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Code of Student Conduct and Discipline

5. STUDENT CONDUCT AND DISCIPLINE.

5.1 Acquaintance with Policies, Rules, and Regulations. Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of the component, copies of which shall be available to each student for review online and/or at various locations on each campus. Students are also expected to comply with all federal and state laws.

5.2 Student Misconduct. Each student is expected to act in a manner consistent with the component's functions as an educational institution, including off campus conduct that is likely to have an adverse effect on the component or on the educational process. No person or group of persons acting in concert may willfully violate the following rules. Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

- (1) Commission of an act that would constitute an offense under appropriate federal, state, or municipal law.
- (2) Violation of any Regents' rule, regulation, or order or component policy, rule, or regulation, including any rule or regulation governing residential living in component-owned facilities or breach of a residential living contract.
- (3) Failure to comply with the direction of a component official acting in the performance of his or her duties; or, failure to heed an official summons to the office of a component official within the designated time.
- (4) Giving false testimony or other evidence at a campus disciplinary or other administrative proceeding.
- (5) Failure to meet financial obligations to the component.
- (6) Unauthorized use or possession of ammunition, firearms, illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on component property.
- (7) Conduct that significantly endangers the health or safety of other persons, including members of the component community or visitors on the campus, including, by way of example, unauthorized throwing of any objects in or from component facilities.
- (8) Stealing, destroying, defacing, damaging, or misusing component property (including misuse of fire or life-safety equipment or property) or property belonging to another.
- (9) Engaging in hazing or voluntarily submitting to hazing, including an initiation by an organization that involves any dangerous, harmful, or degrading act to a student. Violation of this policy renders the student(s) involved and the organization subject to discipline.
- (10) Possessing and/or using, without authorization according to the component policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.

student is available, the officer will give the student an opportunity to explain the incident. If the officer concludes that the student has violated a System or component policy, the officer will determine (but not assess) an appropriate disciplinary penalty.

(1) The officer will discuss his or her findings and his or her determination of an appropriate penalty with the student if the student is available and will give the student an opportunity either to accept or reject the officer's decision.

(2) If the student accepts the officer's decision, the student will so indicate in writing and waive his or her right to a hearing. The officer may then assess the disciplinary penalty.

(3) If the student does not accept the officer's decision or does not waive his or her right to a hearing, a disciplinary hearing will be scheduled in accordance with Subsections 5.7 and 5.10.

5.62 If the student does not execute a written waiver of the hearing process, then the officer shall prepare a written statement of charges and of the evidence supporting such charges, including a list of witnesses and a brief summary of the testimony to be given by each, and shall send a notification of such charges and statement to the accused student by certified mail, return receipt requested, addressed to the address appearing in the Registrar's records, or shall hand deliver said document with the student signing a receipt.

Sam Houston State University - Formal Mediation

In matters involving interpersonal disputes, the Hearing Officer may suggest that the matter be submitted to mediation. If the involved parties (the accused[s] and complainant[s]) agree the matter will be submitted to mediation before the mediator acceptable to all parties.

The goal of the mediation is the execution of a "Contract of Resolution" which will specify the terms of the parties' settlement of their dispute. The Contract of Resolution will be placed in each involved student's disciplinary file. Any violation of the terms of the Contract of Resolution shall be grounds for formal disciplinary action.

If the involved parties are unable to agree upon a resolution, the matter will proceed to formal disciplinary proceedings. The Mediator shall at all times retain discretion to terminate the mediation and proceed to formal disciplinary proceedings where he/she determines that the mediation process is not making adequate progress toward an appropriate resolution. All Contracts of Resolution must be approved by the Chief Judicial Officer. Whenever mediation is unsuccessful and the matter proceeds to formal disciplinary hearings.

5.7 Student Disciplinary Hearings. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial person or committee, hereinafter called the hearing officer or hearing committee, selected in accordance with procedures adopted by the component. Except in those cases where immediate interim disciplinary action has been taken under authority of Subsection 5.(14), the accused student shall be given at least five (5) class days written notice by the chief student affairs officer, or a designated appointee, of the date, time, and place for such hearings and the name or names of the hearing officer or hearing committee. Hearings held under Subsection 5.(14) will be held under the same procedures set forth below, but will be held as soon as practicable within twelve (12) class days after the disciplinary action has been taken unless otherwise agreed to by the student.

Upon a hearing of the charges, the component representative has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with procedures adopted by the component that assure both parties (component representative and accused student) the following minimal rights:

5.71 Both parties will exchange lists of witnesses, expected testimony, copies of documents to be introduced, and notice of intent to use legal counsel, at a reasonable time prior to the hearing.

5.72 Each party shall have the right to appear and present evidence in person and to be advised during the hearing by a designated representative or counsel of choice. Each party shall limit its presentation to relevant evidence. The accused student must attend the hearing if the student desires to present evidence. The hearing may proceed notwithstanding the accused student's failure to appear.

5.73 Both the component representative and the accused student shall have the right to question witnesses. The accused student may question witnesses with the advice of a designated representative or counsel. All questions shall be limited to relevant evidence.

5.74 The hearing will be recorded. If either party desires to appeal the finding, a copy of the recording will be produced at the expense of the party appealing the finding, and both parties will be furnished a copy for appeals purposes only.

5.8 Student's Right to Challenge Impartiality. The accused student may challenge the impartiality of the hearing officer or a member of the hearing committee at any time prior to the introduction of any evidence. The hearing officer or member of the committee shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the challenged hearing officer or member of the hearing committee chooses not to serve, a substitute will be chosen in accordance with procedures adopted by the component.

5.9 Determination of Hearing. The hearing officer or hearing committee shall render a decision to both parties as soon as practicable as to the guilt or innocence of the accused student and shall, if necessary, assess a penalty or penalties including, but not necessarily limited to:

- (1) Verbal or written warning.
- (2) Requirement that the student complete a special project that may be, but is not limited to, writing an essay, attending a special class or lecture, or attending counseling sessions. The special project may be imposed only for a definite term.
- (3) Cancellation of residence hall or apartment contract.
- (4) Disciplinary probation imposed for a definite period of time which stipulates that future violations may result in disciplinary suspension.
- (5) Ineligibility for election to student office for a specified period of time.
- (6) Removal from student or organization office for a specified period of time.
- (7) Prohibition from representing the component in any special honorary role.
- (8) Withholding of official transcript or degree.
- (9) Bar against readmission.
- (10) Restitution whether monetary or by specific duties or reimbursement for damage to or misappropriation of component, student, or employee property.
- (11) Denial or non-recognition of a degree.
- (12) Suspension of rights and privileges for a specific period of time, including access to electronic network facilities and participation in athletic, extracurricular, or other student activities.
- (13) Withdrawing from a course with a grade of W, F, or WF.
- (14) Failing or reduction of a grade in test or course, and/or retaking of test or course, and/or performing additional academic work not required of other