

24. Student Conduct Code

(Revised: 2013)

The General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education supports higher standards of behavior for students.

Attendance at a university is not compulsory. The voluntary attendance of a student at a university is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the university. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law. A university may discipline students to secure compliance with these higher obligations as a teaching method or to sever the student from the academic community.

The General Order further emphasizes the ability of universities to establish standards of superior ethical and moral behavior that occur either on or off campus.

24.1 Definitions.

Only for purposes of this Student Conduct Code, the following terms and definitions will apply. The Vice President for Student Affairs or designee reserves the right to interpret and enforce this Code of Conduct.

24.1.1 The term “**accused student**” means any student charged with a violation of a student rule.

24.1.2. The term “**chairperson**” means and *Student Conduct Administrator* who is authorized by the *Vice President for Student Affairs* or his/her designee to take the lead role in conducting *conferences* when there is more than one person serving as a *Student Conduct Panel* and/or more than one *Student Conduct Administrator* present.

24.1.3. The term “**charge**” means an allegation of a potential violation of the Student Rules. Charges are issued after a Student Conduct Administrator has determined sufficient information exists to hold a *conference* to determine whether a student (or students) has violated a *rule* (or *rules*).

24.1.4. The term “**complainant**” means any person who submits information indicating that a *student* may have violated the Student Conduct Code. Information brought forth by the complainant may result in an *investigation*.

24.1.5. The term “**faculty member**” means any person hired by the *University* to conduct classroom, teaching, or research activities or who is otherwise considered by the *University* to be a member of its faculty.

24.1.6. The term “**conference**” means a process which provides an opportunity for an accused *student* to respond to specific *charge* or charges. The purpose of a *conference* is to determine whether there is a preponderance of evidence to support the charges and if so, to determine the appropriate *sanction* or sanctions. Only information presented during the *conference* can be used

to determine if there is a finding of responsibility.

24.1.7. The term “**investigation**” means the follow through on a complaint to ascertain details and circumstances associated with the complaint. Investigations may result in *charges*, a form of alternative dispute resolution, or dismissal of complaint. This determination is made at the sole discretion of the Dean of Student Life and/or designee.

24.1.8. The term “**may**” is used in the permissive sense.

24.1.9. The term “**member of the University community**” includes any person who is a *student*, *faculty member*, *staff*, *University official* or any other person employed by the *University*.

24.1.10. The term “**organization**” means any number of people who meet any single or combination of the following criteria:

- belong to a group whose members are primarily Texas A&M University *students* including but not limited to academic, athletic, recreational, religious, performance, political, and social or similar groups, and/or
- have complied with the formal requirements for *University* recognition, and/or
- are advised by a *University official* whose position description designates them as an advisor, and/or
- are advised by a *University official* who has volunteered as an advisor, and/or
- live in close proximity to, for example, residence hall floors or wings, Corps outfit, Corps unit or Corps Special Activity, and/or
- are otherwise considered by the *University* to be an organization.

24.1.11. The term “**sanction**” includes responses or requirements given by the *University* to a *student* during a *conference* in response to a violation of a *rule*. *University* sanctions include all items listed in Section 27 of this Student Conduct Code.

24.1.12. The term “**shall**” is used in the imperative sense.

24.1.13. The term “**staff**” means any person who is employed by the *University* that is not defined as *faculty*.

24.1.14. the term “**student**” includes all persons who have accepted his/her offer of admission, and/or who are taking courses at the *University*, either full-time or part-time, pursuing undergraduate, graduate, or professional studies and who is either currently enrolled or was enrolled the previous semester and registered for a future semester. Persons who withdraw after allegedly violating the Student Conduct Code, or who are not officially enrolled for a particular term but who have a continuing relationship with the *University* are considered students. In addition, persons who are living in University residence halls and apartments, although not enrolled in this institution, are also considered “students”, for the purpose of enforcing this code.

24.1.15. The term “**Student Conduct Administrator**” means a *University* official authorized on a by the *Vice President for Student Affairs* or his/her designee to collect information, to initiate *charge* letters, articulate charges in conferences, present information to support *charges*, to conduct *conferences*, and to impose *sanctions* upon any student(s) found to have violated the

Student Conduct Code. The Vice President for Student Affairs or his/her designee may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator as the sole member, or one of the members of a Student Conduct Panel.

24.1.16. The term “**Student Conduct Panel**” means any person or persons authorized by the *Vice President for Student Affairs* or his/her designee to determine whether a *student* has violated the Student Conduct Code and to determine *sanctions* that may be imposed when a *rule* violation has been committed (or found responsible).

24.1.17. The term “**rule**” encompasses those behavior expectations contained in, but not limited to, the Student Rules, Residence Hall handbook, the Standard of the Corps of Cadets, and the University Computer Use and Resource Rules. These rules should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

24.1.18. the term “**university**” or “**institution**” means Texas A&M University.

24.1.19 the term “university official” means any person employed by the *University* to perform assigned administrative or professional responsibilities or who is otherwise considered by the *University* to be a University official.

24.1.20 the term “**University premises**” includes all land, buildings, facilities, and other property in the possession of or owned, leased, operated, supervised, used or controlled by the *University* (including adjacent streets and sidewalks)

24.1.21. The **Vice President for Student Affairs** is that person designated by the *University* President to be responsible for the administration of the Student Conduct Code. The Vice President for Student Affairs may assign his/her designee to meet these responsibilities.

24.2 Student Conduct Authority

24.2.1. The Vice President for Student Affairs or his/her designee shall develop procedures for the administration of the student conduct system and for the implementation of Student Conduct Conferences that are consistent with provisions of the Student Conduct Code.

24.2.2. The Vice President for Student Affairs or his/her designee shall determine the composition of Student Conduct Panel(s) and determine which Student Conduct Panel, Student Conduct Administrator and Appeal Panel shall be authorized to hear each matter.

24.2.3. Decisions made by a Student Conduct Panel and/or Student Conduct Administrator shall not be final until the appeal processes have been exhausted, waived, or time has expired.

24.3. Jurisdiction of the Student Conduct Code

The Student Conduct Code shall apply to conduct that occurs on University premises and/or at University sponsored activities or any other activity which adversely affects the University community and/or the pursuit of its objectives (mission). This action may be taken for either affiliated or non-affiliated activities.

The University may take action in situations occurring off university premises involving: student misconduct demonstrating flagrant disregard for any person or persons; or when a student's or student organization's

behavior is judged to threaten the health, safety, and/or property of any individual or group. Using his/her sole discretion, the Vice President for Student Affairs or his/her designee shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus, on a case by case basis.

This Student Conduct Code applies at all locations of the University, except those campuses who write their own student conduct code.

24.4 Rules and Regulations

Conduct standards at the University are set forth in writing in order to give students general notice of prohibited conduct. These rules should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Section 27. It shall not be a defense that a University official, student leader or other person authorized the behavior in question:

24.4.1. **Dishonesty.** Acts of dishonesty, including but not limited to the following:

- § Withholding material information from the University, misrepresenting the truth during a University investigation or student conduct conference, and/or making false statements to any University official
- § Furnishing false information to and/or withholding information from any University official, faculty member, or office.
- § Forgery, alteration, or misuse of any University document, record, or instrument of identification.
- § The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.

24.4.2. **Harassment.** Behavior that is severe, pervasive or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, verbal abuse, threats, intimidation, harassment, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic.

24.4.2.1. **Sexual Harassment.** (See Texas A&M University Policy on Sexual Harassment, Sec. 47)

24.4.2.2. **Racial and Ethnic Harassment.** (See Racial and Ethnic Harassment, Sec. 31)

24.4.2.3. **Stalking.** Any repeated conduct directed specifically at another person that causes that person [or a member of that person's family or household] to fear his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property.

24.4.3. Physical abuse. Any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.

The physical abuse rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

24.4.4. Theft/Vandalism. Unauthorized removal or stealing and/or attempted removal or stealing of property of a member of the University community or other personal or public property, on or off campus. This includes knowingly possessing such stolen property.

In addition, behavior that destroys, damages, or litters any property of the University, of a University community member, of another institution, or of another person, on or off campus (as permitted in section 24.3.) is prohibited under this rule.

24.4.5. Hazing. Any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment; and/or engaging in conduct which tends to bring the reputation of the organization, group, or University into disrepute for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as part of any activity of a recognized student organization, student group, Corps of Cadets, Corps outfit, Corps unit, or Corps Special Activities. Previously relied upon “traditions,” (including Corps, fraternity/sorority, or any other group or organization activity, practice or tradition) intent of such acts, or coercion by current or former student leaders of such groups, or former students will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

Examples of such behavior include but are not limited to:

- Misuse of authority by virtue of one’s class rank or leadership position
- Striking another student by hand or with any instrument
- Any form of physical bondage of a student
- Taking of a student to an outlying area and dropping him/her off
- Forcing a student into a violation of the law or a University rule such as indecent exposure, trespassing, violation of visitation, etc.
- Any form of “quadding”
- Having firsthand knowledge of the planning of such activities or firsthand knowledge that

an incident of this type has occurred and failing to report it to appropriate University officials (The Dean of Student Life and/or the University Police Department) is also a violation under this section.

Students who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Dean of Student Life and/or the University Police Department, will not be charged with a violation of the hazing rule.

The hazing rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 and/or Appendix VI of the Student Rules.

24.4.6. Failure to comply. Failure to comply with proper and lawful direction of any University official or law enforcement officer.

24.4.7. Failure to present identification. Failure to provide identification upon the request of a University official.

24.4.8. Breaching campus safety or security. This includes but is not limited to: Unauthorized access to University facilities; unauthorized entry to or use of University premises; intentionally damaging door locks; unauthorized possession of University keys or access cards; duplicating University keys or access cards; or propping open of exterior residence hall or other campus building doors; tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations, gas detectors, or emergency exits;

24.4.9. Violation of published University rules. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website. Such rules include, but are not limited to, Department of Residence Life contracts and rules, Corps of Cadets rules, University motor vehicle rules, rules relating to the use of student identification cards, entry and use of University facilities and dining hall conduct.

24.4.10. Violation of NCAA Regulations. Violations of any NCAA regulations.

24.4.11. Violation of law. Violation(s) of any federal, state or local law.

24.4.12. Drugs. The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled and/or prescribed substances and/or drug paraphernalia and/or dangerous drug is also prohibited. Individuals may not operate

a motor vehicle or another form of transportation while under the influence of drugs or while intoxicated.. (See [Appendix VII, Texas A&M University Drug Rules](#))

24.4.13. Alcohol. Alcohol use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly authorized by University regulations), is prohibited on Texas A&M University premises and University sponsored events. In addition, use, possession, or distribution of alcohol beverages while driving or riding in or on a vehicle on University premises is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. Individuals may not be in a state of public intoxication or drunkenness. Individuals may not operate a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol. . (See [Appendix VIII, Texas A&M University Alcohol Rules](#))

24.4.14. Weapons and explosives. Illegal or unauthorized use, possession of fireworks or explosive, other weapons, or dangerous chemicals on University premises or at any University-sponsored activity or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited. Illegal or unauthorized use or storage of any weapon. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Weapons may include, but are not limited to, all firearms, pellet guns, tasers, stunguns, slingshots, martial arts devices, switchblade knives and clubs.

24.4.15. Disruptive activity. Disruption or obstruction of teaching, research, administration, or other University activities (including public-service functions on or off campus) or of other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- Leading or inciting others to disrupt scheduled and/or normal activities on University premises.
- Classroom behavior that seriously interferes with either (a) the faculty member's ability to conduct the class or (b) the ability of other students to profit from the instructional program. (See Texas A&M University Rule on [Classroom Behavior, section 21](#) of this publication.)
- Any behavior in class or out of class, which for any reason interferes with the class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.
- Activity or conduct that violates the Texas A&M University Rules on Freedom of Expression (See [Appendix XI](#)).

24.4.16. Traffic obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised activities.

24.4.17. Disorderly conduct. Public behavior that is disruptive, lewd, or indecent; breach of peace; or aiding, or procuring another person to breach the peace at functions sponsored by the University or participated in by members of the University community.

24.4.18. Unauthorized recording. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her

effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom or recording administrative meetings with University officials. If a recording is made that captures a violation of the Student Rules or law, the Student Conduct Administrator may elect not to enforce this section of the Student Rules against the student making the recording.

24.4.19. Misuse of Computing Resources. Failure to comply with University regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access or invasion of privacy. Misuse and/or other abuse of computer facilities and resources including, but not limited to:

- Use of another individual's identification and/or password.
- Use of computing facilities and resources to send obscene or threatening messages.
- Use of computing facilities and resources in violation of copyright laws.

(see Appendix V, Individual Responsibility for Use of Computing Resources)

24.4.20. Sexual Misconduct.

24.4.20.1. Sexual abuse. Sexual abuse is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim. (see [Sexual Violence Response Protocol](#). Offices of the Dean of Student Life).

24.4.20.2. Sexual contact. Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent.

24.4.21. Animal Cruelty. Intentionally, knowingly, or recklessly torturing or in a cruel manner killing or causing serious bodily injury to an animal, failing to provide necessary food, water or care for an animal in the person's custody, abandoning unreasonably an animal in the person's custody, transporting or confining an animal in a cruel manner, causing bodily injury to any animal without the owner's consent, causing one animal to fight with another animal, or seriously overworking an animal. Intentionally, knowingly, or recklessly attacking, injuring or killing an assistance animal or inciting another to attack, injure or kill an assistance animal.

This policy is not intended to prohibit:

- Killing or injuring an animal within the scope of a person's employment or furthering the goals of legitimate educational curriculum as designed and approved by the University.
- Killing or injuring an animal when the actor had a reasonable fear of bodily injury to self or other person by that animal.

24.4.22. Abuse of student conduct process. Abuse of the student conduct processes including investigations, conferences, and appeals. Prohibited behavior includes, but is not limited to:

- Failure to obey the notice from a Student Conduct Panel, Student Conduct Administrator, and/or University official to appear for a meeting or conference as part of an official University disciplinary process.
- Falsification, distortion, or misrepresentation of information.
- Disruption or interference with the orderly conduct of an investigation, conference, or an appeal process.
- Intentionally initiating or causing to be initiated any false report.
- Attempting to discourage an individual's proper participation in, or use of, a student conduct process.
- Attempting to influence the impartiality of a member of a Student Conduct Panel prior to, and/or during the course of, the Student Conduct Panel proceeding.
- Verbal or physical intimidation, and/or retaliation of any party to the Student Conduct proceeding prior to, during, and/or afterwards.
- Committing a violation of University rules while serving a conduct probation or review status or failing to meet deadlines imposed in accordance with University rules.
- Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code system.

24.4.23. Complicity. Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to the same extent as completed violations.

24.5. Bias-Related Violations—Violations of 24.4 of this Student Conduct Code that are motivated by prejudice toward a person or group because of factors such as race, religion, ethnicity, disability, national origin, age, gender or sexual orientation may be assessed an enhanced sanction as prescribed in section 27 of this publication.

24.6. Violations of Law and University Discipline

The focus of inquiry in student conduct proceedings shall be the determination of whether a violation of University rules occurred. Student conduct proceedings shall be informal in nature and need not comply with the formal processes associated with the criminal and civil courts, nor shall deviations from prescribed process necessarily invalidate a decision or proceeding unless significant prejudice to the student or University may result.

Standards outlined by the University for students may be higher than those standards set for the general population. As each person is subject to multiple layers of expectations through the Federal, State, County and local governments, students are further expected to maintain a higher standard of behavior as members of the University community. Students failing to adhere to those standards may be subject to a University conduct process in addition to civil or criminal litigation should the behavior also be a potential violation of the law. The attempted analogy of student discipline to criminal proceedings against adults and juveniles is not sound.

Students may be charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this

Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of Vice President for Student Affairs or his/her designee.

Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Conduct Code, the University may advise off-campus authorities of the existence of the Student Conduct Code and of how matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus.



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