Policy Statement

Subchapter A. General Provisions

Section 49.01: Purpose

1. Pursuant to the Regents Rules, the University of Texas at Dallas has developed its policy regarding student conduct and discipline in accordance with The University of Texas System (System) model policy. Each student is charged with notice and knowledge of and compliance with the contents and provisions thereof. The Office of Community Standards and Conduct Office supports the mission of the Office of Community Standards and Conduct which encourages student learning, growth, and development by promoting awareness of the University's expectations of behavior, holding students accountable for violations of these expectations, and developing educational sanctions designed to address the consequences of student decisions.

2. All students are expected and required to obey federal, state and local laws and to comply with System and University rules and regulations.

3. Students are responsible to both civil and criminal authorities. Disciplinary action pursuant to these regulations may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Disciplinary outcomes including finding of responsibility and sanctions shall not be subject to change because of criminal or civil outcomes.

Section 49.02: Scope

1. This policy applies to student organizations as well as individual students. Student organizations are accountable for the conduct and actions of their members.

2. An individual who is not currently enrolled as a university student remains subject to the disciplinary process for conduct that occurred while a student. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters. This includes conduct that is discovered after the awarding of a degree.

3. A student is subject to discipline for prohibited conduct that occurs on or off campus. University officials determine when to bring charges for off-campus conduct pursuant to this policy. Factors considered in determining whether to bring disciplinary charges for off campus conduct include, but are not limited to, whether the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution and whether the conduct impacts members of the university community.

Section 49.03: Definitions

1. In this chapter, unless the context requires a different meaning,
   1. a "day" means Monday through Friday except for days on which the University is officially closed or when regularly scheduled classes are suspended due to emergency situations;
   2. "dean" means the Office of Community Standards and Conduct or a delegate of the Dean;
   3. "vice president" means the Vice President for Student Affairs;
   4. "president" means the President of The University of Texas at Dallas;
   5. "student" means a person enrolled or formerly enrolled at the university and is eligible to continue enrollment in the semester or summer session that follows, a person accepted for admission or readmission to the university, or a person who engaged in prohibited conduct at a time when he or she met any of the prior;
   6. "university" or "institution" means The University of Texas at Dallas;
Sections 49.04: Confidentiality of Disciplinary Process

1. In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC 1232g, a student's disciplinary files are considered "educational records." These records are confidential and may only be accessed by the student, the dean or university officials with legitimate educational interests and as otherwise provided by law.

2. In cases involving student conduct, the dean will notify the referring individual of the outcome of the disciplinary process as necessary for the referring individual to perform their duties and as permitted by law. In cases of academic dishonesty, the dean will promptly notify the appropriate faculty member regarding the outcome of the disciplinary process so that the outcome may be properly recorded. In either case, the dean will notify other appropriate university officials as necessary and as permitted by law.

Subchapter B. Administration of Discipline

Section 49.05: Dean

1. The dean has primary authority and responsibility for the administration of student discipline.

2. It shall be the dean's responsibility to investigate allegations that a student has violated a Regents' Rule, university or System rule, or any provision of federal, state, and/or local laws.

3. In carrying out these responsibilities, the dean works cooperatively with academic administrators and faculty members in the disposition of academic dishonesty and with staff members in Residential Life in the disposition of campus housing violations. The dean may seek, as needed, additional information from individuals who have expertise relative to the case, especially in instances of academic dishonesty involving technical material, projects, or assignments.

Section 49.06: Faculty Role in Academic Violations

1. Judgments of academic dishonesty are distinguished from academic judgments concerning whether a student has or has not completed an assignment as required. The former involve considerations of misconduct and sanctioning and are the responsibility of the Office of Community Standards and Conduct. Under authority delegated by the dean, a faculty member who has reason to suspect that a student has engaged in academic dishonesty may conduct a conference with the student in compliance with the
following procedures:
1. the student will be informed that he/she is believed to have committed an act or acts of academic dishonesty in violation of the Student Code of Conduct;
2. the student will be presented with any information in the knowledge or possession of the instructor which tends to support the allegation(s) of academic dishonesty;
3. the student will be given an opportunity to present information on his/her behalf;
4. after meeting with the student, the faculty member may:
   1. choose not to refer the allegation(s) if he/she determines that the allegation(s) are not supported by the evidence; or,
   2. refer the allegation(s) to the Office of Community Standards and Conduct along with a referral form and all supporting documentation of the alleged violation. The faculty member should forward the recommended sanction to be assessed or remedy to be applied if a student is found to be responsible for academic dishonesty;
5. the faculty member is encouraged to consult with the dean of students in determining the recommended sanction;
6. the faculty member must not impose any independent sanctions upon the student in lieu of a referral to the Office of Community Standards and Conduct;
7. referrals should be submitted within a reasonable time, generally within one week after the alleged incident.

2. If the faculty member chooses not to meet with the student, he/she must forward the appropriate documentation to the Office of Community Standards and Conduct. The faculty member should attempt to inform the student of the allegation and notify the student that the information has been forwarded to the Office of Community Standards and Conduct for investigation.

3. Upon receipt of the referral form and supporting material/documentation from the faculty member, the dean shall proceed under Subchapter D. If the student is found in violation of the code of conduct, the dean will review the student's prior disciplinary record and assess sanctions appropriate to the circumstances. The dean will inform the student and the faculty member of the decision.

4. If a student withdraws from a course and is ultimately found responsible for academic dishonesty, the grade sanction, ie. "F" in the course, that is assessed by the Discipline Committee or Hearing Officer will replace any withdrawal notation on the transcript.

5. The student, pending disciplinary action, remains responsible for all academic exercises and syllabus requirements. The student may remain in class if the student's presence in the class does not interfere with the professor's ability to teach the class or the ability of other class members to learn. (See Section 49.07 for additional information regarding the removal of a student from class)

Section 49.07: Faculty Role in Removal for Misconduct

1. Primary responsibility for managing the classroom environment rests with the faculty. Misconduct reported by faculty will usually involve disruptive behavior in class or in relation to a class. Under authority delegated by the dean, a faculty member who has reason to believe that a student has engaged in disruptive behavior may do one of the following:
   1. If the disruptive behavior was directly witnessed by the faculty member or if the faculty member has clear documentary evidence, the case should be referred directly to the dean with the reasons and/or evidence for the charge and a recommendation for resolution. The dean shall proceed under Subchapter D; or
   2. If the disruptive behavior was not directly witnessed by the faculty member but was witnessed or reported by students or others, the faculty member may meet with the student(s) involved and discuss the alleged violation and the evidence that supports the allegation. Such meetings should be documented to the extent possible. After such meeting or meetings, the faculty member may refer the allegation(s) with the assembled documentation to the dean with a recommendation for resolution, or choose not to refer the allegations to the dean if the faculty member concludes that they are not supported by the evidence.
   3. If the faculty member considers the behavior of the student menacing or threatening, he or she
may ask the Office of Community Standards and Conduct to remove the student from his or her class or from the campus with immediate effect until the matter is formally resolved. This request may be made while the faculty member is still assembling the documentation of the misconduct in question, or it may accompany the documentation.

2. Students who engage in any acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. This provision is not designed to be used as a means to admonish classroom dissent. The expression of a disagreement with the instructor is not in itself disruptive behavior.

3. A student who repeatedly engages in disruptive classroom behavior shall be referred by the faculty member to the dean who will proceed under the provisions of Subchapter D.

4. A student will not be removed permanently from the classroom without review by the Office of Community Standards and Conduct.

Section 49.08: Staff Role in Removal for Misconduct

1. Misconduct reported by staff will usually involve menacing or abusive behavior to which they are subject to as representatives of university offices. Under authority delegated by the dean, a member of the university staff who has been subject to abusive or menacing behavior or who has witnessed menacing, abusive, or disruptive behavior may do either of the following:
   1. Call the campus police to have the offending person escorted off campus. The police will report the matter to the Office of Community Standards and Conduct. The dean shall proceed under Subchapter D; or
   2. Report the matter to his/her supervisor and the Office of Community Standards and Conduct. The report should include the staff person's written account of the incident and any additional documentation that might be available. The dean shall proceed under Subchapter D;

2. If the misconduct or disruptive behavior was not directly witnessed by the staff person but was witnessed or reported by students or others, the staff person may either refer the matter to the Office of Community Standards and Conduct directly or refer the witnesses to the supervisor of the department. In the former case, the staff person should provide as much documentation as possible. The dean shall proceed under Subchapter D.

Section 49.09: Reserved

Subchapter C. Student Standards of Conduct

Section 49.10: Code of Conduct

1. The University of Texas at Dallas has rules and regulations for the orderly and efficient conduct of their business, and each student is charged with notice knowledge of and compliance with the contents and provisions thereof.

2. Because the value of an academic degree depends on the absolute integrity and character of the student the university expects all students to maintain a high level of responsibility with respect to their behavior. As a member of the university community, it is imperative that a student maintain a high standard of individual responsibility and civility.

3. The dean may initiate disciplinary proceedings under Subchapter D against a student accused of a violation of the Code of Conduct upon complaint by a faculty member, a student or other source.

4. Any behavior which may have been influenced by the use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of his or her actions.

5. Disciplinary action may be initiated for misconduct which includes:
   1. **Plagiarism:** The adoption or reproduction of ideas, words, statements, images or works of another as one's own or work offered for credit without appropriate attribution.
   2. **Cheating:** Includes but is not limited to the use or attempted use of unauthorized materials, information, or study aids in any academic exercise; the use of sources beyond those authorized
by the instructor in completing any academic exercise or, engaging in any behavior specifically
prohibited by the faculty member in the course syllabus or class discussion. Academic exercise
includes all forms of work submitted for credit or hours.

3. **Fabrication**: Falsification or creation of any information, data or citation in an academic exercise.

4. **Collaboration and/or Collusion**: Seeking or providing aid to another student in completion of any
assignment submitted for academic credit without explicit authorization from the faculty member.

5. **Violation of State or Federal Laws**: Any violation of a federal state, or local law either on or off
   campus.

6. **Firearms, dangerous weapons, explosives and hazardous materials**: Unless authorized by
   law, possession or use of any type of explosive, firearm, imitation weapon, ammunition, hazardous
   chemical or weapon while on campus or on any property or in any building owned or controlled by
   the System or the university.

7. **Conduct dangerous to others**: Any conduct that endangers the health or safety of another; this
   includes but is not limited to physical abuse, verbal abuse, threats, intimidation, harassment and
   coercion.

8. **Stalking**: Engaging in a course of conduct directed at a specific person that would cause a
   reasonable person to fear for his or her safety or the safety of others, or suffer substantial
   emotional distress—as defined in the Prohibited Discrimination and Sexual Harassment/Sexual
   Misconduct Policy.

9. **Theft, Misappropriation or Unauthorized Sale**: Any act or attempted act of theft,
   misappropriation or unauthorized possession or sale of university property or services or property
   belonging to another.

10. **Misuse or Damage to Property**: Any act of vandalism, damage, destruction or misuse of
    university property or that of another.

11. **Hazing**: Engaging in hazing, submitting to hazing, or failing to report first-hand knowledge of
    hazing incidents; such conduct is prohibited by state law. Hazing is defined by state law as, "...any
    intentional, knowing, or reckless act, occurring on or off the campus of an educational institution,
    by one person alone or acting with others, directed against a student, that endangers the mental
    or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating
    with, holding office in, or maintaining membership in any organization whose members are or
    include students at an educational institution." Any person with knowledge that a specific hazing
    incident has occurred on or off campus must report the incident to the dean.

12. **Alcohol**: Using or possession of alcoholic beverages on property and in buildings and facilities
    owned or controlled by the System or the university, unless permitted by law and university policy.

13. **Drugs**: Unless authorized by state and federal law, the use, possession or manufacture of any
    drug or controlled substance or sale or distribution of any such drug or controlled substance.

14. **Drug Paraphernalia**: The use or possession of equipment, products, or material which is used or
    intended for use in manufacturing, growing, using or distributing any drug or controlled substance.

15. **Gambling**: Engaging in illegal gambling.

16. **Obstruction of, Interference with, or Attempted or Unauthorized access to Institutional
    Activities Facilities and/or Grounds**: Any interference with or obstruction of any institutional
    program, activity, event or facilities, including, but not limited to:
    1. Any unauthorized occupancy or entry of institution or institutionally controlled facilities or
       blockage of access to or from such facilities;
    2. Interference with the right of any institution member or other authorized person to gain
       access to any institution or institutionally controlled activity, program, event or facility;
    3. Any obstruction or delay of emergency personnel in the performance of their duties;
    4. Leading, inciting or participating in activities to disrupt scheduled activities of the
       University; or,
    5. Interference with the instructor's ability to teach class or the ability of other students to
       participate in the instructional activity.

17. **Violation of General Rules and Regulations**: Violation of any rule or regulation including the
    failure to perform any required action or the performance of any prohibited actions.
18. **Identification Cards or Documents**: Any forgery, alteration of or unauthorized use of institution
documents, forms, records, or identification cards, including the giving of false information to
University personnel or the withholding of necessary information in connection with a student's
admission, enrollment or status at the university.

19. **Sexual Misconduct**: any violation of the Prohibited Discrimination and Sexual Harassment/
Sexual Misconduct Policy.

20. **Disruptive conduct**: Engaging in disorderly, lewd, indecent, inappropriate, loud, or obscene
conduct or behavior that interferes with the orderly functioning of the university or interferes with
an individual's pursuit of an education.

21. **Failure to comply with the instructions of a University official**: Failing to comply with a verbal
or written request or instruction of an official of the university or the System acting in the course of
his or her duties.

22. **Abuse of the Discipline Process**:
   1. giving false testimony or other evidence at a campus disciplinary or other administrative
      proceeding;
   2. disruption or interference with the orderly conduct of a judicial proceeding;
   3. knowingly making a false allegation or filing a false complaint;
   4. any attempt to influence the impartiality of a Discipline Committee member or Hearing
      Officer;
   5. verbal or physical harassment or intimidation of a Discipline Committee member, Hearing
      Officer, complainant or witness;
   6. failure to comply with the sanctions imposed by the Discipline Committee or Hearing
      Officer.

23. **Skateboards, Skates, Bicycles or similar devices**: The using of skateboards, roller skates,
roller blades, and bicycles inside university facilities or in unauthorized outdoor areas.

24. **Attempts and Aiding and Abetting the Commission of Offenses**: Attempts, aids, abets,
conspires, hires, has knowledge of, or is present during the planning or commission of any offense
listed in this chapter.

25. **Motor Vehicles**: Failure to register a motor vehicle used on the campus with Parking and
Transportation Services.

26. **Duplication or Unauthorized Possession of Keys**: Making, causing to be made, or possessing
any key for a University facility without proper authorization.

27. **Unauthorized Surveillance**: Making unauthorized video or photographic images of a person in a
location in which that person has a reasonable expectation of privacy. This includes but is not
limited to taking video or photographic images in shower/locker rooms, residence hall rooms, and
men's or women's restrooms and storing, sharing, and/or distributing such unauthorized images
by any means.

**Section 49.11 - 49.14: Reserved**

**Subchapter D. Disciplinary Proceedings and Disposition**

If there is a more specific policy that specifies the proceedings for investigation, such as the Prohibited
Discrimination and Sexual Harassment/Sexual Misconduct policy, that policy will govern; however, all the powers
provided herein to the Dean for investigations involving student witnesses, including summons, interim disciplinary
action, and withholding transcripts, grades and degrees may be delegated to the investigator designated to that
policy.

**Section 49.15: Investigation**

1. All allegations and information that a student has engaged in conduct proscribed herein shall be given to
the dean.
2. Action under this chapter may go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events.

3. The dean shall investigate the alleged violation. The investigation shall include an attempt to confer with the accused student concerning the allegations. Following completion of the investigation, the dean may:
   1. dismiss the allegation;
   2. proceed administratively under Section 49.16; or
   3. prepare a hearing notice based on the allegation and proceed under Section 49.18.

4. Pending a hearing or other disposition of allegations against a student, the dean may take such immediate interim disciplinary action as is appropriate to the circumstances when such action is in the best interest of the institution. This includes but is not limited to a suspension and ban from the campus when it reasonably appears to the dean from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the university. In the case of interim discipline, a hearing will generally be held under the hearing procedures specified in Section 49.18-21 within three (3) days after the interim disciplinary action was taken; however, at the discretion of the dean the three (3) day period may be extended for a period not to exceed an additional ten (10) days. Any further extensions will be for good cause as determined by the Vice President for Student Affairs.

5. Notwithstanding the above, the dean may withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the System or the university that would reasonably allow the imposition of such sanction. The dean may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the dean has provided the student an opportunity to provide a preliminary response to the allegations and, in the opinion of the dean, the best interests of the System or the university would be served by this action.

6. In cases involving a violation of the Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy, the investigation will be conducted by the Title IX Coordinator or his/her designee.

Section 49.16: Administrative Disposition

1. In any case, except in a case finding a violation of the Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy, where the accused student elects not to dispute the facts upon which the charges are based, the student may execute a written waiver of the hearing procedures and accept the sanction(s) or reserve the right to appeal the sanction(s).

2. An appeal of the sanction will be to the president of the university. The appeal is considered on the basis of written arguments of the student and the dean.

3. In the event a student disputes the facts and/or allegations or at the discretion of the Office of Community Standards and Conduct, a hearing before the Discipline Committee or Hearing Officer may be arranged.

4. In any case finding a violation of the Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy, the case will proceed under Section 49.17 of this Policy unless both the accused and the accuser agree to the terms of the administrative disposition and thus waive the hearing and appeals.

Section 49.17: Discipline Committee

1. In those cases in which the respondent disputes the facts and/or allegations upon which the alleged conduct violations are based, or at the discretion of the Dean of Students, such allegations shall be heard and determined by a fair and impartial panel (Discipline Committee) comprised of UT Dallas faculty selected from a pool as determined by the academic senate and UT Dallas students, or by a Hearing Officer selected from UT Dallas faculty. The Discipline Committee will consist of a minimum of 3 panel members and with one faculty member selected to serve as the chair. The Discipline Committee chair abstains from voting unless a decision by the committee results in a draw. The Discipline Committee or Hearing Officer is entitled have the advice and assistance of legal counsel from the Office of the General Counsel of the System and may request legal representation. In any case involving a violation of the Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy the panel will consist of UT Dallas faculty only.
2. The Discipline Committee or Hearing Officer shall:
   1. maintain an orderly hearing and permit no person to be subjected to abusive treatment and may eject or exclude anyone who refuses to be orderly;
   2. render and provide 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 violations as charged;
   3. upon a finding of responsibility, assess the relevant sanction(s);
   4. in cases involving a crime of violence, notify the alleged victim of the decision. The alleged victim, upon receipt of information regarding the decision, shall be bound to keep in confidence such information.

Section 49.18: Student Rights and Hearing Procedures

1. The following rights and procedures are provided to the respondent and/or complainant as specified:
   1. The respondent shall be given written notice of the time, place and location of the hearing at least five (5) days in advance.
   2. The respondent shall be advised in writing of the alleged violations of which he/she is being charged.
   3. All parties will make available in the Dean of Students office a list of witnesses, a summary of expected witness testimony, and copies of documents to be presented at the hearing at least three (3) days prior to the hearing.
   4. Each party shall have the right to appear, present documentary evidence, present and question witnesses and be assisted by one advisor of his/her choice. The advisor may be an attorney. An advisor may not serve as a witness. An advisor may confer with and advise their respective party, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the Discipline Committee or Hearing Officer. If the respondent's advisor is an attorney, the dean's advisor may be an attorney from the university and/or an attorney from the Office of the General Counsel of the System. If the student chooses an advisor who is an attorney, the student must give written notice of the name and address of the attorney to the dean at least three (3) days before the time set for commencement of the hearing.
   5. The respondent may challenge the impartiality of a member of the Discipline Committee or Hearing Officer. The challenge must be in writing, stating the reasons for the challenge, and be submitted to the Dean of Students at least three (3) days prior to the hearing. The member challenged shall determine whether he/she can serve with fairness and objectivity.
   6. Formal rules of evidence do not apply. No evidence other than that admitted at the hearing shall be considered by the Discipline Committee or Hearing Officer.
      1. The chair of the Discipline Committee or Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses.
      2. The chair of the Discipline Committee or Hearing Officer has the discretion to exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious;
      3. Statements of witnesses should generally be based upon the personal knowledge or observation of the witness. Written statements will be accepted at the discretion of the Hearing Officer/Discipline Committee or Hearing Officer;
      4. Evidence that is merely cumulative of evidence already in the record may be excluded by the Discipline Committee or Hearing Officer upon objection or upon a determination by the Discipline Committee or Hearing Officer that it is merely repetitious. The Discipline Committee or Hearing Officer has the discretion to determine when further evidence on an issue becomes repetitive.
   7. The dean has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of credible evidence
   8. Any party has the right to appeal.
   9. The hearing will be recorded and becomes a part of the official record of the hearing.
10. Such hearings shall be closed to all persons other than the respondent, the dean, an advisor for each of them, the Discipline Committee members or Hearing Officer, witnesses while they are
presenting evidence, and the hearing advisor. In sexual harassment/sexual assault cases, the alleged victim shall have the right to be present throughout the hearing, to have an advisor present during the hearing, to have irrelevant past sexual history with third parties excluded from the evidence; and to have a closed hearing.

Section 49.19: Notices

1. The dean shall prepare written notices as appropriate to the student charged.
2. A student may be sent a written notice/summons from the dean requiring a meeting for purposes of the investigation and/or to discuss the allegations. The written correspondence shall specify a place and time for the meeting. If the correspondence is sent first-class mail, at least three (3) days' notice must be given. If the correspondence is sent via email or hand delivered at least two (2) days' notice is required. The correspondence may be mailed to the address appearing in the records of the registrar, e-mailed to the student at the student's UTD e-mail address, or may be hand delivered to the student.
3. If a student fails to respond to a written notice/summons without good cause, as determined by the dean, the dean may alter the status of the student's enrollment until the student complies with the notice, or the dean may proceed to implement hearing procedures in accordance with Section 49.18.
4. Except in those cases where immediate interim disciplinary action has been taken, the dean shall initiate hearing procedures against the respondent by providing the student at least five (5) days written notice of the date, time, and place of the hearing and the names of those individuals who may serve on the Discipline Committee or as the Hearing Officer. The hearing notice letter shall provide a statement of the accusation(s) and a summary statement of the evidence supporting the accusation(s).
5. The hearing notice may be delivered in person to the student, emailed to the student's UTD email address or mailed to the student at the address appearing in the registrar's records. A hearing notice will be considered to have been received on the third day after being sent, excluding any intervening Saturday or Sunday. The date for a hearing may be postponed by the chair of the Discipline Committee or Hearing Officer for good cause by agreement of the student and Dean of Students.
6. A hearing notice sent to the address listed in the registrar's records shall constitute full and adequate notice. The failure of a student to provide the registrar with a current address, the refusal to accept delivery of the letter, or failure to read mail or e-mail shall not be a good cause for failure to respond to the notice.
7. If a student fails without good cause, as determined by the dean, to comply with a hearing notice sent under Subsection D, the hearing will proceed as scheduled and the student will be notified of the decision of the Discipline Committee or Hearing Officer in accordance with Section 49.17.

Section 49.20: Reserved

Section 49.21: Conduct of Hearings

1. Hearings shall proceed generally as follows:
   1. the chair of the Discipline Committee or Hearing Officer will determine whether the respondent was informed of his or her rights in accordance with Section 49.18;
   2. the dean presents opening statements and evidence;
   3. the respondent presents his or her opening statements and evidence;
   4. the dean calls any witness(es). The respondent will have the right to question those witnesses.
   5. upon completion of presentation of the dean's witnesses, the respondent shall present his/her witnesses(either directly or through the Hearing Officer/Committee), and the dean shall have the right to question any witnesses;
   6. each side may offer summary comments, beginning with the dean;
   7. the Discipline Committee or Hearing Officer will have the opportunity to question all parties and witnesses involved at any time during the hearing;
   8. the Discipline Committee or Hearing Officer will make a written determination on whether or not the student is responsible for the allegation(s).
   9. if the student is found responsible by the Discipline Committee or Hearing Officer for the
allegation(s), the Discipline Committee or Hearing Officer will impose sanction(s) in writing to the respondent.

10. In the case of academic dishonesty, the recommended sanction as provided by the faculty member, will be considered by the Discipline Committee or Hearing Officer. Should the student be absolved of the allegations of academic dishonesty by the Discipline Committee or Hearing Officer, the faculty member will reassess the student's grade based on this finding.

2. Consolidated Hearings

   1. Where more than one student is charged with conduct arising out of a single occurrence, or out of connected multiple occurrences, a single hearing may be held for all of the students so charged. Such students shall request in writing that their case be consolidated with others, or separated from others. In sexual harassment/sexual assault cases, the alleged victim must also provide written approval of the consolidated cases.

   2. Upon the agreement of all parties, the dean of students shall make a final determination regarding consolidation.

Section 49.22: Reserved

Section 49.23: Disciplinary Records

   1. Disciplinary records shall be maintained as provided herein:

      1. 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.

      2. Records developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions or the dean specify that they should be retained for a longer period. As appropriate and in accordance with the The Jeanne Clery Act (Act), statistical information and required supporting documentation will be maintained for the time specified in the Act.

      3. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed and any other pertinent information. This disciplinary record shall be maintained by the Office of the Office of Community Standards and Conduct. It shall be treated as confidential, and shall not be accessible to or used by anyone other than the dean or university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws, court order or subpoena.

      4. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with the term "Disciplinary Suspension" or "Expelled" as appropriate. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. In the case of "suspension," the notation can be removed upon the request of the student in accordance with the procedures adopted by the institution when all conditions of the suspension are met.

   2. The dean may notify the registrar and/or other appropriate administrative offices of disciplinary sanctions in compliance with FERPA regulations.

Section 49.24: Reserved

Subchapter E. Sanctions

Section 49.25: Sanctions

   1. Sanctions that may be imposed include, but are not limited to:

      1. Written warning. The student will be notified that continuation or repetition of the specified conduct may be cause for further disciplinary action.

      2. Developmental probation. Requires a student or members of an organization to satisfy conditions related to the violation, such as counseling, educational seminars, or periodic meetings
with a designated University official. This may be effective in providing educational opportunities for the student to participate in discussions that will explore alternative behaviors.

3. **Educational sanction.** An educational sanction may include the requirement to complete or attend educational activities, programs, or presentations, or any other learning experience deemed necessary.

4. **Disciplinary probation.** Disciplinary probation identifies a specified period of time during which the student or organization is required to comply with terms and conditions that include not engaging in further conduct in violation of this Chapter. Any conduct in violation of these regulations while in a probationary status may result in the imposition of a sanction of suspension or expulsion or the removal of an organization's official registration.

5. **Withholding of grades, official transcript of degree.** May be imposed until all disciplinary processes are complete and sanctions, if any, are fulfilled. The dean may take such action pending a hearing and/or exhaustion of appellate rights when in his or her opinion, the best interests of the system or the university would be served by this action.

6. **Restriction against readmission and/or cancellation of enrollment.**

7. **Restitution or reimbursement.** Reimbursement for damage to or misappropriation of university or individual property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

8. **Suspension of rights and privileges.** A student or organization may have specific privileges removed or restricted as a way to learn from the consequences of their behavior. During the period of suspension, the student or organization may be prohibited from participation in athletic or extracurricular activities; taking part in a registered student organization's activities and attending its meetings or functions; denial of use or access to facilities, living in on-campus housing or representing the University in any way.

9. **Grade modification.** Academic sanctions, including failing grades, may be assigned to a student for a course or assignment in which he or she was found responsible for academic dishonesty. If a student withdraws from a course in which disciplinary action is pending and is ultimately found responsible for academic dishonesty, the grade sanction, i.e. "F" in the course, determined by the Discipline Committee or Hearing Officer will replace any withdrawal notation on the transcript.

10. **Denial of degree.**

11. **Community service hours.** A student may be required to complete a specified number of community service hours.

12. **Suspension.** Suspension from the university is for a specified amount of time and prohibits, during the period of suspension, the student from entering the university campus, except in response to an official request. The student must comply with all conditions imposed prior to reenrollment.

13. **Expulsion.** Permanent separation of the student from the university. Expulsion creates a permanent notation on the student's academic transcript.

14. **Deferred suspension.** Suspension will be postponed, but will be automatic if the student commits any additional rule violations while on deferred suspension.

15. **Revocation of degree of withdrawal of diploma.** May be imposed when the violation involves academic dishonesty that is discovered after awarding of the degree.

16. Other sanctions as deemed appropriate under the circumstances.

2. In the case of hearings regarding allegations against a student organization, additional sanctions are authorized in UTDSP5013.

3. No former student who has been suspended or expelled for disciplinary reasons from an institution of the system shall be permitted on the campus of any UT System institution during the period of such suspension or expulsion without the prior written approval of the chief student affairs administrator of the institution at which the suspended or expelled student wishes to be present.

Section 49.26-29: Reserved
Subchapter F. Appeal of Decisions

Section 49.30: Procedures

1. A student may appeal a disciplinary sanction assessed by the dean. A student and/or the dean may appeal the Discipline Committee decision to the president by following the procedures set forth in this section.
   1. The appealing party must submit a written appeal (hardcopy only; no electronic submissions), stating the specific reasons for the appeal and any argument, to the President of the university, with a copy to the other party(s). The appeal must be stamped as received by the President's Office no later than three (3) days after the appealing party has been notified of the sanction assessed by the dean, the decision of the Discipline Committee, or the decision of the Hearing Officer. If the notice of sanction assessed by the dean, the Discipline Committee, or the decision of the Hearing Officer is sent by mail, the decision will be considered to have been received on the third day after the mailing, excluding any intervening Saturday or Sunday. If the decision is sent via email, the decision will be considered to have been received on the second day. The date of receipt will initiate the three day appeal period. The non-appealing party and in sexual harassment/sexual misconduct cases, the alleged victim, may submit a response to the appeal, which must be received by the President's Office no later than three (3) days after the receipt of the appeal with a copy to the other party.
   2. The appeal of the decision of the Discipline Committee or the Hearing Officer will be reviewed solely on the basis of the official record from the hearing. The official record will consist of the recording of the hearing, the documents received in evidence and the decision of the Discipline Committee or Hearing Officer. At the request of the president, the recording of the hearing will be transcribed.
   3. Should the president so request, the dean shall cause the recording of the hearing to be transcribed and shall send the record to the president with a copy to the student. At the discretion of the president both parties may present oral arguments in an appeal from the decision of the Discipline Committee or Hearing Officer.

2. Upon consideration of the appeal, the President may:
   1. Approve, reject, or modify the decision.
   2. Modify the sanction to make it more or less severe.
   3. In the event of a formal hearing, may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

3. The action of the President shall be communicated in writing to the student(s) and the dean within fourteen (14) days after the appeal and related documents have been received. The decision of the President is final.

Policy History

- Issued: 2008-06-05
- Revised: 2011-10-26
- Revised: 2013-08-20
- Revised: 2014-01-28
- Revised: 2016-01-11

Policy Links

- Permalink for this policy: http://policy.utdallas.edu/utdsp5003
- Link to PDF version: http://policy.utdallas.edu/pdf/utdsp5003
- Link to printable version: http://policy.utdallas.edu/print/utdsp5003