

# STUDENT CODE OF CONDUCT

Student Conduct and Community Standards (SCCS) is housed in the Student Union, room 2.01.04 (above the Ski Lodge). SCCS promotes appropriate standards of behavior consistent with UT San Antonio's core values and investigates alleged violations of the University's *Student Code of Conduct*. They address these violations by holding students accountable while intentionally educating them regarding their choices. SCCS accomplishes this by truly listening to students and creating an environment where they feel heard. Students can discuss violations of University rules, learn about University expectations, and report possible violations at SCCS. All *safety* concerns should be reported to the UT San Antonio Police Department (<http://www.utsa.edu/utsapd/>). Visit the SCCS website (<http://www.utsa.edu/conduct/>) for further information.

## General Provisions

### Sec. 101. Introduction

By enrolling at The University of Texas at San Antonio (UTSA), a student neither loses the rights nor escapes the responsibilities of citizenship. All students are expected to obey federal, state, and local laws, the Rules and Regulations of the Board of Regents (<http://www.utsystem.edu/bor/rules/>) of The University of Texas System; the rules and regulations of UTSA (<http://utsa.edu/policies/>); and directives issued by a UTSA administrative official in the course of their duties. A student who enrolls at UTSA is obligated to conduct themselves in a manner appropriate for an academic institution; consequently, conduct which interferes with the use or utilization of UTSA facilities by other persons may be sanctioned even if the conduct is not specifically prohibited by the provisions of the *Student Code of Conduct*.

### Sec. 102. Definitions

In this chapter, unless the context requires a different meaning:

1. Academic Sanction means a sanction affecting a student's grade. For example, the lowering of a grade on an assignment, test, or in the course;
2. Addendum means a document confirming an administrative disposition, outlining sanctions and signed by the student and Dean.
3. Administrative Disposition is a document signed by the student and Dean which includes a statement of the disciplinary charges, the findings, the sanction, and a waiver of the hearing procedures;
4. Campus means all real property, buildings, or facilities owned or controlled by UTSA;
5. Complainant means the individual who alleges any prohibited conduct under this Policy;
6. Day means a calendar day. For purposes of calculating any period of days in this Policy, if the last day of the period falls on a Saturday, Sunday, or a UTSA official holiday (including Skeleton Days), or is a day when UTSA is closed due to an emergent situation, the period continues to run until the next day that is not a Saturday, Sunday, a UTSA official holiday (including Skeleton Days), or a day when UTSA is closed due to an emergent situation;
7. Dean or Dean of Students (<http://www.utsa.edu/studentlife/>) refers to the UTSA administrative officer or officers responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations. The Dean is responsible for

the administration of the disciplinary process, who may designate individual(s) to administer disciplinary cases under this Policy;

8. Faculty Member means a person who is employed by UTSA for the purpose of teaching a class and who has authority to assign grades for the class;
9. Hearing Officer means an individual or individuals appointed by the Dean of Students to hear disciplinary charges, make findings of fact, and upon a finding of responsibility, impose an appropriate sanction(s);
10. Interim Disciplinary Action means disciplinary action adverse to a Respondent taken against the Respondent before a finding of responsibility for a Policy violation, and may include suspension, suspension of a right or privilege, or a prohibition from entering Campus or any part of Campus;
11. Provost means the UTSA Provost (<https://provost.utsa.edu/>) or their designee;
12. Referral is a written statement of the essential facts allegedly constituting a violation of Regents' Rules, UTSA policies, or administrative rules;
13. Respondent means the student accused of an alleged Policy violation;
14. Student Conduct and Community Standards (<http://utsa.edu/studentlife/conduct/>) means the Dean of Students' delegates for matters pertaining to student misconduct;
15. Student means the following persons for purposes of this Policy:
  - a. A person currently enrolled at UTSA;
  - b. A person accepted for admission or readmission to UTSA;
  - c. A person who has been enrolled at UTSA in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows;
  - d. A person who is attending an additional program sponsored by UTSA while that person is on Campus;
  - e. A person who engaged in prohibited conduct at a time when they met the criteria of 1, 2, 3, or 4.
16. System means The University of Texas System (<http://www.utsystem.edu/>);
17. University means The University of Texas at San Antonio or UTSA.

### Sec. 103. Application

1. The *Student Code of Conduct* applies to individual students, prescribes the standards of conduct expected of students enrolled at the University, outlines actions that can be taken when conduct is not in conformity with the prescribed standards, and establishes due process procedures for the imposition of such actions.
2. A student may be subject to discipline for prohibited conduct that occurs 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. The sanctions imposed by the University shall not be used merely to duplicate penalties imposed by local, state, or federal authorities.
3. Free Speech: Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education, including UTSA. Constitutionally protected expression cannot be considered prohibited conduct under this Policy.

### Sec. 104. Miscellaneous

1. Computation of Time: Where the required action must be taken on a specified number of days either before or after the date upon which

an act or event takes place or is to take place, the date of the act or event from which the time is computed shall not be included.

2. Service: Service of every notice, request, or decision required by the *Student Code of Conduct* may be made by delivering a copy of the documentation to the person to be served in person, by regular mail, or by e-mail. A written notice, request, or decision may be served on a student by mailing to the primary physical or the *myUTSA* e-mail address appearing in the Registrar's (<http://www.utsa.edu/registrar/>) records.

## Student Standards of Conduct

### Sec. 201. Conduct Expected of Students

A student is expected and required to obey federal, state, and local laws; to comply with the Regents' *Rules and Regulations*, University rules and regulations (including this Policy), and directives issued by an administrative official of the System or the University of Texas at San Antonio in the course of their authorized duties; and to observe standards of conduct appropriate for an academic institution.

### Sec. 202. Specific Conduct Proscribed

1. Disciplinary proceedings may be initiated against any Student for any of the following acts or violations:
  - a. violation of any provision of the Regents' Rules and Regulations of the System;
  - b. violation of any rule or regulation of the University, including but not limited to those relating to on-campus housing, the registration of student organizations, the use of University facilities or grounds, and the time, place, and manner of expression or expression-related conduct;
  - c. failing to comply with any order or instruction of an official of the University or the System acting in the course of their authorized duties, or furnishing false or misleading information to or withholding material information from any University staff member acting in the course of their duties;
  - d. damaging, destroying, tampering, mutilating or defacing property, equipment, supplies, buildings, or facilities owned, leased, or controlled by the University or the System and/or damaging, destroying, defacing, or taking without authorization property located on Campus and belonging to any Student, employee, or visitor;
  - e. gambling on, or the unauthorized entry into or upon, property, buildings or facilities owned, leased, or controlled by the University;
  - f. forging, altering, mutilating, destroying, or assisting in altering any University document or record, entering false information in such documents or records, or giving a false response to an inquiry made by an official of the University or the System acting in the course of their duties, including but not limited to omitting requested information related to an application for admission, the award of a degree, or any official record of the University. A former student who engages in such conduct is subject to bar against readmission, revocation of degree, and/or withdrawal of diploma;
  - g. forging, altering, duplicating, or assisting in altering any parking permit, traffic ticket, or parking ticket issued by the University, any ticket for admission to a program or event sponsored by the University, any means of identification issued by the University, any instrument obligating the University to pay any sum of money, any key which may be used for entering any building owned or controlled by the University, or participating in such actions with other persons;
  - h. using or participating with others in the use of any University record, instrument, or document that does not specifically relate to the person or persons making use of same, except to the extent such use may be authorized by statute, a rule or regulation of the University, or the written permission of either the person to whom such record, instrument, or document relates or the University official having custody of same;
  - i. using or participating with others in the use of any permit, means of identification, or key issued by the University to a person other than the user;
  - j. engaging in, or encouraging, aiding singly or assisting any other person to engage in any act that is commonly known and recognized as hazing. The term hazing includes, but is not limited to, "walks," "rallies," "paddling," and all other acts that may be now or hereafter defined as such by state law (Section 51.936 and Sections 37.151-37.157 of the Texas Education Code (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm>)). Acts constituting hazing shall not be justified or excused by the fact that they were performed either with the consent of the person subjected to such hazing or as a part of the requirements for becoming a pledge or member of any fraternity, sorority, club, society, association, or organization (see Prohibition of Hazing (<https://catalog.utsa.edu/policies/administrativepoliciesandprocedures/prohibitionofhazing/>));
  - k. failing or refusing to pay any monetary debt or obligation owed to the University. A check, draft, or order tendered to the University shall not discharge a debt or obligation unless the University receives payment upon presentation of such check, draft, or order;
  - l. use, manufacture, possession, possession of drug paraphernalia, sale, or distribution on the Campus of the substances defined and regulated under Chapters 481 (<http://www.statutes.legis.state.tx.us/docs/HS/htm/HS.481.htm>), 482 (<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.482.htm>), 483 (<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.483.htm>), and 485 (<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.485.htm>) of the Texas Health and Safety Code, except as may be allowed by the provisions of such articles.
  - m. unauthorized use, possession, or consumption of any intoxicating beverage is prohibited on Campus or other University property without prior written authorization by the President of the University or their designee. Customers of legal age under state law may purchase and consume alcoholic beverages in areas on the Campus specifically designated for the public sale and consumption of beer and wine. Residents of Laurel Village and University Oaks Apartments are authorized to possess and consume alcohol in the privacy of their living quarters, if they are of legal age under state law and if they comply with the community policy standards/regulations governing those two communities. Violations of this Policy also include but are not limited to underage possession or consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, and driving while intoxicated. The University, however, in accordance with the Texas Alcoholic Beverage Commission's amnesty policy, affords amnesty to a minor seeking aid in a medical emergency if the minor (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was

the first person to make a request for medical assistance for the possible alcohol overdose of another person; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel, if applicable;

- n. any conduct which constitutes a violation of a federal, state, or local law regardless of whether the conduct takes place on or off Campus or results in the imposition of the penalty prescribed by the federal, state, or local law;
  - o. possession or use of firearms, imitation firearms, explosives, ammunition, hazardous chemicals, or weapons as defined by state or federal law on Campus or other University premises in accordance with the designated exclusionary zones determined by the President of the University as outlined in the Campus Carry Policy (<http://www.utsa.edu/campuscarry/>), or on any property or in any building or facility owned or controlled by the U.T. System is strictly prohibited unless authorized by the Dean of Students and by federal, state, or local laws. The University has a Campus Carry Policy and any violation of that policy by a Student will be handled according to the procedures in this Policy unless that policy explicitly states otherwise.
  - p. engaging in speech, either oral or written, directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
  - q. physical abuse, threats, intimidation, retaliation, unwanted and/or repetitive contact, coercion, and/or conduct that threatens or endangers the health or safety of any persons on any property owned or controlled by the System or the University, or at any function, program, event, or assembly conducted, sponsored, supervised, or authorized by the University; This includes retaliation against any individual who has brought a complaint under this Policy (or other University policy) or participated in an investigation or disciplinary process of such complaint;
  - r. engaging in harassment; harassment is defined as conduct that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University;
  - s. engaging in conduct, either alone or in concert with other people, that is intended to obstruct, disrupt, or interfere with, or that in fact obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on Campus or on other property or in a building or facility owned or controlled by the System or University. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, University computers, computer programs, computer records or computer networks accessible through the University's computer resources;
  - t. entering, walking, running, lying, playing, remaining, or being in the water of any University fountain or other artificial body of water located on the Campus not designed and maintained for recreational or therapeutic purposes, unless such person has been granted permission by the President of the University to enter, remain, or be in such waters; or dumping, throwing, placing, or causing any material, object, trash, waste, or debris to be placed in the water of any Campus fountain or other artificial body of water; or damaging, defacing, removing any portion of any fountain, monument, building, statue, structure, facility tree, shrub, or memorial located on the University Campus;
  - u. engaging in prohibited conduct as set forth in this and other University Policies during a period of suspension; unauthorized appearance on the Campus after having been suspended or expelled from the University or any other component institution of the System for disciplinary reasons must have written approval of the Dean of Students;
  - v. failing to notify University authorities of personal knowledge of any violation of the Student Code of Conduct;
  - w. making a charge of a violation of the Student Code of Conduct against a member of the University community that is knowingly false;
  - x. theft, stealing, taking unauthorized possession of or damaging any personal property of any University community member or University property or public property on Campus or within the buildings or facilities owned or controlled by the University or the System;
  - y. engaging in an inappropriate or disproportionate use of an information technology resource owned or controlled by the University or System or using an information technology resource for an illegal, threatening, or disruptive/destructive purpose; prohibited conduct includes but is not limited to circumventing system or network security, committing copyright infringement, transmitting unsolicited e-mail, sharing a University-issued password, falsifying an e-mail header, unauthorized entry into or transfer of a file to use, read, change the contents or for any other purpose and using resources for personal financial gain or profit, or any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, University computers, computer programs, computer records, or computer networks accessible through the University's computer resources;
  - z. engaging in stalking, which is defined as repeated conduct directed specifically at another person that reasonably causes that person, or a member of that person's family or household, to fear for their safety or that person's property; such conduct may include, but is not limited to repeated, close physical or visual contact, watching, following and making direct or implied threats by phone calls, e-mail, letters or messages;
  - aa. photographing and/or otherwise visually recording someone without that person's consent with the intent to arouse or gratify the sexual desire of any person;
  - bb. photographing and/or otherwise visually recording, broadcasting, or transmitting a visual image of another person at a location that is a bathroom, private dressing room, or on-campus bedroom, without the other person's consent;
  - cc. engaging in the unauthorized use, access and presence of, on or in property, equipment, supplies, buildings, or facilities owned or controlled by the System or the University;
  - dd. otherwise engaging in conduct inappropriate for members of an academic institution (such conduct includes, but is not limited to pranks, being present and/or choosing to remain where the odor of marijuana is confirmed by a University official, throwing food at persons or property, public nudity, unwanted communications, unwanted non-physical contact, and harassing telephone calls); and
  - ee. attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed violations.
2. When any person or persons engage in any disruptive activities on campus the President of the University or System officer, or any

representative of either of them, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention.

3. It is unlawful for any person on any property of the University to refuse to identify themselves to an institutional representative in response to a request. 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 they are a student or employee of the University or other System institution.
4. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension.

## Sec. 203. Academic Dishonesty

1. Student Conduct and Community Standards or a Faculty Member may initiate disciplinary proceedings against any Student for an alleged potential infraction involving academic dishonesty.
2. "Academic Dishonesty" is any form of Cheating or Plagiarism that violates the *Student Code of Conduct*. Academic Dishonesty includes, but is not limited to cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair academic advantage to the Student (such as, but not limited to submission of essentially the same written assignment for two [2] courses without the prior permission of the instructor, or the attempt to commit such an act.
3. "Cheating" is any form of Academic Dishonesty where a Student attempts to give the appearance of a level of knowledge or skill the Student has not obtained. Cheating includes, but is not limited to:
  - a. copying from the test paper (or other assignment) of another Student, or engaging in written, oral, or any other means of communication with another Student during an examination, test, or while completing an assignment, where doing so is prohibited by the instructor;
  - b. giving aid to or seeking aid from another person where doing so is prohibited by the instructor, or using unauthorized assistance, material, or study aids during an examination, quiz, or other academic work;
  - c. failing to make any effort to prevent another from using unauthorized assistance, artificial intelligence, material, or study aids during an examination, quiz, or other academic work;
  - d. failing to comply with instructions given by the person administering the test;
  - e. using and/or possessing materials during a test which are not authorized by the person giving the test, such as class notes, calculators, electronic devices, books, or specifically designed "crib notes." The presence of textbooks constitutes a violation only if the person administering the test has specifically prohibited them;
  - f. using, buying, coercing, stealing, transporting, soliciting, offering money or other valuable things, or obtaining by any means either for personal use or the free use of others the whole or any part of a non-administered test, test key, homework solution or assignment, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part, or other graded class material without permission from the person approved by the University to administer the course or their designee; or accessing a test bank without instructor permission;
  - g. collaborating with another person, allowing someone to copy from one's work, or seeking aid from another Student during a test or other assignment without permission from the person approved by the University to administer the course or their designee;
  - h. discussing the contents of an examination with another Student who will take the examination at a later time or date;
  - i. divulging the contents of an examination for the purpose of preserving questions for use by another when the instructor has designated the examination is not to be removed from the examination room or not to be returned to Students;
  - j. substituting for another person, or permitting another person to substitute for one's self to take a course, or a test, or to complete a course-related assignment;
  - k. falsifying research data, laboratory reports, and/or other academic work offered for credit;
  - l. taking, keeping, misplacing, or damaging the property of the University or of another, if the Student knows or reasonably should know an unfair academic advantage would be gained by such conduct;
  - m. misrepresenting facts for academic advantage to the University or an agent of the University, including providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; and providing false or misleading information in an effort to injure another Student academically or financially;
  - n. attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed violations.
4. "Plagiarism" is a form of Academic Dishonesty and intellectual theft that violates long-held and widely-recognized principles of academic integrity including, but not limited to the appropriation of material that is attributable in whole or in part to another source without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program course or degree requirements. Plagiarism also includes, but is not limited to:
  - a. failing to credit sources in a work in order to pass it off as one's own work;
  - b. having someone else complete assigned work and then passing it off as one's own;
  - c. Plagiarism may occur with respect to unpublished as well as published material; this includes the act of copying another Student's work or other unpublished document and submitting it as one's own individual work without proper attribution;
  - d. Intentional Plagiarism is the deliberate act of representing the words, ideas, or data of another as one's own without providing proper attribution to the author through quotation, reference, or footnote;
  - e. Inadvertent Plagiarism involves the inappropriate, but not deliberate use of another's words, ideas, or data without appropriate attribution, failure to follow established rules for documenting sources, or from being insufficiently careful in research and writing;
  - f. Paraphrased Plagiarism involves paraphrasing without acknowledgment of ideas taken from another that the reader might mistake for one's own;



- g. Plagiarism Mosaic involves the borrowing of words, ideas, or data from an original source and blending this original material with one's own without acknowledging the source; and
  - h. Insufficient Acknowledgment involves the partial or incomplete attribution of words, ideas, or data from an original source.
5. "Collusion" includes, but is not limited to the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on Academic Dishonesty, including disclosing and/or distributing the contents of an exam.
  6. "Falsifying academic records" includes, but is not limited to the altering or assisting in the altering of any official record of the University or the System, the submission of false information, or the omission of requested information required for or related to any academic record of the University or the System. Academic records include, but are not limited to applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Registrar. A former Student who engages in such conduct is subject to a bar against readmission, revocation of a degree, and/or withdrawal of a diploma.

## Disciplinary Sanctions

### Sec. 301. Authorized Disciplinary Sanctions

Any one or more of the actions listed below may be imposed upon a Student who has engaged in conduct which violates a rule, regulation, or administrative order of the University, including this Policy, a provision of the Regents' Rules of the System, or a federal, state, or local law. Sanctions may be imposed for prohibited conduct as enumerated in this Policy, including (where applicable) conduct that occurs 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. The disciplinary actions assessed in a particular case will be dependent upon the nature of the conduct involved, the circumstances and conditions which existed at the time the Student engaged in such conduct, and the results which followed as a natural consequence of such conduct.

1. Disciplinary warning;
2. Disciplinary probation;
3. Withholding grades, official transcript, or degree;
4. Bar against readmission, or drop from current enrollment and bar against readmission;
5. Restitution or reimbursement for damage to or misappropriation of University or System property;
6. Suspension of rights and privileges, including participation in athletic or extracurricular activities;
7. Failing grade for an examination or assignment or for a course, and/or cancellation of all or any portion of prior course credit;
8. Suspension from the University for a specified period of time;
9. Expulsion (permanent separation from the University);
10. Educational programs;
11. Revocation of degree, denial of degree, and/or withdrawal of diploma;
12. Deferral of sanction; or
13. Other sanction(s) as deemed appropriate under the circumstances.

### Sec. 302. Explanation of Disciplinary Sanctions

1. Disciplinary warning is a written statement expressing disapproval of conduct.
2. Disciplinary probation indicates further violations may result in suspension or expulsion. Students who are assessed this sanction will be removed from disciplinary probation automatically upon expiration of the probationary period.
3. Bar against readmission means a Student may be prohibited from admission or enrollment at the University. This sanction is among those that may be imposed upon a Student who fails to respond to a summons from the Dean of Students or their designee to discuss allegations that the student has engaged in conduct which may result in disciplinary action.
4. Restitution requires a Student to reimburse the University for loss from, damage to, or unauthorized taking or use of property owned or leased by the University when the conduct of the Student has caused or contributed to cause such loss. The Student shall be advised of the amount of the loss and failure to make restitution by a specified date will result in suspension from the University until such time as restitution shall have been made.
5. Suspension of rights and privileges, including participation in official events or activities of the University, whether athletic or non-athletic. Students assessed this sanction shall not join a registered student organization or participate in any meetings or activities of a registered student organization of which they may already be a member, and shall not be appointed or elected to or continue to function in any office or position within student government or the staff responsible for publication of a student newspaper. Students may also be barred from entering specified buildings, suspended or restricted from using particular facilities, transportation or other applicable items. This sanction may be enforced in part or in full.
6. A failing grade means an "F." This sanction is among those that may be given when a student is found responsible for Academic Dishonesty in a course.
7. Suspension means separation from the University for a specified period of time or until the Student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the Student when all conditions of the suspension are met. Suspension prohibits the Student on whom it is imposed, during the period of suspension, from entering the University Campus without prior written approval of the Dean of Students, from being initiated into an honorary or service organization, and from receiving credit for academic work done during the period of the suspension. Suspension may also prohibit the Student from being admitted to, enrolling at, or entering the campus of another component institution of the 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 or Hearing Officer may, however, permit the Student to receive credit for academic work completed at another institution during the period of suspension, except when suspension is imposed for Academic Dishonesty. The Dean of Students or Hearing Officer may impose conditions related to the violation(s), and failure to meet such conditions or terms of the sanction will be considered an additional violation.
8. Expulsion from the University means a Student will be dropped from current enrollment and a bar against readmission imposed. Expulsion is a permanent separation from the University and prohibits

the Student on whom it is imposed from entering the University Campus without prior written approval of the Dean of Students. Expulsion may prohibit the Student from being admitted to, enrolling at, or entering the campus of another component institution of the System without prior written approval of the Chief Student Affairs Officer of the institution at which the Student wishes to be present. Educational programs are activities developed to expand the Student's understanding of the regulation or policy, and/or help the Student learn more about themselves in relation to the Policy or the violation.

9. Debts to the University: Students who owe a debt to the University may be denied admission or readmission to the University and have their official transcripts, grades, diplomas, and degrees to which they would otherwise be entitled, withheld until the debt is paid. Students who write bad checks to the University for tuition and fees may have their registration canceled. Bad checks written to the University for other purposes may subject the Student to legal and/or disciplinary action.
10. Deferral of sanction (e.g., probation, suspension) may be imposed on a Student for whom the specific sanction deferred is appropriate, but for whom there are mitigating circumstances as determined by Student Conduct and Community Standards or the Hearing Officer. If a Student is found to have violated any rule of the University and/or the System while the deferred sanction is in effect, the minimum sanction for such a violation will be the sanction that was deferred. The facts of the case may be decided by the Hearing Officer and/or appealed to the Provost or their designee, but the minimum sanction may not.

Student Conduct and Community Standards or the Hearing Officer may impose conditions related to the violation. Failure to meet such conditions shall be considered an additional violation.

### Sec. 303. Authorized Academic Sanctions

1. A Faculty Member, Student Conduct and Community Standards, or a Hearing Officer may impose one or more of the following sanctions for Academic Dishonesty:
  - a. written warning that further Academic Dishonesty violations may result in a more severe sanction;
  - b. no credit, or reduced credit for the paper, assignment, or test in question;
  - c. retaking of examination or resubmission of assignment; or
  - d. failing grade or reduced final grade for the course.
2. Student Conduct and Community Standards, with approval of the Student's academic dean, may assign an academic sanction for violation of a University policy concerning Academic Dishonesty to a Student who fails without good cause to appear for a meeting or formal hearing.
3. A Student who is in violation of University regulations concerning Academic Dishonesty may also be subject to one or more of the sanctions in Section 301.

## Initiation of Disciplinary Charges

### Sec. 401. Investigations and the Disciplinary Process

1. Upon receiving information that any Student has allegedly violated Regents' Rules, University regulations, including this Policy, or administrative rules, Student Conduct and Community Standards shall investigate the alleged violation(s), determine whether to proceed with the charge(s), and if so, propose the appropriate sanction(s). Student Conduct and Community Standards may

dismiss the allegation(s) as unfounded or summon the Student alleged to have engaged in the violation(s). Student Conduct and Community Standards may proceed with the disciplinary process even if the Student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal the disciplinary action. Student violations of the University Free Speech Policy will follow procedures in this Policy. In cases where the alleged violation is sexual harassment, sexual misconduct, or sexual violence, and where jurisdiction falls under the University's Equal Opportunity Services/Title IX Office, the investigatory and disciplinary processes are governed by the Sexual Misconduct Policy with the following exception. If it is determined the Student respondent committed Prohibited Conduct under HOP 9.24 Policy and the matter was handled through the Appendix A procedure, Student Conduct and Community Standards will implement Section 402 of the Student Code of Conduct and the complainant may also elect for a hearing. If either the complainant or the respondent elects a live hearing, the matter will proceed to a live hearing with both parties being entitled to an advisor of their choosing. Both parties are to follow the procedures outlined in Section 501(2) of the Student Code of Conduct with the exception of questions they pose to each other. Those questions (including any follow-up questions) will be provided to the hearing officer and the hearing officer will ask the questions if relevant.

2. Any Student alleged to have engaged in violation(s) may be summoned by written request from Student Conduct and Community Standards to meet for the purpose of investigating and/or discussing the allegation(s). The written request shall specify a place for the meeting and a time at least three (3) days after the date of the written request if the request is sent regular mail, or at least two (2) days after the date of the request if the request is sent by e-mail or hand delivered. The written request may be mailed to the address appearing in the Registrar's records, e-mailed to the Student at the e-mail address on record with the Registrar, or hand-delivered to the Student. If the Student fails to appear without good cause, as determined by Student Conduct and Community Standards, the latter may bar or cancel the Student's enrollment or otherwise alter the status of the Student until the Student complies with the summons, or it may proceed to implement the disciplinary hearing procedures provided in Section 501, et seq of this Policy. The refusal of a Student to accept delivery of the notice, the failure to maintain a current address or email address with the Registrar, or failure to read mail or e-mail shall not be good cause for the failure to respond to a summons.
3. The purpose of the meeting is to allow Student Conduct and Community Standards to discuss, in furtherance of its investigation, the alleged incident(s)/violation(s) with the Student. The Student is provided the link to the *Student Code of Conduct* in the summons for this meeting. During this meeting, the Student may request and receive a physical or electronic copy of the *Student Code of Conduct*.

### Sec. 402. Disposition of the Charge(s)

The Student alleged to have engaged in violation(s) must choose one of two decision-making approaches: (1) an administrative decision made by Student Conduct and Community Standards; or (2) a formal hearing.

1. When the Student elects not to dispute the facts upon which the charge(s) is/are based and agrees to the findings of responsibility and sanction(s) Student Conduct and Community Standards assesses, the Student may execute a written waiver of the hearing procedures yet retain the right to appeal the decision of Student Conduct and Community Standards only on the issue of the

sanction(s). This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charge(s).

2. In any case where the accused Student disputes the facts upon which the charge(s) is/are based and elects the formal hearing as the decision-making approach, or refuses to execute a written waiver of a hearing, such charge(s) shall be heard and determined by a fair and impartial Hearing Officer. A Hearing Officer will be chosen in accordance with the procedures of the University.

### Sec. 403. Interim Discipline

1. Pending a hearing or other disposition of the allegation(s) against a Respondent, the Dean may take immediate Interim Disciplinary Action if they determine circumstances warrant immediate action to ensure the safety of any person and/or the University community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegation(s) or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegation(s) and potential threat as soon as practicable after instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegation(s) and any potential threat, the Dean may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing unless the Respondent agrees to an Administrative Disposition. The accelerated hearing will generally be held within ten (10) days after the Interim disciplinary Action is taken; however, at the discretion of the Dean of Students, the 10-day period may be extended for a period not to exceed an additional ten (10) days.
2. As an alternative to a hearing of the charge(s) before a Hearing Officer, the Respondent may choose to have the charges disposed of in accordance with an administrative decision as set forth under procedures specified in Section 402.

## Hearing

### Sec. 501. Notice of Hearing

1. Except in those cases where immediate Interim Disciplinary Action has been taken, Student Conduct and Community Standards shall give the Respondent at least ten (10) days written notice of the date, time and place for the hearing and the name of the Hearing Officer. The notice shall include a statement of charge(s) and a summary statement of evidence supporting the charge(s), the name of the person who will act as the Hearing Officer, and the date, time, and place of the hearing. The hearing shall be conducted in accordance with the following:
  - a. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of the documents to be introduced at the hearing;
  - b. Each party shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Hearing Officer), and be assisted by an advisor of choice. The advisor may be an attorney. If the Respondent's advisor is an attorney, Student Conduct and Community Standards' advisor may be an attorney from the Office of General Counsel of the System. An advisor may confer with and advise Student Conduct and Community Standards or the Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the Hearing Officer;
  - c. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's

discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

- d. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer in accordance with Section 701 of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Hearing Officer. The recording will be made available to any requesting party within three (3) days of the written request.
2. At least ten (10) days prior to the date of the hearing, the University will provide the Respondent notice and all evidence obtained related to the allegation(s). The notice shall be delivered in person to the Respondent, emailed to the Respondent at the *myUTSA* e-mail address on record with the Registrar, or mailed to the Respondent at the address appearing in the Registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing. A notice sent via email will be considered to have been received on the day sent. The requirements of this paragraph shall not be applicable in any case where immediate Interim Disciplinary Action has been taken in accordance with Section 403.

### Sec. 502. Postponement of Hearing

1. Upon a showing of good cause by either the Respondent or Student Conduct and Community Standards, the Hearing Officer may postpone the hearing, or by agreement of the Respondent and Student Conduct and Community Standards.
2. Requests for postponement shall be in writing to the Hearing Officer and shall set forth the facts upon which the party relies as constituting good cause.
3. The application for postponement must be presented to the Hearing Officer and the opposing party in writing, no later than the third (3) day preceding the date specified for the hearing. Any application received after that date will be granted only in the case of extreme hardship or emergency.
4. Upon granting a postponement, the Hearing Officer shall notify the Respondent and Student Conduct and Community Standards of the new date, time, and place for the hearing. It shall be the responsibility of the Respondent and Student Conduct and Community Standards to notify their respective witnesses accordingly. If the Respondent fails to appear, the Hearing will proceed without the benefit of the Respondent's presence.

### Sec. 503. Challenge to the Hearing Officer

1. The Respondent may challenge the impartiality of the Hearing Officer.
2. The challenge must be made in writing and submitted to the Hearing Officer through Student Conduct and Community Standards at least three (3) days prior to the hearing. The reason or reasons upon which the challenge is based shall be set forth fully and shall be confined solely to the fairness and objectivity of the Hearing Officer.
3. The Hearing Officer shall be the sole judge of whether they can serve with fairness and objectivity. In the event the Hearing Officer recuses themselves, a substitute will be chosen in accordance with procedures of the University.

### Sec. 504. Disclosure of Evidence

1. In order that the case be fully developed for the benefit of the Hearing Officer, Student Conduct and Community Standards and the Respondent shall be required to disclose to each other the names

of the witnesses each expects to be present and actual copies of documents and other evidence relied upon.

2. The parties are encouraged to exchange this information at the earliest practical time but not later than five (5) days prior to the date of the hearing. Upon objection by the opposing party, witnesses or other evidence not so disclosed will be excluded by the Hearing Officer unless it be shown by the party offering same that the existence of the testimony to be given by the witness or the evidence offered was unknown to the offering party five (5) days prior to the date of the hearing and could not have been discovered by the use of reasonable diligence. If the hearing is an Accelerated Hearing as described in Section 403, this information should be provided at least three (3) days prior to the date of the hearing.
3. The provisions of this Section shall not prohibit either party from offering at the hearing evidence strictly in rebuttal to evidence offered by the other party.

### Sec. 505. Authority of the Hearing Officer

The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System. At the discretion of the Hearing Officer, one or more commissioned peace officers from the police department of the University shall be available throughout the hearing to enforce the orders and rulings of the Hearing Officer, control admission to the hearing, and perform such other duties as the hearing may require.

### Sec. 506. Order and Decorum

1. If, in the opinion of the Hearing Officer, the demeanor or conduct of any person or persons in attendance at the hearing causes or contributes to any disruption, disturbance, or distraction of the hearing, such person or persons shall be required to leave the hearing room.
2. No camera or photographic equipment of any kind, nor any equipment which may be used to record or transmit sound, shall be permitted in the hearing room or in the hallway outside of the hearing room during the progress of the hearing or any recess thereof. This prohibition shall not apply to any equipment used under the direction of the Hearing Officer to make the official recording of the hearing.
3. Persons in attendance at the hearing shall not consume any food or beverage, use electronic devices except as required for virtual hearings, nor read any newspaper, magazine, or book during the progress of the hearing.

### Sec. 507. Order of Proceedings

1. The hearing shall be called to order and shall proceed in the following manner:
  - a. the Hearing Officer shall read the charge(s) against the Respondent, explain the rights of the parties, and entertain questions from either party concerning the procedures to be followed;
  - b. Student Conduct and Community Standards shall proceed to present evidence in support of the charge(s);
  - c. the Respondent shall present evidence in support of their defense to the charge(s);
  - d. each party may then present rebuttal evidence;
  - e. argument may then be presented by each party; and

f. Student Conduct and Community Standards may recommend a sanction(s) to be assessed by the Hearing Officer. The recommendation may be based upon the past practice of the University for violations of a similar nature, the past disciplinary record of the Respondent, and/or other factors deemed relevant by Student Conduct and Community Standards. The Respondent shall be entitled to respond to the recommendation of Student Conduct and Community Standards. In making the sanctioning decision, the Hearing Officer will take into consideration any mitigating or aggravating factors.

2. A Respondent who fails to appear in person at their disciplinary hearing shall remain accountable. The hearing will be held without the Respondent's presence, and a decision will be rendered by the Hearing Officer.

### Sec. 508. Burden of Proof

1. Student Conduct and Community Standards shall have the burden of proceeding with the evidence and the burden of proving the charge(s) by the preponderance of the evidence (i.e., whether it is more likely than not the violation(s) occurred).
2. As the party having the burden of proof, Student Conduct and Community Standards shall have the right to open and conclude both in presenting evidence and in argument.

### Sec. 509. Oath and Removal of Witness

1. Each witness shall swear or affirm the testimony they will give will be true. The Hearing Officer shall administer the required oath or affirmation to each testifying witness.
2. At the request of either party, all witnesses (with the exception of the parties and their advisors) may be removed from the hearing so they cannot hear the testimony of any other witness. Witnesses shall not converse with each other or with any other person about the case other than with the parties and/or their respective advisor, as applicable, and shall not read any report of or comment upon the testimony given at the hearing, unless otherwise instructed by the Hearing Officer. Violation of the foregoing will result in the imposition of such sanction(s) as the Hearing Officer may deem appropriate.

### Sec. 510. Evidence

1. The term "evidence" refers to the means by which alleged facts are either proved or disproved. It includes the testimony of witnesses and documentary or objective exhibits offered by the parties.
2. Either party may object to the admission of evidence upon any ground it deems appropriate. The Hearing Officer shall rule upon such objections and either admit or exclude the objectionable evidence.
3. Evidence which is irrelevant, immaterial, or unduly repetitious will be excluded by the Hearing Officer upon objection of either party.
4. Documents, letters, writings, pictures, drawings, or objects a party plans to offer in evidence shall first be given to the Hearing Officer to be marked and identified as the exhibit of that party and listed by the Hearing Officer. After being marked and identified, each exhibit shall be shown to the opposing party. Unless the opposing party disputes the authenticity of the exhibit or has no knowledge with respect thereto, the exhibit may be offered without authentication; however, the exhibit may be objected to on grounds other than authenticity.

### Sec. 511. Agreements of the Parties

Any of the provisions herein relating to the time within which an act must be performed or a procedure must be conducted in connection with a hearing may be altered by written agreement of the parties, duly signed



and presented to the Hearing Officer for inclusion in the record of the case.

## **Sec. 512. Decision of the Hearing Officer**

Within fourteen (14) days of the hearing, the Hearing Officer shall render and send to the Dean and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violation(s) as charged. Upon a finding of responsibility, the Hearing Officer shall assess one or more of the sanctions specified in Sections 301 and/or 303 of this Policy.

## **Disciplinary Records**

### **Sec. 601. Transcript Notation and Disciplinary Record**

1. The academic transcript of a Student suspended or expelled for disciplinary reasons (not academic or financial) shall be marked with "Disciplinary Suspension" or "Disciplinary Expulsion" as appropriate. A notation should state whether the Student is eligible to reenroll. If the Student becomes eligible to reenroll at the University or the University determines that good cause exists to remove the notation, the notation may be removed upon the request of the Student.
2. The University will maintain a permanent, written disciplinary record for every Student assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. A record of Academic Dishonesty shall be maintained for at least five (5) years, unless the record is permanent in conjunction with the above-stated sanctions in this section.
3. Disciplinary records required by law to be maintained for a certain period of time (e.g., Clery (<http://clerycenter.org/jeanne-clery-act/>) violations) shall also be maintained for at least the time specified in the applicable law, unless the records are permanent in conjunction with the above-stated sanctions in this section.
4. A disciplinary record shall reflect the nature of the charge(s), the disposition of the charge(s), the sanction(s) assessed, and any other pertinent information.
5. This disciplinary record shall be maintained by Student Conduct and Community Standards. It shall be treated as confidential, and the record shall not be accessible to or used by anyone other than Student Conduct and Community Standards, the Dean of Students or University officials with legitimate educational interests, except upon written authorization of the Student or in accordance with applicable state or federal laws or court order or subpoena. The record in disciplinary cases where the sanction(s) is/are not as described in Subsection (A) of this Section may be destroyed by Student Conduct and Community Standards five (5) years after final disposition of the case or may be considered for destruction at the written request of the Student.

### **Sec. 602. Notation of Sanction**

Student Conduct and Community Standards shall notify the Dean when one of the following sanctions is assessed in a disciplinary case:

1. Bar against readmission;
2. Drop from enrollment and bar against readmission;
3. Denial of degree or transcript;
4. Suspension from the University; or
5. Expulsion from the University.

## **Appeal**

### **Sec. 701. Right to Appeal**

1. A Respondent may appeal a disciplinary sanction assessed by Student Conduct and Community Standards in accordance with Section 702 below.
2. Either the Respondent or Student Conduct and Community Standards may appeal the decision of the Hearing Officer in accordance with Section 703 below.

### **Sec. 702. Appeal of Sanction(s) Assessed by Student Conduct and Community Standards**

1. A written appeal of the sanction(s) assessed by Student Conduct and Community Standards is available only on the grounds the sanction(s) imposed is/are inappropriate and/or not commensurate with the circumstances. The written appeal must be sent to the Provost or their designee with a copy to Student Conduct and Community Standards. The appeal must be stamped as received by the Provost or their designee no later than fourteen (14) days after the Respondent has been notified of the sanction(s) assessed by Student Conduct and Community Standards. Student Conduct and Community Standards may, but is not required to, submit a response to the appeal which must be received by the Provost or their designee no later than seven (7) days after receipt of the appeal with a copy to the Respondent.
2. An appeal of the sanction(s) assessed by Student Conduct and Community Standards will be reviewed solely on the basis of the written arguments of the Respondent and Student Conduct and Community Standards.
3. The decision of the Provost or their designee shall be communicated in writing to the Respondent and Student Conduct and Community Standards within thirty (30) days after the appeal, any response and any related documents have been received.
4. The decision of the Provost or their designee shall be final and non-appealable.

### **Sec. 703. Appeal of Decision of Hearing Officer**

1. A written appeal of the decision of the Hearing Officer is available on any of the following grounds:
  - a. The sanction(s) imposed is/are inappropriate and/or not commensurate with the circumstances;
  - b. A procedural irregularity affected the outcome of the matter;
  - c. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter; or
  - d. Student Conduct and Community Standards, investigator(s), or Hearing Officer had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.
2. The written appeal must be sent to the Provost or their designee with a copy to the other party. The appeal must be stamped as received by the Provost or their designee no later than fourteen (14) days after the appealing party has been notified of the decision of the Hearing Officer. The non-appealing party may, but is not required to, submit a response to the appeal, within seven (7) days of receipt of the appeal. For purposes of calculating deadlines, the date that an appealing party received a copy of the Hearing Officer's decision is three (3) days after the date the document was sent by mail to the recipient or, if emailed to the recipient, the day the email was sent.

3. Student Conduct and Community Standards will submit the record from the hearing to the Provost or their designee as soon as it is available to Student Conduct and Community Standards. The Provost or their designee, may, at their own discretion, entertain oral argument in an appeal from the decision of the Hearing Officer.
4. The action of the Provost or their designee shall be communicated in writing to the Respondent and Student Conduct and Community Standards within thirty (30) days after the appeal, any response and any related documents have been received.
5. The Provost or their designee may approve, reject, or modify the decision in question, or may require the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.
6. The decision of the Provost or their designee shall be final and non-appealable.

### **Sec. 704. Effect of Appeal Upon Disciplinary Action**

1. An appeal of the decision of the Hearing Officer or of a sanction assessed by Student Conduct and Community Standards shall suspend the imposition of the prescribed disciplinary action pending final disposition of the appeal.
2. If upon final disposition of any case in which the action has been suspended during appeal, the Provost or their designee, whose decision becomes final, finds the original action can no longer be imposed because of passage of time, may specify a new period of time for which the original action will be imposed, or in any case where imposition of the original action will no longer be effective because of a change in the status of the Student involved, the Provost or their designee shall prescribe a substitute disciplinary action deemed appropriate to the conduct involved.
3. Disclosure to Victims. Upon receiving a written request, the University may disclose to an alleged victim of crime of violence or a non-forcible sex offense (as those terms are defined in 34 C.F.R. 99.39 (<https://www.govinfo.gov/content/pkg/CFR-2013-title34-vol1/pdf/CFR-2013-title34-vol1-sec99-39.pdf>)), the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator of such crime or offense with respect to such crime or offense, regardless of whether the alleged perpetrator was found responsible for violating the University's rules or policies with respect to such crime or offense. If the alleged victim is deceased, the disposition of records is a matter of state laws regarding inheritance and the next of kin or estate of the deceased victim shall be treated as the alleged victim for purposes of this paragraph.