

## STUDENT CONDUCT AND DISCIPLINE

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### A. Purpose

The purpose of this policy is to provide students fair notice of conduct considered unacceptable at The University of Texas Permian Basin (UT Permian Basin) and which may be the basis for disciplinary action.

### B. Persons Affected

All students at UT Permian Basin.

### C. Definitions

All references to the dean of students below could be replaced by a designee that the dean of students designates to handle the responsibility of certain situations.

1. Referral: A written statement of the essential facts alleging a violation of this policy.
2. Administrative Disposition: A document signed by the student and dean of students that includes a statement of the disciplinary charges, the findings, the sanction and a waiver of the hearing procedures and possibly a waiver of appeals under Regents' *Rules and Regulations*, Rule 50101, Part 2, and any institutional rules regarding student discipline.
3. Business Day: Monday through Friday, excluding any day that is an official holiday recognized by the institution or when regularly scheduled classes are suspended due to emergent situations.
4. Campus: Consists of all real property, buildings, or facilities owned or controlled by UT Permian Basin or the University of Texas System.
5. Day: A calendar day, except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations.
6. Dean of students: The administrative officer or officers responsible for the administration of the disciplinary process, who may designate individual(s) to administer disciplinary cases under this policy.
7. Hearing Officer: A person or persons selected in accordance with procedures adopted by the institution pursuant to the recommendation of the chief student affairs officer to hear disciplinary charges, make findings of fact, and upon a finding of responsibility, impose an appropriate sanction(s).
8. Faculty member: A person who is employed by the University for the purpose of teaching a class and who has authority to assign grades for the class.
9. Student: A person who:
  - A. is currently enrolled at UT Permian Basin;
  - B. is accepted for admission or readmission to UT Permian Basin or an institution in the U.T. System;
  - C. has been enrolled at UT Permian Basin or an institution of the U.T. System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows;
  - D. is attending an additional program sponsored by the University while that person is on campus; or
  - E. has engaged in prohibited conduct at a time when they met the criteria of a, b, c, or d above.
10. University: The University of Texas Permian Basin.

### D. Free Speech

Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered prohibited conduct

under this Policy.

**E. Conduct Expected of Students**

All students are expected to obey federal, state, and local laws; the *Rules and Regulations* of the Board of Regents of The University of Texas System; the rules and regulations of The University of Permian Basin; and directives issued by an administrative official in the course of their duties. A student who enrolls at the University is charged with the obligation to conduct themselves in a manner compatible with the University's function as an educational institution; consequently, conduct which interferes with the use or utilization of University facilities by other persons may be sanctioned regardless of whether such conduct is specifically proscribed by the provisions of the Student Code of Conduct. Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal laws, disciplinary proceedings may be initiated against any student for any of the following acts or violations:

1. **Academic Dishonesty** is any form of cheating or plagiarism that violates the Student Code of Conduct. Academic dishonesty or scholastic dishonesty includes, but is not limited to cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair 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, and providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment), or the attempt to commit such an act.
  - A. **Cheating** is any form of dishonesty where a student attempts to give the appearance of a level of knowledge or skill that the student has not obtained. Cheating includes, but is not limited to:
    - a. copying from another person's or another student's work during an examination, test, or while completing an assignment;
    - b. 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, 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. possessing materials during a test which are not authorized by the person giving the test, such as class notes 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, offering money or other valuable things, either for personal use, the free use of others, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, any completed test, test key, homework solution or assignment, computer program, or other graded class material without expressed authority from the person or their designee approved by the University to administer the course;
    - g. collaborating with, allowing someone to copy from one's work, or seeking aid from another student during a test or other assignment without expressed authorization from the person or their designee approved by the University to administer the course;

- 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 that 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. paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program, or information about an unadministered test, test key, homework solution, or computer program;
  - l. falsifying research data, laboratory reports, and/or other academic work offered for credit;
  - m. taking, keeping, misplacing, or damaging the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
  - n. misrepresenting facts, including providing false grades or résumés, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially; and
  - o. attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed violations.
- B. **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, buying, receiving as a gift, or obtaining by any means another's work and the submission of said work as one's own academic work offered for credit. 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.
  - C. **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 scholastic dishonesty.
  2. **University System and Institutional Violations:** Any student who engages in a violation of any provision of the Regents' *Rules and Regulations* of the UT System or any rule or regulation of UT Permian Basin, including but not limited to those relating to on-campus housing, the registration of student organizations, and the use of University facilities or grounds is subject to discipline.
  3. **Local, State, or Federal Law Violations:** Any student who engages in a violation of any provision of federal, state, or local laws, whether or not the violation occurred on University property or in connection with any University-oriented activity is subject to discipline.
  4. **Non-compliance with University Officials:** Any student who fails to comply with any reasonable order or instruction of an official of the University or UT System acting in the course of their duties, including failing to identify him/herself and provide identification documentation to a University official when requested to do so, or providing false identification is subject to discipline.
  5. **Unauthorized Use of Property:** Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by UT Permian Basin or the UT System is subject to discipline.
  6. **Vandalism:** Any student who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by the University or the UT System is subject to discipline.
  7. **Altering of Official Documents:** A student who alters or assists in the altering of any official record of UT Permian Basin or the UT System; a student who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of UT Permian Basin or the UT System or institution may be subject to discipline. Any student who forges or alters any parking permit, traffic ticket, or parking ticket issued by the University or the UT System, 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, may be subject to discipline. A former student who engages in such conduct may be subject to a bar against readmission, revocation of degree, and withdrawal of diploma.
  8. **Firearms, Dangerous Materials, and Prohibited Items:** Unless authorized by federal, state, or local laws, or related to academic instruction or activity, any student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by State or federal law, while on campus or on any property or in any building or facility owned or controlled by UT Permian Basin or the UT System is subject to discipline. 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.
  9. **Health and Safety:** Any student who engages in 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 University or the UT System, or at any function, program, event, or assembly conducted, sponsored, supervised, or authorized by the University is subject to discipline. For the purpose of this policy, any person includes oneself.

10. **Hazing:** Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (*Texas Education Code* [Section 51.936](#) and [Sections 37.151-37.157](#)). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

“Hazing” means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;

- A. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
  - B. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
  - C. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation law; or
  - D. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection.
  - E. In an effort to encourage reporting of hazing, The University of Texas Permian Basin may grant immunity from student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution’s investigation of the incident. This immunity does not extend to the person’s own violation of hazing.
11. **Alcohol:** Any student who engages in unauthorized use, possession, or consumption of an intoxicating beverage in a classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate or intramural athletic facility, residence hall, or any other campus area is subject to discipline. However, with the prior consent of the President of the University, the foregoing provisions of this section may be waived with respect to any specific event sponsored by the institution. In addition, events scheduled in special use facilities may serve alcohol in accordance with state law and

University procedures governing such facilities. An exception to this provision is possession or consumption of alcohol in student housing facilities in accordance with state law and the community policy standards/regulations governing those 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. *In support of the Texas Alcoholic Beverage Commission, UT Permian Basin amnesty policy, affords amnesty to a student 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 under Subdivision (1); and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel.*

12. **Drugs:** Any student who engages in the use, manufacture, possession, sale, or distribution of illegal or controlled substances or the possession of drug paraphernalia is subject to discipline.
13. **Unauthorized Access to Artificial Bodies of Water and/or Damage to Other Property:** Any student who enters, walks, runs, lies, plays, remains, or is in the water of any fountain or other artificial body of water on the University campus that is not designed and maintained for recreational or therapeutic purposes; dumps, throws, places, or causes to be placed any material, object, trash, person, animal, waste, or debris in the water of any fountain or other artificial body of water located on the University campus; or damages, defaces, or removes any portion of any fountain, monument, building, statue, structure, facility, tree, shrub, or memorial located on the University campus (see Regents' *Rules and Regulations*, Rule 80110 for more information) is subject to discipline.
14. **Inciting Lawless Action:** Any student who, while on campus or at a campus related event, engages in conduct directed to inciting or producing imminent lawless action and may be likely to incite or produce such action is subject to discipline.
15. **Harassment:** Any student who, acting singly or in concert with others, engages in conduct that includes any action meant to harass, intimidate, bully or stalk another students may be subject to discipline. Some examples include:
  - A. Intentionally creating a situation to persistently annoy or produce unnecessary and undue mental or emotional discomfort, embarrassment, ridicule, or interference with scholarship or personal lives.
  - B. Intimidation of others such as to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, without displaying a weapon or subjecting the victim to actual physical attack.
16. **Stalking:** Any student who engages in a course of conduct directed at a specific person that involves repeated (two or more) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress is subject to discipline.
17. **Unauthorized Entry:** Any student who engages in the unauthorized use of property, including keys, equipment, resources, supplies, buildings, or facilities owned or controlled by the University or the UT System, including unauthorized entry into property, buildings, or facilities owned or controlled by UT Permian Basin or the UT System is subject to discipline.
18. **Prohibited Conduct during Suspension or Probation:** A student who receives a period of

suspension or probation as a disciplinary sanction is subject to further disciplinary action for engaging in prohibited conduct during the period of suspension or probation. Any unauthorized appearance on the campus after having been suspended or expelled from the University or any other component institution of the UT System for disciplinary reasons must have written approval of the dean of students or chief student affairs officer of the UT System institution at which the suspended or expelled student wishes to be present. In a request for such approval, the former student is required to disclose in writing each institution from which the individual has been suspended or expelled and the conduct leading to the disciplinary action.

19. **Failure to Notify:** Any student who fails to notify University authorities of personal knowledge of any violation of University policy is subject to discipline.
20. **False Report:** Any student making a charge of a violation of University policy against a member of the University community that is knowingly false is subject to discipline.
21. **False Information:** Furnishes false information to or withholds material information from any University official, faculty member, or staff member acting in the course of their duties is subject to discipline.
22. **Theft:** Any student who commits theft, steals, or takes unauthorized possession of any personal property of any community member or University property within the buildings or facilities owned or controlled by the University or the U.T. System is subject to discipline.
23. **Sexual Harassment and Misconduct:** UT Permian Basin is committed to the principle that the University's working and learning environment be free from inappropriate conduct of a sexual nature. Sexual harassment or sexual misconduct in any form will not be tolerated and individuals who engage in such conduct are subject to disciplinary action. UT Permian Basin's policy and procedures regarding sexual harassment and misconduct are delineated in the *Sexual Harassment and Sexual Misconduct Policy*.
24. **Disruptive Conduct:** Any student who, acting singly or in concert with others, 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 property or in a building or facility owned or controlled by the University or the UT System is subject to discipline. 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.
25. **Unauthorized Use of Institutional Technology:** Any student who engages in inappropriate or disproportionate use of an information technology resource owned or controlled by UT Permian Basin or the UT System or uses an information technology resource for an illegal, threatening, or intentionally destructive purpose is subject to discipline. 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, and using resources for personal financial gain or profit. Information Resources System usage violations include, but are not limited to, unauthorized system/network activity and unauthorized distribution or altering of programs and/or data.
26. **Failure to Identify:** 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 University, of the UT System, or a component institution.

27. **Inappropriate Conduct:** Any student who engages in conduct that is inappropriate for members of an academic institution is subject to discipline. Such conduct includes, but is not limited to pranks, 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.
28. **Pets:** Any student who has pets inside or around the buildings on the campus, except bona fide service animals, emotional support animals authorized by the ADA Officer for Students, and those permitted in accordance with the Housing Guide, are subject to discipline. Any student who fails to care for an authorized pet in a manner inconsistent with the provisions of the Housing Guide or Pet Policy is subject to discipline.
29. **Children:** Children should not be left unattended in any buildings or facilities owned or controlled by UT Permian Basin. Any student who leaves a child unattended may be subject to discipline.
30. **Retaliation:** Any student who retaliates in any way against an individual who has brought a complaint under this Policy (or other University policy) or participated in an investigation or disciplinary process of such complaint.
31. **Engaging in Gambling or Dishonesty:** Any student who engages in gambling on property, buildings, or facilities owned or controlled by the institution is subject to discipline.

#### **F. Investigations and Disciplinary Process**

It shall be the duty of the dean of students to investigate allegations that a student has engaged in conduct that violates Regent's Rules, the rules and regulations of the University of the UT System, and UT Permian Basin in the course of their authorized duties or any provisions of federal, state, and/or local laws. After completing a preliminary investigation, if the dean of students determines that such allegations are supported by the evidence, they may proceed with the disciplinary process, notwithstanding any action taken by other authorities. Before proceeding with disciplinary action, the dean of students will offer the student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.

If there is a more specific policy that specifies the procedures for investigation, such as the *Sexual Harassment/Sexual Misconduct policy*, that policy will govern; however, all the powers provided herein to the dean of students for investigations involving student witnesses, including summons, interim disciplinary action, and withholding transcripts, grades and degrees are delegated to the investigator designated in that policy. Student violations to the *Free Speech Policy* will follow the procedure in this Policy.

#### **G. Summons**

1. Allegations of misconduct will be investigated by the Dean.
  - A. A student may be summoned by written request of the dean or students for a meeting to discuss the allegations.
  - B. The written request may specify a place for the meeting and a time at least three weekdays after the date of the written request.
  - C. The written request may also direct the student to contact a specific person or office to set an appointment within a specified period of time.

- D. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student's University issued email address, or may be hand delivered to the student.
2. If a student fails to appear or respond without good cause as determined by the dean of students, the dean students may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the dean may proceed to implement the disciplinary process.
3. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.

#### **H. Interim Disciplinary Action**

1. Pending a hearing or other disposition of the allegations against a student, the dean may take such immediate interim disciplinary action as appropriate to the circumstances, including (a) suspension and bar from the campus when it reasonably appears to the dean 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; or (b) the withholding of grades, degree, or official transcript when such action is in the best interest of the University.
2. When interim disciplinary action has been taken, a hearing of the charges against the student will be held under the procedures specified in this section within 10 (ten) days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time or unless the student waives a hearing and accepts the decision of the dean in accordance with Subsection: Administrative Disposition of Charges.
3. When the dean determines that the administrative process of hearing process and any ensuing appeal will not be completed before the end of a semester or summer session, appropriate action may be taken to withhold the student's grades or degree pending final disposition of the disciplinary action.

#### **I. Administrative Disposition of Charges**

1. In any case where the accused student elects not to dispute the facts upon which the charges are based, but does not agree with the sanctions assessed by the dean, the student may execute a written waiver of the hearing procedures yet retain the right to appeal the decision only on the issue of penalty. The appeal must be in writing and submitted to the Office of the President within ten (10) business days of the dean's decision as specified in the appeal procedures in Section IX: Appeal Procedures.
2. In cases where a student is found in violation of the Sexual Harassment/Sexual Misconduct Policy, the case will proceed before a Hearing Officer unless both the accused and the accuser agree to the waiver of the hearing procedures. In any case involving a violation of the Sexual Harassment/Sexual Misconduct Policy, the accuser will be provided an equal opportunity to participate in the process.
3. The minimum penalty that may be assessed when a student admits illegal use, possession, and/or sale of a drug or narcotic on campus shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

#### **J. Faculty Disposition of Academic Dishonesty Cases**

1. UT Permian Basin permits faculty members to choose one of two options when resolving suspected issues of academic dishonesty:
  - A. Direct referral for the alleged infraction to the dean of students for resolution, or

- B. Completion of faculty disposition. This can occur in any case where the student does not dispute the facts and both the faculty member and student sign a form that includes a sanction and a written waiver of the hearing and appeal procedures.
2. Both a direct referral and a faculty disposition are reported using the Faculty Referral/Faculty Disposition Form.
3. A disciplinary sanction or sanctions may be recommended by the faculty member when the student admits to committing an act of scholastic dishonesty. Additional sanctions may be imposed by the dean of students.
4. In extraordinary circumstances, if the sanction issued in a faculty disposition falls well outside the general scope of sanctions issued in similar cases, the dean of students may communicate with the faculty member to discuss a different sanction.

**K. Hearing Process**

1. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial Hearing Officer. In sexual harassment/sexual misconduct cases, the alleged victim may pursue an appeal under the same procedure as the accused student. An appeal shall be in accordance with the following procedures. In any case involving a violation of the Sexual Harassment/Sexual Misconduct Policy, the accuser will be provided the same rights and responsibilities outlined in this section as the accused including the right to have notice of the hearing.
2. Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least seven days written notice of the date, time, and place of such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s). The notice shall be delivered in person to the student, emailed to the student's University issued e-mail or mailed to the student 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 the mailing, excluding any intervening Sunday. The date for the hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and dean. A request for postponement must be in writing, must state the reason for the postponement, and must be delivered to the Hearing Officer through the dean of students at least three days prior to the date for the hearing. If the student fails to appear for the hearing, the hearing may be held in their absence.
3. The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the dean of students at least three days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself, a substitute will be appointed by the dean of students.
4. Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
5. Upon a hearing of the charges, the dean has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
6. To avoid issues concerning invasion of the accused student's right of privacy and the unauthorized disclosure of information records protected by the federal Family Educational Rights and Privacy Act of 1974, the hearing should be closed to everyone except the dean, the accused student, the advisor of the accused student, the Hearing

Officer, witnesses providing testimony, and the person making the record of the hearing. Because witnesses should testify from personal knowledge and without regard to what other witnesses may say, no potential witnesses other than the dean and the accused student may be present in the hearing room until called to give testimony.

7. 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 UT System. The Hearing Officer shall render and send to the dean and the accused student a written decision that contains findings of fact and a conclusion as to the responsibility of the accused student. Upon a conclusion of guilt, the Hearing Officer shall assess a penalty or penalties specified in this policy. Upon a finding of responsibility for the illegal use, possession, or sale of a drug or narcotic on campus shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.
8. The dean of students and the accused student shall be assured the following rights:
  - 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 documents to be introduced at the hearing at least five days prior to the hearing.
  - B. Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the advisor of the dean may be an attorney from the Office of General Counsel of the UT System. An advisor may confer with and advise the dean or accused student but shall not be permitted to question witnesses, introduce evidence, make objections, give testimony to a witness, or present argument to a Hearing Officer. In sexual harassment/sexual assault cases, the complainant 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, in addition to such other rights and protections as may be required by law or by university or UT System policy or procedures.
9. The dean may recommend a penalty to be assessed by the Hearing Officer. The recommendations may be based upon past practice of the institutions or violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the dean. The accused student shall be entitled to respond to the recommendations of the dean.
10. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. If, at the request of the Appeal Official, the University transcribes the recording of the hearing, the accused student and the dean will be furnished a copy of transcript.
11. The hearing shall proceed generally as follows:
  - A. The dean reads the statement of charges and introduces the notice letter as evidence;
  - B. The dean presents evidence in support of the charges;
  - C. The accused student presents his or her defense;
  - D. The dean and the accused student present rebuttal evidence;
  - E. The dean makes a closing argument summarizing the evidence and recommending a penalty to be imposed in the event the Hearing Officer finds the accused student responsible of the charges;

- F. The accused student makes a closing argument summarizing the evidence and responding to the recommendations regarding penalty;
- G. The dean makes a final argument;
- H. The Hearing Officer adjourns the hearing, deliberates, makes findings of fact, and decides the issue of responsibility and assesses an appropriate sanction or sanctions in the event of a finding of responsibility;
- I. The Hearing Officer informs the dean and the accused student in writing of the decision and the sanction(s), if any.

L. Disciplinary Sanctions

- 1. The dean of students may withhold an official transcript, grade, diploma, or degree of a student alleged to have committed a violation of a rule or regulation of The University of Texas System or the University that would reasonably allow the imposition of such sanction. The dean of students may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights when, in the opinion of the dean of students, the best interests of the University or The University of Texas System would be served by this action. One or more of the following sanctions, as appropriate for the circumstances, may be assessed by the dean or by the Hearing Officer after a hearing in accordance with the procedures in this policy.
- 2. Written warning means that the student has been notified that they have engaged in behavior that violated a rule or regulation of The University of Texas Permian Basin or The University of Texas System and that a further violation or violations of the regulations may result in more severe disciplinary action. The dean of students or the hearing officer may impose conditions related to the offense, and failure to meet the condition(s) will be considered an additional violation.
- 3. Disciplinary probation is a specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further conduct that would violate a rule or regulation of The University of Texas Permian Basin or The University Texas System. A further violation or violations will result in consideration of suspension. The dean of students or the hearing officer may impose conditions, and failure to meet the condition(s) will be considered an additional violation.
- 4. Deferred suspension permits the sanction of suspension to be deferred for a student for whom there are mitigating circumstances as determined by the dean of students or the hearing officer. If a student is found to have violated any rule of the University or The University of Texas System while the sanction of deferred suspension is in effect, the sanction for such a violation may be immediate suspension except in extraordinary circumstances as deemed appropriate by the dean of students. The dean of students or the hearing officer may impose conditions related to the offense, and failure to meet such conditions will be considered an additional violation.
- 5. Suspension from the University prohibits the student on whom it is imposed, during the period of suspension, from entering the University campus without prior written approval of 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.
- A. Suspension is noted on the official transcript during the term of suspension and shall remain until all conditions of the suspension are met. The notation can be removed upon the request of the student but only after the student's successful completion of the terms of the suspension. The request for the removal of the transcript notation of suspension should be directed to the dean of students.

- B. Suspension may also prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present.
  - C. The dean of students may permit the student to receive credit for academic work completed at another institution during the period of suspension, except in cases where suspension is imposed for academic dishonesty. The dean of students or the hearing officer may impose additional conditions or sanctions related to the alleged offense, and failure to meet such conditions or terms of the sanction will be considered an additional violation.
6. 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 or chief student affairs officer.
    - A. Expulsion may prohibit the student from being admitted to, enrolling at, or entering the campus of another component institution of The University of Texas System without prior written approval of the chief student affairs officer of the institution at which the student wishes to be present.
    - B. A permanent notation of expulsion will also be placed on the student's official transcript.
  7. Restitution is reimbursement for damage to or misappropriation of University property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. Other than in extraordinary circumstances deemed necessary by the dean of students, the University will not facilitate restitution between individuals for conduct-related occurrences.
  8. Suspension of rights and privileges is an elastic sanction. The dean of students or the hearing officer may impose limitations to fit the particular case, as in the suspension of rights and privileges to enter or reside in student housing facilities. Suspension of eligibility for official athletic and nonathletic extracurricular activities prohibits the student on whom it is imposed, during the period of suspension, from joining a registered student organization; from taking part in a registered student organization's activities or attending its meetings or functions; and from participating in an official athletic or nonathletic extracurricular activity. Suspension of the right and privilege to park and drive on campus prohibits the student on whom it is imposed, during the period of suspension, from obtaining a parking permit or operating a motor vehicle on any roadway of the University campus.
  9. As appropriate under the circumstances, the dean of students or the hearing officer may impose a bar against the student's readmission or enrollment, may drop the student from one or more classes, or may withdraw the student from the University or from a period of enrollment. This bar may be temporary or permanent in nature. One or more of these sanctions may also be imposed on a student who fails to respond to a summons by the dean of students to discuss an alleged violation of the Regent's *Rules and Regulations*, University regulation, administrative rules, or the University's expectations of conduct. If imposed for failure to respond to a summons, the sanction or sanctions may be reversed when the student responds to the summons as requested.
  10. A failing grade or other academic sanction, including but limited to reduced credit on an assignment or in a course, may be assigned to a student for a class in which they are found to have violated the University's regulations regarding scholastic dishonesty.
  11. Educational programs or activities may be assigned to expand the student's understanding of the regulation or policy and/or to help the student learn more about themselves in relation

- to the policy or violation.
12. A student may be assigned to complete hours of community service at a registered non-profit agency of their selection or on the campus of UT Permian Basin.
  13. Pursuant to federal exemptions of the Family Educational Right to Privacy Act, the dean of students may contact parents for students found responsible for alcohol or drug related violations.
  14. Other sanctions as may be deemed appropriate.

#### **M. Appeal Procedures**

1. A student may appeal a disciplinary penalty assessed by the dean or Hearing Officer. Either the dean or the student may appeal the decision of the Hearing Officer after a hearing. An appeal shall be in accordance with the following procedures:
  - A. Written notice of appeal must be delivered to the President or their designee (Hereafter Appeal Official), via email within seven (7) days after the appealing party has been notified of the penalty assessed by the dean or the decision of the Hearing Officer. An appeal of the penalty assessed pursuant to this policy will be reviewed solely on the basis of the written argument of the student and the dean.
2. The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The record from the hearing shall consist of the recording of the hearing, the documents admitted in evidence, and the written decision of the Hearing Officer. The dean shall be responsible for filing the record from the hearing with the Appeal Official. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the President within fourteen days after notice of appeal is given. Both parties may, at the discretion of the Appeal Official, present oral argument in an appeal of the decision of the Hearing Officer.
3. The Appeal Official may request that the recording of the hearing be transcribed. A copy of the transcription shall be provided to the dean and the student.
4. Upon consideration of the appeal, The President may:
  - A. Approve, reject, or modify the decision in question.
  - B. Require that the hearing be reopened for the presentation of additional evidence and reconsideration of the decision.
  - C. Modify the sanction to make it more or less severe.
5. The action of the Appeal Official 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.
6. Notice of appeal timely given by a student appellant suspends the imposition of penalty until the appeal is finally decided, but interim action appropriate to the circumstances may be taken pending final disposition of the appeal. Such action may include bar from University buildings, facilities, and property, the withholding of grades, degrees, or official transcripts.

#### **N. Disciplinary Records**

1. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with "Disciplinary Suspension" or "Expulsion" as appropriate. Each institution shall maintain a permanent written disciplinary record for respondent assessed a sanction of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma.
2. The hearing record, notice of appeal, and all documentation, including written arguments,

that contain information that makes the student identifiable shall not be subject to disclosure except upon request of the student or in accordance with applicable state or federal laws or court order or subpoena.

3. The University shall maintain a permanent written disciplinary record for every respondent assessed a penalty 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 years, and disciplinary records required by law to be maintained for a certain period of time, i.e. Clery violations, shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated penalties. The disciplinary record of other penalties shall be maintained for such as period of time as determined by the dean. A disciplinary record shall reflect the name of the student involved, the nature of the charge, the disposition of the charge, the penalty assessed, and such other information as may be deemed pertinent. This disciplinary record shall be maintained separately from the student's academic record, shall be treated as confidential, and shall not be accessible to or used by anyone other than the dean, except upon written authorization of the student or in accordance with applicable State or federal laws or court order or subpoena.

**O. Transcript Notation and Disciplinary Record**

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 in the institution or the institution determines that good cause exists to remove the notation, the notation can be removed upon the request of the student.

**P. Notification of the Registrar**

1. The dean of students shall notify the registrar when one of the following penalties is assessed in a disciplinary case:
  - A. Withholding of grades, official transcripts, or degree
  - B. Bar against readmission;
  - C. Drop from enrollment;
  - D. Failing grade;
  - E. Denial of degree;
  - F. Suspension from the University and transcript noted accordingly;
  - G. Expulsion from the University and transcript noted accordingly;
  - H. Revocation of degree and withdrawal of diploma
  - I. The registrar shall make such entries upon or corrections to the academic record as required to comply with the assessed penalty but shall make no permanent notation upon the academic record to indicate that any disciplinary action has been taken.

**Q. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

1. University of Texas System Board of Regents' Rules and Regulations Rule 50101, Student Conduct and Discipline
2. Student Conduct and Discipline OGC Model Policy
3. Sexual Harassment and Sexual Misconduct Policy
4. Consensual Relationship Policy