

Texas A&M International University

# Student Handbook

2022-2023



### **Our Mission**

Texas A&M International University (TAMIU), a Member of The Texas A&M University System, prepares students for leadership roles in an increasingly complex, culturally diverse state, national, and global society. TAMIU provides a learning environment built on a solid academic foundation in the arts and sciences. The University offers a range of baccalaureate and master's programs and the Doctor of Philosophy degree in International Business Administration. In addition, the University pursues a progressive agenda for global study and understanding across all disciplines.

Through instruction, faculty and student research, and public service, TAMIU improves the quality of lives for citizens of the border region, the State of Texas, and national and international communities.

### **Our Institutional Vision**

TAMIU aspires to become a premier international university, serving as the agent of change for the people of the region, the nation, and the world through multicultural teaching, research, and service.

### **Our Institutional Values**

**Respect** – Respect for individual, their points of view and their diverse backgrounds.

**Integrity** – Model ethical standards of personal and professional behavior.

**Service** – Serve the University, regional, national, and international communities.

**Excellence** – Strive for the highest quality in all endeavors.

## **Alma Mater**

### **A Song for Texas A&M International University**

Near to Rio Grande's waters, stately towers above the plain,  
Stands our noble Alma Mater, wisdom raised for all to gain.

Binding nations, hearts and visions, aspirations ever new,  
Hail to Thee, our Alma Mater!  
Hail to Thee, dear TAMIU!

Here, 'neath sun and gentle breezes, dove and deer lodge safely by,  
May Thy children, safe in wisdom, flourish ever 'neath Thy sky.  
Pledge we faith and homage ever, joined in our diversity,  
May time ne'er efface the memory of our University!

Binding nations, hearts and visions, aspirations ever new,  
  
Hail to Thee, our Alma Mater!  
Hail to Thee, dear TAMIU!

Lyrics by Ray M. Keck, III, Ph.D., President

### **TAMIU Fight Song**

Go! Dustdevils! South Texas shining pride.  
Go! Dustdevils, with spirit from inside!  
Fight! Fight! Fight!  
Go! Dustdevils, we'll always stand by you.  
Let's go Dustdevils, the pride of TAMIU!  
Fight! Fight! Fight!  
T!...A!...M-I-U!  
TAMIU!  
Dustdevils!  
Go... Fight!

Composed by Michael Bryan Parker (1965-2022)

## TABLE OF CONTENTS

<b>ARTICLE 1. PURPOSE OF THE STUDENT HANDBOOK</b>	7
<b>ARTICLE 2. STUDENT RIGHTS AND RESPONSIBILITIES</b>	7
<b>Section 2.01 Preamble</b>	7
<b>Section 2.02 The Texas A&amp;M University System Policies</b>	8
<b>Section 2.03 Student Rights (System Policy 13.02)</b>	8
<b>Section 2.04 Students' Responsibilities (System Policy 13.02)</b>	8
<b>Section 2.05 Freedom of Access to Higher Education</b>	9
<b>Section 2.06 Freedom in the Class</b>	9
<b>ARTICLE 3. GENERAL UNIVERSITY INFORMATION</b>	10
<b>Section 3.01 Higher Education Opportunity Act of 2008 and Student Right-To-Know</b>	10
<b>Section 3.02 Family Educational Rights and Privacy Act (FERPA)</b>	10
<b>Section 3.03 Official University Notifications</b>	10
<b>Section 3.04 Emergency Notification</b>	11
<b>Section 3.05 Identification Cards</b>	11
<b>Section 3.06 Financial Obligations</b>	11
<b>Section 3.07 Attendance Policy</b>	12
<b>Section 3.08 Student Leave of Absence</b>	12
<b>Section 3.09 Faculty/Staff Contact Information</b>	12
<b>Section 3.10 Copyright</b>	12
<b>Section 3.11 Risk, Fraud, Waste, Abuse, and Misconduct Hotline</b>	12
<b>Section 3.12 Solicitation</b>	13
<b>Section 3.13 Campus Parking and Non-Motorized Vehicles</b>	14
<b>Section 3.14 Pets</b>	14
<b>Section 3.15 Housing and Residence Life</b>	15
<b>Section 3.16 Recognized Student Organizations</b>	15
<b>Section 3.17 Hazing</b>	15
<b>Section 3.18 Expressive Activity on Campus (TAMIU Rule 08.99.99.L1)</b>	17
<b>Section 3.19 Student Report and Complaint Process</b>	17
<b>Section 3.20 Behavioral Assessment Intervention Team (BAIT)</b>	17
<b>Section 3.21 Administrative Response to Distress or Disruptive Behavior</b>	18

<b>Section 3.22 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act</b>	18
<b>Section 3.23 Civil Rights Protections and Compliance (System Policy 08.01)</b>	18
<b>Section 3.24 Campus Sex Crimes Prevention Act</b>	19
<b>Section 3.25 Pregnancy and Parenting</b>	19
<b>Section 3.26 HIV/AIDS</b>	20
<b>Section 3.27 Bystander Provision</b>	20
<b>Section 3.28 Student Travel</b>	20
<b>Section 3.29 TAMU Rules and Standard Administrative Procedures (SAP)</b>	21
<b>Section 3.30 Academic Catalog</b>	21
<b>ARTICLE 4. CLASSROOM BEHAVIOR &amp; ACADEMIC DISPUTES</b>	21
<b>Section 4.01 Classroom Behavior</b>	21
<b>Section 4.02 Disputes over Academic Matters</b>	22
<b>Section 4.03 Grievances Against Faculty</b>	24
<b>ARTICLE 5. HONOR PLEDGE</b>	25
<b>ARTICLE 6. THE STUDENT CODE OF CONDUCT AND STANDARDS</b>	26
<b>Section 6.01 Philosophy Statement</b>	26
<b>Section 6.02 Definitions</b>	26
<b>Section 6.03 Student Conduct Authority</b>	30
<b>Section 6.04 Jurisdiction of the Student Code of Conduct</b>	30
<b>Section 6.05 The Standards of Conduct</b>	30
<b>Section 6.06 Prohibited Behavior</b>	31
<b>ARTICLE 7. ACADEMIC CONDUCT</b>	38
<b>Section 7.01 Violations of Academic Conduct</b>	38
<b>ARTICLE 8. STUDENT CONDUCT DISCIPLINARY PROCEDURES</b>	40
<b>Section 8.01 Right to File Grievance Against Students</b>	40
<b>Section 8.02 Process</b>	41
<b>Section 8.03 Standard of Proof: Preponderance of the Evidence</b>	41
<b>Section 8.04 Good Cause Provision</b>	41
<b>Section 8.05 Amnesty</b>	41
<b>Section 8.06 No Contact Orders (No Communication Order)</b>	42
<b>Section 8.07 Advisor Role During Student Conduct Proceedings</b>	43
<b>Section 8.08 Sex-Based Grievances and Disciplinary Procedures</b>	43

<b>ARTICLE 9. STUDENT CONDUCT PROCEEDING</b>	43
<b>Section 9.01 Investigation Process</b>	44
<b>Section 9.02 Interim Actions</b>	44
<b>Section 9.03 Notice of Administrative Hearing</b>	45
<b>Section 9.04 Administrative Hearing</b>	45
<b>Section 9.05 Findings</b>	46
<b>Section 9.06 Notification of Outcomes</b>	47
<b>Section 9.07 Right to an Appeal (non-academic)</b>	47
<b>Section 9.08 Bases for an Appeal</b>	47
<b>Section 9.09 The Appeals Panel</b>	48
<b>Section 9.10 Appeal Request Review</b>	48
<b>Section 9.11 UDAP Appeal Decision</b>	48
<b>Section 9.12 Failure to Complete Sanctions</b>	49
<b>Section 9.13 Disciplinary Sanction Review Request</b>	49
<b>ARTICLE 10. ACADEMIC CONDUCT PROCEEDINGS</b>	50
<b>Section 10.01 Honor Council Mission Statement</b>	50
<b>Section 10.02 Essential Functions of the Honor Council</b>	50
<b>Section 10.03 Membership of the Honor Council</b>	51
<b>Section 10.04 Responsibility of Honor Council</b>	52
<b>Section 10.05 The Role of the Chair and Vice-Chair</b>	52
<b>Section 10.06 The Role of the Office of SCCE</b>	52
<b>Section 10.07 Faculty, Administrators and Staff Reporting of Honor Code Violations</b>	53
<b>Section 10.08 Responsibilities of Faculty</b>	53
<b>Section 10.09 Responsibility of Academic Administrators and Staff</b>	54
<b>Section 10.10 Student Reporting Academic Violation</b>	54
<b>Section 10.11 Student Reporting Formats</b>	55
<b>Section 10.12 The SCCE Process</b>	55
<b>Section 10.13 Student Advisor</b>	56
<b>Section 10.14 Academic Violation Process</b>	56
<b>Section 10.15 Sanctions for Violations of the Honor Code</b>	57
<b>Section 10.16 Grade Sanctions</b>	58
<b>Section 10.17 General Sanctions</b>	58
<b>Section 10.18 Appeal to Honor Council of Academic Charge</b>	60

<b>Section 10.19 Appeals of Faculty Findings</b>	60
<b>Section 10.20 Honor Council Findings</b>	60
<b>Section 10.21 Appeal to Provost of Honor Council Decisions</b>	61
<b>Section 10.22 Appeal of Sanctions other than Separation from the University</b>	61
<b>Section 10.23 Appeal of Separation from the University</b>	61
<b>ARTICLE 11. SANCTIONS</b>	62
<b>ARTICLE 12. NOTIFICATIONS AND DISCLAIMERS</b>	64
<b>Section 12.01 Disciplinary Hold</b>	64
<b>Section 12.02 Handbook Subject to Change</b>	64
<b>Section 12.03 Case Information and Confidentiality Procedures</b>	64
<b>Section 12.04 Record Retention</b>	64
<b>Section 12.05 Student Disciplinary Background Checks and Certifications</b>	65
<b>Section 12.06 Transcript Notation</b>	65
<b>Section 12.07 Parent Notification</b>	65
<b>Section 12.08 Standing with the University due to Disciplinary Reasons</b>	66
<b>ARTICLE 13. APPENDICES</b>	67
<b>Appendix A: Attendance Rule</b>	67
<b>Appendix B: Leave of Absence (LOA) Rule</b>	69
<b>Appendix C: Student Grievance Process</b>	74
<b>Appendix D: Amnesty</b>	79
<b>Appendix E: Civil Rights Procedures and Further Information</b>	83
<b>Appendix F: Administrative Response to Distress or Disruptive Behavior</b>	85
<b>Appendix G: TAMIU Rule 08.99.99.L1, Expressive Activity on Campus</b>	87

## **ARTICLE 1. PURPOSE OF THE STUDENT HANDBOOK**

TAMIU provides undergraduate and graduate level course work in the four colleges (College of Arts and Sciences (COAS), College of Education (COED), College of Nursing and Health Sciences (CONHS), and University College (UC) and two schools (A.R. Sanchez, Jr. School of Business and Graduate School) of the University. In the tradition of American higher education, TAMIU transmits and creates knowledge, provides an opportunity for the personal growth and development of individuals, supports the spirit of free inquiry, and contributes to the improvement of its surrounding society. The University recognizes its special obligation to serve the higher education needs of South Texas, while serving the larger communities of Texas, the United States, and the world.

It is the responsibility of the administration, faculty, staff, and students to be aware of and abide by all approved policies, procedures, rules, and regulations set forth by The Texas A&M University System Board of Regents that are posted on the System website or that are disseminated through handbooks and manuals to all component campuses that make up The Texas A&M University System (TAMUS). The TAMIU Student Handbook, which contains a description of the rights and responsibilities of all students enrolled at this institution, is posted on the University [website](#) for quick reference and easy access to students, faculty, and staff.

This Handbook does not constitute a contract, express or implied, between TAMIU and any current or prospective student. TAMIU reserves the right to amend, add, or delete any information in this Handbook without prior notice. It should be noted that all students are responsible for keeping abreast of any changes in regulations and/or procedures that may have bearing on their enrollment at TAMIU.

## **ARTICLE 2. STUDENT RIGHTS AND RESPONSIBILITIES**

### **Section 2.01 Preamble**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop critical judgment and to engage in sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom,



on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community.

### **Section 2.02 The Texas A&M University System Policies**

TAMIU is a part of TAMUS and is required to follow all System policies and procedures as set forth by TAMUS. <http://www.tamtu.edu/compliance/TAMIURulesSAPs.shtml>.

Students are expected at all times to recognize constituted authority, to conform to the ordinary rules of good conduct, to be truthful, to respect the rights of others, to protect private and public property, and to make the best use of their time toward an education.

### **Section 2.03 Student Rights (System Policy 13.02)**

1. A student has the right to participate in a free exchange of ideas. TAMIU encourages students to exercise their rights of freedom of speech, expression, petition, and peaceful assembly, as set forth in the Texas and United States Constitutions while imposing reasonable time, place, and manner restrictions on activities of expression and/or dissent.
2. Each student has the right to participate in all areas and activities of the University, free from any form of discrimination, including harassment, on the basis of race, color, national origin, religion, sex, disability, age, gender identity, sexual orientation, genetic information, or veteran status in accordance with applicable federal and state laws.
3. A student has the right to personal privacy except as otherwise provided by law, and students and University authorities will observe this alike.
4. Each student subject to disciplinary action arising from violations of University Student Code of Conduct shall be assured a fundamentally fair process. All student conduct hearings will be determined on a preponderance of the evidence standard.

### **Section 2.04 Students' Responsibilities (System Policy 13.02)**

1. A student has the responsibility to respect the rights and property of others, including other students, the faculty and the administration.
2. A student has the responsibility to be fully acquainted with the published University Student Code of Conduct and to comply with the Code and local, state and federal law.
3. A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.

## **Section 2.05 Freedom of Access to Higher Education**

TAMIU is committed to providing an educational and work environment that is conducive to the personal and professional development of every student. TAMIU is responsible for providing an equal opportunity environment and is accountable for creating an atmosphere that values and nurtures community, respect and accessibility.

TAMIU is committed to serving the State's students and citizens through education, leadership development, research and service. TAMIU does not discriminate or permit harassment or retaliation on the basis of race, color, national origin, religion, age, sex, gender identity, sexual orientation, genetic information, disability, or veteran status.

TAMIU will investigate all grievances of discrimination, and retaliation in accordance with applicable laws, *Texas A&M University System Policies and Regulations*, University Rules and Procedures, and this Code.

Students are entitled to pursue an education free of improper interference. Any person who engages in improper interference or disruption is subject University disciplinary action and/or legal action.

## **Section 2.06 Freedom in the Class**

The professor, in the classroom and in conference, will encourage free discussion, inquiry, and expression. Student performance will be evaluated solely on the basis of academic standards enumerated in the learning outcomes and objectives of a course or program and not on opinions or conduct in matters unrelated to those standards.

Protection of Freedom of Expression: Students are free to take reasoned exception to the data or views expressed in any course of study and to withhold judgment about matters of opinion, but they are responsible for learning the content of any course or program in which they are enrolled.

Students have the right to be evaluated for their participation and work in the classroom in accordance with the parameters indicated in the course syllabus. A syllabus will be provided online or in print to each student at the first-class meeting. In the event that the student believes that they have not been properly evaluated, the student may initiate an appeal as outlined in the TAMIU Faculty Handbook. An online version can be found by visiting: <http://www.tamtu.edu/senate/handbook.shtml>.

Protection Against Improper Disclosure: Information about student views, gender identity, sexual orientation, beliefs, and political associations, which professors acquire in the course

of their work as instructors, advisors, and counselors should not be improperly disclosed. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

### **ARTICLE 3. GENERAL UNIVERSITY INFORMATION**

#### **Section 3.01 Higher Education Opportunity Act of 2008 and Student Right-To-Know**

Federal regulations require the University to release specific information to the student body, visit the HEOA Disclosure Site for more information (<http://www.tamtu.edu/StudentConsumerInformation.shtml>).

#### **Section 3.02 Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that was put in place to protect the educational records of students. TAMTU, without consent of the student, may release information designated as Directory Information. In most cases, confidential information from a student's record cannot be released without prior written consent of the student.

Students who **do not want information to be released**, are responsible for notifying the Registrar in writing, or by completing the Request to [Withholding information Form](#) (PDF) during **the first week of class** to ensure that information is not released by the University. Students are responsible for requesting the release of their information once a request for withholding public information has been placed on record.

To learn more please visit <http://www.tamtu.edu/registrar/ferpa.shtml>, or call 956.326.2250 for more information. You can also visit the University Registrar located in Senator Judith Zaffirini Success Center room 121.

#### **Section 3.03 Official University Notifications**

All official communications from the University to TAMTU students will be distributed through the student's TAMTU (@dusty.tamtu.edu) email account. It is the responsibility of each student to activate their student email account and check that email account on a regular basis. Failure to keep up with TAMTU email is not an excuse for being unaware of announcements, deadlines, or other pertinent information sent to students. In addition, students are strongly encouraged to visit the University's website to keep abreast of official University news and information, important calendar items and special student engagement opportunities.

Contact the Office of Information Technology, located in the Cowart Hall 105, or call 956.326.2310 or visit: <http://www.tamiu.edu/oit/index.shtml>.

### **Section 3.04 Emergency Notification**

TAMIU utilizes a broad spectrum of platforms and devices as part of its Emergency Notification System. Primary to this effort is the DustyALRT Emergency Notification System which sends messages by email, text, social media and the University website. It is supplemented with active crawl notifications, on-campus digital signage, classroom notifications and a mass public address system on campus, if needed.

TAMIU will notify the campus community when it learns of a threat or situation that may pose an imminent danger to the community.

All faculty, staff and students are encouraged to register annually for the DustyALRT Emergency Notification System at <http://dustyalrt.tamiu.edu>. Please note that you will need to **renew your registration for DustyALRT on an annual basis** and will be notified when your renewal is due.

### **Section 3.05 Identification Cards**

The TAMIU OneCard is the official identification card for TAMIU students. The OneCard allows access to services, the Sue and Radcliffe Killam Library, computer labs, recreation center, other academic resources and University athletic events. The OneCard has a declining balance option called Dusty Dollars. Dusty Dollars are a convenient, cashless way to pay for goods or services on campus including in the campus bookstore and food service venues.

You may obtain your OneCard at Card Services located at the Senator Judith Zaffirini Student Success Center, room 131. For more information, please visit [www.tamiu.edu/onecard](http://www.tamiu.edu/onecard) or call 956.326.2877.

### **Section 3.06 Financial Obligations**

Students are expected to pay all financial obligations to the University when due. Failure to pay such obligations may result in transcript, final grade, and registration holds or dropped classes. Financial obligations include, but are not limited to, returned checks, returned check charges, lost or damaged library book charges, loss of or damage to instructional material or equipment, book loans, emergency loans, tuition and fees, installment loans, parking violations, and/or housing charges. Delinquent accounts are sent to a collection agency, and collection fees are an additional charge incurred by the student.

### **Section 3.07 Attendance Policy**

A vital part of every student's education is regular attendance of class meetings. Every faculty member keeps a current attendance record on all students. Absences may affect the quality of a student's work and grades.

To learn more about the Attendance Rule and specific excused absences, read Appendix A.

### **Section 3.08 Student Leave of Absence**

The Student Leave of Absence (LOA) rule assists and encourages students to return and graduate after an absence from TAMIU. Eligible students are encouraged to take advantage of the benefits provided by a LOA, e.g., a returning student need not apply for readmission to the University and may participate in their regularly scheduled registration/enrollment period upon return. Please note that re-admission to a college program may be required.

To learn more about the Student Leave of Absence (LOA) rule, read Appendix B.

### **Section 3.09 Faculty/Staff Contact Information**

TAMIU offers an online directory with useful information that provides phone numbers, emails and office location. A printable directory with all phone numbers is also available. Please visit <http://www.tamiu.edu/directory> for this information or call 956.326.2001.

### **Section 3.10 Copyright**

The Copyright Act of 1976 grants copyright owners the exclusive right to reproduce their works and distribute copies of their work. Works that receive copyright protection include published works such as a textbook. Copying a textbook without permission from the owner of the copyright may constitute copyright infringement. Civil and criminal penalties may be assessed for copyright infringement. Civil penalties include damages up to \$100,000; criminal penalties include a fine up to \$250,000 and imprisonment. To learn more, please visit **Error! Hyperlink reference not valid.**<http://www.copyright.gov> and refer to [TAMIU SAP 29.01.99.L1, Information Resources](#).

### **Section 3.11 Risk, Fraud, Waste, Abuse, and Misconduct Hotline**

Every TAMIU student shares the responsibility of promoting an ethical and safe environment. If you have factual information suggestive of unsafe, fraudulent, wasteful, abusive, or inappropriate activities involving any TAMIU employee, student, or other affiliate, we want you to report it. Examples of reportable issues include:

- Misuse of TAMIU Property, Information, Resources (*i.e., taking University property home for personal use; driving a University vehicle to run personal errands; using a University credit card to buy personal items*)

- Violations of Safety Rules or Environmental Laws
- Theft (*i.e., stealing or borrowing money*)
- Conflicts of Interest
- NCAA Violations
- Inappropriate Conduct
- Harassment
- Discrimination

Reports can be made using the Texas A&M University System risk, fraud, and misconduct hotline called *EthicsPoint* (<https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>). *EthicsPoint* is a telephone and web-based reporting system that is independently operated and available 24/7. Students can submit an anonymous report via the *EthicsPoint* link above (the link is also located at the bottom of all TAMIU webpages) by following the instructions under “Raise a Concern” or by calling toll free 1-888-501-3850. *EthicsPoint* reports are forwarded to the appropriate TAMIU official for action. If you have questions about *EthicsPoint*, please contact the Office of Compliance at 956-326-2855.

The State Auditor's Office investigates allegations of illegal acts including:

- Theft
- Forgery
- Tampering with a governmental record
- Securing execution of document by deception
- Misapplication of fiduciary property
- Conversion of funds
- Abuse of official capacity
- Gift to a public servant by a person subject to his or her jurisdiction
- Breach of computer security
- Organized crime
- Money laundering
- Bribery

Reports can be made to the Texas State Auditor’s Office by calling 1-800-892-8348 or submitting an online report at <https://sao.fraud.texas.gov>.

### **Section 3.12 Solicitation**

Persons interested in engaging in solicitation which may result in a sale or donation, on the TAMIU campus, whether the solicitation is personal, printed or electronic, must first receive permission from the Office of Community Relations and Special Events; additionally, students and student groups must also follow rules established by the Division of Student Success. Upon submission of the completed forms, the Office of the Vice President for Institutional Advancement will render a decision on the request. It is a violation for any person to solicit or sell to students without prior approval, as outlined by this section,

students who do not abide by the outlined process are subject to disciplinary action through the established conduct policies and procedures. The full solicitation policy is published in the TAMIU Standard Administrative Procedure (SAP) [21.99.09.L1.01](#).

For more information, contact Community Relations and Special Events at .956.326.2001 located in STC 271 or visit:

<http://www.tamtu.edu/compliance/documents/21.99.09.L1.01AccessToUniversityPropertyForSalesandSolicitationPurposes.pdf>.

### **Section 3.13 Campus Parking and Non-Motorized Vehicles**

Students are expected to comply with all applicable parking, traffic, and transportation laws, as well as System and University policies, rules, regulations, and procedures which are enforced 24 hours a day by the University Police. Parking permits are only required for designated reserved parking lots and spaces.

Non-motorized vehicles and wheeled devices: Bicycles and wheeled devices are permitted on campus; however, riders of these devices must yield the right-of-way to pedestrians at all times. Bicycles must be parked in bicycle racks available throughout campus. **No wheeled devices are permitted inside University buildings, residence halls and/or athletics courts/fields.** This provision shall not be construed to exclude or limit the use of wheelchairs or other medically prescribed/necessitated accessibility devices on campus.

Wheeled devices may not be used on railings, ramps, curbs, stairs/steps, benches or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities. Hover boards and similar motorized devices may not be charged anywhere on campus (indoors or outdoors).

For more information on parking regulations, visit:

<http://www.tamtu.edu/adminis/police/trfrgs.shtml>.

### **Section 3.14 Pets**

Pets are not allowed in campus buildings at any time. The only exceptions are:

1. Service Animals individually trained to do work or perform tasks that are directly related to the disability of an individual with a disability and,
2. Emotional Support Animals (ESA), defined as an animal that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability but does not have special training to perform tasks that assist people with disabilities.

- ESAs are permitted only in residential facilities for approved students with disabilities on a case-by-case basis. For requests to have an ESA in a residential facility, please contact the Office of Housing and Residence Life.

Pets may be allowed on campus grounds (but never in campus buildings) provided they are leashed or otherwise under the control of the owner and are not disruptive to campus activities, instructional or otherwise. Owners are responsible for cleaning up after their pets, and failure to do so may result in a citation. Unattended pets will be removed from University property and will be turned over to City of Laredo animal control authorities.

All Service Animals, Emotional Support Animals, and pets are required to have updated vaccinations as mandated by local and state law.

### **Section 3.15 Housing and Residence Life**

Housing and Residence Life provides a variety of on-campus living options. Students are expected to comply with all TAMIU rules and procedures, including those adopted to ensure the health and welfare of those who reside in, work in, or visit TAMIU housing.

For more information about Housing and Residence Life rules and community standards, visit: <http://www.americancampusresidents.com/residentiallearningcommunity>.

### **Section 3.16 Recognized Student Organizations**

Recognized Student Organizations are formed to further the common interest of their members and the University community. Organizations are open to all students to serve an essential component to the co-curricular programs at TAMIU. Recognized Student Organizations and their advisors are responsible for compliance with the Student Code of Conduct, State and federal laws. More information and guidelines concerning recognized student organizations are available in [\*The Leader\*](#), a guidebook published by the Office of Student Orientation, Leadership and Engagement (SOLE) or visit: <http://www.tamiu.edu/sole/>.

### **Section 3.17 Hazing**

Hazing is a crime under Texas Law. It is also prohibited under this Code. It is a violation of the Code (and of state law) to engage in hazing, or to otherwise solicit, encourage, direct, aid or attempt to aid another in engaging in hazing. It is also a violation to recklessly permit hazing by another to occur. A student who receives firsthand knowledge of the planning of a specific hazing incident or has firsthand knowledge that a specific hazing incident has occurred, has an affirmative responsibility to report the incident in writing to dean of students or another appropriate official of TAMIU. Notification will be provided to the University community as required by law.



Both failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in a death is a state jail felony. An organization found guilty of hazing may be fined \$5,000 to \$10,000 or, for incidents causing personal injury or property damage, an amount doubles the loss or expenses incurred because of the hazing incident.

It is not a defense to prosecution that the person hazed consented to the hazing activity.

A person reporting a specific hazing incident to the University is immune from civil and criminal liability unless the report is made in bad faith. This include immunity to student conduct charges.

State law does not limit or affect an education institution's right to enforce its own penalties against hazing.

The Education Code (Texas Education Code, Chapter 37) defines hazing as "any intentional, knowing, or reckless act occurring on or off the campus of an educational institution by one person or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization." The statute contains a list of conduct, which constitutes hazing.

Examples of hazing include, but are not limited to:

- a. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking should this be electric shocking, placing of a harmful substance on the body, or similar activities;
- b. Involves 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;
- c. Involves consumption of food, liquid, alcoholic beverages, drugs, or other substance which subjects the individual to risk of harm, or which adversely affects the mental or physical health or safety of the person;
- d. Any activity that involves coercing the student to consume a drug; an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
- e. Any activity that induces or requires the student to perform a duty or task, which involves a violation of the Penal Code.

**If you have knowledge of the planning or occurrence of a specific hazing incident, you must report it.** Students who learn of hazing should report it via the TAMIU ReportIt form available at [www.tamtu.edu/reportit](http://www.tamtu.edu/reportit) or:

- University Police Department, University Police Department building, 956. 326.2100 or for emergencies contact 956.326.2911
- Office of the Vice President for Student Success, University Success Center 224, 956. 326.2273
- Student Conduct and Community Engagement, Student Center 226, 956.326.2265
- Student Orientation, Leadership and Engagement (SOLE), Student Center 224, 956. 326.2280.

### **Section 3.18 Expressive Activity on Campus (TAMIU Rule 08.99.99.L1)**

The University respects the First Amendment right to freedom of speech, expression, petition, and peaceful assembly and may impose reasonable time, place, and manner restrictions on activities of expression and/or dissent.

For more information, please refer to [TAMIU Rule 08.99.99.L1, Expressive Activity on Campus](#) online or in this handbook (see Appendix G).

### **Section 3.19 Student Report and Complaint Process**

Consistent with our mission, TAMIU welcomes feedback about our rules, procedures, programs and services in order to make changes that contribute to student success, development, and goal attainment. TAMIU is committed to ensuring that students have access to appropriate rules and procedures for articulating concerns, as well as appealing University decisions.

TAMIU students must comply with the rules and procedures that have been established within the unit about which the concern is being filed. Generally, the procedures require that a student discuss the matter with the staff, faculty, or department in which the issue originated.

To learn more about the Student Complaint Process, read Appendix C.

### **Section 3.20 Behavioral Assessment Intervention Team (BAIT)**

The purpose of the Behavioral Assessment and Intervention Team (BAIT) is to review information and respond to students who may be in distress or whose conduct may be disruptive or harmful to the safety, health and well-being of the TAMIU community. Members of the University community may report concerns to [www.tamtu.edu/reportit](http://www.tamtu.edu/reportit).

### **Section 3.21 Administrative Response to Distress or Disruptive Behavior**

The University may assess, refer, or recommend treatment to students, as deemed appropriate. Students assessed with disruptive behavior may be withdrawn from the University.

To learn more about the Administrative Response to Distress or Disruptive Behavior, read Appendix F.

### **Section 3.22 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**

The Clery Act requires the public reporting of the following information:

- Campus security policies and procedures
- Security services available
- Campus crime statistics
- Reporting Campus Crime – How, Where and to Whom
- Crime prevention
- Alcohol and drug use policies, and
- Fire safety among other valuable information.

The Annual Security & Fire Report (ASFSR) is available on or before October 1 of each year to all current and prospective TAMIU students, faculty and staff. Notification of availability of the document is sent via University email and provides information on how to obtain a copy of the Crime Awareness and Campus Safety Report/ASFSR.

The ASFSR is available in hardcopy from the Department of Campus Safety and Planning , located in the University Police Department building, online at: <http://www.tamtu.edu/clery.pdf>, by mail/email: [clerycompliance@tamtu.edu](mailto:clerycompliance@tamtu.edu) or calling 956.326.3310.

### **Section 3.23 Civil Rights Protections and Compliance (System Policy 08.01)**

TAMIU does not discriminate or permit harassment against any individual on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity in admissions, educational programs, or employment. Students who experience or observe alleged or suspected discrimination should report to the TAMIU Director of Title IX and Civil Rights Compliance, Lorissa M. Cortez, 5201 University Boulevard, KLM 159B, Laredo, TX 78041, [TitleIX@tamtu.edu](mailto:TitleIX@tamtu.edu), 956.326.2857, via the anonymous electronic reporting website, *Report It*, at [www.tamtu.edu/reportit](http://www.tamtu.edu/reportit), and/or the Office of Civil Rights (Dallas Office), U.S. Department of Education, 1999 Bryan Street, Suite 1620, Dallas, TX 75201-6810, 214.661.9600.

Under Title IX of the Educational Amendments of 1972, sex discrimination includes unwelcome conduct on the basis of sex including sexual harassment, sexual assault, domestic violence, dating violence; definitions for these terms can be found in found in System Regulation 08.01.01, *Civil Rights Compliance* at <https://policies.tamus.edu/08-01-01.pdf>. TAMIU also prohibits all forms of sex-based misconduct which includes, but is not limited to sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Further information concerning TAMIU Civil Rights procedures can be found in Appendix E of this handbook and at <http://www.tamtu.edu/compliance/Title%20IX.shtml>.

### **Section 3.24 Campus Sex Crimes Prevention Act**

The Campus Sex Crimes Prevention Act is a federal law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or working or volunteering on campus. The Act requires sex offenders to provide notice to each institution of higher education in the State in which the person is employed, carries out a vocation, or is a student. The Act also requires that State procedures ensure this registration information is promptly made available to law enforcement agencies with jurisdiction where the institution of higher education is located and entered into appropriate State records or data systems. State procedures are outlined in Article 62.051 of the Texas Code of Criminal Procedure.

In compliance with State and federal law, information about registered sex offenders may be obtained through the Texas Department of Public Safety Sex Offender Database: <https://publicsite.dps.texas.gov/SexOffenderRegistry/Search>.

### **Section 3.25 Pregnancy and Parenting**

Under Title IX of the Education Amendments of 1972, harassment based on sex, including harassment because of pregnancy or related conditions, is prohibited. A pregnant/parenting student must be granted an absence for as long as the student's physician deems the absence medically necessary. It is a violation of Title IX to ask for documentation relative to the pregnant/parenting student's status beyond what would be required for other medical conditions. Students who experience or observe alleged or suspected discrimination due to their pregnant/parenting status, should report to the TAMIU Title IX Coordinator (Lorissa M. Cortez, 5201 University Boulevard, KLM 159B, Laredo, TX 78041, [TitleIX@tamtu.edu](mailto:TitleIX@tamtu.edu), 956.326.2857) and/or the Office of Civil Rights (Dallas Office, U.S. Department of Education, 1999 Bryan Street, Suite 1620, Dallas, TX 75201-6810, 214.661.9600). You can also report it on TAMIU's anonymous electronic reporting site, *Report It*, at [www.tamtu.edu/reportit](http://www.tamtu.edu/reportit).

TAMIU advises a pregnant/parenting student to notify their professor once the student is aware that accommodations for such will be necessary. It is recommended that the student and professor develop a reasonable plan for the student's completion of missed coursework or assignments. The Office of Compliance (Lorissa M. Cortez, [lorissam.cortez@tamiu.edu](mailto:lorissam.cortez@tamiu.edu)) can assist the student and professor in working out the reasonable accommodations. For other questions or concerns regarding Title IX compliance related to pregnant/parenting students, contact the Title IX Coordinator. In the event that a student will need a leave of absence for a substantial period of time, TAMIU urges the student to consider a Leave of Absence (LOA) as outlined in the TAMIU *Student Handbook*. As part of our efforts to assist and encourage all students towards graduation, TAMIU provides LOAs for students, including pregnant/parenting students, in accordance with the Attendance Rule and the Student LOA Rule. Both rules can be found in the TAMIU *Student Handbook*.

### **Section 3.26 HIV/AIDS**

TAMIU will not use a person's HIV status to make employment or admission decisions nor to determine how services are delivered, except as allowed by state or federal law. The University will not ask students if they are HIV positive. HIV positive students are allowed to attend class without restriction as long as the student is physically and mentally able to participate and perform assigned work and reasonably poses no health risk to others. Educational pamphlets are available, upon request, at Student Health Services located in Student Center 125 or call 956.326.2236.

### **Section 3.27 Bystander Provision**

TAMIU encourages and trains students to respond to others in a moment of need. Green Dot is a movement, a program, and an action. The aim of Green Dot is to prevent and reduce power-based violence at TAMIU by engaging students as active bystanders who step in, speak up, and interrupt potential acts of violence. The Green Dot movement is about gaining a critical mass of students, staff and faculty who are willing to do their small part of actively and visibly reduce power-based personal violence.

The best way to get involved with Green Dot and maximize your impact as an active bystander is to attend Green Dot Bystander Training. The training is free. At this training you will learn the skills of being an active bystander, examine your own barriers to taking action, and ultimately gain the ability to intervene early on in situations that could lead to violence. Visit: <http://www.tamiu.edu/compliance/TitleIX/greendot.shtml> for more information.

### **Section 3.28 Student Travel**

Student travel that includes both student organization(s) and non-student organization(s) traveling internationally or domestic, must submit paperwork via the Trailblazers webpage: <https://trailblazers.tamtu.edu/>. Proper documentation will be required to be submitted prior to travel taking place for approval. Please visit the [TAMU Rule 13.04.00.L1](#) to learn more about student travel.

For more information, please contact the [Office of Student Orientation, Leadership and Engagement](#) at 956.326.2280, the [Office of Environmental Health and Safety](#) at 956.326.2194, or the [Office of International Engagement](#) at 956.326.2282.

### **Section 3.29 TAMU Rules and Standard Administrative Procedures (SAP)**

All TAMU rules and SAP's are accessible from the [Office of Compliance webpage under the tab called TAMU Rules & SAP's](#). For more information, please contact the Office of Compliance at 956.326.2855.

### **Section 3.30 Academic Catalog**

The provisions of the TAMU Academic Catalog do not constitute a contract, express or implied, between any applicant, student, faculty, or staff member of the Texas A&M International University or Texas A&M University System. This catalog is for informational purposes only. The University reserves the right to change or alter any statement herein without prior notice. This Catalog should not be interpreted to allow a student that begins their education under the Catalog to continue the program under the provisions in the Catalog. For or more information, please visit. <https://www.tamtu.edu/catalog/>.

## **ARTICLE 4. CLASSROOM BEHAVIOR & ACADEMIC DISPUTES**

Behavior that interferes with the conduct of the class may result in disciplinary action.

### **Section 4.01 Classroom Behavior**

When a student's behavior in a class is disruptive to a degree that immediate action is warranted, the faculty member has the authority to have the student removed from the class on an interim basis. Contact PD should faculty member anticipate physical defiance. A student who has been removed from a class on an interim basis is entitled to an informal hearing before the head of the department offering the course. The department head may either:

1. Approve an agreement of expectations between the student and the faculty member and reinstate the student to the class, or
2. Extend the removal of the student from the class and refer the case to the Office of Student Conduct and Community Engagement (SCCE) for review and resolution. A copy of all material sent to the Office of Student Conduct should be provided to the

faculty's academic Dean (or their designee) and to the student's academic Dean (or their designee).

When a student's conduct requires immediate removal from the class, the following steps are required:

- A. The faculty member responsible for the class or activity where the alleged disruptive behavior occurred **will** inform the student that the behavior is inappropriate. The faculty member will describe to the student specific changes needed in the student's behavior. The student will be provided an opportunity to modify their behavior in accordance with the changes identified. The faculty member will provide the student with a written, dated summary of the discussion with the student, and the faculty member will retain a copy of this summary.
- B. If a student believes the faculty's expectations are unreasonable, the student may confer with the faculty member's department head about this matter. The department head may choose to support the guidelines developed by the faculty, or the student may work with the faculty member to develop a modified set of expectations. If there are changes in the faculty member's original set of expectations, the department head will provide a dated and signed copy to both the student and the instructor.
- C. Should classroom conduct issues continue, the faculty member will apprise the faculty member's department head of the situation and will share with the department head a written summary of discussions held with the student. The department head may initiate an additional discussion with the faculty member and/or the student. If the department head concurs with the faculty member's view that the problem has not been resolved, the situation may be referred to the SCCE. A memorandum briefly describing the student's behavior, as well as a copy of the written summary of the faculty's discussion with the student and any other related material, should be forwarded to the SCCE for review. A copy of all material sent to the SCCE should be provided to the faculty member's academic Dean (or their designee) and to the student's academic Dean (or their designee).

#### **Section 4.02 Disputes over Academic Matters**

Faculty members are responsible for determining course curricula, for developing appropriate methods of evaluating student learning, for evaluating fairly, for upholding academic standards, and for enforcing procedures concerning academic honesty. Decisions made by faculty members regarding the quality or integrity of student work, including decisions about course grades, are presumed to be fair and final (unless the student files a successful grade appeal). In cases of academic violation students may be subject to both grade sanctions and disciplinary action (see Student Violations of Academic Integrity below).

Students who believe that they have grounds for challenging faculty decisions regarding academic issues--excepting those pertaining to matters of academic freedom--may appeal using the procedure outlined below. Faculty members are required to report acts of academic violation to their chair, their Dean, the Provost, the Honor Council (through the Office of Student Conduct and Community Engagement), and the Vice President for Student Success.

***Grade sanctions may be imposed only by faculty members.*** Academic suspension or expulsion may be imposed only by the Provost. As with disputes about course grades, students may appeal grade sanctions imposed for academic violation only by following the procedure outlined below. Students should not attempt to persuade academic administrators to change a grade; they cannot and will not do it unless a student follows the grade appeal policy below and is successful in persuading either the faculty member for the course or an ad-hoc committee of faculty members that a change is warranted.

Student appeals of faculty academic decisions should be completed within 15 University business days after the student's first meeting with the faculty member to question the faculty member's decision.

1. The student must first meet with the faculty member and discuss the faculty member's decision. This meeting should occur as soon as possible after the decision has been made, normally within one week of the student being notified of the decision. The faculty member is expected to listen to the student, provide an explanation for the decision, and change the grade or decision if the student's argument is persuasive. To change final course grades, a faculty member must submit a "Grade Change Form" and attach an accompanying memorandum justifying the decision to change the grade. The faculty member's department chair and Dean must approve the change.
2. If the faculty member declines to change the decision or grade, the student may then discuss the matter with the faculty member's immediate academic supervisor (hereafter, "chair" will be used to mean either the department chair or the immediate academic supervisor). If the chair believes that the student's position has merit, the chair will discuss the matter with the faculty member.
3. If the student is not satisfied with the chair's assessment of the issue or if the faculty member declines to change the decision after discussing it with the chair, the student may then request that an ad hoc committee of faculty members review the matter. This committee consists of three tenured faculty members within the same discipline or department, unless circumstances dictate otherwise. If the chair determines that a tenured faculty member cannot be selected from the same discipline or department, then the chair may add a tenured faculty member from a closely related disciplines.



From the pool of eligible tenured faculty members designated by the chair, the faculty member, the student, and the chair will each nominate one faculty member to serve on the committee.

4. The ad hoc committee will hear from the student, the faculty member, and the chair and examine relevant documents. If the committee sustains the faculty member's decision, the committee will provide the student with a written statement explaining the reasons for the committee's decision. The student may request in writing that the committee reconsiders its decision and provides reasons for so doing. If the committee refuses to reconsider or if it reaffirms its original recommendation, the faculty member's original decision is final. If the committee finds in favor of the student, the committee will provide the faculty member with a written recommendation explaining the committee's reasons. If the faculty member disagrees with the committee's recommendation, the faculty member may request that the committee reconsiders its recommendation and provides the committee with a rationale for revisiting the recommendation. If after considering the faculty member's rationale the ad hoc committee is still persuaded that the faculty member's original decision should be reversed, the committee will recommend in writing to the chair that the faculty member's decision be overturned. The committee may also make this recommendation to the chair if the faculty member fails to alter the original decision and also fails to respond to the committee's original recommendation. The faculty member will receive a copy of the recommendation to the chair, allowing a final opportunity to revise the original decision. If the faculty member fails to comply, the chair may override the faculty member's original decision, and, as appropriate, revise the student's course grade. In order to certify that the grade dispute process outlined above has been followed appropriately, the Dean of the College or the School and the Provost will review all decisions by chairs to change grades against the will of a faculty member.

### **Section 4.03 Grievances Against Faculty**

Conflicts or concerns with faculty that are unrelated to academic issues and unrelated to discrimination, harassment, or related retaliation based on a protected class are considered grievances. (For grievances alleging discrimination, harassment, or related retaliation based on a protected class, refer to Section 3.23 in this handbook. For disputes over academic matters, refer to Section 4.02 in this handbook.)

Before a grievance is filed, the student must make a good faith effort to meet with the faculty to seek an informal resolution. The student may also consult with the faculty member's department chair or dean.

If unable to meet with the faculty member or if the meeting does not produce a resolution, the student may initiate a grievance by following the steps outlined below.

1. The student will file a written complaint via the TAMIU *Report It* form available at <https://www.tamtu.edu/reportit/>. The form will be shared with the faculty member's department chair and dean, the Provost, Associate Vice President for Student Success, and the Office of Human Resources (resolution form only). Other University personnel with a legitimate right to know will also receive a copy of incident report, if required.
2. The faculty member's department chair will send, within five University business days after receiving the grievance, a written notice to the student that the complaint has been received.
3. The student and faculty member will meet with the faculty member's department chair within five University business days of the notice of receipt.
4. If the grievance remains unresolved after meeting with the department chair, then within five University business days of the meeting with the chair, both the student and the faculty member will meet with either the dean of the respective college (or academic administrator to whom the chair reports).
5. If the complaint remains unresolved after that meeting, it will then be heard within five University business days by an ad hoc committee consisting of the faculty member's department chair, the director of SCCE (or their designee), and a faculty member or administrator selected by the student. The chair of the committee will be the director of SCCE (or their designee). After hearing from the student and the faculty member, and considering any documentation has been provided, the ad hoc committee will make its recommendation in writing to the Provost. This will occur within five University business days after the committee concludes its deliberations.
6. Within five University business days after receiving the ad hoc committee's deliberation, the Provost will notify in writing both parties of the final decision to resolve the grievance within five University business days of receiving the ad hoc committee's deliberation.
7. Deadlines for each aforementioned step in the process may be revised should extenuating circumstances justify doing so.

## **ARTICLE 5. HONOR PLEDGE**

***On my honor, as a member of the TAMIU community, I pledge to uphold the values of respect, integrity, service and excellence throughout my academic and professional career.***

## **ARTICLE 6. THE STUDENT CODE OF CONDUCT AND STANDARDS**

Students are members of the University community and assume full responsibility for proper conduct until their separation from the institution. Misconduct at the University is not acceptable. All students at the University have a responsibility to ensure the honesty of others through their own individual actions and deeds.

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

### **Section 6.01 Philosophy Statement**

The TAMIU community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and disclosure. The student conduct program is committed to an educational and developmental process that balances the interests of individual students with the interest of the University community.

At TAMIU, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of core values that include respect, integrity, service and excellence.

Students charged with misconduct are entitled to a fundamentally fair process, including notice and a reasonable opportunity to respond to the charges before charges are adjudicated. Conduct determinations will be based upon a preponderance of the evidence standard; that it is more likely than not that a violation occurred. Sanctions are intended to be proportionate to the severity of the violation and to the cumulative conduct history of the student. The student conduct process is not a criminal civil legal proceeding.

Students at the University are provided a copy of the Student Handbook annually in the form of a link on the University website and/or Uconnect. Students are responsible for having read and abide by the provisions of the Student Code of Conduct.

### **Section 6.02 Definitions**

The following definitions will be used throughout the handbook, unless otherwise defined herein.

1. **“Administrative Hearing”** means a process which provides an opportunity for an accused *student* to respond to specific charges. The purpose of an *Administrative Hearing* 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 *Administrative Hearing* can be used to determine if there is a finding of responsibility.

2. **“Appeal Panel”** means *University officials* authorized by the *Vice President for Student Success* or a designee to conduct appeal reviews.
3. **“Acceptance of responsibility”** means the charged student agrees that the conduct constitutes a violation of the Student Code of Conduct, as outlined in the student conduct notice, waives right to appeal, and accepts outcomes/sanctions imposed.
4. **“Aggravating factors”** means a fact or circumstance accompanying the commission of misconduct that may be relevant to adjudication. Examples include the use of violence or force, violation of a trust or duty, premeditation, and a previous conduct violation.
5. **“Chairperson”** means *Student Conduct Administrator* who is authorized by the Vice President for Student Success or their designee, to take the lead role in conducting *Administrative Hearing(s)* and/or appeals when there is more than one *Student Conduct Administrator* present.
6. **“Charge”** means an allegation of a potential violation of the Student Code of Conduct. Charges are issued after a *Student Conduct Administrator* has determined sufficient information exists to hold a conference.
7. **“Complainant”** or **“Reporter”** means any person who submits information indicating that a *student* may have violated the Student Code of Conduct. Information brought forth by the complainant may result in an *investigation*.
8. **“Complaint”** means a written petition made by a complainant that seeks to have specific behavior(s) cease.
9. **“Conference”** means a process which provides an opportunity for an accused student to respond to specific *charges*.
10. **“Consent”** means clear, voluntary and ongoing agreement to engage in a specific act. Also refer to definition of “Consent” in [System Regulation 08.01.01, Civil Rights Compliance](#).
11. **“Discrimination”** means a materially adverse action or actions that intentionally or unintentionally excludes one from full participation in, denies the benefits of, or affects the terms and condition of employment or access to educational or institutional programs because of an individual’s race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Discrimination includes harassment (based on both hostile environment and quid pro quo) and retaliation based on a legally protected category.

12. **“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. (Refer to the [Faculty Handbook](#))
13. **“Honor Council”** means the hearing body responsible for administering academic violation cases involving *students*.
14. **“Incapacitation”** means the physical and/or mental inability to make informed, rational judgments. States of *incapacitation* include, but are not limited to, sleep, unconsciousness, and brownouts and blackouts (where an individual is awake but is not forming memories). Where alcohol or other drugs are involved, *incapacitation* is defined with respect to how the substance consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments.
15. **“Investigation”** means the process to obtain and review facts relevant to one or more conduct charges. Investigations may result in *charge(s)*, a form of alternative dispute resolution, or dismissal of complaint.
16. **“Investigative authority”** means one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts of an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In grievances involving allegation of sex-based behaviors, the investigative authority will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determination surrounding credibility of witnesses and evidence.
17. **“Institution”** or **“University”** means TAMIU.
18. **“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*.
19. **“Mitigating factors”** means facts or circumstances that may be relevant to the adjudication or sanctioning of a student conduct case. These factors do not constitute a justification or excuse for the offense in questions.
20. **“Not in good disciplinary standing”** means a student who is subject to the following restrictions: ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed position within the University; Ineligibility to compete in intercollegiate athletic activity; ineligibility to represent the University in any capacity, including representing the University at any official function; and, ineligibility to receive a University-administered scholarship or fellowship when the sanction is in place for longer than one semester.
21. **“Organization”** means any number of people who meet one or more of the following criteria:
  - a. Belong to a group whose members are primarily TAMIU *students* including but not limited to academic, athletic, recreational, religious, performance, political, and social or similar groups, and/or,

- b. Have complied with the formal requirements for *University* recognition, and/or
  - c. Are advised by a *University official* whose position description designates them as an advisor, and/or
  - d. Are advised by a *University official* who has volunteered as an advisor, and/or
  - e. Are otherwise considered by the *University* to be an organization.
22. **“Peace officer”** means a person authorized by state or federal law to enforce the law. University police are peace officers who may also assist in the enforcement of System policies and regulations and University rules and procedures.
23. **“Possession”** means on your person or within your custody, control or care, with or without rights of ownership.
24. **“Respondent”** means any student charged with a violation of the Student Code of Conduct.
25. **“Sanction”** or **“Outcome”** includes responses or requirements given by the *University* to a *student* during an *administrative hearing* in response to a violation of the Student Code of Conduct.
26. **“Staff”** means any nonfaculty employee of the *University*
27. **“Student Conduct Administrator”** means a *University official* authorized by the *Vice President for Student Success* (or their designee) to collect information, to initiate *charge* letters, present charges in conferences, present information to support *charges*, to conduct *administrative hearings*, and to impose *sanctions* for violations of the Student Code of Conduct.
28. **“Student”** includes all persons who have accepted their 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 are either currently enrolled or were 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.
29. **“University-affiliated activity”** means any activity on or off campus that is initiated, aided, funded, authorized or supervised by the *University* or by a recognized student organization of the *University*.
30. **“University official”** or “school official” means any faculty or staff member and other authorized individual(s) of the *University*.
31. **“University premises”** means buildings or grounds owned, leased, operated, controlled or supervised by the *University* (including adjacent streets and sidewalks).
32. **“University business day”** means Monday through Friday, except for official *University* holidays.

33. **“Vice President for Student Success”** is that person designated by the *University* President to be responsible for the administration of the Student Code of Conduct. The Vice President for Student Success may assign a designee to meet these responsibilities.
34. **“Violation”** encompasses those prohibited behavior contained in, but not limited to, the Student Handbook. These violations should be read broadly and are not designed to define prohibited conduct in exhausted terms.
35. **“Witness”** means any individual who may have information relating to a *complaint*.

### **Section 6.03 Student Conduct Authority**

The President vests the Vice President for Student Success with the authority over student conduct. The Vice President for Student Success has designated the Director of SCCE to serve as the chief Student Conduct Administrator and to administer the code.

Decisions made by a Student Conduct Administrator shall not be final until the appeal processes have been exhausted or waived.

### **Section 6.04 Jurisdiction of the Student Code of Conduct**

The Student Code of Conduct shall apply to conduct that occurs on or off University premises and/or at University-sponsored activities, which may affect the University community and/or the pursuit of its objectives (mission). This action may be taken for either affiliated or nonaffiliated activities.

### **Section 6.05 The Standards of Conduct**

**RESPECT** – TAMIU students recognize that respecting individuals, their points of view and their diverse backgrounds is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others.

**INTEGRITY** - TAMIU students model ethical standards of personal and professional behavior.

**SERVICE** – TAMIU students serve the University, regional, national, and international communities.

**EXCELLENCE** – TAMIU students strive for the highest quality in all endeavors.

## **Section 6.06 Prohibited Behavior**

The conduct described below is considered inappropriate for the community and in opposition to the standards of conduct set forth by the University. The list below is not exhaustive.

**Abuse of Student Conduct Process.** Abuse of the student conduct, disciplinary and/or legal processes including, but not limited to, *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, disciplinary, or legal 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*
- 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, conduct review, or deferred suspension status or failing to meet deadlines imposed in accordance with *University*
- Failure to abide by the terms of *University* administered *sanctions*.
- Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code system.

**Academic Violation.** Academic violation is any action intended to give an unfair academic advantage to the student. Refer to Article 7 and 10.

**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, under 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. The possession and/or consumption of alcohol is not permitted in the RLC residences and associated grounds by residents or guests, regardless of age. Additionally, furnishing alcohol to a minor whether by an adult or other minor is a Class A misdemeanor.

**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 another person by that animal.

**Bias-Related Violations.** Student Conduct 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 article 11 of this publication.

**Breaching Safety or Security.** This includes but is not limited to: Unauthorized access to *University* facilities; unauthorized entry into or use of *University premises*; intentionally damaging door locks; unauthorized possession of *University keys* or access cards; duplicating *University keys* or access cards; 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; and/or unauthorized entry into another person's or entity's residence, vehicle, or business.

**Bullying and Cyber-bullying.** Conduct that threatens, intimidates or is intended to intimidate, or cause harm to another person. This includes the use of electronic/social media.

**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.

**Damage.** 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 is prohibited under this *rule*.

**Dishonesty. Acts of dishonesty, including but not limited to the following:** Forgery, unauthorized alteration or misuse of any document, record or instrument of identification. Also includes withholding material information from the University, misrepresenting the truth before a hearing of the University and making false statements to any University official.

**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.

**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.
- 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 International University Rules on Freedom of Expression.

**Drugs.** The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances is prohibited. Abusing legally obtained drugs by failing to take the drug as directed. 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.

**Evading.** Intentionally fleeing from a *University official* or law enforcement officer when the person knows or reasonably should have known the *University official* or law enforcement officer is attempting to confront, arrest, or detain.

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

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

**False reporting.** Intentionally making or causing to be made a false report, warning, threat of fire, explosion or other emergency concerning the University and University-sponsored activities.

**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, and coercion. In addition, harassment *may* be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic.

**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, or special groups. Previously relied upon “traditions,” (including 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. Refer to Sect. 3.17 Hazing for examples. Hazing is also a violation of Texas State Law (See the [Texas Education Code – EDUC 37.152. Personal Hazing Offenses](#)).

**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 computer resources for unauthorized commercial

purposes or personal gain; failure to protect password or use of student 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:

1. Use of another individual's identification and/or password.
2. Use of computing facilities and resources to send obscene or threatening message.
3. Use of computing facilities and resources in violation of copyright laws.

**Off-Campus Conduct.** When a student is alleged to have violated the Student Code of Conduct by an offense committed off of University premises, the University may investigate and adjudicate. The University may take action in situations occurring off University premises involving student conduct that may cause harm to another, result in damage to property, or otherwise adversely affect the University community and its standing in the community. This action may be taken for either affiliated or nonaffiliated activities. If the Vice President for Student Success determines that the offense affects the University as stated above, then the SCCE shall hold an administrative hearing to consider whether the offense is of such nature as set out above, whether or not the student committed the offense, and take appropriate action. The action of the University administrative hearing officer shall be made independent of any off-campus authority.

**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*.

**Reckless Driving.** Driving in a manner that recklessly endangers the health and/or safety of oneself or others.

**Retaliation.** Any adverse action taken against a person for making a good faith report of a violation of Texas A&M System policies, university rules, student rules, and/or the law, or for participating in any proceeding related to the investigation or resolution of such report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct

that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a decision of “unsubstantiated,” “insufficient information to substantiate,” “not responsible,” and/or “not guilty” on the allegations. Retaliation does not include good faith actions lawfully pursued in response to a report. Violation of an interim, remedial, or protective measure will be considered retaliation.

**Sexual Contact.** Attempting or making sexual contact, including but not limited to, inappropriate touching without the person’s consent (see “consent” definitions), or in circumstances where the person is physically, mentally or legally unable to give consent when the behavior is not so severe, pervasive, or persistent to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive or sexual exploitation as defined in Texas A&M University System Regulation 08.01.01. (For sex-based behaviors that are severe, persistent, or pervasive to create a work, education, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive; sexual exploitation; sexual assault; or sexual harassment; please see System Texas A&M University System Regulation 08.01.01 and University Rule 08.01.01.L1)

**Theft.** 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. This also includes theft of services and/or misuse of another’s property including, but not limited to, unauthorized use of another’s property, unauthorized selling of subsidized tickets, and use of a forged parking permit.

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

**Unauthorized Recording.** Any unauthorized use of electronic or other devices to make an audio, video, still frame or photographic record of any persons without their prior knowledge, or without their 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.

**Unauthorized Representation.** Unauthorized representation of the University or any recognized entity of the University.

**Violation of Law.** Any act that violates federal, state, or local laws is a violation of this Code.

**Violation of National Collegiate Athletic Association (NCAA) Regulations.** Violations of any NCAA regulations.

**Violation of Published University or System Rules.** Violation of any University or System policy, rule, or regulation, including, but not limited to University Housing contracts and rules, University motor vehicle rules, rules relating to the use of student identification cards, entry, smoke and tobacco-free campus rule, and use of University facilities and dining hall conduct.

**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 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 that individual's 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.

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

## **ARTICLE 7. ACADEMIC CONDUCT**

As members in an academic community, students at TAMIU are expected to act with honesty and integrity in their pursuit of higher education, be mature, be self-directed and be able to manage their own affairs. Students who are unwilling to abide by these basic expectations may find themselves facing academic and disciplinary sanctions. Students are expected to share in the responsibility and authority with faculty and staff to challenge and make known acts that violate the TAMIU Honor Code. For more information on the Honor Code, please visit the Office of Student Conduct and Community Engagement website at <https://www.tamiau.edu/scce/>.

TAMIU Faculty have the authority to implement academic rules or impose grade penalties as appropriate. For more information, please visit the [TAMIU Faculty Handbook](#).

### **Section 7.01 Violations of Academic Conduct**

Academic violation is any act, or attempt, which gives an unfair advantage to the student. Academic violation includes, but is not limited to:

**Bribery.** Providing, offering or taking rewards in exchange for a grade, an assignment or the aid of academic violation.

**Cheating.** An act of deception in which a student misrepresents that the student has mastered information related to an academic exercise. Examples include, but are not limited to:

- a. Copying from another student's test, lab report, computer file, data listing, logs, or any other type of report or academic exercise.
- b. Using unauthorized materials during a test.
- c. Consulting a cell phone, text messages, PDAs, programmable calculators with materials that give an advantage over other students during an exam.
- d. Using crib sheets or other hidden notes in an examination or looking at another student's test paper to copy strategies or answers.
- e. Having another person supply questions or answers from an examination to be given or in progress.
- f. Having a person other than oneself (registered for the class) attempt to take or take an examination or any other graded activity. In these cases, all consenting parties to the attempt to gain unfair advantage may be charged with an Honor Pledge violation.
- g. Deliberately falsifying laboratory results, or submission of samples or findings not legitimately derived in the situation and by the procedures prescribed or allowable.
- h. Revising and resubmitting a quiz or exam for regrading, without the instructor's knowledge and consent.
- i. Giving or receiving unauthorized aid on a take-home examination.
- j. Facilitating academic violation: intentionally or knowingly helping or attempting to help another to violate the Honor Pledge.
- k. Signing in another student's name on attendance sheets, rosters, Scantrons.
- l. Submitting in a paper, thesis, lab report, or other academic exercise falsified, invented, or fictitious data or evidence, or deliberate or knowingly concealing or distorting the true nature, origin, or function of such data or evidence.
- m. Procuring and/or altering without permission from appropriate authority of examinations, papers, lab reports, or other academic exercises, whether discarded or actually used, and either before or after such materials have been handed in to the appropriate recipient.
- n. Using, buying, selling, stealing, transporting, soliciting, copying or possessing, the contents of an un-administered test, a required assignment or a past test which has, by the professor, not been allowed to be kept by their students.

**Collusion.** The unauthorized collaboration with one or more persons with the intent of cheating.



**Contract cheating.** The form of academic violation where students get academic work completed on their behalf, which they then submit for academic credit as if they had created it themselves. Examples include, but are not limited to:

- a. Looking to internet sites for the exact question/problem/scenario given to them from their instructors.
- b. Posting the exact (or substantially similar) question(s) online (or social media platforms) for someone to answer.
- c. Copying the provided answer directly from the online source without spending time to understand it or check it for errors.
- d. Attempting to hide their online activities from institutional authorities by not making their name visible or by logging into “help” sites in a way that cannot be tied to their educational institution ID.

**Flagrant academic violation.** Repeated or severe violation(s) of the academic rule.

**Lying.** Deliberate falsification with the intent to deceive as it applies to an academic submission.

**Plagiarism.** The act of passing off some other person’s ideas, words, or works as one’s own. It includes, but is not limited to, the appropriating, buying, receiving as a “gift,” or obtaining, by any other means, another’s work for submission as one’s own academic work. Examples include, but are not limited to:

- a. Failing to credit sources used in a work product in an attempt to present the work as one’s own.
- b. Intentionally, knowingly, or carelessly presenting the work of another as one’s own (i.e., without crediting the author or creator).
- c. Copying test answers or the words or phrases of another without crediting the author or claim credit for the ideas of another.
- d. Borrowing or lending a term paper, handing in as your own work a paper purchased from an individual or off the Internet, or submitting, as one's own any papers or work product from the files of any group, club, or organization.
- e. Submitting in the same paper in more than one class without the permission of the instructor.

## **ARTICLE 8. STUDENT CONDUCT DISCIPLINARY PROCEDURES**

### **Section 8.01 Right to File Grievance Against Students**

Any member of the University community has the right to file a grievance against a student that is in violation of the Student Code of Conduct. Grievances should be filed in writing

within 15 University business days of the discovery of the alleged infraction of the Student Code of Conduct to the Office of Student Conduct and Community Engagement via reporting system (<http://www.tamtu.edu/reportit>). The timelines for the grievance process may be extended for good cause shown or at the discretion of the Office of Student Conduct and Community Engagement.

### **Section 8.02 Process**

The purpose of the University disciplinary system is educationally based and is to decide if the student has misused or abused freedoms, violated System or University policies, rules, regulations or procedures, failed to accept responsibility for their actions; to communicate alleged misconduct, permit the student(s) to respond; determine appropriate action by the University; and assist the student(s) to develop a constructive response exhibiting self-discipline.

A University hearing is a function of the educational process. It is **NOT** an adversarial proceeding or trial in a court of law.

### **Section 8.03 Standard of Proof: Preponderance of the Evidence**

The level of proof required at TAMTU in University disciplinary cases is a preponderance of the evidence. This means sufficient evidence to show that the facts are more likely to be true than not true.

### **Section 8.04 Good Cause Provision**

The survivor or victim of an alleged act of misconduct may be unwilling to serve as the complainant. In such circumstances, if the Vice President of Student Success (or their designee) determine there is good cause for charges to be brought against the respondent(s) in the interest of the University community, the Vice President of Student Success (or their designee) may proceed with complaint. In cases involving Civil Rights grievances, the Director of Title IX and Civil Rights Compliance will make the determination.

### **Section 8.05 Amnesty**

The health and safety of our students are of primary concern at TAMTU. TAMTU is committed to ensuring that students obtain timely medical assistance for themselves and fellow Dustdevils in the case of medical emergencies.

The Division of Student Success recognizes that the potential for disciplinary action by the University may discourage students from seeking medical assistance for themselves or others in a time when medical attention is needed. TAMTU's *Amnesty* assists individuals

whose judgment or health is affected due to the consumption of alcohol or controlled substances by removing impediments to seeking medical assistance. Students are encouraged to contact the University Police Department, medical emergency professionals, or other University officials when medical assistance is needed.

In matters of sexual misconduct, concerns regarding alcohol and/or other drug violations should not prevent reporting an incident. TAMIU will “not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking [as defined in System Regulation 08.01.01, *Civil Rights Compliance*], for a violation by the student of the institution’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution’s disciplinary process regarding the incident, if any.” (Texas Education Code Sec. 51.284).

To learn more about amnesty, please read Appendix D.

### **Section 8.06 No Contact Orders (No Communication Order)**

No Contact Orders are directives issued by the Office of Student Conduct and Community Engagement or the Office of Compliance prohibiting contact or communication between or among designated students. No Contact Orders (NCOs) are issued when, in the judgment of a Student Conduct Administrator or Director of Title IX and Civil Rights Compliance, there is reason to believe that an order would be in the best interest of all parties and the community for promoting peace, civility or maintaining the integrity of an investigation. The NCO does not imply any judgment regarding the factual nature of the incident. NCO's do not become part of a student's conduct record unless they violate the order as determined by the student conduct system or NCO is imposed as a sanction. NCO's prohibit all forms of communication between designated students, direct or indirect, written, electronic or through a third party. The director of SCCE (or their designee) or Director of Title IX and Civil Rights Compliance determines the duration of an NCO. Students may request that an NCO be lifted after a sustained period of compliance.

No Contact Orders are not court imposed restraining orders and do not guarantee that designated parties will avoid sightings or passing interactions on the campus or local community. In some circumstances, no contact Orders may restrict students from parts of the campus not necessary for required academic activities.

Students who are concerned about personal safety should contact the Campus Safety Department 956.326.2100 at University Police Department building or local police.

Students who have questions about NCO's may speak with a Student Conduct Administrator during business hours at 956.326.2265 or visit Student Center 226.

### **Section 8.07 Advisor Role During Student Conduct Proceedings**

Students are responsible for communicating the following guidelines to their advisors:

1. Each student has the opportunity to select an advisor at their discretion and at their own expense.
2. Attorneys, counselors and advisors may attend as advisors, but they ***are not permitted*** to advocate for a student at a University student conduct proceeding. A request that an advisor be present must be made in writing a minimum of three University business days before the scheduled student conduct proceedings.
3. Students who are charged in the same fact pattern, or who are not in good disciplinary standing with the University are not eligible to serve as an advisor at student conduct proceedings.
4. Each student is responsible for presenting their own information. Therefore, a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the conference. Student conduct proceedings will not be delayed due to scheduling conflicts of an advisor.

Students should be aware that the role of an advisor is substantially different for matters related to sex-based discrimination, including matters of sexual violence, sexual misconduct, harassment, stalking, or dating violence.

### **Section 8.08 Sex-Based Grievances and Disciplinary Procedures**

For grievances involving student conduct disciplinary procedures that constitute sex-based discrimination, including matters of sexual violence, sexual misconduct, harassment, dating violence, domestic violence, and stalking, refer to Section 3.23 above.

## **ARTICLE 9. STUDENT CONDUCT PROCEEDING**

Any student whose conduct is the subject of a complaint by any member of the University community or who is alleged to have violated the Student Code of Conduct and/or any regulations of TAMIU or TAMUS will be notified of the complaint or charge via e-mail and/or in person by the SCCE.

Following notification to SCCE, a Student Conduct Administrator will investigate the facts and circumstances associated with the complaint. Investigation may result in charges, a form of alternative dispute resolution, or dismissal of complaint.

For academic conduct proceedings, please refer to Article 10. For civil rights procedures, please refer to Article F.

### **Section 9.01 Investigation Process**

The student against whom a complaint is made is a respondent. A respondent will receive notification via University email (unless other address(es) are necessary or appropriate) that an allegation has been reported.

The Student Conduct Administrator will schedule a conference with the student to provide information about the conduct process and to obtain an account of the events in question. The student is expected to attend the meeting. If there is a schedule conflict, the student may reschedule by calling .956.326.2265. Failure to attend the meeting may be a violation of the Student Code of Conduct and may result in the student conduct process moving forward without the student's participation. The following will proceed:

1. A Student Conduct Administrator will meet with the student to explain the allegation.
2. A Student Conduct Administrator will explain the student conduct process, which includes the student's rights and responsibilities.
3. A Student Conduct Administrator will hear any statement that the student may wish to make.
4. Should the Student Conduct Administrator determine good cause exists to charge the responding student, all charges shall be presented to the responding student in written form via University email. The charge letter may indicate what the most severe possible outcome for the conduct conference could be.
5. If the responding student is charged for violating the Student Code of Conduct, the responding student will have an opportunity to review their conduct file and may:
  - a. Accept responsibility at this time or during the course of the investigation; waive their right to an administrative hearing; and proceed directly to sanctioning phase as described in Article 11.
  - b. Does not accept responsibility to the charge and proceed to an administrative hearing as described in Sec. 9.03.
6. The respondent will be provided not less than three University business days to prepare for an administrative hearing unless the student waives this right in writing.

### **Section 9.02 Interim Actions**

The Vice President of Student Success (or their designee) may impose restrictions and/or interim actions pending the outcome of a campus hearing on alleged violations(s) of the

Student Code of Conduct. Restrictions and/or interim actions may be imposed to ensure the health, safety and well-being of the University community.

Notification of interim actions will be made in writing (to the student's University email account unless other address(es) are necessary or appropriate) and will include the reasons for the interim action.

Upon a notification of charges, a student conduct proceeding will be scheduled as soon thereafter as feasible.

1. During an interim suspension, a student may be denied access to campus, campus housing and all other University activities or privileges for which the student might otherwise be eligible. During an interim suspension, it is the student responsibility to communicate with professors electronically to keep up with course work. Faculty member will provide accommodation to the extent that assistance is reasonably possible.
2. Interim suspension does not affect the student conduct process, which will proceed as scheduled, up to and through a student conduct conference or civil rights proceeding, if required.
3. If the sanction for a violation of the Code of Conduct is to suspend or expel the student, the sanction takes effect from the date of the interim suspension.

### **Section 9.03 Notice of Administrative Hearing**

If a student does not accept responsibility to a charge, the case will move forward to an administrative hearing. Notice will be given to the respondent in writing and will be emailed to the student's University-issued email account. Email notice is presumed to be delivered.

### **Section 9.04 Administrative Hearing**

A student who disputes a charged violation of the Student Code of Conduct will receive an administrative hearing before the Director of SCCE or Administrative Hearing panel. The Director of SCCE or Administrative Hearing panel will hear the case, render a decision and if found responsible for a violation, sanction the student. All outcomes will be communicated in writing.

The administrative hearing will be conducted by the following procedures:

1. Hearings will be closed to the public.
2. The respondent and the Student Conduct Administrator may arrange for witnesses to present pertinent information to the Director of SCCE (or their designee) or Administrative Hearing Panel. Witnesses may provide this information to, and

answer questions from, the Director of SCCE (or their designee), Administrative Hearing panel, Student Conduct Administrator and respondent. Character statements shall be accepted in written form only.

3. Documentation, student impact statements and other written statements will be accepted for consideration at the discretion of the Director of SCCE (or their designee) or Administrative Hearing Panel. Student impact statements and other documents determined at the discretion of the Director of SCCE (or their designee) or Administrative Hearing Panel, will be taken into consideration during the sanction phase only.
4. Procedural issues will be determined by the Director of SCCE (or their designee) or Administrative Hearing Panel.
5. Upon receipt of all information accepted for consideration, the Director of SCCE (or their designee) or Administrative Hearing Panel will deliberate in private to determine whether the respondent has violated the Student Code of Conduct as charged.
6. Administrative hearings may be recorded at the discretion of the Director of SCCE (or their designee) or administrative hearing panel. Deliberations will not be recorded. The record shall be the property of the University and maintained in compliance with the Family Education Rights and Privacy Act (FERPA).
7. If a respondent fails to appear at an administrative hearing, the information in support of charges shall be presented, considered, and a decision will be made.
8. Concerns for the safety, well-being, and/or fears of confrontation of the complainant, respondent, or witnesses should be presented to the Director of SCCE (or their designee) or Administrative Hearing Panel prior to hearing. Requests for accommodations will be in accordance with state or federal laws.
9. A respondent and advisor may attend the student conduct proceedings, excluding deliberations by the Director of SCCE (or their designee) or Administrative Hearing Panel. The Director of SCCE (or their designee) or Administrative Hearing Panel may remove any participant for disruptive behavior. Admission of any other person to the student conduct proceedings shall be at the discretion of the Director of SCCE (or their designee) or Administrative Hearing Panel.

### **Section 9.05 Findings**

A finding of responsibility must be based upon a preponderance of the evidence. It may not be based solely upon a respondent's silence during an administrative hearing. A respondent found responsible for a violation may accept or appeal the findings and/or the sanctions, either in whole or in part, as outlined in Section 9.07. A finding of "responsible" will result in sanction. A finding of "not responsible" concludes the conduct process and the case is closed.

### **Section 9.06 Notification of Outcomes**

The outcome of an administrative hearing is part of the education record of the responding student and is subject to the protections of the Federal Education Rights and Privacy Act (FERPA) and Title IX of the Education Amendments of 1972.

The notification of outcomes is sent to the students' TAMIU email address unless other address(es) are necessary or appropriate.

### **Section 9.07 Right to an Appeal (non-academic)**

Decisions made by a lower-level hearing body shall not be final until an appeal deadline is passed, when the appeal is exhausted, or when a student chooses not to appeal.

A student who has been found responsible for violating the Student Code of Conduct has the right to appeal the original decision. The appealing student must complete an online appeal request form, or other stated method for submitting an appeal, within five (5) University business days of the delivery of the decision. The appeal does not create an entitlement to a new investigation or a full re-hearing of the case. The review is limited to the specific grounds outlined in this grievance procedure. The appeal request must state the specific grounds for the appeal and include all supporting documentation. Supporting documentation may be typed, reproduced material, or other material directly related to the basis for appeal.

Civil Rights appeals follow different procedures as outlined in [Univeristy Rule 08.01.01.L1 Civil Rights Complaint and Appeal Process](#).

Academic violation appeals differ from other disciplinary matters. For more information on academic grade appeals, go to the Student Handbook - Classroom Behavior & Academic Disputes.

### **Section 9.08 Bases for an Appeal**

An appeal may be based only upon one or more of the following grounds.

1. *Procedural error*: A procedural error or omission that significantly impacted the outcome;



2. *New information*: New information, unknown or unavailable during the original student conduct conference or at the time of the original decision that could have significantly impacted the outcome;
3. *Severity of the sanctions*: The appropriateness or severity of the sanctions.

## **Section 9.09 The Appeals Panel**

University Disciplinary Appeal Panel (UDAP) members are appointed by the Vice President of Student Success, and a panel assembled to decide an appeal typically will consist of a the Chair, and two (2) administrator. The chairperson is a non-voting member of UDAP and only participates in the deliberations of the panel to consult panelists regarding University Rules and Procedures. Concerns of bias or conflict of interest must be brought to the attention of the Vice President of Student Success, in writing, within three University business days of notice of the panel members. New panel member(s) may be selected from other University areas/divisions to ensure fair and objective appeal process.

## **Section 9.10 Appeal Request Review**

The chairperson will review appeal requests to determine whether one or more bases for appeal are supported by the appeal documents. If sufficient grounds have not been demonstrated, the chairperson may deny the appeal request or a portion of it. If the chairperson determines that there is a clear procedural error, the chairperson may refer the case back to the office with case jurisdiction to correct the error.

## **Section 9.11 UDAP Appeal Decision**

UDAP will review the record for the case, the appeal request, and any submitted responses and replies outlined in section 58.3. In cases where the appeal is based on new information, UDAP will also review the relevant new information.

UDAP may take any of the following actions after reviewing the appeal:

- **Uphold** the outcome/sanction(s) imposed by the original Student Conduct Panel or Student Conduct Administrator;
- **Modify** the sanction(s) imposed by original Student Conduct Panel or Student Conduct Administrator;
- **Remand** the case in whole or in part if sufficient new information is presented that may have materially altered the decision of the original Student Conduct Panel or Student Conduct Administrator, and was not or could not have been known at the time of the original student conduct conference; or
- **Remand** the case in whole or in part, if UDAP determines that a procedural error occurred, with an instruction to correct the procedural error or omission. Upon correction of the error or omission, a Student Conduct Panel or Student Conduct

Administrator will issue a new decision on the remanded issue(s). The new decision may be appealed.

After UDAP makes its decision, it will inform the appealing party of its decision in writing. UDAP will also provide notice of the outcome to anyone who is required to be notified pursuant to federal, state, or local laws or Texas A&M University Rules. All UDAP decisions are considered final and binding on all involved parties.

### **Section 9.12 Failure to Complete Sanctions**

Students are expected to comply with conduct sanctions within the timeframe specified by the director of Student Conduct and Community Engagement (or their designee) or Administrative Hearing Panel. Failure to complete conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, including suspension from the University. In such situations, resident students may be required to vacate University housing within twenty-four (24) hours of notification by the Director of SCCE and/or Director of Housing and Residence Life (or their designee). This deadline may be extended upon application to, and at the discretion of, the director of Housing and Residence Life and/or the Director of SCCE. A suspension will only be lifted when conduct sanctions are completed.

### **Section 9.13 Disciplinary Sanction Review Request**

Upon completion of one semester of disciplinary probation or one semester of disciplinary suspension (not applicable for one semester suspensions or civil rights related sanctions) and upon completion of all educational sanctions/requirements, a student has the opportunity to request a review of their disciplinary probation or suspension status.

1. Request must be submitted to the director of SCCE (or their designee) via an online Disciplinary Sanction Review Request Form. This request can only be submitted once.
2. This request is intended to provide a student with the opportunity to discuss in writing what they have done to pro-actively address their behavior while on disciplinary probation/suspension.
3. In considering this request, the student should provide information showing how they have been going above and beyond the basic requirements of their sanction(s). Students who fulfill the minimum requirements of their sanctions(s) will not be eligible for disciplinary sanction review.
4. A request for disciplinary sanction review should include, but is not limited to, information such as the following:
  - a. Positive change in ethical decision making and personal accountability.
  - b. Proof of counseling and/or assessment (if requested).
  - c. Involvement in educational programs and academic progress.

- d. Community involvement/service.
5. Upon receipt of the request, it will first be reviewed by the director of SCCE (or their designee) to determine whether or not the student meets criteria for review. If the director of SCCE (or their designee) agrees that the student's request meets any/all of the above-mentioned criteria, the student generally will be contacted within 15 University business days to schedule a "disciplinary sanction review meeting" with the director of SCCE (or their designee).
6. At this meeting, the student will have the opportunity to further discuss with the director of SCCE (or their designee) why their disciplinary probation and/or suspension status should be modified or terminated. Modifications may not include new or increased sanctions.
7. After the meeting, the director of SCCE (or their designee) will provide a recommendation and rationale for a decision to the Associate Vice President of Student Success for review and approval or denial.
8. Upon approval or denial of the recommendation, the Associate Vice President of Student Success will provide notice of the outcome to the student in writing within 10 University business days. The decision shall include a written statement that explains the basis for the decision.
9. There is no appeal process for Disciplinary Sanction Review.
10. Deadlines for each step in the process outlined above may be revised should extenuating circumstances justify such a change.

## **ARTICLE 10. ACADEMIC CONDUCT PROCEEDINGS**

It is the policy of TAMIU that all faculty, administrators, staff, and students conduct themselves in a manner that is consistent with the values, integrity, reputation, and public trust of this University.

The TAMIU Honor Code provides employees and students notice of academic violation. It is the responsibility of TAMIU faculty, staff, administration, and students to be familiar with the information presented in the TAMIU Honor Code and to observe all provisions and procedures relating to the Code. Ignorance of this Code is not a defense to misconduct violations.

### **Section 10.01 Honor Council Mission Statement**

It is the mission of the TAMIU Honor Council to serve as a centralized system established to respond fairly to academic violations of the TAMIU Honor Code.

### **Section 10.02 Essential Functions of the Honor Council**

The Honor Council serves to provide faculty and students with a means by which they may report academic violation, to provide students with a means of appealing charges of academic violation, and to provide the Provost with recommendations regarding general academic sanctions or remedial efforts.

The Honor Council is the authority for the development and implementation of processes and procedures of the Honor System. Through the Office of Student Conduct and Community Engagement, this Council serves as the initial hearing body for cases involving academic integrity outside the scope of a course offered at TAMIU, and as an appellate body for students charged with violating the Honor Code during a course offered at TAMIU. The Honor Council is also responsible for maintaining records and for coordinating communication, prevention, training, remediation, and adjudication efforts. All proposed revisions to Honor Code will be submitted to Faculty Senate for review.

### **Section 10.03 Membership of the Honor Council**

The Honor Council reports to the Provost. The Honor Council consists of at least 10 full-time faculty members and 10 University students. Five members constitutes a quorum, of which at least two members from each constituency (faculty and students) must be represented. At the first meeting of each year, the Provost will appoint the Chair and the Honor Council student representatives will elect a Vice-Chair. A faculty member will chair the Honor Council with the Director of SCCE (or their designee) serving as co-chair absent voting privileges, and the vice-chair shall be a student. The Director of Instructional Technology and Distance Education, the Testing Center Director, and the Director of Graduate Admissions and Recruitment serve as *ex officio* members.

Voting members include:

1. At least 10 full-time faculty members (nine elected by the Faculty-at-large through the Faculty Senate elections process, 1 appointed by the Provost).
2. At least 10 TAMIU students, including at least one graduate student (8 appointed by the VP of Student Success and 2 appointed by the Provost).
3. Members must be elected and appointed by September 1st of each academic year. Faculty serve two-year terms; student members serve one-year terms. Both faculty and student representatives may serve more than one term on the Honor Council.
4. If faculty or student resigns or cannot complete term, a new member will be elected/appointed to finish the initial term.
5. The Honor Council will hold general meetings as needed.
6. General meetings and trainings are considered mandatory. In addition, all members are expected to attend at least one hearing per long-semester. Failure to adhere to

mandatory general meetings and trainings will trigger a review of membership by the Honor Council.

7. A member may not vote when a case is considered a conflict of interest or may not be fair and impartial due to the nature of the case.

The Honor Council may consult with The TAMUS legal representative through the Office of the Provost as needed. A legal representative from the TAMUS will serve on the council in situations where there are obvious legal issues and concerns.

#### **Section 10.04 Responsibility of Honor Council**

Members of the Honor Council are expected to attend all general meetings and trainings. Members must also fulfill the following duties:

1. **Serve as an educator** – inform students, faculty, staff, and administrators about the TAMIU Honor System and its mission and policies; promote academic integrity on campus.
2. **Serve as a hearing panel member** – hear all information and render decisions on whether a student is responsible for violation. If the student is found responsible for the violation, the Honor Council will issue a proportional and educational sanction. Members must participate in at least one hearing per long semester.
3. **Serve as a case investigator** – investigate and gather information with reporter(s), witness(es), and alleged violator(s) as coordinated with the Office of Student Conduct and Community Engagement. This duty will include the ability to request information in writing from faculty, witness(es), and alleged violator(s) as is necessary to ensure a fair hearing.

#### **Section 10.05 The Role of the Chair and Vice-Chair**

The duties of the Chair will be to call regular meetings, conduct meetings, serve as the official liaison with the SCCE, and provide leadership to the Council:

1. The Chair shall be selected from the faculty members of the Honor Council.
2. The Chair will present all cases to the Honor Council and shall call a hearing to order.
3. Should the Chair be unable to meet their obligations, the Chair or Provost will designate a Chair Pro-temp, which must be a faculty Honor Council member.
4. The Vice-Chair shall be selected from the student members of the Honor Council.
5. The Vice-Chair role is to serve as the voice for the Honor Council student members.

#### **Section 10.06 The Role of the Office of SCCE**

In coordination with the Honor Council, the SCCE will confer with the Chair of the Honor Council to assess current academic cases involving students and will serve as the facilitator and investigator of information. The SCCE will:

1. Gather information based on submission of the Sanction Letter, and supporting documents submitted by the faculty member.
2. Provide notification of hearing date and time to student upon receiving notice from the student requesting a hearing by the Honor Council and letter of acknowledgement by SCCE.
3. Administer a Judicial Hold on the student file while the case is adjudicated and sanctions are imposed and/or in accordance with the [Standard Administrative Procedures 11.99.02.L0.01](#).
4. Serve the role of record keeper and case manager for all Honor Council meetings and/or hearings.
5. Notify the student of the outcome of the Honor Council meeting.
6. Include the faculty member, department/division Chair, Dean, and Provost as recipients of both the initial letter to the alleged student respondent and the final outcome notification letter. Other University administrators with a legitimate-right-to-know will also be notified of outcome.
7. Develop, implement and coordinate Honor Council trainings.

If the student fails to respond to the letter, the student waives their right to a hearing by the Honor Council, and the SCCE will retain the case for record. Student appeals of original allegation of academic violation must be submitted in writing within 10 University business days to the SCCE for Honor Council review.

### **Section 10.07 Faculty, Administrators and Staff Reporting of Honor Code Violations**

Faculty (meaning any individual listed as the teacher of record for a course at the University, including adjuncts), administrators, and staff share in the responsibility and authority to challenge and make known acts that violate the TAMIU Honor Code.

### **Section 10.08 Responsibilities of Faculty**

Faculty are expected to take proactive steps to promote academic integrity including, but not limited to:

1. Adding language to their syllabi that describes prohibited academic behavior and the consequences for misconduct.
2. Having an open discussion about academic integrity with students in their courses early in the semester.
3. Reporting academic violation, as required by the TAMIU Faculty Handbook.
4. Enforcing specified grade penalties for cheating or plagiarism, as outlined in their syllabi or as required by their department, college, or the TAMIU Faculty Handbook.

Upon finding a violation of the Honor Code, a faculty member has the responsibility to:

1. Assess the situation and impose an academic sanction on the student.
2. Send a sanction letter to the student's TAMIU email account, within 10 University business days of the discovery of the alleged violation and arrange for a conference with the student, if at all possible.
3. Copy the Provost, Chair, and Dean of the department, the Office of the Registrar, the Dean of the Graduate School (if the student is in graduate school), and the SCCE on the sanctioning letter (email).
4. Submit copies of course-work, and the source of academic violation, to the SCCE through the "Report It" system online within 10 University business days of the discovery of the alleged violation.

***All breaches of the Honor Code and violations of academic integrity must be reported to the SCCE through the Reporting System (<http://www.tamtu.edu/reportit>) within 10 University business days of the discovery of the alleged violation.***

### **Section 10.09 Responsibility of Academic Administrators and Staff**

Academic administrators and staff are expected to take proactive steps to promote academic integrity including, but not limited to:

Academic administrators and staff are expected to provide support to the faculty and the students in enforcing the Honor Code. Specifically, they should encourage faculty to be proactive in informing students about the Honor Code and in teaching students appropriate ways to conduct and acknowledge research. Academic Administrators should also provide strong support to faculty who are appropriately and fairly enforcing the Honor Code. Staff, which includes graduate assistant teaching (GAT), graduate assistant research (GAR) and graduate assistant non-teaching (GANT), must report allegation of academic violation to the faculty of record in which the alleged misconduct occurred.

Information shared with the Office of Student Counseling and Disability Services is confidential.

### **Section 10.10 Student Reporting Academic Violation**

Students must report academic violation to the Honor Council through the SCCE or to the faculty of the course in which the alleged violation occurred. Initiating formal procedures is a necessary and obligatory remedy when other methods are inappropriate or have failed (e.g., drawing attention to a suspected violation, peer pressure, etc.).

If a student is alleged to have violated the Honor Code but the class, department, and faculty cannot be identified, charges may be brought by anyone who has knowledge of the violation.

Intentionally false reports of academic violation is a violation of the Honor Code which will be adjudicated by the Honor Council.

### **Section 10.11 Student Reporting Formats**

There are three student-reporting formats for the Honor Code violations: (1) general reporting, (2) confidential reporting, and (3) anonymous reporting. Each reporting format will initiate some action by the Honor Council and can potentially lead to the initiation of a case. All reports must be made in writing.

1. **General Reporting** - General reporting constitutes a submission of a report in which the reporting party is willing to fully identify him/herself to all involved in the case. This is the preferred reporting format and will ensure that all facts are obtainable.
2. **Confidential Reporting** - Confidential reporting constitutes a submission of reports in which the reporting parties are willing to provide their names to faculty and/or the Honor Council but wish to have their names remain confidential through the proceedings of the case. Confidential reporting allows faculty and/or the Honor Council to contact the reporting party to gather further information when necessary.
3. **Anonymous Reporting** - Anonymous reporting constitutes a submission of a report in which the reporting party desires to remain anonymous. This report will be considered a tip and handled as such. The reporting party will not be identifiable and cannot be contacted for further information on the case. An anonymous tip is ***not*** sufficient ground to initiate a charge; however, the tip can initiate an investigation.

### **Section 10.12 The SCCE Process**

The student will receive a notification via University email or in person informing the student that an academic violation charge has been brought against them. Other forms of communication will be used when necessary or appropriate.

The SCCE will schedule an appointment with respondent to obtain an account of the events. The following will then occur:

1. A Student Conduct Administrator will meet with the student to explain the charge.
2. A Student Conduct Administrator will discuss the student's rights and responsibilities.
3. A Student Conduct Administrator will explain the academic violation process.
4. A Student Conduct Administrator will hear any statement that student may wish to make for case file or Honor Council review.



5. Should the student respondent accept responsibility during the course of the meeting with faculty or Student Conduct Administrator, the respondent waives their right to an appeal.

### **Section 10.13 Student Advisor**

Recognizing that participating in the student academic violation process can be a challenging experience for any student, a student can seek the assistance of an advisor. An advisor must be an administrative official, faculty member, or student of the University unless otherwise allowed by the Honor Council at the Council's discretion. More information on the advisor's role is described below.

The advisor, upon request of the student, may:

1. Advise the student in the preparation of information relevant to the case.
2. Accompany the student to all academic violation proceedings.
3. Advise the student in the preparation of an academic appeal.
4. Not speak for the respondent.

### **Section 10.14 Academic Violation Process**

All charges shall be presented to the student respondent in written form via University e-mail. The student respondent will be given 10 University business days to request an Honor Council Hearing as of the date of the faculty and/or SCCE notice, whichever comes first.

Honor Council appeal hearings will be conducted by the following procedures:

1. The advisor role:
  - a. The student respondent has the opportunity to be assisted by an advisor they choose, at their own expense.
  - b. Advisors ***are not permitted*** to represent any student at an Honor Council appeal hearing. An advisor may be present and communicate with the student but shall not address the Honor Council at the appeal hearing. Request for advisor to be present must be done so in writing a minimum of three University business days before the scheduled appeal hearing.
  - c. Students who are charged in the same fact pattern, or who are not in good disciplinary standing with the University are not eligible to serve as an advisor at Honor Council appeal hearings.
  - d. The respondent is responsible for presenting their own information. Therefore, a student should select an advisor whose schedule allows attendance at the scheduled date and time for the Honor Council appeal hearing. Appeal hearings will not be delayed due to scheduling conflicts of an advisor.

- e. The respondent, the faculty member, and the SCCE (on behalf of Council) may arrange for witnesses to present pertinent information to the Chairperson. Witnesses may provide this information to and answer questions from the Chairperson, SCCE, and student respondent. Character statements shall be accepted in written form only.
2. Relevant records, exhibits, student impact statements and other written statements may be offered as information for consideration at the discretion of the chairperson. The student may appear in person to the Honor Council appeal hearing.
3. The Honor Council may ask additional questions of student respondent in regards to their testimony.
4. All procedural questions are subject to the final decision of the chairperson.
5. After all relevant information has been received, the hearing panel will deliberate in private.
6. The focus of inquiry in Honor Council appeal hearings shall determine whether a violation of the Honor Code has occurred. Determination is by majority vote.
7. In some instance, the Honor Council will serve as the complaint of an academic violation. In such circumstances, the appeal will be reviewed by the Provost.
8. There shall be a single record of all Honor Council appeal hearings and deliberation. The record shall be the property of the University.
9. If a respondent does not appear at an Honor Council appeal hearing, the information in support of charges will be presented, considered, and a decision will be made. Concerns for the safety, well-being, and/or fears of confrontation during the hearing may be made at the discretion of the Chair.
10. The respondent and advisor may attend the entire Honor Council appeal hearing except the private deliberations of the Council. The Chairperson may remove a student or advisor for disruptive behavior.
11. A finding of responsibility may not be based on a respondent who chooses not to appear before an Honor Council appeal hearing.
12. The Council will deliberate in private and notify student of the decision within 10 University business days.
13. The student may accept or appeal the Honor Council's decision. An appeal must be submitted in writing to the Provost within 10 University business days of Honor Council notice of decision.
14. If the student accepts the Honor Council's decision, the case is closed.

### **Section 10.15 Sanctions for Violations of the Honor Code**

Academic integrity is fundamental to health and success of the University and the TAMIU community. Academic violation constitutes a serious offense. Sanctions for academic

violation should reflect the importance of this bedrock principle, balancing individual accountability with the educational purpose of the sanction.

A wide range of sanctions can be utilized to redress findings of responsibility for academic violation.

### **Section 10.16 Grade Sanctions**

Faculty alone are responsible for assigning grade penalties in their courses for violations of the Honor Code.

1. The following are possible sanctions for academic violation within a single course. These are non-binding recommendations. Faculty retains the right to assign grade penalties as deemed appropriate for their course.
  1. **1000 or 2000 level course** with a first violation, a grade penalty of an “F” or “0” on the assignment or exam, if faculty deems the violation a result of a misunderstanding of the requirements of proper documentation.
  2. **1000 or 2000 level course** with a first violation, a grade penalty of an “F” in the course if faculty deems the violation a result of a deliberate attempt to deceive and not a result of misunderstanding of proper documentation.
  3. **1000 or 2000 level course** with a second violation in the same course, grade penalty of an “F” in the course;
  4. **3000 or 4000 or graduate level course** with a first violation, grade penalty of an “F” in the course.
2. If the faculty member determines that assigning a grade of “F” to the course is the appropriate penalty and this action is reported to the SCCE **prior** to the deadline for dropping courses in the stated semester, the student forfeits their right to drop the course in question.
3. The Provost will suspend or expel a student in a Graduate or PhD level course with a first violation.

### **Section 10.17 General Sanctions**

A student may face general sanctions in addition to any grade penalty imposed by a faculty member. The Honor Council may make a request to the Provost that one of the following actions outlined below be taken. The Honor Council request must be made within 10 University business days of receiving the faculty member’s report. The Provost will notify the student within 10 University business days (except under unusual circumstance) of receiving the request of the Honor Council.

1. Any undergraduate student in any level course who is reported for a second offense will automatically have their case reviewed by the Honor Council for possible

assessment of additional sanctions, regardless of whether the student appeals the accusation of academic violation or not.

2. In all cases in which there are multiple reports against an individual student, the Honor Council will initiate a new complaint/report, for which said student will have the same rights of appeal as in any other reported academic violation.
3. Any graduate student who is reported for a first offense will have their case reviewed by the Honor Council to assess if additional charges and sanctions will be imposed. The graduate student will have the same rights of appeal as in any other reported academic violation.
4. For a student in a 1000 or 2000 level course with a second violation or a second offense in the same semester, the standard sanction shall be the grade penalty of an "F" in the course and the student may face suspension for one long semester (fall or spring).
5. For a student in a 3000 or 4000 level course with a second violation or a second offense in the same semester, the standard sanction shall be the grade penalty of an "F" in the course and the student will be suspended one academic year (including summer).
6. For a graduate student with a first violation, the standard sanction shall be the grade penalty of an "F" in the course and suspension for one academic year (including summer). Refer to the Graduate Handbook.
7. For a student with violations beyond those stipulated in points C-E above, the standard sanction shall be the grade penalty of an "F" in the course and expulsion from the University.

**The recommendations below are additional potential sanctions that a student found responsible for academic violation may face.**

8. Recommendation to the Provost for expulsion of the student from the specific program of study or from the University.
9. Recommendation to the Provost for Honor Code suspension of the student from the specific program of study or from the University.
10. Probation for Academic violation with a statement of the consequences for additional infractions and a description of the conditions, which must be met to end probationary status.
11. Required completion of an appropriate training or remediation program, whether or not probationary status is imposed.
12. Other sanctions as deemed necessary.

A student who is on "**Honor Code Probation**" is subject to the following restrictions:

- A. Ineligibility to hold an office in any recognized student organization recognized by the University or to hold any elected or appointed position within the University.
- B. Ineligibility to compete in intercollegiate athletic activity.
- C. Ineligibility to represent the University in any capacity, including representing the University at any official function.
- D. Ineligibility to receive a University-administered scholarship or fellowship when the “Honor Code Probation” is in place for longer than one semester.

Additional restrictions or conditions also may be imposed, depending on the timing, nature and severity of the misconduct. Examples are inability to pre-register, to receive an official transcript, or to participate in commencement exercises.

The Honor Council will disclose the outcome to persons who meet the definition of a school official who has a legitimate educational interest in the record and/or who are performing a task that is specific to the sanction imposed.

### **Section 10.18 Appeal to Honor Council of Academic Charge**

A student who is found responsible for an Honor Code violation, assessed a sanction, and has yet to appeal, has 10 University business days from the date of notification of outcome to file an appeal of the findings. The appeal must be stated in writing. The chair will determine if the appeal merits a hearing.

### **Section 10.19 Appeals of Faculty Findings**

Faculty alone are responsible for assigning grade penalties in their courses for violations of the Honor Code. A student’s appeal of a faculty member’s charge of academic violation must be based on one of the following reasons:

1. **Insufficient or misinterpreted evidence** that led to the initial finding of the violation of the Honor Code.
2. **Substantial new evidence** not available at the time of the original faculty decision. In this case, the Honor Council will consider new information that is sufficient to alter a decision or other relevant facts not known to the person appealing at the time of the original hearing.

### **Section 10.20 Honor Council Findings**

The Honor Council will hear the appeal and assess a finding of “responsible” or “not responsible” of academic violation. The Honor Council will notify the student, the faculty member, the chair of the department, the dean and the Provost of its findings. If the Honor Council assesses a finding of “responsible,” the student may appeal following the appeal process defined below.

The Honor Council will disclose its determination of the academic appeal to school officials who have an educational interest in the finding or sanction.

### **Section 10.21 Appeal to Provost of Honor Council Decisions**

Where Honor Council upholds the faculty member's original charge, a request for appeal may be made in writing to the Provost. The request must be submitted within 10 University business days after notification of the Honor Council's decision.

There are three grounds for an appeal:

1. **Substantial new evidence:** The Provost will consider new information that is sufficient to alter a decision or other relevant facts not known to the person appealing at the time of the original hearing.
2. **Procedural irregularities:** The Provost will determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and present rebuttal of allegations.
3. **The sanction is not commensurate with the violation:** The Provost will determine whether the sanction(s) imposed were appropriate for the violation of the Honor Code, which the student was found to have committed.

After receiving the written request for an appeal, the Provost or a designee may:

1. **Deny** the request for an appeal and the Honor Council decision will be final.
2. **Accept** the appeal and ask the Honor Council to reconvene and hear the case again with the new information.
  - a. If the Provost grants the appeal upon a procedural irregularity, the Provost can reverse the decision.

### **Section 10.22 Appeal of Sanctions other than Separation from the University**

If the Provost or a designee finds that there is adequate basis for an appeal:

1. The Provost will hear the case and render a decision.
2. The Provost's decisions are final.

### **Section 10.23 Appeal of Separation from the University**

A student who receives a sanction of expulsion, dismissal, or suspension by the Honor Council of an appeal has 10 University business days upon receiving notification from the University to appeal sanction.

1. The Provost will hear the case and render a decision.
2. THE SCCE will notify the student of the decision rendered by the Provost.

3. The decision of the Provost is final.

## ARTICLE 11. SANCTIONS

The University reserves the right, through fair process, to impose disciplinary and academic sanctions on students who have violated the Student Code of Conduct. Any sanction described below may be placed on deferred status. Please review [TAMIU Rule 08.01.01.L1, \*Civil Rights Complaint and Appeal Process\*](#) for the range of sanctions for violations of sexual harassment or sexual misconduct. The list below is not exhaustive.

***Campus Housing Probation:*** An official notice that the student's conduct is in violation of residence hall rules, University Apartments rules and/or University rules and that more stringent student conduct sanctions, including removal from housing, may result if future violations occur.

***Community/University Service:*** A student may be offered an opportunity to complete a specified number of hours of Community/University Service in lieu of or in addition to other sanctions.

***Conduct Probation:*** An official warning that the student's conduct is in violation of the TAMIU Student Code of Conduct, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is "**not in good disciplinary standing**" with the University. This sanction includes the same restrictions listed in Deferred Suspension. (Refer to Section 12.08)

***Conduct Review:*** An official warning that the student's conduct is in violation of TAMIU Student Code of Conduct, but is not sufficiently serious to warrant expulsion, dismissal, suspension, or conduct probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with Student Code of Conduct. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain "**in good disciplinary standing**" with the University. If there is a finding of responsibility for subsequent violations of the Student Code of Conduct during this period of time, more severe sanctions may be administered. (Refer to Section 12.08)

***Criminal Trespass Warning:*** In addition to being suspended or expelled from the University, the student is prohibited from entering the grounds and/or facilities owned, operated and/or maintained by the University. Entrance onto campus or into those

facilities/areas will be viewed as a violation of this sanction and the student will be confronted and charged accordingly for trespassing and failure to comply.

***Deferred Loss of Campus Housing Privilege:*** The sanction of Loss of Campus Housing Privilege may be placed in deferred status. If a student is found in violation of the Student Code of Conduct during the time of the deferred sanction, removal from housing takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation may also be taken.

***Deferred Suspension:*** The sanction of Deferred Suspension may be placed in deferred status. If the student is found in violation of any University rule during the time of Deferred Suspension, the Suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a Deferred Suspension sanction is deemed “**not in good disciplinary standing**” with the University. (Refer to Section 12.08)

***Dismissal:*** Separation of the student from the University for an indefinite period of time. Readmission to the University may be possible in the future, but no specific time for a decision is established. In civil rights related matters, respondents will have an opportunity to challenge the decision immediately following the removal.

***Educational Requirements:*** A provision to complete a specific educational requirement directly related to the violation committed. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a awareness workshop, essays, reports, or other education requirements, as deemed appropriate to support student development.

***Expulsion:*** Permanent separation of the student from the University whereby the student is not eligible for readmission to this university.

***Letter of Enrollment Block:*** A letter stating that the student may not enroll at TAMIU without prior approval through the Vice President for Student Success (or their designee) if enrollment has been blocked for a previous student conduct problem or for medical reasons.

***Letter of Reprimand:*** A letter providing a record of an incident that reflects unfavorably on the student or the University.

***Loss of Campus Housing Privilege:*** Removal from University housing for disciplinary reasons.



**No Contact Order:** A no contact order is a directive to prohibit intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, social media or third parties. A violation of a no conduct order can result in additional conduct charges, more severe consequences, and/or issuing a trespass warning.

**Restitution:** A payment for financial injury caused to another through misconduct. Restitution may be imposed alone or in addition to other sanctions.

**Restrictions:** The withdrawal of specified privileges for a definite period of time.

**Suspension:** Separation of the student from the University for a definite period of time. The student is not guaranteed readmission at the end of such period of time but is guaranteed a review of the case and a decision regarding eligibility for readmission.

**Warning:** Admonition of a student for actions unbecoming to the University community.

## **ARTICLE 12. NOTIFICATIONS AND DISCLAIMERS**

### **Section 12.01 Disciplinary Hold**

A hold will be placed on a student's University record while one or more of the following are pending: student conduct proceedings, expulsion, dismissal, separation, suspension, criminal trespass, deferred suspension, conduct probation, Honor Code review, conduct review, interim suspension, or other outstanding sanctions. Hold is placed on student data systems including Banner. This hold will prevent the student from: 1) registering for future terms; 2) participating in drop/add; 3) receiving an academic transcript and 4) receiving a diploma. A hold may be waived upon student written request.

### **Section 12.02 Handbook Subject to Change**

The provisions are subject to change without notice as deemed necessary and appropriate by the University administration.

### **Section 12.03 Case Information and Confidentiality Procedures**

TAMIU administrators, faculty, staff, and members of conduct panels may exchange information consistent with applicable state and federal laws.

### **Section 12.04 Record Retention**

All student conduct files are held by the SCCE or Compliance Office.

1. Students may review their files upon written request to SCCE or Director of Title IX and Civil Rights Compliance. Information provided in accordance with applicable law.
2. Student records will be retained as required by the [TAMUS Records Retention Schedule](#).

### **Section 12.05 Student Disciplinary Background Checks and Certifications**

Students who apply for jobs, internships, study abroad programs, graduate/professional school, and other opportunities both inside and outside TAMIU may be subject to a background check. Academic integrity and disciplinary records maintained by the Office of Student Conduct and Community Engagement will not be released to third parties without the student's written consent, unless permitted or required by law. It is important to note that information may be shared with University officials with a legitimate educational interest.

### **Section 12.06 Transcript Notation**

The University has adopted a rule ([SAP 11.99.02.L0.01](#)) on transcript notation. This includes placing transcript notation on pending conduct investigation(s). The notation will include the following:

1. The nature of the separation.
2. The type of infraction.
3. The department responsible for issuing the student separation from the University.
4. The effective dates of separation from the University, if applicable.
5. An outcome of suspension or expulsion will result in a permanent notation on the transcript.

### **Section 12.07 Parent Notification**

The Family Educational Rights and Privacy Act (FERPA), permits universities to inform the parents/guardians of students less than 21 years of age when their student has been found in violation of university alcohol and drug regulations. Texas A&M International University may notify the parents/guardians of students less than 21 years of age under the following circumstances:

- a) If found to have committed a serious violation of the alcohol or drug rule or policy;
- b) After a second violation of the university alcohol or drug rule or policy;
- c) When a student endangers his or someone's health or welfare through the use of alcohol or drugs;
- d) When a drug or alcohol violation results in the termination of the student's housing contract.

The parents of students who find themselves in this situation will be sent a letter by the Vice President of Student Success (or their designee) indicating that their student has committed a violation and been issued a disciplinary sanction. Parents may also be notified of other concerns about students' behaviors, health or academic progress if a health or safety emergency involves their student.

### **Section 12.08 Standing with the University due to Disciplinary Reasons**

A student who is not in good disciplinary standing with the University is subject to the following restrictions:

1. Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed position within the University;
2. Ineligibility to compete in intercollegiate athletic activity;
3. Ineligibility to represent the University in any capacity, including representing the University at any official function; and
4. Ineligibility to receive a University-administered scholarship or fellowship when the sanction is in place for longer than one semester.

## ARTICLE 13. APPENDICES

### Appendix A: Attendance Rule

TAMIU views class attendance as a student's individual responsibility. Students are expected to attend class and to complete all assignments. Faculty members are expected to give adequate notice of the dates on which major tests will be given and assignments will be due. Graduate students are expected to attend all examinations required by departments or advisory committees as scheduled formally.

- A. Among the reasons absences are considered excused by the University are the following:
  1. Participation in University-sponsored activity at the request of University authorities.
  2. Death or major illness to the student or student's immediate family.
  3. Illness of a dependent family member.
  4. Participation in legal proceedings or administrative procedures that require a student's presence.
  5. Religious Holy days/Days of obligation.
  6. A pregnant/parenting student must be granted a leave of absence (LOA) for as long as the student's physician deems the absence medically necessary.
  7. Illness/Injury that is too severe or contagious for the student to attend class.
  8. Required participation in military assignment and duties.
  9. Mandatory admission interviews for professional or graduate school, which cannot be rescheduled.
- B. The student is responsible for providing satisfactory evidence (i.e., physician note, medical release, etc.) to the faculty member or as required by the college within seven (7) calendar days of their absence and return to class, to substantiate the reason for absence. If the absence is excused, the faculty member must either provide the student with the opportunity to make up the exam or other work missed or provide a satisfactory alternative to complete the exam or other work missed within thirty (30) calendar days from the date of absence.
- C. Students who miss class due to a University-sponsored activity are responsible for identifying their absences to their faculty member(s) with as much advance notice as possible. They are responsible for all work assigned during their absence. Whenever possible, they should complete the work either before the absence or immediately afterward.
- D. If an off-campus licensed physician provides evidence of a student's illness, the written excuse, orders or documentation must contain the date and time of the doctor's appointment, the prognosis of illness, doctor's opinion and recommendations for the individual student. In addition, the notice should outline

whether or not the student is able to attend class. If a physician determines that the student is not ill, the student will not receive an excused absence. If absence is not an excused absence, the faculty member will decide whether makeup work will be allowed.

- E. In some courses, attendance and in-class participation are ongoing requirements and an integral part of the work of the course. In other courses, occasional in-class assessments may occur, sometimes without advance notice. It is the responsibility of the faculty member to inform each class at the beginning of the semester of the in-class participation expected and the effect absences will have on the student's evaluation of work in the course.
- F. Authorized absences are allowed for official University-sponsored activities that are:
  - a. Required due to mandatory participation in a University-sponsored activity.
  - b. Required for an official class.

**OFFICE OF RESPONSIBILITY:**

Office of the Provost

Revised: April 2018

Approved by Provost: May 2018

## **Appendix B: Leave of Absence (LOA) Rule**

The [Student Leave of Absence \(LOA\)](#) Rule assists and encourages students to return and graduate after an absence of two or more consecutive long semesters from TAMIU. Absences during summer sessions are excluded, as continuous enrollment is not affected. Eligible students are encouraged to take advantage of the benefits provided by a LOA, e.g., no need to apply for readmission to University and may participate in their regularly scheduled registration/enrollment period upon return. Please note that re-admission to a college program may be required.

### Eligibility Requirements

To be eligible for a LOA, a student must be eligible to register for classes and meet the following criteria:

1. Be a degree-seeking student.
2. Be registered during the semester immediately prior to the beginning of the LOA:
  - a. A student who was admitted as a new first-time freshman, transfer student, or graduate student, but did not attend will not be eligible for a LOA. Instead, the student should contact the Office of Admissions. Graduate students should contact the Graduate School.
  - b. A student who was readmitted but did not attend will not be eligible for a LOA. Instead, the student should contact the Office of Admissions. Graduate students should contact the Graduate School.
3. Be in good academic standing or on academic probation with their college.
4. Have no holds (e.g., disciplinary, business, testing, etc.), which would restrict registration. Note: Students with Business Office holds may be given consideration for a LOA if authorized by the Bursar's Office.
5. Have submitted any outstanding high school and/or transfer transcripts if prior admission/readmission and continued enrollment was contingent upon receipt of those transcripts.

### **Leave of Absence for Graduate Students**

Students should also be aware that they are required to maintain continuous registration during the fall and spring semesters, including registration for thesis, until all requirements for graduation have been met. Interruptions or delays in the course of study which have not been approved in advance by the student's advisory committee chair will interfere with the degree time limits and may result in students having to re-take courses and/or apply for re-admission to the program.

## **Leave of Absence Policy for Graduate Students**

You must be in good standing (i.e., financial obligations met, no disciplinary action, good academic standing). Requests for Leave of Absence must be submitted to the Dean of Graduate School before the second week of the first semester of absence. The maximum Leave of Absence is two semesters. Any Leave of Absence beyond two semesters must be adequately justified and approved by the Dean of the Graduate School. The maximum number of Leave of Absence requests is two. You must inform the Dean of the Graduate School when you return from your Leave of Absence. Unapproved Leaves of Absence may result in the student being required to re-apply to their program.

### **Process for Obtaining a LOA**

Student should do the following:

1. Review the rule and complete the Leave of Absence Request form promptly upon first knowledge that a LOA is needed. Form can be downloaded at <http://www.tamtu.edu/gradschool/downloads.shtml>.
2. Schedule appointment with department chair and college/school Dean for review and approval: College/school approval is required for an absence of two or more consecutive semesters to review the LOA application and the following issues:
  - a. Impact on progress toward degree.
  - b. Catalog year and status after LOA.
  - c. Academic standing issues.
  - d. Transfer policies, incomplete grades, agency requirements (e.g., state licensing/certification) and other academic issues, if applicable.
  - e. Possible change of majors to a major within same college or in another college. Process for completing major change prior to LOA is reviewed.
3. Contact other offices, if applicable:
  - a. Office of International Engagement – International students must receive mandatory advisement, including signature, from the Office of International Engagement to discuss the impact of the LOA to their immigration status. An international student on approved LOA must contact the Office of International Engagement prior to their return to TAMTU to clear visa status and request appropriate immigration documents.
  - b. Office of Financial Aid – Students who have received financial aid should request information about loan counseling, program rules that require continuous enrollment, and satisfactory progress. Students who have received scholarships should request information about possible deferment policies.

- c. Office of Housing & Residence Life – Students living on campus must formally petition to be released from their Residential Life License Agreement. If future housing is needed, students must reapply for housing.
  - d. Bursar’s Office – Students should review their online student account and pay all outstanding charges to avoid late charges and possible referral to an outside collection agency. Students requiring assistance with their accounts should visit or call the Bursar’s Office. Students with Business Office holds must contact the Bursar’s Office in order to setup a formal payment plan. Once a formal payment plan has been created, the Bursar’s Office will provide sign-off on the LOA which is then returned to the appropriate office for processing.
  - e. Veterans Affairs – Students who receive veterans’ educational benefits and/or students leaving the University due to a military activation should contact the Veteran Affairs Office in the Office of the University Registrar for information and assistance.
  - f. Graduate School-Graduate students should submit their leave of absence request to the Dean of Graduate School before the second week of the first semester of absence.
4. Submit the Leave of Absence Request form:
- a. Once the required signatures have been obtained, the application is returned to the Office of the University Registrar. The student may return the form in person.
  - b. The student follows the established procedures for withdrawing if registered for the current term and finds that completely withdrawing mid-semester is necessary, as well as the procedures for canceling any registration already submitted for any future term(s) during the requested LOA. NOTE: Students receiving financial aid must visit the Financial Aid Office for information on how withdrawal impacts their financial aid.
  - c. Satisfactory evidence (i.e., physician note, medical release, etc.) must be submitted to the instructor or as required by the college.
  - d. The student updates their mailing address on the student information system, if necessary.

### **Additional Conditions of LOA Requests**

#### **LOA Duration**

A LOA may not be granted for more than two consecutive regular semesters. (A regular semester is defined as a fall or spring semester and excludes winter and summer sessions; for example, LOA is granted for fall and spring or spring through fall.)



If the student does not return at the agreed semester, the student would need to undergo formal readmission to TAMIU, to include submission of a new application and any necessary transcripts.

1. A student may request a LOA more than once; however, the cumulative total of such requests may not exceed two years.
2. A student may request an extension prior to the scheduled return of a regular semester. Approval consideration will be at the college's discretion, based on the reason of the request. For example, appropriate extensions may result from students leaving for active military duty or religious missions.
3. A student may return earlier than the original agreed return date but should provide notice as soon as possible, keeping in mind applicable deadlines, such as advising, registration, financial aid, etc.

### **Student Status during the LOA**

A student granted a Leave of Absence retains their admitted student status. However, the student is not registered and, therefore, does not have all the rights and privileges of a registered student and should be aware of the following consequences:

1. Office of Financial Aid – A student is not eligible for any financial aid disbursements during the semesters while on LOA. A student on a LOA will be reported to lenders and loan service agencies as “non-attending” and will need to contact their lenders for information on possible repayment requirements.
2. Enrollment verification requests – Enrollment verifications for other entities, such as parents' health or auto insurance companies, will also be reported as “non-attending.”
3. Facilities Access:
  - a. Library – A student on a LOA will have limited access to library resources. The student may access library resources, including use of electronic databases and journals, while physically present in any campus library. No remote access to proprietary databases and electronic resources is available. Normal borrowing privileges are not retained, but restricted privileges may be available for a fee. A student interested in checking out TAMIU library material should contact any library circulation services.
  - b. Student Health Services and Student Counseling and Disability Services – A student on a LOA for a particular semester is not registered for any credit hours and, therefore, not eligible to use Student Health Services.
  - c. Computing resources – A student on a LOA will not have access to computing resources, including computing labs. Students will be able to maintain their TAMIU @dusty accounts.
  - d. Recreational Sports – A student on a LOA will lose access to recreational sports.

## **Returning from a LOA**

1. At the time of return, a student must continue to be eligible to register (i.e., have no enrollment restrictions, such as an account delinquency, disciplinary hold, or academic disqualification).
2. A student returning earlier than the original agreed return date should provide notice to the Office of the University Registrar as soon as possible, keeping in mind applicable deadlines, such as advising, registration, financial aid, etc.
3. A student must meet all financial aid requirements and deadlines for the academic year of their return.
4. The Office of the University Registrar will identify concerns, if any, arising during the student's LOA, which may make the student ineligible for registration and work with the school/college to resolve them, if possible.

### **Contact Information:**

Return to: Office of the University Registrar  
Senator Judith Zaffirini Student Success Center, 121  
Laredo, TX 78041-1900  
956.326.2250

## **OFFICE OF RESPONSIBILITY:**

Division for Student Success

Office of the Provost

Revised and approved: April 2018

## **Appendix C: Student Grievance Process**

As indicated in its mission, TAMIU strives to provide students with the highest quality programs, built on a solid academic foundation in the arts and sciences, and prepares them to lead their chosen professions in an increasingly complex, culturally diverse state, national, and global society. Consistent with our mission, TAMIU welcomes opinion and feedback about rules, procedures, programs and services in order to make changes that contribute to student success, development, and goal attainment. TAMIU is also committed to ensuring that students have access to a complaint process. A student with a complaint that a policy, rule, regulation, or procedure has been improperly applied in a particular case has recourse through complaint and appellate procedures. In registering grievances and filing appeals, TAMIU students must follow the procedures established by the unit where the complaint is filed.

### **Informal Process**

In most instances, grievances can be resolved through an informal process. Basic steps include:

- Arrange an informal meeting with the staff or faculty member wishing to raise a matter/concern preferably via face-to-face communication, or phone/email.
- Hold an informal meeting, confirming that this informal meeting is aimed at supporting the individual in addressing the specific concern.
- Explain your concern, provide any evidence or information relating to concern and discuss the impact these concerns are having on you.
- Explore how issues can be addressed and what you are seeking in terms of a resolution.
- If applicable, agree any follow up actions to ensure concern does not occur again.

If no resolution is reached, a student may proceed with the formal process as outlined below.

### **Formal Process**

If the issue is unresolved after following the informal complaint procedures, the student may submit a formal complaint. Formal grievances should be submitted using the [Report It form](#). A complaint must include the name, contact information of the person filing the complaint, and a brief description of the circumstances, including who has been involved, and current status.

Formal grievances are received by the Office of Student Conduct and Community Engagement. On receipt, SCCE will forward grievances to the appropriate department head, Dean, or supervisor within five University business days, except under unusual circumstance. The receiving department has 10 University business days to contact the

student and reach a resolution (extension may be granted upon request). Resolutions must be forwarded to the Office of Student Conduct and Community Engagement for record keeping.

<b>Type of Grievances</b>	<b>Responsible Office(s)</b>	<b>Type of Concern</b>
Student-Faculty	<ul style="list-style-type: none"> <li>• Office of Compliance</li> <li>• Academic Affairs</li> </ul>	<ul style="list-style-type: none"> <li>• Civil right matters</li> <li>• Faculty grievances; Fraud, waste, and abuse</li> </ul>
Student-Staff	<ul style="list-style-type: none"> <li>• Department supervisor(s) and/or VP</li> <li>• Office of Compliance</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Staff grievances; Fraud, waste, and abuse</li> <li>• Civil right matters</li> </ul>
Student-Student	<ul style="list-style-type: none"> <li>• Student Conduct &amp; Community Engagement</li> <li>• Honor Council</li> <li>• Office of Compliance</li> </ul>	<ul style="list-style-type: none"> <li>• General disciplinary conduct (non-academic or civil rights)</li> <li>• Academic misconduct</li> <li>• Civil rights matters</li> </ul>
Student-Third Party	<ul style="list-style-type: none"> <li>• VP of Administration (or their designee)</li> <li>• Office of Compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Fraud, waste, and abuse; contractual personnel grievances</li> <li>• Civil rights matters</li> </ul>

**Grade Appeal Process**

Faculty members are authorized to change final grades when they have committed a computational error, and to do so must receive approval of department chair and Dean. To receive that approval, faculty must attach a detailed explanation of the reason for the mistake. Rarely would another reason be entertained as legitimate for a grade change. A student who disputes a grade on an assignment must discuss the situation with the faculty member teaching the course. If students believe that they have been graded improperly, they may follow the grade appeal process defined above (Article 4).

**Academic Probation (non-disciplinary related)**

Students will be placed on Academic Probation at the conclusion of any long semester (fall or spring) when their institutional cumulative grade point average at Texas A&M International University falls below 2.0. Such students are encouraged to participate to the fullest in [academic support programs](#) and to seek academic advising. Students who have been placed on academic probation will be allowed to enroll for one additional one semester in an attempt to achieve the required institutional cumulative grade point average of 2.0 or better.

## **Academic Suspension**

Students who have been placed on academic probation and fail to achieve the minimum institutional cumulative grade point average during the next long semester will be placed on academic suspension. Students on academic suspension will be required to sit out one long semester and may re-enroll after such absence under academic probation. Prior to enrolling, the returning student must meet with an academic advisor to develop an academic improvement plan. The advisor will then meet with the student throughout the semester to monitor the student's progress in meeting established goals and determine appropriate subsequent actions.

The student may appeal the Academic Suspension to the Dean of the college/school, or the Dean's designee, in which the student is pursuing a degree by submitting a [petition for academic reinstatement](#) and a [student self-assessment](#). If the petition is approved, the student will be permitted to enroll under continued suspension. Prior to enrolling, the returning student must meet with the Dean to develop an academic improvement plan. The Dean (or their designee) will meet with the student throughout the semester to monitor the student's progress in meeting established goals and determine appropriate subsequent actions.

## **Removal of Academic Suspension Status by Wintermester, Maymester or Summer Study.**

Students placed on Academic Probation or Suspension at the end of the fall or spring semesters are eligible to attend the subsequent wintermester, maymester or summer sessions at TAMIU. If the student achieves an institutional cumulative grade point average of 2.0 or better at the conclusion of the wintermester, maymester or summer terms, the Academic Probation or Suspension status will be removed.

## **Grievances alleging violations of the American with Disabilities Act (ADA)**

TAMIU offers reasonable accommodations for students with disabilities. Students may contact Student Counseling and Disability Services at for policy and procedures for requesting accommodations. If you feel as though you have been discriminated against on the basis of disability status, please contact Director of Title IX and Civil Rights Compliance at KLM 159B, or call 956.326.2857.

## **Reporting Risk, Fraud, Waste, Abuse, and Misconduct**

If you have factual information suggestive of unsafe, fraudulent, wasteful, abusive, or inappropriate activities involving any TAMUS member, employee, student, or other affiliate, we want you to report it. Reports can be made using the risk, fraud, and misconduct hotline called *EthicsPoint*. Students can submit an anonymous report via the [EthicsPoint link](#) (the link is also located at the bottom of all TAMIU webpages) by following the instructions under "Raise a Concern" or by calling toll free 1-888-501-3850. Anonymous reports can also

be made to the Texas State Auditor's Office by calling 1.800.892.8348 or submitting an online report at <https://sao.fraud.texas.gov>.

### **Student Conduct Grievance**

Any member of the University community may file a grievance against a student who violates the Student Code of Conduct. Grievances must be filed in writing within fifteen (15) University business days of the discovery of the alleged infraction to the Office of Student Conduct and Community Engagement at <http://www.tamtu.edu/reportit>. Timelines for the grievance process may be extended for good cause shown or upon the unilateral discretion of the Office of Student Conduct and Community Engagement.

### **Student Financial Aid Appeal**

A student not meeting SAP standards due to extenuating circumstances may appeal a financial aid suspension by submitting an Appeal of Financial Aid Satisfactory Academic Progress. Examples of extenuating circumstances include a major medical condition or hospitalization of self or immediate family member, death of immediate family member, or victims of violent crimes. Personal or financial issues with family, friends, or roommates are not considered extenuating circumstances.

The Financial Aid Appeal Committee will only evaluate appeals for students who have a complete financial aid folder and are enrolled for the semester of appeal. Students should make payment arrangements with the Bursar's Office while their appeal is being reviewed to ensure that they are not dropped for non-payment. The student will be notified through official University student email account when the results of the appeal are available. Federal regulations do not allow the decisions of the Committee to be overturned by another institutional office or official.

### **Harassment Grievances**

TAMTU does not discriminate or permit harassment against any individual on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity in admissions, educational programs, or employment. Students who experience or observe alleged or suspected discrimination should report to the TAMTU Director of Title IX and Civil Rights Compliance, Lorissa M. Cortez, 5201 University Boulevard, KLM 159B, Laredo, TX 78041, [TitleIX@tamtu.edu](mailto:TitleIX@tamtu.edu), 956.326.2857, via the anonymous electronic reporting website, *Report It*, at [www.tamtu.edu/reportit](http://www.tamtu.edu/reportit), and/or the Office of Civil Rights (Dallas Office), U.S. Department of Education, 1999 Bryan Street, Suite 1620, Dallas, TX 75201-6810, 214.661.9600.

Under Title IX of the Educational Amendments of 1972, sex discrimination includes unwelcome conduct on the basis of sex including sexual harassment, sexual assault, domestic violence, dating violence; definitions for these terms can be found in 6.04 of this Handbook. TAMTU also prohibits all forms of sex-based misconduct which includes, but is not limited to sexual assault, sexual exploitation, dating violence, domestic violence, and

stalking based on sex. Further information concerning TAMIU Civil Rights procedures can be found in Appendix E of this handbook and at <http://www.tamtu.edu/compliance/Title%20IX.shtml>.

### **Recognized Student Organization Grievances**

The Office of Student Orientation, Leadership and Engagement oversees all recognized student organizations on the TAMIU campus. Individuals who wish to file a complaint against a recognized student organization or a member, or officer, of a recognized TAMIU student group should follow the procedure outlined in [The Leader: A Guide for Student Organizations](#).

### **Record Keeping Procedures**

Formal grievances will be kept on record in accordance to [TAMUS Record Retention Schedule](#). Individual units are responsible for addressing student grievances and forwarding resolutions to the Office of Student Conduct and Community Engagement for record keeping.

### **OFFICES OF RESPONSIBILITY:**

Division of Student Success

First Approved: Fall 2010

Next Scheduled Review: Fall 2024

Updated: March 2021

## Appendix D: Amnesty

### Purpose

The health and safety of our students are of primary concern at TAMIU (TAMIU). TAMIU is committed to ensuring that students obtain timely medical assistance for themselves and fellow Dustdevils in the case of medical emergencies.

As such, the University recognizes that the potential for disciplinary action may discourage students from seeking medical assistance for themselves or others in a time when medical attention is needed. TAMIU's *Amnesty* was developed with the intention to assist those individuals whose judgment or health is affected due to the consumption of alcohol or controlled substances by removing impediments to seeking medical assistance. Students are encouraged to contact the University Police Department, medical emergency professionals, or other University officials when medical assistance is needed.

### Expectations

The implementation of *Amnesty* is for TAMIU to continue being an entity which is proactive about the health and safety of its students and to instill in all Dustdevils the moral responsibility to help people in need. At TAMIU, we expect that students will take a proactive role in protecting the safety and well-being of their peers and the University community.

*Amnesty* also serves as educational experience that allows students the opportunity to learn from their decision-making and make healthier decisions in the future. It is the expectation that a student uses *Amnesty* minimally and as a learning experience. Therefore, after being granted amnesty once, the availability of amnesty to the student is at the discretion of the University.

### Protocol

*Amnesty* is an approach to reducing the dangerous consequences caused by alcohol or controlled substance emergencies by increasing the likelihood that members of the TAMIU community will call for medical assistance. TAMIU administers *Amnesty* as follows:

1. **Victims and Witnesses.** TAMIU provides amnesty to victims and witnesses who may be hesitant to report to University officials because they fear that they themselves may be accused of minor rule violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no student conduct proceedings or conduct record will result.
2. **Those Who Offer Assistance.** To encourage students to offer assistance to others, TAMIU applies amnesty for minor violations to students who offer assistance to



others in need. At the discretion of the Director of Student Conduct and Community Engagement (SCCE) (or their designee) and on a case-by-case basis, amnesty may also be extended to the person receiving assistance. Educational options will be explored, but no student conduct proceedings or conduct record will result.

3. **Those Who Report Serious Violations.** Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are extended amnesty for their minor violations. Educational options will be explored, but no student conduct proceedings or record will result. Abuse of amnesty requests can result in a decision by the Director of SCCE (or their designee) not to extend amnesty to the same person repeatedly.
4. **Safe Harbor.** TAMIU believes that students who have a drug and/or addiction problem deserve help. If any student brings their own use, addiction, or dependency to the attention of University officials outside the threat of drug tests or student conduct violations/sanctions and seeks assistance, a student conduct complaint will not be pursued. A written action plan may be used to track cooperation by the student with *Safe Harbor* protocols. Failure to follow the action plan will nullify *Safe Harbor* protection and student conduct processes will be initiated.

Amnesty applies only to conduct revealed as a result of the report, and not to unrelated conduct violations.

*Amnesty* does not limit the authority of law enforcement to act as required at the time of an alleged violation of federal, state, or local laws. TAMIU has a responsibility to investigate to determine that a report was made in good faith.

A student eligible for amnesty under *Amnesty* may be required to meet with the Director of SCCE (or their designee) to discuss participation in appropriate educational programs/activities, appropriate alcohol or substance abuse assessments, and/or treatments. Although the student receiving amnesty will not be assigned formal disciplinary sanctions or have a formal disciplinary case, records of all incidents addressed in the process will be maintained by SCCE, including remedies. Any subsequent alcohol or controlled substance incident will prompt a higher degree of concern and will be evaluated by SCCE for the availability of amnesty to the student. Failure to complete educational assignments or recommended treatments issued by SCCE will revoke the eligibility of amnesty and may result in formal disciplinary action.

Based on the entirety of the incident, the Director of SCCE or Director of Title IX and Civil Rights Compliance will make the final determination as to the applicability of amnesty.

### **Qualifications for *Amnesty***

The student receiving medical assistance or a student initiating medical assistance in an alcohol or controlled substance emergency qualifies for amnesty if:

1. The student requests medical assistance from the University Police Department, medical emergency professionals, or other University officials on behalf of a student experiencing an alcohol or controlled substance medical-related emergency;
2. The student seeking medical attention does so at the time of the incident;
3. The student meets with SCCE administration within ten (10) University business days of the incident; and
4. The student agrees to timely completion of assigned educational activities, assessments, and/or treatments assigned by SCCE.

If the student completes assignments by SCCE, the incident will not be documented as a formal disciplinary record for the individual.

Criteria for granting amnesty may include but is not limited to the severity of the incident, the student's disposition regarding the incident, whether the student has been granted amnesty in the past, and the student's previous conduct record.

*Students participating in intercollegiate programs (athletics) who previously invoked the Safe Harbor Program under the Athletics Department are not eligible to invoke TAMIU's Amnesty.*

### **Amnesty in Relation to Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

When a student reports, in good faith, being the victim of or a witness to an incident of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, TAMIU will not take disciplinary action against that student for violations of the Student Conduct Code occurring at or near the time of the incident reported. TAMIU may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, domestic violence, or stalking was made in good faith.

This amnesty will not apply in situations where:

- a. A student reports their own commission or complicity in the commission of sexual harassment, sexual assault, dating violence, domestic violence, or stalking [as defined in System Regulation 08.01.01]; or
- b. A student's behavior occurring near or at the time of the incident could result in a suspension, expulsion, or dismissal from TAMIU.

Based on the entirety of the incident, the Director of SCCE or Director of Title IX and Civil Rights Compliance will make the final determination as to the applicability of this protocol.

**OFFICE OF RESPONSIBILITY:**

Division of Student Success

Office of Compliance

Last Updated: May 2018

## Appendix E: Civil Rights Procedures and Further Information

1. Conduct that violates TAMIU's civil rights policy should be reported promptly to the Director of Title IX and Civil Rights Compliance or Deputy Title IX Coordinator. Grievances against faculty members, non-faculty employees, students, student athletes, or third parties can be made by anyone within the TAMIU community.
  - a. Grievances against faculty members should be directed to the Deputy Title IX Coordinator: Dr. Kevin Lindberg, Associate Provost, 5201 University Boulevard, Killam Library 332B, Laredo, TX, 78041-1900, 956.326.2601, [klindberg@tamiu.edu](mailto:klindberg@tamiu.edu).
  - b. Grievances against non-faculty employees, students, student athletes, or third parties should be directed to the Director of Title IX and Civil Rights Compliance: Lorissa M. Cortez, Director of Title IX and Civil Rights Compliance, 5201 University Boulevard, Killam Library 159B, Laredo, TX, 78041-1900, 956.326.2857, [TitleIX@tamiu.edu](mailto:TitleIX@tamiu.edu).
  - c. Reports can also be filed via *Report It*, our anonymous electronic reporting website, at <http://www.tamiu.edu/reportit/> or with the Office of Civil Rights (Dallas Office), U.S. Department of Education, 1999 Bryan Street, Suite 1620, Dallas, TX 75201-6810, 214-661-9600.
  
2. Conduct that violates civil rights policy includes discrimination, harassment, and related retaliation that is based on sex and/or gender, including all types of sexual misconduct, which includes but is not limited to the following. Definitions for these terms can be found in [System Regulation 08.01.01, Civil Rights Compliance](#).
  - a. Sexual harassment
  - b. Sexual misconduct
  - c. Dating violence
  - d. Domestic violence
  - e. Stalking
  - f. Non-consensual sexual contact
  - g. Sexual exploitation
  - h. Sex-based discrimination
  - i. Related retaliation
  
3. Conduct that also violates civil rights policy is discrimination, harassment, and related retaliation based on race, color, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity.

4. The Office of Compliance is charged with the investigation and resolution of alleged violations of TAMIU civil rights policy, including Title IX. Please refer to [TAMIU Rule 08.01.01.L1, Civil Rights Complaint and Appeal Process](#) and [System Regulation 08.01.01, Civil Rights Compliance](#) for more information on policies and the process. For more information and additional resources, please also visit The Office of Compliance [website](#).

***Office of Responsibility***

Office of Compliance, 956-326-2857

Last Updated: August 12, 2020

## **Appendix F: Administrative Response to Distress or Disruptive Behavior**

TAMIU is committed to the success of all students and recognizes that students may experience general medical or behavior health issues that significantly limit their ability to function successfully or safely. Through the Office of Student Counseling and Disability Services or Student Health Services the University provides assistance and support, including evaluation, treatment, and referral, a within the available resources of the institution, for students experiencing general medical or behavioral problems. If a member of the University community observes conduct that may constitute a threat to the health or safety of the community, individuals should report the conduct. Resources include the Behavioral Intervention Team (<http://tamiu.edu/reportit>), the Office of Student Success, and other appropriate university resources including, but not limited to, the Student Conduct and Community Engagement.

Students who display distress or disruptive behavior, may be: 1) referred for an individual evaluation and/or 2) administratively withdrawn from the university; in some instances, this withdrawal may be involuntary. Voluntary or involuntary administrative withdrawals permit students to take a break from the demands of the University's rigorous academic environment. The Vice President for Student Success (or their designee) is charged with responsibility for decision making related to this rule.

1. Distress or disruptive behavior includes, but is not limited to:
  - a. Instances where a student engages in, or threatens to engage in, behavior which poses a risk of imminent to the health or safety one or more individuals.
  - b. Instances of behavior, which would cause significant property damage, or would directly and substantially impede the lawful activities of others, or that substantially interferes with or impedes the educational experiences of others or would interfere with the educational process and the orderly operation of the University.
  - c. Instances of behavior that constitute an undue burden to the University by substantially interfering with the educational process or the orderly operation of the institution

### **Involuntary Referral for Evaluation**

When it is determined by the Behavioral Assessment and Intervention Team (BAIT) that a student has engaged in one or more of these behaviors, the student will be required to present themselves within one University business day, to a member of the BAIT, for an individualized review. The student will be notified in writing of this by the BAIT.

**Withdrawal**

Under this procedure, students may be voluntarily or involuntarily withdrawn from the University. The decision for an involuntary withdrawal shall be made by the BAIT.

The Office of Student Conduct and Community Engagement is responsible for the University disciplinary process. This procedure does not preclude a student's removal from the University, or any unit, class, or program, for disciplinary reasons in accordance with TAMIU Student Code of Conduct. The BAIT will consult with SCCE to determine whether a student accused of violating the Student Code of Conduct should be diverted from the student disciplinary process to the Administrative Response to Distress or Disruptive Behavior.

***Office of Responsibility***

Division of Student Success

Last Updated: May 2017

## Appendix G: TAMIU Rule 08.99.99.L1, Expressive Activity on Campus

**First Approved:** May 14, 2020

**Next Scheduled Review:** May 14, 2025

---

### Rule Statement and Reason for Rule

---

In 2019, the 86<sup>th</sup> Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code, Section 51.935, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the Bill, “freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.” Freedom of speech and assembly is central to the mission of institutions of higher education, and persons (students, student organizations, employees, and third-parties) should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including listening to or observing the expressive activities of others.

The purpose of this Rule is to establish guidelines and responsibilities for exercising the right to expressive activity on the Texas A&M International University (TAMIU) campus.

### Procedures and Responsibilities

---

#### 1. EXPRESSIVE ACTIVITY RIGHTS

- 1.1 Any person is allowed, subject to reasonable time, place, and manner restrictions as determined by TAMIU, to engage in expressive activities on the TAMIU campus, including responding to the expressive activities of others. In general, TAMIU defines **reasonable time** as normal operating business hours as published on the TAMIU website and **reasonable place** as common outdoor



areas. **Manner** restrictions include a prohibition on the use of amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session. **Manner** restrictions also encompass setting up any type of personal furnishings on TAMIU property including, but not limited to, tables, chairs, booths, canopies, etc. Tables and chairs are available to rent (which includes set up and tear down) from the Office of Community Relations and Special Events.

- 1.2 Students, student organizations, and employees are allowed to invite speakers to speak on campus. Third-parties are allowed to rent spaces through the Office of Community Relations and Special Events.
- 1.3 In determining the fee amount to be charged for the use of TAMIU facilities for purposes of engaging in expressive activities, TAMIU may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance or non-compliance by the requesting student, student organization, employee, or third-party with this Rule and other relevant rules.
- 1.4 TAMIU may not take action against a student, student organization, or employee or deny them any benefit generally available to other students, student organizations, and employees at TAMIU on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed or expressive activity.
- 1.5 The **common outdoor areas** of the TAMIU campus are deemed **traditional public forums**. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful and (b) does not materially and substantially disrupt the function and operations of TAMIU. Members of the TAMIU community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from TAMIU.
  - 1.5.1 In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required for events or activities that are promoted in advance, sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advanced reservation requests are made to the Office of Community Relations and Special Events.

1.6 Nothing in this Rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

## 2. GRIEVANCE PROCEDURE

2.1 Any person who believes their campus expressive activity rights, as recognized by this Rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this Rule, is subject to disciplinary action in accordance with applicable System policies/regulations and TAMIU rules and procedures.

2.2 Students or student organizations file grievances with the Office of Student Conduct and Community Engagement. Employees (faculty or staff) file grievances with the Office of Compliance.

2.3 The Office of Student Conduct and Community Engagement or the Office of Compliance, whichever is applicable, will investigate the grievance and render an investigation report summarizing the findings. The investigation report will be referred to the appropriate VP for adjudication. The appropriate VP will be determined by the status of the offending individual.

- a) Grievances concerning a student or student organization will be referred to the Office of the VP for Student Success.
- b) Grievances concerning a faculty member will be referred to the Office of the Provost & VPAA.
- c) Grievances concerning staff or on-campus vendor employees will be referred to the Office of the VP for Finance and Administration.

## 3. DISSEMINATION

3.1 A copy of this Rule shall be included in the TAMIU Student Handbook.

3.2 A copy of this Rule shall be provided to new TAMIU students during new student orientation.

3.3 A copy of this Rule shall be posted to TAMIU webpage.

## 4. THIRD-PARTY (EXTERNAL CLIENT) EVENTS

Events organized by a third party (external client) and held on campus must be sponsored by a recognized student organization, university academic or administrative unit, or an A&M System member.

## **Related Statutes, Policies, Regulations, or SAP's**

---

[Texas Education Code § 51.935](#)

---

## **Definitions**

---

The following are definitions of terms used in this Rule. The definitions includes both the singular and plural version of the term.

**Benefit** – recognized by or registered with TAMIU, the use of TAMIU facilities for meetings or speaking purposes, the use of channels of communication controlled by TAMIU, and funding sources made generally available to student organizations at TAMIU

**Campus** - all land and buildings owned or leased by TAMIU

**Common Outdoor Areas** – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by TAMIU for a special event or circumstance (e.g., construction). This term does not include areas immediately adjacent to a private residence, including dormitories and on-campus apartments.

**Disruptive Activity** (TAMIU *Student Handbook* definition) – disruption or obstruction of teaching, research, administration, student conduct proceedings, or other University mission, process, or function including public service functions or other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:

- (1) Leading or inciting others to disrupt scheduled and/or normal activities on University premises.

- (2) Classroom behavior that seriously interferes with either the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program.
- (3) Any behavior in class or out of class, which for any reason improperly interferes with class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.

**Employee** – an individual employed by TAMIU

**Expressive Activity** – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

**Faculty** – any full or part-time employee of TAMIU holding an academic appointment

**Materially and Substantially Disrupt** – interrupting a program or activity in a significant and consequential manner (e.g., using amplification equipment or noise-generating devices in the academic quad or within 50 feet of classroom buildings outside of the quad any time classes are in session)

**Person** – students, student organizations, faculty, staff, and third-parties

**Reasonable Time, Place, and Manner Restrictions** – limitations that (1) are narrowly tailored to serve a significant TAMIU interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; and (3) provide for ample alternative means of expression

**Staff** – an employee of TAMIU that is not a faculty member

**Student** – an individual currently enrolled at TAMIU, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester

**Student Organization** – any TAMIU-recognized organization that is composed of students enrolled at TAMIU and that receives a benefit from TAMIU

**Third-Party (External Client)** – an individual or entity that is not a student, student organization, or employee of TAMIU

**Traditional Public Forum** – a place, widely recognized in law, which has been intended for the use of the public and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

---

**Contact Office**

---

Office of Compliance, 956-326-2855

**Respect  
Integrity  
Service  
Excellence**



TEXAS A&M  
**INTERNATIONAL**  
UNIVERSITY

