The Student Code of Conduct defines a disciplinary system for the efficient administration of justice for the student body of Texas A&M University-Corpus Christi. The Student Code of Conduct establishes standards of behavior, both scholastic and behavioral, for the student body of Texas A&M University-Corpus Christi. The established standards of behavior may be applied to student behavior both on and off campus, campus being defined as any grounds or buildings under University control, when relevant to the lawful mission, processes, and functions of Texas A&M University-Corpus Christi. The Student Code of Conduct is the official document regarding student conduct policies, procedures, rules and regulations and supersedes all previous conduct codes, policies, or procedures. Action taken under the University Judicial System does not preclude prosecution in the criminal courts. The Texas A&M University-Corpus Christi Judicial System handles all cases of student misconduct. The Student Code of Conduct applies to the on-campus conduct of all students and registered organizations and/or University sponsored events that are held off campus. In addition, the University reserves the right to exercise jurisdiction for events or actions occurring off the campus in those instances in which the University’s community interest is affected. Additional consequences may be encountered for the following:

1. Academic Regulations: Student grievances over grades are resolved through the Student Grade Appeal Procedure (see University Rules Section 13.02.99.C2.01). Academic misconduct is a violation of the Student Code of Conduct and is resolved through the Procedure for Academic Misconduct (see University Rules Section 13.02.99.C3.01).
2. **Financial Regulations:** Disputes over financial concerns or complaints of University rules and regulations regarding the payment of bills and loans are resolved through the appropriate office or department.

3. **Organized Groups:** Outside groups shall be under the jurisdiction of the University Police Department.

4. **Parking Regulations:** Violations of the University parking policy as outlined in the Motor Vehicle and Parking Regulations Handbook are handled by the Parking Division of the University Police Department.

5. **Contractual Obligations:** Violations of non-disciplinary contractual obligations between a student and the University and/or its affiliates are handled by the appropriate University office.

**ARTICLE II. DEFINITIONS**

A. **Alleged Offender** is an individual who is charged with committing a violation of the *Student Code of Conduct*.

B. The term **Appellate Board** means any person or persons authorized by the Vice President for Student Affairs to consider an appeal of the University Judicial Process.

C. The term **cheating** includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments, plagiarism; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff.

D. **Complainant**—The party that files the complaint against a student.

E. **Disciplinary Hearing**—A hearing before a Judicial Advisor, Judicial Body, or Student Conduct Board (SCB) in which the complainant and the alleged offender have the opportunity to present testimony, evidence, and arguments. A determination as to “in violation” or “not in violation” of the alleged offender will be based upon the evidence presented at the hearing and, if the alleged offender is found “in violation”, appropriate sanctions will be levied.

F. The term **faculty member** means any person hired by the University to conduct classroom/laboratory activities.

G. **Incident Report** is an accusation in written form which must be signed by an individual indicating that he or she has first-hand knowledge or strong reason to believe that an individual has committed an offense.

H. The term **Judicial Advisor** means a University official authorized by the Vice President for Student Affairs to administer the University Judicial System. In addition, the Judicial Advisor may be the sole member or one member of a Judicial Body designated to hear a disciplinary hearing.
I. The term **Judicial Body** means any person or persons authorized by the Judicial Advisor to determine whether a student has violated the **Student Code of Conduct** and to recommend imposition of sanctions. The list of judicial bodies includes, but is not limited to, Vice President of Student Affairs, Judicial Advisor, the SCB and other persons as deemed appropriate by the Vice President of Student Affairs.

J. A **“Judicial Hold”** is a restriction placed on a student’s account which would prevent a student from registering, obtaining enrollment or degree verification, receiving an official transcript, etc.

K. The term **may** is used in the permissive sense.

L. The term **member of the University community** includes any person who is a student, faculty member, University official, resident, or any other person employed by the University or on University grounds. A person’s status in a particular situation shall be determined by the Vice President for Student Affairs.

M. **Notice/notification** means correspondence sent by mail, addressed to the addressee at the local address as shown on university records or personally delivered to the addressee. It may include verbal notification or confirmed receipt of electronic mail.

N. **Notice of Charges** is a written statement identifying the alleged offender and the specific violation(s) of the **Student Code of Conduct** that has/have allegedly occurred.

O. The term **organization** means any number of persons who have complied with the formal requirements for University recognition.

P. The term **plagiarism** includes, but is not limited to, the use by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling or distribution of term papers or other academic materials.

Q. **Preponderance of Evidence** - A standard of proof that indicates that the information provided leads the Conduct Officer or SCB member that “more likely than not” a violation did or did not occur.

R. **Presenter** is individual who presents the case to the Judicial Body on behalf of the University.

S. The term **rule/regulation** is defined as the written regulations of the University as found in, but not limited to, the **Student Code of Conduct**, **Camden Miramar Community Policies**, **Graduate/Undergraduate Catalogs**, and **Texas A&M University System Policies/Procedures**.

T. **Sanction** - An outcome imposed for the violation of the Student Code of Conduct. Generally, sanctions are educational in nature and intended to modify the student’s behavior as well as build an awareness of personal responsibility and community standards.

U. The term **shall** is used in the imperative sense.

V. The term **student** includes all persons taking courses at the University, both full-time and
part-time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than A&M-Corpus Christi and who reside in University residential facilities. Persons who are not officially enrolled for a particular term but have a continuing relationship with the University are considered students.

W. Student Conduct Board (SCB) - A group of trained students who review cases in which information of an alleged violation are presented in an effort to determine if a violation(s) took place and what appropriate sanction(s) should be assigned.

X. The term student organization means any number of persons who have complied with the formal requirements for University recognition.

Y. The term University means Texas A&M University-Corpus Christi.

Z. The term University official includes any person employed or authorized by the University to perform assigned administrative or professional responsibilities.

AA. The term University premises include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

BB. The term University sponsored activity means any activity on- or off-campus that is initiated, aided, authorized, or supervised by the University.

CC. The Vice President for Student Affairs is that person designated by the University President to be responsible for the administration of the Student Code of Conduct.

ARTICLE III. VIOLATIONS OF THE STUDENT CODE OF CONDUCT

The following acts or omissions to act are violations of the Student Code of Conduct. These sections are not inclusive, and students are subject to additional rules and regulations of Texas A&M University-Corpus Christi. Refer to the student handbook, lease and community policies for rules and regulations governing on campus housing, the Undergraduate and Graduate Catalogs for academic regulations, and the appropriate University department for specific regulations governing that area.

OFFENSES

The following offenses, or the aiding, abetting, inciting of, or attempt to commit these offenses, constitute violations of the Student Code of Conduct. All members of the University community are entitled to freedom from suffering deliberate hurt, injury, or loss. Access to the University must be available to all in a non-hostile and non-threatening atmosphere. These protections include but are not limited to injuries resulting from antagonisms based upon race, ethnicity, religion, gender, sexual orientation, or disability status. Specific violations of this standard include, but are not limited to:

1. Endangerment:
   Inflicting bodily harm or unwanted contact upon one’s self or others;
   Committing or threatening to commit any act of violence against one’s self or others;
Action(s) that endanger the health, safety, or well-being of one’s self or others.

Committing the act of brawling which includes willfully participating or contributing to an incident of physical abuse.

2. **Brawling:**
Willfully participating or contributing to an incident of physical abuse.

3. **Harassment:**
Conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the University. (See University Policy 34.01.99.C1 on Harassment)

4. **Stalking:**
Stalking behavior in which an individual willingly, maliciously and repeatedly engages in a knowing course of conduct directed at a specific person which reasonably and seriously alarms, torments, or terrorizes the person. This conduct makes the victim fear bodily injury or death, bodily injury or death of a family member, or that an offense will be committed against their property. This is a third degree felony in the State of Texas.

5. **Sexual Assault:**
Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim’s will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual’s ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

*NOTE: For the purpose of this policy, consent must be freely and actively given through mutually understandable terms of actions. A person is deemed incapable of giving consent when that person is a minor, is mentally disabled, mentally incapacitated, physically helpless, under the influence of alcohol or drugs to the point of being unable to make a rational decision, unconscious or asleep. A person always retains the right to revoke consent any time during a sexual act. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent.*

6. **Sexual Misconduct:**
Obscene or indecent behavior, which includes, but is not limited to, exposure of one’s sexual organs or the display of sexual behavior that would reasonably be offensive to others.

Conduct of a sexual nature that creates an intimidating, hostile, or offensive environment for another person. This includes unwanted, unwelcome, inappropriate sexual or gender-based behaviors, actions or comments.
7. **Hazing:**
Hazing means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes, but not limited to:

Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

Any type of physical activity, such as sleep deprivation, exposure to the elements, and confinement in a small space, calisthenics, or other 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.

Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision.

Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code. Sec.4.52.

The intent of the act or the consent or cooperation of the hazing recipient will not constitute a defense. The University or the hazing recipient may charge an individual and/or the officers of a recognized organization with responsibility for the hazing act(s) both on or off-campus.

Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 at [www.stophazing.org/laws/tx_law.htm](http://www.stophazing.org/laws/tx_law.htm). A person may be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his/her knowledge to the Judicial Advisor. Any person reporting a specific hazing incident to the Judicial Advisor or other appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious.

8. **Weapons:**
According to University Rule 34.06.02.C1(Firearms and or Other Weapons). All firearms are prohibited on the premises of Texas A&M University-Corpus Christi, in any University vehicle, or on any grounds on which an activity sponsored by Texas A&M University-Corpus Christi is being conducted. The University will follow Texas Penal Code Section 46.03 in the administration of this rule. For further information please refer to University Rule at the following web site: [http://www.tamucc.edu/provost/University_rules/safety/340602C1.htm](http://www.tamucc.edu/provost/University_rules/safety/340602C1.htm)
9. **Fire and Safety:**
   a. Knowingly, recklessly, or negligently setting a fire on University property.
   b. Creating a fire hazard or endangering the safety of persons or property by the improper use or possession of hazardous substances.
   c. False reporting of a fire.
   d. Failing to report a fire.
   e. Interfering with the response of University or city officials to emergency calls.
   f. Misuse or removal of, damage to or tampering with fire prevention or other emergency warning equipment.
   g. Use or possession of any electrical appliance not authorized in on-campus housing or other areas of the University.
   h. Possession of candles, extension cords, strip plugs without surge protectors, halogen lamps and other potential fire hazards in on-campus housing.
   i. Pranks involving fire.
   j. Refusing to comply with fire alarm and fire drill procedures.

10. **Illegal Drugs:**
    a. Possession, purchase, use, manufacture, sale, distribute or be under the influence of any illegal dangerous, narcotic, hallucinogenic, and/or look-alike drugs or drug paraphernalia in any form;
    b. The delivery, transfer, or intent to deliver, transfer, or manufacture any drug or drug paraphernalia;
    c. Improper or illegal use, possession, distribution, or manufacture of narcotics or other controlled substances;
    d. Any paraphernalia associated with the use and/or possession of a narcotic or controlled substance is prohibited;
    e. The misuse, sale or distribution of prescription drugs;
    f. The sale, delivery, or transfer of a prescription or prescription drug.

11. **Alcohol Policy:**
    a. The possession, use, consumption, manufacture, sale, or distribution of alcohol
by anyone under 21 years of age;

b. Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of Texas.

c. The possession, use, consumption, manufacture, sale, or distribution of alcohol in violation of any applicable law, including the laws of the State of Texas or the City of Corpus Christi, Texas;

d. The possession, use, consumption, manufacture, sale, or distribution of alcohol in any on-campus housing, University building, facility, or property except in the confines of a student’s own room if the student, roommate, and all guests are 21 years of age;

e. Intoxicated behavior;

f. The possession of beer kegs in any University building, facility, or property;

g. A violation of any University policy or procedure concerning the use of alcohol or enacted to monitor or control the use of alcohol.

12. Throwing Objects:
Throwing objects out of windows, roofs or stairwells, etc of any building on University property is prohibited.

13. Property:
The maintenance and preservation of the resources of the University, including its grounds, academic buildings, residences, dining facilities, and other structures are obligations of all members of the Texas A&M University-Corpus Christi community. These resources are provided for the general community purposes and must be maintained so that no persons are denied their right to their proper use. It applies equally to the protection of the personal property and possessions of students, staff, administration, and faculty, and to those buildings and materials which are owned or leased by the University.

a. Unauthorized Removal, Possession, or Use: Unauthorized use, possession, or removal from a designated area of property belonging to the University, residences, its community members, guests, or vendors.

b. Unauthorized Entry: Unauthorized entry to property under University control. (No student shall remain in a University building beyond its normal operating hours unless duly authorized by a University official.)

c. Damage, Destruction, or Defacement of Property: Damage, destruction, or defacement of property belonging to the University, residences, any of its community members, guests, or vendors.

d. Unauthorized Painting: Unauthorized painting or staining in any on-campus housing, public area, administrative office, classroom, or other property owned by Texas A&M University-Corpus Christi.

e. Unauthorized Duplication and/or Use: Unauthorized possession, duplication or use of keys to any University facility.

f. Unauthorized Posting of Announcements: Failure to post announcements in accordance with established procedures of the specific building. (For additional information see Policy Appendices.)
14. **Computer Misuse:**

a. Misuse of abuse of computer equipment, programs or data.

b. Unauthorized use of computing resources or use of computing resources for unauthorized purposes.

c. Transporting, accessing or copying programs, records and/or data belonging to the University or another user without permission.

d. Attempting to breach the security of another user’s account or deprive another user of access to the University’s computing resources.

e. Using the University’s computing resources for personal or financial gain.

f. Use of computing facilities to interfere with the work of any person or entity.

g. Use of computing facilities to interfere with normal operation of the University business and/or computing systems.

h. Attempting to destroy or modify programs, records and/or data belonging to the University or to another user.

i. A student(s) shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements including, but not limited to, downloading and/or distribution of music, movies, or any media via the Internet on any University computers.

j. Unauthorized access, distribution, alteration, or use of electronic materials including, but not limited to, information, images, text, or software.

k. Use of computing facilities to send or intentionally receive obscene or abusive transmission.

l. Unauthorized Business: Use of University property, on-campus housing, and resources for personal gain.

15. **Academic Misconduct:**

Receipt or transmission of unauthorized aid on assignments or examinations, plagiarism, unauthorized use of examination materials, or other forms of dishonesty in academic matters.

16. **Information and Identification:**

The climate of life in the academic community is one of honesty and integrity. In order to preserve academic scholarship and the free flow of ideas in the University community, each student must acknowledge and stand by his or her own work and refrain from misleading or false statements.

a. **Personal Misrepresentation:** Representing oneself and/or another in person, in writing or through means of electronic communication, with intent to obtain a
benefit or to injure or defraud.

b. **Unauthorized Representation:** Alleging to represent the University or any of its recognized organizations without specific prior consent of the respective officials and with intent to obtain a benefit or to injure or defraud.

c. **Inaccuracy of Records and Information:** Falsifying, tampering, altering, forging, or misusing any University record or official document or knowingly supplying false or misleading information to University officials.

d. **Registration Tampering:**

1.) A student who tampers or attempts to tamper with the registration or records of another student or one’s own including, but not limited to, dropping courses and adding courses, may be subject to disciplinary sanctions as defined in the *Student Code of Conduct*.

2.) Tampering with the election or referendum process of any University recognized student organization or entity.

e. **Dishonesty in Judicial and Administrative Matters:** Dishonesty before judicial bodies, University boards or committees, or University officials; or knowingly misrepresenting verbally or in writing the nature of events or the identification of persons coming before such persons or bodies.

f. **Student Code of Conduct Violation:** Falsely reporting a crime and/or a conduct violation or safe threat.

17. **Failure to Comply:**

a. **Failure to Follow Instructions from University Officials:**

1. Failure to follow the oral or written instructions regarding University regulations or state law given by any properly identified University official including residence life personnel and other partners of the University.

2. Failure to present personal identification to a University official upon request.

b. **Negligence of Records & Information:** Failure to maintain current and contact information with the Office of Admission and Records.

c. **Failure to Personally Appear Before a Judicial Body:** Failure of the complainant or any witnesses to appear before the appropriate Judicial Body upon request by an official member of the University Judicial System.

18. **Breach of Peace:**

Texas A&M University-Corpus Christi, as an academic community, requires that each individual respect the needs of others to study, learn, work and sleep in a peaceful atmosphere.
**Excessive Noise:** Disruption of study, sleep, work or any other appropriate activity through excessive noise.

**Disruptive Behavior:** This is to include, but not limited to, disruptive conduct defined as any action by a student that impairs, interferes with or obstructs operations, processes and functions of the University. Disruption of study, sleep, work or any other appropriate activity through disorderly behavior. Conduct that is lewd or indecent; abusive, profane or vulgar language in a public place; obscene actions.

**Disorderly Conduct:** Engaging in conduct that is disruptive, lewd or indecent, regardless of intent, which breaches the peace of the community.

**Obstruction or Disruption of University Activities:** Intentionally obstructing or disrupting classes, research, administration, disciplinary proceedings or other authorized activities on University premises or inciting others to do the same. For information concerning demonstrations, see Policy Appendices.

**Obstruction of Movement:** Interference with the rights of another to enter, use or leave any University facility, service or activity.

19. **Accessory Responsibility:**

**Accessory to a Violation:** Aiding or abetting another individual in the commission of an offense as defined by the *Student Code of Conduct*. A person may be charged under this section even though the alleged perpetrator of the original offense may be found “not in violation.”

**Guest Responsibility:** Students are also responsible for ensuring that all guests know and behave consistently with this Code while on campus. Students are responsible for the activities that occur in their rooms and the shared living space in their on-campus housing, where applicable. Students are expected to properly secure their living area(s) at all times. Any person involved in an incident who is not an assigned occupant of the room or suite where the incident occurred will be deemed a "guest" under this Code. All assigned occupants of a room or suite may be subject to the same sanctions under this Code as the actual violators.

20. **Gambling:**
Gambling on the campus or at a University sponsored activity off-campus.

21. **Violation of Rights:**
Any intentional violation of a student’s rights to due process or any intentional failure to follow proper judicial procedures as outlined in the *Student Code of Conduct* to include, but not limited to, perjury, intimidation, obstruction and retaliation. Abuse of the Judicial System including but not limited to:

a. Failure to obey the summons of a Judicial Body or University official.

b. Falsification, distortion, misrepresentation, or withholding of information before a Judicial Body.
c. Disruption or interference with the orderly conduct of a judicial proceeding.
d. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
e. Attempting to influence the impartiality of a member of a Judicial Body prior to, during and/or after a judicial proceeding.
f. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Body prior to, during and/or after a judicial proceeding.
g. Failure to comply with the sanction(s) imposed under the *Student Code of Conduct*.
h. Influencing or attempting to influence another person to commit an abuse of the system.
i. Retaliatory action of any kind is prohibited when taken against a witness or other person providing testimony, or against a complainant seeking redress for a grievance.
j. Breaching the confidentiality of any person involved in a judicial proceeding.

Any student found to have committed misconduct is subject to the disciplinary sanctions outlined in Article VII Sanctions.

22. **Other Violations:**

a. Violating terms of any disciplinary sanctions: Knowingly violating the terms of any disciplinary sanction (including failing to meet deadlines and/or committing a violation of University rules while serving a probationary sanction) imposed in accordance with University rules.

b. Violation of published University rules: Such rules include on-campus housing contracts and rules, University rules, motor vehicle rules, rules relating to the use of student identification cards, entry and use of University facilities.

Violation of federal, state, or local law on University premises or at University sponsored activities.

Violation of University, or University affiliates, policies, rules or regulations.

23. **Violation of Law and University Discipline:**

a. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of the *Student Code of Conduct*, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the University community.

b. University disciplinary proceedings may be instituted against a student charged
with violation of a law which is also a violation of the Student Code of Conduct (for example, if both violations result from the same factual situation) without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus.

c. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. However, if the alleged offense is also the subject of a proceeding before a Judicial Body under the Student Code of Conduct the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV. POLICY ON PARENTAL NOTIFICATION OF ALCOHOL VIOLATIONS

Judicial Affairs may notify parents/guardians of students, under the age of 21, who have been found in violation of the Student Code of Conduct if their violation(s) has (have) involved the use of alcohol or illegal substances. Generally, notification of parents/guardians will occur when there have been two or more violations involving the use of alcohol or illegal substances or when, in the opinion of the Judicial Advisor, these violations pose a threat to the student and/or others.

ARTICLE V. JUDICIAL AUTHORITY

The Judicial Advisor shall determine the composition of the Judicial Bodies and Appellate Boards and determine which Judicial Body and Appellate Board shall be authorized to hear each case. The Judicial Advisor shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings which are consistent with the provisions of the Student Code of Conduct. Decisions made by a Judicial Body and/or Judicial Advisor shall be final, pending the normal appeal process. A Judicial Body may be designated as mediator of disputes within the student community in cases which do not involve a violation of the Student Code of Conduct. All parties must agree to mediation and to be bound by the decision with no right of appeal.

ARTICLE VI. JUDICIAL PROCEEDINGS

A. Charges

1. Any member of the University community may file charges against any student for misconduct. Charges shall be prepared, in writing, and directed to the Judicial Advisor responsible for the administration of the University judicial system. Any charge should be submitted within ninety (90) days after the event takes place or becomes known, within a one-year time frame.

2. The Judicial Advisor may conduct an investigation to determine if the charges have merit.
and/or if they can be disposed of administratively by mutual consent of the parties involved in a manner acceptable to the Judicial Advisor. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Judicial Advisor may later serve in the same matter as the Judicial Body or a member thereof.

3. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than one nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Judicial Advisor.

B. Hearing Guidelines

Every student in the Texas A&M University-Corpus Christi community shall have the right to a hearing. Except in the event of “immediate suspension” (see Article VIII), no judicial penalty shall be imposed upon any student without a hearing, a plea of in violation, or no contest. Hearings shall be conducted by a Judicial Body according to the following guidelines:

1. Hearings normally shall be conducted in private.

2. Admission of any person to the hearing shall be at the discretion of the Judicial Advisor.

3. In hearings involving more than one accused student, the Judicial Advisor, at his or her discretion, may permit the hearings concerning each student to be conducted separately.

4. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her case; therefore, advisors are not permitted to participate directly in any hearing before the Judicial Body. Counsel is restricted to an advisory role. Advisors are required to maintain strict confidentiality regarding judicial proceedings.

5. The complainant, the accused and the Judicial Body shall have the privilege of presenting witnesses, subject to the right of cross-examination by the Judicial Body.

6. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a Judicial Body at the discretion of the Judicial Advisor.

7. All procedural questions are subject to the final decision of the Judicial Advisor.

8. After the hearing, the Judicial Body shall determine (by majority vote if the Judicial Body consists of more than one person) whether the student has violated any and/or all section(s) of the Student Code of Conduct which the student is charged with violating.

9. The Judicial Body’s determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct.

10. A complete and confidential record (i.e., tape recordings, notes) shall be kept of all
judicial hearings. There may be a single verbatim record, such as a tape recording, of all hearings before a Judicial Body. The Judicial Advisor shall decide which hearings will be taped. All tape recordings shall be the property of Texas A&M University-Corpus Christi. All tapes may be erased five (5) academic days after the hearing if an appeal is not submitted, unless the student requests an appeal. In this instance, the tapes may be kept for the appeal process, and destroyed five (5) academic days after the appeal hearing at the discretion of the Judicial Advisor. When the sanction issued by Judicial Body is suspension or expulsion from the university, the tapes of the hearings will be kept until the end of the following semester.

11. No student may be found to have violated the Student Code of Conduct solely for failing to appear before a Judicial Body except in the case of a student charged with failing to obey the summons of a Judicial Body or University official. If a student fails to appear, the evidence in support of the charges shall be presented and considered and a decision will be rendered in the student’s absence.

ARTICLE VII. SANCTIONS

Sanction(s) are a penalty imposed upon a student after he or she either has admitted being in violation or has been found responsible by a Judicial Body of having committed a violation of the Student Code of Conduct. Sanctions should relate to the character of the offense with further consideration given to the possibility of the wider effect of the offense on the University community. When possible, sanctions will be given for a particular offense as established by previous decisions in similar cases. The sanctions listed below are not inclusive but merely serve as guidelines. These sanctions may be levied in any combination. Sanctions will be imposed in an active and educational manner. Any of these sanctions listed below may be imposed on individuals as deemed appropriate.

A. Disciplinary Warning: A letter of reprimand stating the student and/or student organization violated the Student Code of Conduct and indicating that any future violation of the Student Code of Conduct will subject the student to further judicial proceedings, in which the original violation will be considered when determining the sanctions to be imposed.

B. Community Service: A contractual agreement between a Judicial Advisor and the student to fulfill the requirements of an available work assignment. Failure to complete the work assignment satisfactorily will result in a hold upon the student’s academic records. If a hold is placed on the student’s academic records, the student may be unable to register for classes or receive copies of his/her TAMU-CC transcript. This encumbrance will remain on a student’s record until the work assignment is completed.

C. Restitution: Payment for damage to the University’s property. The dollar amount is determined by the cost of materials to repair the item damaged, including any labor needed to replace or restore the item. The student will be responsible for payments assessed by the Judicial Body or a hold will be placed on the student’s record.

D. Restricted Access: Restricting or banning from entering certain designated areas and use of specific equipment as defined by a Judicial Advisor for a specified period of time. Restricting or banning may include, but is not limited to, access to a University facility and services, access to on campus housing, participation in University-sponsored activities, or contact with a specified University community member(s).
E. Disciplinary Probation: A written reprimand that defines a student’s status for a specific period of time. If a student violates any other rules and regulations within the jurisdiction of the judicial system while under University Disciplinary Probation, that student will be subject to further disciplinary proceedings. If a student is found in violation of the new offense, a more severe sanction may be imposed than would normally be imposed for the new offense alone.

F. Housing Eviction: Permanent separation of the student from University on campus residence facilities. A student who is removed from on campus housing as the result of this sanction may be required to pay the full room charge and any other fees that are owed as stipulated in the lease agreement.

G. Suspension: A sanction whereby the student temporarily loses the privilege of being enrolled as a student at Texas A&M University-Corpus Christi, for a definite period of time, after which the student is eligible to return. Conditions for readmission may apply. Suspended students may not reside in on campus housing.

H. Expulsion from the University: A sanction whereby the student permanently loses the privilege of being enrolled as a student at Texas A&M University-Corpus Christi.

I. Deferred Sanction: The deferral of a sanction for a definite or indefinite period. If a student pleads in violation or is found in violation of a further violation(s) of the Student Code of Conduct, the deferred sanction may be imposed. In determining whether to impose the deferred sanction, the student’s judicial record, as well as the nature and circumstances of the subsequent offense, will be considered.

J. Banned from Campus: In addition to being suspended/expelled from the University, the student is banned from entering the grounds and/or facilities owned and maintained by the University, including on campus housing facilities. Entrance onto campus and into those facilities will be viewed as a violation of this sanction and the student may be charged for trespassing and failure to comply.

K. Immediate suspension means separation from the University without the student first receiving notice and a hearing. A student receiving an immediate suspension shall remain off campus and University facilities until the expiration of the suspension period unless otherwise instructed by the University. The suspension period cannot exceed 10 calendar days. (Please see Article VIII for procedural guidelines.)

For Student Organizations
Upon finding that a student organization has violated the Student Code of Conduct, the appropriate University official or Judicial Body may apply one or more disciplinary measures within the restrictions provided in stated rules and procedures. The severity of the sanction shall be consistent with the nature of the offense. Other than University suspension or expulsion, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s confidential record.

A. Revocation of Recognition: permanent severance of the student organization’s relationship with the University.
B. **Probated Revocation of Recognition:** notice that further major violation(s) of University rules and procedures shall result in revocation of recognition. This sanction may be accompanied by restriction, restitution, and/or community service.

C. **Suspension of Recognition:** severance of the student organization’s recognition by the University for a specific period of time. This sanction may be accompanied by restriction, restitution, and/or community service.

D. **Deferred Suspension of Recognition:** notice that further violation(s) of University rules and procedures shall result in suspension. This sanction may be accompanied by restriction, restitution, and/or community service.

E. **Disciplinary Probation:** notice to the student organization that further disciplinary violation(s) may result in suspension or revocation of recognition. This sanction may be accompanied by restriction, restitution and/or community service.

F. **Community Service:** A contractual agreement between a University Judicial Advisor or a Student Conduct Board and the student organization to fulfill the requirements of an available work assignment. Failure to complete the work assignment satisfactorily may result in more severe sanctions imposed on the organization.

G. **Disciplinary Warning:** a written reprimand regarding behavior which violates the *Student Code of Conduct* or University rules and procedures.

H. **Notification:** Notification of regional or national officers of the action taken by the University and entry into the record of the student organization.

I. **Fine:** Appropriate fines may be imposed by the proper authority based on the severity of the infraction.

ARTICLE VIII. **AUTHORITY AND PROCEDURES RELATED TO EXIGENT CIRCUMSTANCES AND PUBLIC SAFETY ON CAMPUS**

*Statutory Authority-Education Code 51.231-.244*

The Texas Education Code permits the president of a state University to suspend for up to 14 days during periods of disruption whenever the president believes there is reasonable cause to demonstrate the student has willfully disrupted the orderly operation of the campus and the student’s presence on the campus will constitute a substantial and material threat to the orderly operation of the campus. The statute defines a period of disruption as “any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus of facility”.

A. **Introduction and Definitions**

This procedure may be used, but is not required to be used, only when the president or designee believes a student poses a continuing danger to persons or property, or the student’s behavior is an ongoing threat of disrupting the academic process. The following definitions, and no others apply to this procedure:

1. **Formal Hearing** means a hearing before a disciplinary committee or panel
vested with the authority to conduct such hearings. Formal hearings procedures are published by the University and generally provide greater rights to charged students than informal hearings.

2. **Immediate suspension** means separation from the University without the student first receiving notice and a hearing. A student receiving an immediate suspension shall remain off campus and University facilities until the expiration of the suspension period unless otherwise instructed by the University. The suspension period cannot exceed 10 calendar days.

3. **Informal hearing** means the hearing before the president or designee to determine whether or not the immediate suspension should remain in place for the entire suspension period. The informal hearing can be as simple as meeting between the student and the president or designee. In this informal hearing the student is not permitted to be represented by an attorney, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident.

### B. Procedures

**STEP 1:**
When the president or designee determines a student poses a continuing danger to persons or property, or his behavior is an ongoing threat of disrupting the academic process, the University can impose an immediate suspension so long as notice and an informal hearing follows as soon as practicable after the suspension. The president or designee should inform the student orally or in writing that the student is immediately suspended from the University and that notice and an informal hearing will take place as soon as practicable.

**STEP 2:**
The University must provide to the student as soon as practical after the immediate suspension: oral or written notice of the charge against him; if the charge is denied, an explanation of the evidence the University has; and an informal hearing to give him an opportunity to present his side of the story.

While notice and an informal hearing is required as soon as practicable, the University should aspire to provide notice and informal hearing no later than three (3) class days after the day of the suspension. The notice of the charge should include facts supporting the charge. The informal hearing can occur almost immediately after the conduct; there need to be no delay between the time notice is given and the time of the informal hearing. **The decision of the president or designee at the informal hearing is final and no appeal procedure of the University applies to immediate suspensions.**

**STEP 3.**
If, after the informal hearing is concluded, the president or designee believes it is in the best interest of the campus community that the student should not return to campus even after the expiration of the immediate suspension period, the University should use, prior to the expiration of the immediate suspension, its published formal hearing procedures for long-term suspensions or expulsions.

**STEP 4.**
Students subject to an immediate suspension shall remain off campus and away from the University facilities. The failure to abide by this requirement may result in the issuance of a criminal trespass warning and further disciplinary sanctions.

ARTICLE IX. APPEALS

1. A decision and/or sanction rendered during the Judicial process may be appealed to an Appellate Board within five (5) business days of the decision. Such appeals shall be in writing and shall be delivered to Vice President of Student Affairs or his or her designee.

2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following purposes:

   a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code of Conduct was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.

   b. To determine whether the decision reached regarding the accused student was based on substantial evidence; that is, whether the facts in the case were sufficient to establish that a violation of the Student Code of Conduct occurred.

   c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct, which the student was found to have committed.

   d. To consider new evidence sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

3. If an appeal is upheld by the Appellate Board, the matter shall be remanded to the original Judicial Body for reopening of the disciplinary hearing to allow for reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

4. In cases involving appeals by a student accused of violating the Student Code of Conduct, review of the sanction(s) by the Appellate Board may not result in more severe sanction(s) for the accused student.

ARTICLE X. JUDICIAL BODIES

A. Judicial Advisor

The University Judicial Advisor and/or its designee(s) shall have total responsibility for the administration, implementation, and efficient coordination of the University Judicial System. Judicial Advisor will determine on a case by case basis which appointee or group will hear the case.

B. Student Conduct Board (SCB)

Composition
Eight (8) members will be selected to the SCB each Spring Semester. The Chief Justice for the
SCB will be appointed by the Judicial Advisor. The Chief Justice insures that students are granted due process rights during the disciplinary hearing. Quorum consists of four (4) members.

**Scope of Authority**
SCB will be utilized, at the discretion of the Judicial Advisor, in hearing judicial cases. They shall have the authority to recommend any type of sanction described in the *Student Code of Conduct*, except suspensions and expulsions which they can recommend to the Judicial Advisor.

**Term of Appointments to Student Conduct Boards**
All students who are appointed by the Judicial Advisor to serve on SCB pools are appointed in the fall semester for a one-year renewable term. SCB members shall be in good academic standing maintaining a cumulative GPA of 2.5 throughout their term on the board. Students must have completed fifteen (15) semester credit hours at TAMU-CC, must be in good disciplinary standings, able to meet bi-weekly and complete a mandatory training session. The students shall serve until the following fall semester when their successors are appointed. All vacancies shall be filled by the appropriate appointing body or the Judicial Advisor to serve the remainder of the respective terms.

If cases are called before a Student Conduct Board during summer school at a time when Student Conduct Board membership pools fail to provide sufficient members to constitute the necessary Student Conduct Board, interim student appointments may be made by the Judicial Advisor.

**ARTICLE XI. INTERPRETATION & REVISION**

A. Any questions of interpretation regarding the *Student Code of Conduct* shall be referred to the Vice President for Student Affairs or his/her designee for final determination.

B. The *Student Code of Conduct* shall be reviewed annually under the direction of the Judicial Advisor. In keeping with normal University policy approval processes, the Student Code of Conduct and Student Handbook may, at the sole discretion of the University, be amended at any time.

**ARTICLE XII. DISCIPLINARY RECORDS**
Disciplinary records are maintained by the Division of Student Affairs. Disciplinary records resulting in suspension or expulsion are maintained permanently in the Division of Student Affairs. Records included in the federally required Campus Safety Report will be maintained for seven (7) years. Other records will be destroyed at the end of the long term, five (5) years following expiration/completion of the sanction(s). These retention periods will be adjusted as needed based on The Texas A&M University System, federal and/or state mandated requirements.

Access to disciplinary records is provided in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. See also the Confidentiality of Student Records policy for additional information. A student may request verification of disciplinary records by providing written authorization to release the records. Expunged records may be retained by the University for two additional years solely to comply with federal law.