws, places, or causes to be placed any material, object, trash, person, animal, waste, or debris in the water of any fountain or other artificial body of water located on the University campus;
13. **Technology Misuse**
- engages in unauthorized use of an information technology resource owned or controlled by the University or The University of Texas System;
 - engages in unauthorized access or entry into a computer, computer system, network, database, software, or data;
 - engages in unauthorized downloading, copying, or distribution of computer software or data;
14. **Stalking** – a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others and would cause that person to fear for their safety or suffer substantial emotional distress. (Please note that Stalking here in 11-402(a)(14) is separate from the gender or sex-based stalking rule included in HOP 3-3031.)
- A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property.
 - "Reasonable person" means a reasonable person under similar circumstances.
 - "Substantial emotional distress" means significant mental suffering or anguish that disrupts or impairs usual functioning. It may, but does not necessarily, require medical or other professional treatment or counseling.
15. **Gambling** – engages in or offers games of chance for money or other gain
16. **False and Misleading Information**
- engages in the falsification of academic records, including but not limited to altering or assisting in the alteration of any official record of the University or The University of Texas System and submitting false information or omitting requested information that is required for or related to any academic record of the University or The University of Texas System. Academic records include, but are not limited to, applications for admission, the awarding of a degree, registration materials, grade change forms, and reporting forms used by the Office of the Registrar;
 - furnishes false information to or withholds material information from any University official, Faculty Member, or staff member acting in the course of their duties;
 - alters or assists in the alteration of any official nonacademic record or document, including parking permits and athletic tickets, of any University office or of The University of Texas System.
17. **Unauthorized Surveillance or Distribution**
- engages in surveillance or recording of any type without the consent of the person or persons being surveilled or recorded in areas where there is a reasonable expectation of privacy;
 - engages in broadcasting or distribution, without the consent of all involved parties, of a recording or other surveilled material, that meets the definition of Unauthorized Surveillance in Sec. 11-402(a)(17)(A).
18. **Disruptive Conduct**
- engages in conduct that interferes with or disrupts any teaching, research, administrative, disciplinary, public service, learning, or other authorized activity;
 - engages in promoting or inciting conduct that interferes with or disrupts any teaching, research, administrative, disciplinary, public service, learning, or other authorized activity;
19. **Failure to Comply**
- failure to comply with the directives of any university official(s) acting in the performance of their duties, and who has the authorization to issue such directives;
 - failure to identify oneself to a university official(s) when requested to do so.
 - A person identifies themselves by giving their name and complete address, substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not they are a student or employee of the University.
 - failure to comply with rules, regulations, procedures, policies, standards of conduct, or any other directive of the university, including but not limited to schools, colleges, departments, or labs;
20. **Violent Conduct** – any conduct intended to physically harm or injure a person;
21. **Animal Cruelty** – any conduct with an animal that may violate any provision of federal, state, or local laws;
22. **University System Violations** – any conduct that violates any provision of the Regents' *Rules and Regulations* of The University of Texas System;
23. **Retaliation** – any action taken to adversely affect the terms or conditions of an individual's academic experience or employment with the University, or other institutional status of a student, employee, university affiliate, visitor, or applicant for admission to or employment with the University, because an individual has, in good faith:
- reported or intends to make a report under university policies or rules;
 - opposed an unlawful practice;
 - participated in an investigation or conduct proceeding; or
 - requested supportive or protective measures;

Subchapter 11–500. Conduct Procedures

Sec. 11–501. Investigation

- When the Dean of Students receives information that a student has allegedly violated university policy, the Dean of Students will perform an initial assessment and determine, based on the information contained in the referral, if an investigation is merited, or if the referral shall be maintained without further action. If further investigation is merited, the Dean of Students will:
 - conduct an investigation into the allegation(s), which will include an opportunity for the student to hear and respond to the allegation(s).
- After conducting the investigation and initial assessment with the student, the Dean of Students will:
 - Issue a No Finding Letter in instances where the preponderance of the evidence does not support the finding of a violation; or
 - Issue an Administrative Disposition in instances where the preponderance of the evidence supports the finding of violation, and which shall include:
 - the results of the investigation;
 - the basis for the finding of a violation;

3. the specific section(s) of this Chapter the student has violated; and
 4. any assessed sanction(s).
- c. Track C allegations will be investigated in accordance with the procedure described in HOP 3-3031 and referred to the Dean of Students for disciplinary decision. In some circumstances, as outlined in HOP 3-3031(VIII)(F), Track C allegations may be resolved through the Restorative Practices Alternative rather than a formal investigation process.
- d. Scientific Misconduct or Misconduct in Other Scholarly Research
1. If the information received by the Dean of Students makes allegations of misconduct in scientific or other scholarly research, the Dean of Students will refer the information to the Vice President for Research and/or the Research Integrity Officer for further investigation in accordance with the Handbook of Operating Procedures, 7-1230.
 2. The findings will be set forth in an investigation report. The report will then be provided to the dean of students for adjudication of any academic integrity violations that may be outlined in the report.
 3. Additional Information regarding the Scientific Misconduct or Misconduct in Other Scholarly Research can be found at <http://www.policies.utexas.edu/policies/misconduct-science-and-other-scholarly-activities>
- e. Investigations involving students enrolled in the Dell Medical School
1. If the dean of students receives a referral involving a student enrolled in the Dell Medical School, the dean of students will notify the dean of the Dell Medical School or designee. Prior to the final resolution of an incident involving a student enrolled in the Dell Medical School, the dean of students shall consult the dean or designee to determine appropriate sanctions consistent with the professional standards outlined by the Dell Medical school and other applicable university rules.
 2. Additional information regarding the professional standards of the Dell Medical School can be found at <https://dellmed.utexas.edu/education/student-resources>.

Sec. 11–502. Interim Disciplinary Action

- a. Pending an investigation, hearing, or outcome of the allegations against a student, the Dean of Students may take immediate interim disciplinary action appropriate to the circumstances, including instances when the continuing presence of the student: (i) poses an immediate or potential danger to persons or property, or (ii) disrupts the academic process, or any activity authorized by the University. The Dean of Students may take the following actions: suspending the student's access to the entirety or selected parts of campus (including campus residence halls), prohibiting a student from attending in-person and/or virtual classes, altering the status of the student, or any other actions deemed necessary to address the risk presented by the student.
- b. Notice of the interim action shall be sent by the Dean of Students to the student in accordance with Sec. 11-201 of this Chapter.
- c. A student who is suspended or whose status is altered under Sec. 11–502(a) may meet with the Dean of Students to contest the interim disciplinary action. A request for a meeting under this subsection must be made in writing, and submitted to the Dean of Students no more than five days after being notified (in accordance with Sec. 11-201) that the interim disciplinary action was taken. If a meeting is requested by the student, such a meeting generally will be conducted within five days after the request for a meeting is made, unless the student agrees in writing to a meeting at a later time. At the discretion of the Dean of Students, the five-day period may be extended for a period not to exceed an additional five days.

1. During the meeting with the Dean of Students, the student may present documentation or other evidence for review in consideration of lifting or altering the interim disciplinary action. The Dean of Students shall issue a written decision within five days of the meeting regarding whether the decision to take interim disciplinary action will be reversed, altered, or otherwise left unchanged.
2. The student may appeal the written decision by submitting a written appeal to an Appellate Officer within three days from the date the Dean of Students issues their decision. The appeal will be reviewed solely on the basis of the written record of the case, any written materials submitted by the student, and the response to the appeal, if any, submitted by the Dean of Students. Oral argument will not be considered.
3. The decision of the Appellate Officer will be communicated in writing to the accused student and the Dean of Students within five days after the appeal has been received by the Appellate Officer. The Appellate Officer may approve, reject, or modify the interim disciplinary action in question, or may require that the original decision be reconsidered for the presentation of additional evidence. The decision of the Appellate Officer shall be final.
- d. A student is subject to further disciplinary action for prohibited conduct that takes place during a period of interim disciplinary action imposed under Sec. 11-502(a).

Sec. 11–503. Meeting with a Student

- a. The Dean of Students may require a meeting with a student in connection with an alleged violation of this Chapter.
- b. Notice of the meeting shall be sent by the Dean of Students to the student in accordance with Sec. 11-201 of this Chapter. The message will direct the student to appear at a specific time and place at least three days after the date of the message. In cases involving allegations of actual or threatened violent conduct against a person, or Track C cases, the Dean of Students maintains the right to direct the student to appear at least one day after notifying the student of the meeting.
- c. The Dean of Students may bar or cancel the enrollment or otherwise alter the status of a student (or of a former student as described in Sec. 11–300(23)) who fails without good cause to comply with a meeting notice sent in accordance with Sec. 11–503(b) until the student complies. If a student fails to appear for a required meeting, or otherwise fails to participate in an investigation into an allegation of misconduct, the Dean of Students may proceed with resolving the matter based upon the information available and without the student's participation in the process.

Sec. 11–504. Administrative Disposition

- a. Students found responsible for violating university policy will be issued an Administrative Disposition (in accordance with Sec. 11-501(b)(2)).
- b. Following the presentation of an Administrative Disposition, a student may choose to:
 1. Accept the finding and assessed sanctions;
 2. Accept the finding, but appeal the assessed sanctions with a written appeal to an Appellate Officer; or,
 3. Contest the finding and assessed sanctions in a hearing if the assessed sanctions include suspension, academic sanction, or expulsion.
 1. If the assessed sanctions do not include suspension, academic sanction, or expulsion, a student may contest the finding with a written appeal to an Appellate Officer.

- c. A student may request a hearing (if eligible, as determined by Sec. 11-504(b)(3)) before either a Hearing Officer or, in cases involving academic or non-violent behavioral misconduct, a Student Conduct Panel.
 - 1. The student must request a hearing and select their choice of either a Hearing Officer or a Student Conduct Panel within 5 days of receipt of the Administrative Disposition. If a student requests a hearing but fails to make a decision regarding preference of hearing body, a Hearing Officer will be assigned after the 5-day deadline.
- d. If a student fails to inform the Dean of Students of their decision within 5 days of receiving the Administrative Disposition, and their case (as determined by Sec. 11-504(b)(3)) is:
 - 1. Not hearing-eligible – the finding and sanction recommendations of the Dean of Students will be formally adopted and the student must comply with the assessed sanctions;
 - 2. Hearing-eligible – the Dean of Students will proceed with a hearing before a Hearing Officer.
- e. If a student fails to complete an assigned sanction, the Dean of Students may place a bar on the student's registration and/or pursue a separate rule violation under Sec. 11-402(a)(19).
- f. In Track C cases, the Dean of Students, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, shall:
 - 1. proceed to resolve the matter before a Hearing Officer, unless both the Respondent and the Complainant agree to waive the hearing procedures in accordance with Sec. 11-504(b); and,
 - 2. inform the Respondent and Complainant as to any disposition of the case or if the Respondent or Complainant has chosen to proceed to a hearing.
- g. A student who has been issued an Administrative Disposition may request additional time from the Dean of Students to make their choice regarding responsibility or, if applicable, whether their hearing will be heard by a Hearing Officer or a Student Conduct Panel.
 - 1. The student must provide a reason for the requested time extension, including, but not limited to, a procedural error, an emergency situation, or a documented academic impact that is contributing to their delay. The Dean of Students will determine whether or not a postponement will be granted based upon the reason shared by the student, and will notify the student of the decision as soon as possible.
 - 2. A postponement must be requested by the student in advance of the applicable deadline to be considered.
 - 3. In instances where a student is unable to request a postponement due to incapacity or emergent situation, the Dean of Students may extend or postpone the applicable deadline for good cause on their behalf.
- b. After discussing the matter with the student, in accordance with Sec. 11-505(a)(2), the Faculty Member will:
 - 1. Dismiss the allegation; or,
 - 2. Present the student with a Faculty Disposition, which shall include:
 - A. The specific allegation of academic misconduct; and,
 - B. Sanctions recommended by the Faculty Member in accordance with Sec. 11-702(a).
- c. A Faculty Member, through their action(s) or communication(s) with the student, shall not cause or intend to cause a student to relinquish their right to proceed with a referral to the Dean of Students, or condition the exercise of that right with increased sanctions, in lieu of resolving the matter with the Faculty Member via Faculty Disposition.
- d. If a Faculty Disposition is presented, the student may:
 - 1. Accept the finding of a violation and the sanctions recommended by the faculty member;
 - 2. Contest the finding of a violation and the assessed sanctions, and have the allegations referred to the dean of students, who will then proceed under Sec. 11-501 and Sec. 11-504.
 - 3. Request a meeting with a representative from Student Conduct and Academic Integrity to discuss or better understand all of the available options for resolving the alleged conduct matter.
- e. In instances where the student has chosen to accept the finding of a violation and the assessed sanctions (as provided in Sec. 11-505(d)(1)), the Faculty Member shall send the signed Faculty Disposition and all relevant and supporting documentation to the Dean of Students.
 - 1. The Dean of Students reviews Faculty Dispositions for adherence to institutional process and due process standards, and to adjust determinations of responsibility and/or sanction recommendations where either would fall outside those generally issued in similar cases. A conduct matter resolved by Faculty Disposition shall not be considered final and official until the Dean of Students has completed its review and afforded the involved student an opportunity to meet, in accordance with Sec. 11-505(f).
 - 2. A student who resolves their case through Faculty Disposition may be assessed additional sanctions by the Dean of Students, including status-based sanctions, in accordance with Sec. 11-701 or Sec. 11-703.
- f. The student will receive notice, in accordance with Sec. 11-201, from the Dean of Students after review of the Faculty Disposition and assignment of additional sanction(s), if any. Along with that notification, the student will be afforded an opportunity for an informal meeting with the Dean of Students. The student will have five days from the day the notification is sent to indicate their interest in meeting with the Dean of Students.
 - 1. If a student fails to respond to the meeting request, the Faculty Disposition will be finalized.
 - 2. If the student meets with the Dean of Students, in accordance with the guidelines set forth in Sec. 11-505(f), the involved student may confirm resolution through Faculty Disposition or request a referral of the allegation(s) to the Dean of Students. This request must be submitted within 3 days of meeting with the Dean of Students. If no such request is made, the Faculty Disposition will be finalized.
- g. The Dean of Students encourages all Faculty Members to submit Faculty Dispositions in a timely manner. It is recommended that Faculty Members submit Faculty Dispositions no more than 30 days after the reporting Faculty Member becomes, or should reasonably have become aware of the alleged violation.

Sec. 11–505. Faculty Disposition

- a. When a Faculty Member suspects that a student has engaged in academic misconduct, as defined in Sec. 11-401, the Faculty Member may:
 - 1. refer the allegation and all supporting documentation to the Dean of Students, who will proceed under Sec. 11-501 and Sec. 11-504; or
 - 2. meet with the student(s) involved and:
 - A. discuss the alleged violation(s);
 - B. provide the student with the documentation and/or information that supports the allegation;
 - C. provide the student with the opportunity to respond to the allegation; and,
 - D. inform the student of their rights in the conduct process.

Sec. 11-506. Academic Investigations, Course Withdrawals, and Grade Adjustments

- a. A student may not drop a class if they are the subject of any pending investigation(s) of academic misconduct for the class in question.
- b. Any student responsible for academic misconduct and issued any sanction(s) will not be eligible to drop the class associated with the violation.
 1. Any drop assigned to a student who is found responsible for committing academic misconduct and assigned any sanction(s) will be rescinded and the student will be re-enrolled in the course and assigned a grade in accordance with the assigned sanction(s) and the student's performance in the course.
- c. Any student responsible for academic misconduct and issued any grade-related sanction(s) will not be eligible to change the course grade to Pass/Fail or to Credit/No Credit.
- d. Notwithstanding Sec. 11-506(a), a student may seek permission to drop a course where an academic violation has been alleged if there are exceptional circumstances, including but not limited to medical withdrawal, and where both the Dean of Students and academic college approve the course drop.

Sec. 11-507. Amnesty

- a. Alcohol and Drug Amnesty
 1. The University empowers students to prevent high-risk behavior by seeking help for fellow students and community members who are experiencing a medical emergency due to drug or alcohol consumption. A student who seeks emergency medical assistance for themselves or others experiencing a medical emergency due to drug or alcohol consumption may qualify for amnesty from formal disciplinary action under this Chapter, provided the student satisfies all three of the following conditions:
 - A. Contacts emergency, medical, law enforcement, and/or University personnel promptly for assistance;
 - B. Remains with the person experiencing the medical emergency until medical assistance arrives; and,
 - C. Cooperates with all emergency and law enforcement personnel.
 2. Eligibility for amnesty, as outlined above, also applies to the student experiencing the medical emergency due to drug or alcohol consumption.
 3. The Dean of Students will evaluate a student's eligibility for amnesty under this Chapter on a case-by-case basis; amnesty is not guaranteed. Students may receive amnesty under this policy on more than one occasion.
 4. Students eligible for amnesty will be required to participate in an educational program and may be referred for individual drug and/or alcohol counseling, but may otherwise avoid formal disciplinary action under this Chapter. Students who receive amnesty who decline or fail to complete the educational component may become subject to formal disciplinary action under this Chapter.
 5. This amnesty policy applies only to university rules and policies; it does not preclude or prevent law enforcement from taking legal actions. Amnesty does not apply to other prohibited behavior such as the sale of an illegal drug or narcotic.
- b. Amnesty Policy for Students Reporting Certain Violations
 1. Consistent with Texas Education Code Section-51.284, the University will not take any disciplinary action against a student for a violation of this Chapter, who in good faith reports to the institution being the victim of, or witness to, an incident of sex discrimination, sexual harassment, sexual assault, interpersonal violence (domestic violence and dating violence), stalking, or

other Track C related allegations, provided the incident occurred at or near the time of the reported incident, regardless of where the incident occurred or the outcome of the conduct process.

- A. This policy does not apply to a student who reports their own commission or assistance in the commission of sex discrimination, sexual harassment, sexual assault, interpersonal violence (domestic violence and dating violence) or stalking, or Track C related allegations.
2. Eligibility for amnesty under this section shall be determined by the dean of students, is final, and may not be revoked.

Subchapter 11–600. Hearing

Sec. 11–601. Duties of the Hearing Officer and Student Conduct Panel Foreperson

- a. The Hearing Officer or Student Conduct Panel Foreperson shall:
 1. preside over the hearing;
 2. determine whether the Dean of Students has satisfied the requirements of Sec. 11–602;
 3. hear objections and make decisions during the hearing;
 4. determine the admissibility of evidence;
 5. facilitate the hearing process, which includes the authority to remove anyone from the hearing who is disrupting the process;
 6. issue a written decision, in accordance with Sec. 11-609, that identifies the finding of fact, the determination of either the Hearing Officer or the majority of the Student Conduct Panel as to whether a student violated this Chapter, and the sanctions assessed (if applicable).

Sec. 11–602. Duties of the Dean of Students

- a. The Dean of Students shall:
 1. determine the date, time, and location of the hearing and provide notice in accordance with Sec. 11-201 and Sec. 11-604 of this Chapter;
 2. arrange for the hearing to be recorded; and
 3. establish hearing procedures that include, but are not limited to, deadlines for submission of supporting documentation/evidence, a list of witnesses to be called by the student, the role of the advisor, and hearing logistics. Detailed hearing procedures will be provided to the student along with the hearing notice and will be available on the Dean of Students website.

Sec. 11–603. Student Rights and Responsibilities

- a. An accused student has the right to:
 1. have an advisor at the hearing;
 2. challenge the objectivity of the Hearing Officer or the members of the Student Conduct Panel designated to hear the charges (in accordance with Sec. 11-606);
 3. know the identity of each witness who will participate in the hearing;
 4. present documentation and other supporting information for consideration in the hearing process;
 5. provide a personal statement or account of the incident in question;
 6. question each witness who appears at the hearing; and,
 7. appeal a disciplinary outcome in accordance with Subchapter 11-800.

Sec. 11–604. Notice of Hearing

- a. The Dean of Students will notify the accused student of the date, time, and location of the hearing with a hearing notice sent to the student in accordance with Sec. 11-201 of this Chapter.

- b. The student shall be given notice of the hearing at least 5 days before the hearing date.
 - c. In Track C cases and cases involving allegations of violent conduct, the notice will specify a hearing date of at least 5 days after the date of the letter or e-mail message.
 - d. Notice sent under subsection 11–604(a) will:
 - 1. state the time, date, and location of the hearing;
 - 2. contain the name of the Hearing Officer or the names of the members of the Student Conduct Panel appointed to hear the matter;
 - 3. contain the names of witnesses who may testify against the accused student;
 - 4. include a brief summary of the testimony to be given by each witness;
 - 5. include a list of documentation and evidence that will be presented during the hearing; and
 - 6. contain a copy of the complaint, which outlines the alleged violation(s).
 - e. In Track C cases, the Dean of Students shall provide the Complainant the same notice given to the Respondent. The Complainant shall be advised in such cases that they have the right to:
 - 1. attend and participate in the hearing;
 - 2. have past sexual history with third parties excluded from evidence;
 - 3. provide testimony at the hearing in a manner that does not require the Complainant to directly confront or to be directly questioned by the Respondent, while still preserving the Respondent's right to challenge such testimony, including but not limited to the Dean of Students providing testimony on the Complainant's behalf;
 - 4. a live hearing, conducted with all parties physically present in the same geographic location, or at the Dean of Students' discretion, any or all parties, may appear at the live hearing virtually;
 - 5. have an advisor at the hearing;
 - 6. appear in person at the hearing;
 - 7. work with and provide input to the Dean of Students regarding witnesses and their testimony as well as other relevant evidence and argument in preparation for the hearing and any subsequent appeals;
 - 8. know the outcome of the hearing decision;
 - 9. appeal the hearing decision; and
 - 10. submit a response to the Respondent's appeal.
 - f. In situations where a student fails to attend a scheduled hearing, the Hearing Officer or Student Conduct Panel will determine if the Dean of Students provided notice in accordance with Sec. 11-604, and if so, will proceed with the hearing without the student's participation.
- 2. Copies of any supporting documentation the student intends to use in the hearing; and
 - 3. The name of their advisor, if any, and the advisor's relationship to the student.
- c. **Other Advisors:** The Hearing Officer, Student Conduct Panel, and Dean of Students are entitled to advice and legal counsel from The University of Texas System Office of General Counsel and/or the University of Texas at Austin's Office of the Vice President for Legal Affairs, and may request their presence at a hearing or a meeting with a student.
 - d. **Hearing Postponement:** An accused student, or the Respondent or Complainant in a Track C case, may request a hearing postponement to the Dean of Students. The student must provide a reason for the requested postponement, including, but not limited to, a procedural error, an emergency situation, or a documented academic impact that would prevent the student from participating in the hearing. The Dean of Students will determine whether or not a postponement will be granted based upon the reason shared by the student, and will notify all parties of the decision as soon as possible.
 - 1. A postponement must be requested by the student in advance of the hearing date or the hearing will proceed without the student's participation.
 - 2. In instances where an accused student, or the Respondent or Complainant in a Track C case, is unable to request a postponement due to incapacity or emergent situation, the Dean of Students may postpone the hearing for good cause and on their behalf.
 - e. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, copies of the information and/or documents submitted by the Respondent and the Dean of Students as required by this section shall be promptly provided, if applicable, to the Complainant. The Complainant may submit a request to the Hearing Officer prior to the hearing asking that the hearing be closed. The Complainant will furnish the name of their advisor, if any, to the Hearing Officer prior to the hearing.

Sec. 11–606. Challenges to the Hearing Officer or Members of the Student Conduct Panel

- a. A student may challenge the fairness, impartiality, or objectivity of a Hearing Officer or any member of the Student Conduct Panel, but is not entitled to disqualify that person from serving.
 - 1. The challenge must be in writing, must state the reasons for the challenge, and must be submitted to the Hearing Officer or the Panel Foreperson through the Dean of Students at least three days prior to the hearing. The hearing officer or the challenged members(s) of the Student Conduct Panel will determine whether they can serve with fairness, impartiality, and objectivity, and will communicate their determination in a written response. If the challenged person disqualifies themselves, another Hearing Officer or Student Conduct Panel member will be appointed by the Dean of Students.
- b. In Track C cases, the Complainant may, through the Dean of Students, also challenge the Hearing Officer on the basis of a lack of fairness, impartiality, or objectivity, following the same challenge process outlined in Sec. 11-606(a)(1).

Sec. 11–607. Hearing Procedure

- a. In accordance with Sec. 11-602, the Dean of Students will establish hearing procedure and share that procedure with the student in advance of the hearing. Hearing procedures are posted on the Dean of Students website.
- b. Hearing procedure will include the following:

Sec. 11–605. Preliminary Matters for a Hearing

- a. **Multiple Charged Students:** Allegations against more than one student that arise out of a single incident or course of conduct may be heard together.
 - 1. A student may request a separate hearing in writing directly to the Dean of Students.
 - 2. The Dean of Students will determine whether to grant the request.
- b. A least three (3) days before the hearing date, the accused student, or the Complainant in a Track C case, must provide the following information, if any, to the Dean of Students:
 - 1. A list of any witnesses the student may call to participate in the hearing. The list must include a summary of each witness's connection to the case and their anticipated testimony;

1. statement of the allegations;
 2. review of student rights in the process;
 3. review of the standard of evidence used in the conduct process;
 4. opportunities for opening and closing statements, presentation of supporting information, calling of witnesses, and questioning of involved parties;
 5. the Dean of Students and the accused student are each given the opportunity to present rebuttal information and statements;
 6. the Dean of Students and accused student will recommend sanctions to be considered if the student is found responsible for a violation;
 7. the Dean of Students and accused student will each present a closing statement;
 8. the Hearing Officer or a majority of the Student Conduct Panel decides whether a violation has occurred and assesses a sanction or sanctions in accordance with subchapter 11–700.
- c. In Track C cases, the following additional rights and procedures apply to the Complainant:
1. to attend the hearing;
 2. the Hearing Officer shall inform the Complainant of their rights as listed in Sec. 11-604(e) and Sec. 11-608(e);
 3. to have an advisor present during the hearing;
 4. to have past sexual history with third parties excluded from evidence;
 5. to make an opening statement or to reserve their opening statement until after the Dean of Students has presented the University's case;
 6. to question any witness presented by either the Dean of Students or the Respondent;
 7. to present their witnesses and evidence; during this time, the Dean of Students and the Respondent may question any of the Complainant's witnesses;
 8. to present rebuttal evidence and argument;
 9. to present a rebuttal to the Dean of Students' recommendation for sanctions;
 10. to present a closing statement.

Sec. 11–608. Evidence in Hearings

- a. Legal rules of evidence do not apply to university hearings for alleged violations of institutional rules.
- b. All university hearings shall use the “preponderance of the evidence” standard, defined in Sec. 11-102(d) as that which is “more likely to have occurred than not”.
- c. The Dean of Students has the burden of providing evidence and proving the charges by the preponderance of the evidence.
- d. During the hearing, the Hearing Officer or the Foreperson of the Student Conduct Panel may admit evidence, including testimony and documentary evidence. The Hearing Officer or the Foreperson of the Student Conduct Panel may exclude irrelevant, immaterial, and unduly repetitious evidence. All evidence admitted during the hearing will be made a part of the record.
 1. The accused student's disciplinary record is admitted into evidence during a hearing to help the Hearing Officer or the Student Conduct Panel assess an appropriate sanction or sanctions. The decision as to the accused student's responsibility for the violation at issue will be based solely on the evidence that pertains to that particular violation.
- e. In Track C cases, the Complainant shall be allowed to provide testimony at the hearing in a manner, as determined by the Hearing Officer, that does not require the Complainant to directly confront or be directly questioned by the Respondent, while still preserving the

Respondent's right to challenge such testimony. In accordance with Sec. 11-607(c)(4), evidence of the Complainant's past sexual history with third parties will be excluded.

Sec. 11–609. Disciplinary Decision

- a. The Hearing Officer or the Foreperson of the Student Conduct Panel will render a written decision, reflective of the majority of the Student Conduct Panel in the case of the Foreperson, that will include whether the student is responsible for a violation, the findings of fact in support of the decision, and sanction(s) assessed, if applicable. The student and the Dean of Students will each be given a copy of the decision. The written decision is the official outcome on the matter from which any appeal is based.
- b. The Hearing Officer or the Foreperson of the Student Conduct Panel shall make every effort to complete the written decision within five days of the hearing. If the Hearing Officer or the Foreperson of the Student Conduct Panel is unable to issue the written decision within five days, they shall provide notice of the delay and the new date for completion to the student and the Dean of Students.
- c. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, the Dean of Students shall, upon receipt of the Hearing Officer's decision, forward copies of the decision to the Complainant, if applicable.
- d. In cases involving allegations of crimes of violence, as defined in the Family Educational Rights and Privacy Act (FERPA) and other applicable law, the Dean of Students shall notify the alleged victim(s) of the final outcome.

Sec. 11–610. Hearing Record

- a. The hearing record shall consist of the following:
 1. a copy of the notice required under Sec. 11–604;
 2. the recording of the hearing and/or the transcript, if any, together with all evidence admitted under Sec. 11–608;
 3. a copy of the complaint/hearing letter; and
 4. the disciplinary decision of the Hearing Officer or the majority of the Student Conduct Panel.

Subchapter 11–700. Sanctions

Sec. 11–701. Authorized Disciplinary Sanctions

- a. The Dean of Students, under Subchapter 11–500, or the Hearing Officer or the majority of a Student Conduct Panel, after a hearing under Subchapter 11–600, may impose one or more of the following sanctions for violation of this Chapter.
 1. written warning;
 2. disciplinary probation;
 3. academic integrity probation;
 4. withholding of grades, official transcript, and/or degree;
 5. bar against readmission, bar against enrollment, withdrawal from the University or from a period of enrollment, and/or drop from one or more classes;
 6. restitution or reimbursement for damage to or misappropriation of University or University of Texas System property;
 7. suspension of rights and privileges, including, but not limited to, participation in athletic or extracurricular activities and residing in or entering University housing;
 8. an academic sanction including, but not limited to, a failing grade for a test, an assignment, or a class, cancellation of all or part of previously earned course credit;
 9. denial of degree;
 10. deferred suspension;
 11. suspension from the University for a specified period of time;

- 12. expulsion (permanent separation from the University);
 - 13. other sanction or sanctions as deemed appropriate under the circumstances.
- b. The Dean of Students, the Hearing Officer, or a Student Conduct Panel may consider mitigating and/or aggravating factors, including but not limited to a student's prior conduct, when determining proportionate sanctions in response to the finding of a violation.
 - c. If a violation of the University's *Institutional Rules*, other than Sec. 11-402(a)(11) or Sec. 13-204 of the *Institutional Rules*, is committed because of the race, color, religion, national origin, age, disability, citizenship, veteran status, of a student or students directly harmed by the violation, such a discriminatory purpose will be treated as an aggravating factor for the purpose of determining the appropriate sanction or sanctions under subsection 11-701(a). For a complete set of cross-references to all regulation of harassment on the campus, see subsection 13-204 (covering verbal harassment) of the *Institutional Rules* and 3-3031(V)(D) (covering harassment based on gender, sexual orientation, gender identity, or gender expression) of the Handbook of Operating Procedures.

Sec. 11-702. Authorized Academic Sanctions

- a. When a student signs a Faculty Disposition, in accordance with Sec. 11-505, for conduct constituting academic misconduct, as defined in Sec. 11-401, the Faculty Member or the academic dean responsible for the course may impose one or more of the following grade-related sanctions:
 - 1. no credit or reduced credit for the graded assessment in question;
 - 2. retaking of examination or resubmission of assignment;
 - 3. failing or reduced final grade for the course.
- b. When a student signs an Administrative Disposition with the Dean of Students, in accordance with Sec. 11-504, or is determined, after a hearing in accordance with subchapter 11-600, to be responsible for academic misconduct, as defined in Sec. 11-401, the Dean of Students, the Hearing Officer, or a majority of the Student Conduct Panel may impose any of the grade-related sanctions listed in Sec. 11-702(a) and impose any of the general sanctions listed in Sec. 11-701 or Sec. 11-703.
- c. If a student resolves an allegation of academic misconduct through a Faculty Disposition, in accordance with Sec. 11-505, for conduct constituting academic misconduct, as defined in Sec. 11-401, the student may be assigned any of the sanctions listed in Sec. 11-701 or Sec. 11-703 by the Dean of Students, in addition to the grade-related sanctions assigned by the Faculty Member.
- d. If a student is found responsible for academic misconduct, as defined in Sec. 11-401, and in accordance with Sec. 11-504, Sec. 11-505, or after a hearing in accordance with Subchapter 11-600, and is also enrolled in an academic program requiring (1) a supplemental application in conjunction with application to UT Austin, (2) a minimum grade point average to matriculate through the program as defined in the Undergraduate Catalog, and (3) a signed commitment to adhere to a program-specific honor code and/or code of conduct, removal from the program will be considered by the Dean of Students as a potential sanction.

Sec. 11-703. Pending Actions

Withholding of Grades, Official Transcript, and/or Degree – The Dean of Students or the Hearing Officer or a majority of a Student Conduct Panel may withhold an official transcript, grade, diploma, or degree of a student found to have violated a rule or regulation of The University of Texas System or the University that would reasonably allow the imposition of such sanction. The Dean of Students may take such action pending a hearing, resolution by Administrative Disposition, and/or exhaustion of appellate rights when, in the opinion of the Dean of Students, the best

interests of The University of Texas System or the University would be served by this action.

Sec. 11-704 Authorized Sanction Definitions

- a. **Withdrawal, Bar from Readmission/Re-enrollment** – As appropriate under the circumstances, the Dean of Students or the Hearing Officer or a majority of a Student Conduct Panel may impose a bar against the student's readmission or enrollment, may drop the student from one or more classes, or may withdraw the student from the University or from a period of enrollment. This bar may be temporary or permanent in nature. One or more of these sanctions may also be imposed on a student who fails to respond to a meeting notice from the Dean of Students to discuss an alleged violation of the Regent's *Rules and Regulations*, University regulation, administrative rules, or the University's expectations of conduct. If imposed for failure to respond to a meeting request, the sanction or sanctions may be reversed when the student responds to the request
- b. **Written Warning** – Notification to the student that they have engaged in behavior that violated a rule or regulation of The University of Texas System or the University and that further violation(s) of the regulations may result in more severe disciplinary action. The Dean of Students, the Hearing Officer, or a majority of a Student Conduct Panel may impose conditions related to the violation, such as counseling, educational seminars, or unpaid work assignments. Failure to meet the condition(s) may be considered an additional violation.
- c. **Disciplinary Probation** – A specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further conduct that would violate a rule or regulation of The University Texas System or the University. Further violation or violations will result in consideration of suspension. The Dean of Students, the Hearing Officer, or a majority of a Student Conduct Panel may impose conditions related to the violation, such as reporting to the Dean of Students on a regular basis, counseling, educational seminars, or unpaid work assignments. Failure to meet the condition(s) may be considered an additional violation.
- d. **Academic Integrity Probation** – A specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further academic conduct that would violate a rule or regulation of The University Texas System or the University. Further academic violation or violations during this time could result in additional sanctions, which may include the student's suspension or expulsion. The Dean of Students, the Hearing Officer, or a majority of a Student Conduct Panel may impose conditions related to the violation, such as reporting to the Dean of Students on a regular basis, counseling, or educational seminars. Failure to meet the condition(s) may be considered an additional violation.
- e. **Restorative Practice** – An agreement that offers students who violate the Institutional Rules the opportunity to take ownership of their decisions, to be held accountable for their actions, and to work collaboratively to repair any harm caused to the impacted party and/or the University community. Examples of Restorative Practice include, but are not limited to, conferences, circles, and/or an educational coaching session.
 - 1. Eligibility for Restorative Practice as a sanction shall be determined at the discretion of the Dean of Students, and will be based upon a number of factors including the category and severity of the conduct of the responsible student. Additionally, the responsible student must voluntarily agree to participate in Restorative Practice and accept responsibility for their conduct.
- f. **Restitution** – Reimbursement for damage to or misappropriation of university property. Reimbursement may take the form of appropriate

service to repair or otherwise compensate for damages. Other than in extraordinary circumstances deemed necessary by the Dean of Students, the University will not facilitate restitution between individuals for conduct-related occurrences.

- g. **Suspension of Rights and Privileges** – The Dean of Students, the Hearing Officer or Student Conduct Board may impose limitations to fit the particular case, as in the suspension of rights and privileges to enter or reside in university housing facilities. Suspension of eligibility for official athletic and nonathletic extracurricular activities prohibits the student on whom it is imposed, during the period of suspension, from joining a registered student organization; from taking part in a registered student organization's activities or attending its meetings or functions; and from participating in an official athletic or nonathletic extracurricular activity.
- h. **Academic Sanction** – A failing grade or other academic sanction may be assigned to a student for a class in which they are found to have violated the University's regulations regarding academic misconduct.
- i. **Rescission of Degree** – The University may rescind a degree already conferred where it has been determined, in accordance with the procedures outlined in this chapter, that the degree holder, while enrolled as a student and while in the process of completing their degree requirements, engaged in academic misconduct, as defined in the University's Institutional Rules, and where a finding of that violation also affects whether the degree holder completed the applicable degree requirements
- j. **Deferred Suspension** – Permits the sanction of suspension to be deferred for a student where mitigating circumstances can be identified and determined by the Dean of Students, the Hearing Officer, or a majority of a Student Conduct Panel. If a student is found to have violated any rule of the University or The University of Texas System while the sanction of deferred suspension is in effect, the sanction for such a violation may be immediate suspension except in extraordinary circumstances as deemed appropriate by the Dean of Students. The Dean of Students, the Hearing Officer, or a majority of a Student Conduct Panel may impose conditions related to the violation, and failure to meet such conditions will be considered an additional violation.
- k. **Suspension** – Prohibits the student on whom it is imposed, during the period of suspension, from entering the University campus without prior written approval from the Vice President for Student Affairs, from being initiated into an honorary or service organization, and from receiving credit for academic work done during the period of the suspension. Suspension is noted on the official transcript during the term of suspension and shall remain until all conditions of the suspension are met. The notation can be removed upon the request of the student but only after the student's successful completion of the terms of the suspension. The request for the removal of the transcript notation of suspension should be directed to the Dean of Students. Suspension may also prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. The Dean of Students, the student's home department or school and/or the Office of the Registrar may, however, permit the student to receive credit for academic work completed at another institution during the period of suspension, except in cases where suspension is imposed for academic misconduct. The Dean of Students, the Hearing Officer, or a majority of a Student Conduct Panel may impose additional conditions or sanctions related to the alleged violation, and failure to meet such conditions or terms of the sanction will be considered an additional violation.
- l. **Expulsion** – A permanent separation from the University which prohibits the student on whom it is imposed from entering the

University campus without prior written approval from the Vice President for Student Affairs. Expulsion may prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present. A permanent notation of expulsion will also be placed on the student's official transcript.

- m. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with "Disciplinary Suspension" or "Expulsion" as appropriate. The University shall maintain a permanent Disciplinary Record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. A record of academic misconduct shall be maintained for at least five years, and disciplinary records required by law to be maintained for a certain period of time (i.e., Clery violations) shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated sanctions.
- n. Sanctions not listed in this section may be imposed when, in the opinion of the Dean of Students, the best interests of The University of Texas System or the University would be served. A Hearing Officer or Student Conduct Panel may only impose sanctions not listed in this section when such sanctions are submitted to the Dean of Students, and the Dean of Students approves the recommendation as in the best interests of The University of Texas System or University.

Subchapter 11–800. Appeal

Sec. 11–801. Request for Appeal

- a. The accused student may request to appeal:
 - 1. a finding of responsibility and sanction(s) assessed by the Dean of Students in an Administrative Disposition to an Appellate Officer, in accordance with Sec. 11-802(b) of this Chapter, where the sanction(s) assessed render the case ineligible for a hearing, in accordance with Sec. 11-504(b)(3);
 - 2. only the sanction(s) assessed by the Dean of Students in an Administrative Disposition to an Appellate Officer, in accordance with Sec. 11-802(c) of this Chapter;
 - 3. a finding of responsibility and sanction(s) assessed as a result of a hearing decision to an Appellate Officer, in accordance with Sec. 11-803 of this Chapter.
- b. Either the Dean of Students or the student may request to appeal a hearing outcome to the Appellate Officer.
- c. In Track C cases, the Complainant has the same independent right to appeal the Hearing Officer's decision as does the Respondent.
- d. The accused student, the Complainant, or the Dean of Students may appeal an Administrative Disposition or Disciplinary Decision based only on one or more of the following grounds:
 - 1. Significant procedural error inconsistent with the processes as outlined in subchapters 11-500 and 11-600.
 - 2. Discovery of any new information unknown or not reasonably foreseeable to the accused student or the dean of students at the time of the hearing that was material to and could have reasonably impacted the Disciplinary Decision.
 - 3. The sanction(s) determined by the Dean of Students, Hearing Officer, or a majority of a Student Conduct Panel are significantly disproportionate to the violation.
- e. The Appellate Officer shall first determine if sufficient grounds for appeal exist under section 11-801(d). If sufficient grounds do not exist, the appellate officer will deny the request for appeal thereby sustaining the original decision. If the Appellate Officer determines that sufficient grounds for appeal exist, the Appellate Officer will notify the non-appealing party that they may provide a response

to the appeal in no more than five days. After those five days, the appellate officer will review the appeal and any response in full and issue a final decision.

Sec. 11–802. Appeal of Administrative Disposition by the Dean of Students

- a. An Administrative Disposition, presented in accordance with Sec. 11-501(b)(2), and in which the student agrees to both the finding of responsibility and the sanction(s) assessed by the Dean of Students, is final and is not eligible for appeal.
- b. In instances where a matter has been determined ineligible for a hearing, in accordance with Sec. 11-504(b)(3), the student may appeal a finding of responsibility and/or sanction(s) assessed by the Dean of Students in an Administrative Disposition by submitting a written appeal to the Appellate Officer within five days from the date on which the student signed the Administrative Disposition. Appeals submitted after 5:00 pm will be received the next day. The written appeal must cite at least one of the three grounds for appeal, as outlined in Sec. 11-801(d), and must include any related argument.
- c. A student who accepts a finding of responsibility, as determined in an Administrative Disposition, but chooses to contest only the sanction(s) assessed, in accordance with Sec. 11-504(b)(2), may submit a written appeal to the Appellate Officer within five days from the date on which the student signed the Administrative Disposition. Appeals submitted after 5:00 pm will be received the next day. The written appeal may only cite 'Disproportionate Sanctions' (Sec. 11-801(d)(3)) as the basis for the appeal, and must include any related argument. The appeal is restricted to the assessed sanction(s).
- d. In Track C cases, the Complainant may also appeal the sanctions assessed in an Administrative Disposition by submitting a written appeal to the Appellate Officer within five days from the date on which the Respondent signed the Administrative Disposition issued by the Dean of Students or received notice of an additional sanction. Appeals submitted after 5:00 pm will be received the next day. The written appeal may only cite 'Disproportionate Sanctions' (Sec. 11-801(d)(3)) as the basis for the appeal, and must include any related argument. The appeal is restricted to the assessed sanction(s).
- e. If the accused student, or the Complainant in Track C cases, does not submit a written appeal to the Appellate Officer by the deadline, the sanction(s) will become final, and all rights to appeal will be waived.
- f. The accused student must provide a copy of the written appeal to the Dean of Students on the same date the appeal is submitted to the Appellate Officer. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, upon receipt of the accused student's written appeal, the Dean of Students office shall provide a copy of the written appeal, if applicable, to the Complainant.
- g. In Track C cases, the Complainant may submit a written response to the Respondent's appeal to the Appellate Officer. The response, if any, must be submitted no later than five days after the Appellate Officer informs the Dean of Students that the accused student's appeal has adequately raised an appellate issue, in accordance with Sec. 801(d). The Appellate Officer will provide a copy of the response to the Respondent.
- h. The Dean of Students may also submit a written response to the appeal to the Appellate Officer. The response, if any, must be submitted no later than five days after the Appellate Officer informs the Dean of Students that the accused student's appeal has adequately raised an appellate issue, in accordance with Sec. 801(d). The Dean of Students must provide a copy of the response to the accused student. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, the Dean

of Students shall provide a copy to the Complainant, if applicable, of the written response to the appeal that is submitted to the Appellate Officer.

- i. The appeal of the sanction(s) assessed by the Dean of Students will be reviewed solely on the basis of the Administrative Disposition, the written argument of the student, and the response to the appeal submitted by the Dean of Students, if any. Oral argument will not be considered.
- j. The decision of the Appellate Officer will be communicated in writing to the accused student and the Dean of Students no more than 10 days after the Dean of Students' appeal response has been received by the Appellate Officer. If the Appellate Officer is unable to issue the written decision within 10 days, the Appellate Officer should contact both the accused student and the Dean of Students to provide a date for completion of the written decision. The decision of the Appellate Officer will be final. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, upon receipt of the Appellate Officer's written decision, the Dean of Students shall promptly provide a copy of the decision, if applicable, to the Complainant.

Sec. 11–803. Appeal of the Decision of the Hearing Officer or the Student Conduct Board

- a. Either the accused student or the Dean of Students may appeal the disciplinary decision by submitting a written appeal to the Appellate Officer within five days from the date the appealing party was notified of the disciplinary decision. Appeals submitted after 5:00 pm will be received the next day. The written appeal must cite at least one of the three grounds for appeal, as outlined in subsection 11-801(d), and must include any related argument. If either party appeals the disciplinary decision, the Appellate Officer may request that the hearing recording be transcribed; the transcript will be made available to both parties. If a court reporter was present during the hearing and prepares a written transcript immediately thereafter, the transcript is considered part of the hearing record and is made available to both parties.
- b. In Track C cases, the Complainant may also appeal the disciplinary decision by submitting a written appeal to the Appellate Officer within five days from the date the appealing party was notified of the disciplinary decision. Appeals submitted after 5:00 pm will be received the next day. The written appeal must cite at least one of the three grounds for appeal, as outlined in subsection 11-801(d), and must include any related argument. If either party appeals the disciplinary decision, the Appellate Officer may request that the hearing recording be transcribed; the transcript will be made available to both parties. If a court reporter was present during the hearing and prepares a written transcript immediately thereafter, the transcript is considered part of the hearing record and is made available to both parties.
- c. If the accused student submits an appeal, the student must provide the Dean of Students with a copy of the appeal submitted to the Appellate Officer on the same date the appeal is submitted to the Appellate Officer. If the Dean of Students submits an appeal, the Dean of Students will provide the accused student with a copy of the appeal submitted to the Appellate Officer on the same day that the Dean of Students submits the appeal to the Appellate Officer. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, the Dean of Students shall provide a copy of an appeal submitted by either the Respondent, the Complainant, or the Dean of Students, if applicable, to the Respondent and the Complainant.
- d. Following submission of the appeal to the Appellate Officer, the non-appealing party may submit a written response to the Appellate Officer. The response, if any, must be submitted no later than five

days after the Appellate Officer informs the non-appealing party that the appeal has adequately raised an appellate issue, in accordance with Sec. 801(d). The non-appealing party must provide a copy of the response to the other party.

- e. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, the Dean of Students shall provide a copy of a written response to an appeal submitted by either the Respondent, the Complainant or the Dean of Students, if applicable, to the Respondent and the Complainant.
- f. The appeal of the disciplinary decision will be reviewed solely on the basis of the hearing record; the materials presented by the individual appealing that meet the grounds for appeal as outlined in subsection 11-801(d); and any documents submitted by the non-appealing party in response to the appeal. The Dean of Students will submit the record from the hearing to the Appellate Officer as soon as it is available to the Dean of Students.
- g. The decision of the Appellate Officer will be communicated in writing to the accused student and the dean of students within 10 days after receipt of any parties' timely appeal response by the appellate officer. If the Appellate Officer is unable to issue the written decision within 10 days, the Appellate Officer should contact both the accused student and the Dean of Students to provide a date for completion of the written decision. The decision of the Appellate Officer will be final. In Track C cases, subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable law, upon receipt of the Appellate Officer's written decision, the Dean of Students shall provide a copy of the decision, if applicable, to the Complainant.

- b. The Dean of Students will notify the Office of the Registrar and other appropriate administrative offices if any of the following sanctions are imposed: withholding grades, withholding official transcript or degree, denial of degree, or revocation of degree and withdrawal of diploma.

Relates to *Handbook of Operating Procedures*, 3-3031.

Updated August 2022 to reflect policy changes effective August 22, 2022.

Sec. 11–804. Authority of the Appellate Officer

The Appellate Officer may approve, reject, or modify the disciplinary decision or sanction(s) in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the disciplinary decision.

Sec. 11–805. Effect of Appeal Upon Disciplinary Action

A timely appeal suspends the imposition of the sanction(s) until the appeal is final, but any interim action issued in accordance with Sec. 11-502 will remain in effect while the appeal is being considered. Official transcripts, diplomas, grades, or degrees may also be withheld pending conclusion of the appeal as permitted by subsection 11–703(a).

Subchapter 11–900. Disciplinary Records

Sec. 11–901. Details of Disciplinary Records

- a. The definition of a Disciplinary Record is listed in Subchapter 9-300 and Sec. 11-300(12). Disciplinary records are confidential and may not be disclosed in whole or part except as provided in subchapter 9–300 of the *Institutional Rules*.
- b. The disciplinary record will be separate from the student's academic record, will be confidential, and will not be revealed except on request of the student or in accordance with applicable state and federal law, or as otherwise provided in subchapter 9-300.

Sec. 11–902. Notice to Administrative Offices

- a. The Dean of Students will notify the Office of the Registrar and other appropriate administrative offices if a disciplinary sanction restricts a student from being enrolled at the University during the period of the sanction. A bar may be imposed by the Dean of Students if one of the following sanctions has been assessed because of violation of a Regents' *Rule* or University rule or regulation:
 - 1. bar against readmission or bar against reenrollment;
 - 2. suspension from the University; or
 - 3. expulsion from the University.