

**TEXAS SOUTHERN UNIVERSITY**

**Student Code of  
Conduct**

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# **TEXAS SOUTHERN UNIVERSITY**

## **STUDENT CODE OF CONDUCT**

### **PURPOSE**

Texas Southern University's Student Code of Conduct has been developed for the express purpose of acquainting students with the rules and regulations of Texas Southern University, which is necessary to ensure the orderly conduct of its students while attaining its lawful goals and objectives.

The Student Code of Conduct establishes the University's internal disciplinary system consistent with the University's right to separate jurisdiction as it relates to the conduct of its students. Texas Southern University has both the right and obligation to promulgate discipline as a necessary part of the University's educational process and to ensure the attainment of the University's lawful goals and objectives.

The policies contained in this document supersede all policies previously published in other Student Code of Conduct manuals. Authority to administer the Student Code of Conduct and student judiciary systems is delegated to the Associate Provost for Student Services and Dean of Students.

### **Section I**

#### **STUDENT RIGHTS, RESPONSIBILITIES AND REQUIREMENTS**

Students at Texas Southern University have all the rights and privileges expressed in the constitutions and laws of the United States and of the State of Texas. Basic to these rights is the guarantee of freedom of speech and assembly. However, these rights and freedoms must be exercised in a manner that neither disrupts nor interferes with the academic programs and administrative processes of the University.

Each student at Texas Southern University is expected to become familiar with all published policies, rules, and regulations of the University. The Associate Provost for Student Services and Dean of Students will make every effort to ensure that these published policies are available to each student. The student is responsible for any violation of the policies, rules, and regulations.

The University requires each student to be responsible for the following:

- 1 Identification Cards – All TSU students are required to carry a TSU I.D. card at all times and be willing to produce it promptly upon request of any University Official acting within proper authority. TSU I.D. cards are not transferable, and lost cards must be reported to the campus police and the Office of the Associate Provost for Student Services and Dean of Students within 24 hours of the student's first awareness of loss. Students failing to comply with this directive will be held accountable for any abuse of the I.D. card and must bear the cost of replacement.
- 2 Correct Current Address – Every TSU student is required to have a current local and permanent home address on file in the Registrar's Office. Students are held accountable for any communication sent by the University to the student's address of record. Every student is

required to file an address through which close relatives may be contacted in the event of an emergency. A campus or U.S. Post Office box mailing address is an insufficient local address for campus residents and must be augmented by the student's physical address.

- 3 Automobile Registration and Parking – All TSU students operating motor vehicles and motor bikes on campus must register such vehicles with the University Police Department. Vehicles which are not registered and cited for violations are subject to towing at the owner's expense.
- 4 Withdrawal from the University – A student who voluntarily withdraws from the University must surrender the TSU I.D. card to the registrar. Any student who is involuntarily separated from the University through the disciplinary process must surrender the TSU I.D. card to the Associate Provost for Student Services and Dean of Students.

## **Section II**

### **CAMPUS ALCOHOL AND DRUG POLICY**

Texas Southern University adheres to and complies with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which require an Institution of Higher Education to certify with the United States Department of Education that it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by students and its employees. The Drug-Free Schools Act, which has been adopted by the University, will be published and disseminated to students and employees periodically and will be enforced under this section.

#### **Texas State Laws**

In 1985 Texas amended its legal definition of "minor" to mean a person younger than 21 years of age. Minors are prohibited by Section 106.02(a) of the Alcoholic Beverage Code from purchasing alcoholic beverages. Further, Section 106.03(a) makes it unlawful for a person to sell alcoholic beverages to a minor. The only exception to section 106.06(a) is for an adult parent, guardian, spouse, or other adults to whom the courts have given custody of the minor under Section 106.06(a).

#### **Alcoholic Beverage Policy at Texas Southern University**

The possession of alcoholic beverages on the campus of Texas Southern University or at University-sponsored activities is prohibited, except as described in the following University policies designed to provide for specific interpretations and implementation of this regulation, including, but not limited to the following:

No student who is below the chronological age of 21 years will be served alcoholic beverages of any kind while on the University campus or at University-sponsored activities.

Texas Southern University is not, and does not in the future, anticipate becoming a vendor of alcoholic beverages licensed by the State of Texas. The Director of Food Services is the appropriate licensed and exclusive agency for the sale and distribution of alcoholic beverages dispensed on the campus of TSU or on properties or at events sanctioned by Texas Southern University.

Alcoholic beverages have been approved for distribution and consumption only through the Director of Food Services in the Sterling Student Life Center (for approved activities and special events) and in other areas designated by the appropriate University authorities.

Permission to serve or consume alcoholic beverages is restricted to approved University departments and approved non-university organizations, which meet the conditions associated with renting an approved University facility and/or engaging the services of the Director of Food

Services.

No organization, even though otherwise qualified, may serve alcohol. The Director of Food Services will supply staff to monitor, distribute, and secure all alcoholic beverages. The event host must bring all alcoholic beverages to the Director of Food Services at a time and place arranged prior to the event.

### **Drug Policy**

The use, possession, acquisition, manufacturing, consumption, or distribution of any illicit drug, controlled substance, or drug paraphernalia on the University campus, at University-sponsored activities, or on buses or other conveyances engaged by the University to transport students to and from a University event is expressly prohibited. Students found in violation of this policy will be subject to strict enforcement of sanctions as outlined in Section III and criminal charges. Illicit drugs include, but are not limited to PCP, marijuana, cocaine, heroin, crack, crank, amphetamines, LSD, sedatives, hypnotics, and inhalants.

### **Alcohol or Drug Possession Disclosure**

Federal Education Rights and Privacy Act (FERPA) has given institutions of higher education the right to notify parents or legal guardians of a student regarding any violation of federal, state, or local law of any rule or policy of the institution governing the use or possession of alcohol or a controlled substance, regardless of whether or not that information is contained in the student's education records, if: (1) the student is under the age of 21, and (2) the institution determines that the student has committed a disciplinary violation with respect to such use or possession. Such notices shall have the approval of the Associate Provost for Student Services and Dean of Students or his/her designee.

## **SECTION III**

### **Definition of Sanctions**

The Board of Regents and the President of Texas Southern University have delegated primary responsibility for student discipline to the Associate Provost for Student Services and Dean of Students. *(The University administration and/or the Associate Provost for Student Services and Dean of Students or his/her designee reserve the right to develop techniques, sanctions, and methods of discipline deemed fit for the violation(s) or circumstance(s), and to enforce this discipline to contend with any student's misconduct or violation of the Board of Regents' Policy, the lawful mission of the University, this Student Code of Conduct, or any other violation it has failed to anticipate.)* The Associate Provost for Student Services and Dean of Students or his/her designee is assigned direct operation responsibility for the administration of the Student Code of Conduct within the University. Violations of the Code of Conduct will result in disciplinary sanctions placed upon the students who are found to be in violation of the Student Code of Conduct. These sanctions for violations of disciplinary rules and regulations may consist of, but are not limited to the following:

1. **EXPULSION:** Permanent involuntary separation from the University which prohibits a student from future enrollment in the University, prohibits the release of a student's transcript, and prohibits a student from being present on the campus without permission.
2. **SUSPENSION:** Involuntary separation and withdrawal from the University which prohibits the student from being on the University campus without written permission. Suspension also involves the loss of the privilege of registration. A suspended student must petition the Associate Provost for Student Services and Dean of Students for readmission; however, the petition does not necessarily mean that the student will be readmitted. Such a decision strictly lies with the Associate Provost and Dean of Students and/or the Readmission Appeals Committee. In the event that the student is allowed re-admittance, the student must remain on a probationary status throughout his/her matriculation. Following readmission, the student

is required to adhere to all rules, regulations and policies adopted by the University and the Student Code of Conduct. Any violation of such rules, regulations, codes or policies may result in the immediate suspension and/or expulsion of the student.

3. **DISCIPLINARY PROBATION:** Conditions imposed for a definite or indefinite period of time (throughout matriculation) *with or without a Loss of Privilege(s)*. All sanctions requiring disciplinary probation are final and cannot be appealed. During this time the student's behavior is monitored and critically examined. Any misconduct while on disciplinary probation may result in a more serious sanction, suspension or expulsion. Loss of Privilege(s) may include, but is not limited to, the following restrictions and/or removal:
  - a) restriction from membership, participation or holding office in student organizations or elective office during the probationary period
  - b) assignment of campus or community service
  - c) assignment of a special project
  - d) restitution
  - e) counseling referral
  - f) denial of University representation in sports, organizations or intramural recreation
  - g) restriction to the campus, University sponsored events, activities, other extracurricular activities, resident halls or living facilities, residential activities, or athletics
  - h) expulsion/suspension from residential living facilities or disciplinary room change
  - i) revocation of the right to represent Texas Southern University in any honorary position that includes but is not limited to the following: "Miss TSU," Student Government Association delegates, etc.
  - j) restriction from using or driving an automobile on the campus for a designated period of time
  - k) restriction from voting, campaigning for another student, or attending organization meetings during the probationary period.
4. **ADMONISHMENT (DISCIPLINARY WARNING):** An official written notice of unacceptable behavior, emphasizing the fact that further misconduct will result in the more serious disciplinary sanction or probation, suspension, or expulsion.
5. **DISCIPLINARY REPRIMAND:** An official written criticism for the first violation of the Student Code of Conduct when misconduct is less serious.
6. **CAMPUS/COMMUNITY SERVICE:** The requirement of the student who has committed a disciplinary violation to complete a specified number of hours by working without wages within a specific area/department of the campus or community.
7. **COUNSELING:** Any enforcement of required counseling to a student as a result of the student's violation(s) or misconduct according to the Student Code of Conduct. Lack of, failure to report for counseling, or the failure to complete the required counseling will result in more serious disciplinary sanctions which include, but are not limited to, probation, suspension, or expulsion.
8. **OTHER SANCTIONS:** Any enforcement needed to administer a fair standard of discipline to a student as a result of student's violation(s) or misconduct, according to the Student Code of Conduct.

## SECTION IV

### STUDENT CODE OF CONDUCT VIOLATIONS

The University deems the following acts unacceptable and violations of the Student Code of Conduct. Acting under the influence of drugs and/or alcohol, or portraying misconduct that occurs as a result of alleged mental or emotional distress or illness does not diminish or excuse a violation of the Disciplinary Code. Violators will be subjected to disciplinary sanctions that may result in a combination of sanctions and/or suspension or expulsion from the University.

Additionally, depending upon the severity of the offense(s), disciplinary sanctions may include, but are not limited to, the sanctions described in Section III (Disciplinary Sanctions). However, any violation of the following regulations may result in a student's sanction of immediate, temporary or interim suspension or expulsion. This list may not be all inclusive of inappropriate behavior or misconduct.

- 4.1 Repeated Disciplinary Violations – any violation of the terms of any disciplinary sanction.
- 4.2 Academic Misconduct – Any form of academic dishonesty, including, but not limited, to plagiarism, cheating (on exams, quizzes, assignments, projects), changing of grades, and taking an exam in the place of another student.
- 4.3 Violation of Laws or Allegations of Inappropriate Behavior – Commission of an act which violates local, state, or federal laws of acts that occur on or off campus that reflect negatively upon the University and create a concern for the safety of the University's family (students, faculty, staff, surrounding community), facilities, or sponsored activities.
- 4.4 Campus Disturbance – Willfully engaging in acts which obstruct, disrupt, or interfere with normal University functions or University-sponsored activities and services including, but not limited to, studying, teaching, research, counseling, presenting, and facilitating, that create a response from the fire department, police department and/or emergency services.
- 4.5 Dangerous Weapons – Unauthorized possession, display, use, or storage of weapons, firearms, fireworks, explosives, ammunition, explosive devices, or dangerous chemicals and/or combustible liquids or material on the University campus, University-managed facilities, housing or residential facilities, or at University sponsored activities or events. A dangerous weapon is any object or substance designed or used to cause pain, injury, damage, or to incapacitate persons and/or damage personal or private property or belongings. Dangerous weapons may include, but are not limited to, firearms, rifles, BB guns, air pistol/pellet guns, paintball guns, knives, clubs, slingshots, etc. Replicas or simulated weapons are also prohibited on University premises or at University-sponsored activities.
- 4.6 Intentional Mental or Physical Harm – Knowingly or recklessly causing or attempting to cause by acts and/or threats, emotional, mental, physical or verbal harm to another person (which includes but is not limited to faculty, staff, students, visitors, etc.). This includes intimidation, emotional force, embarrassing, degrading or damaging information, assumptions, implications, remarks, or fear for one's safety. This includes, but is not limited to, all forms of sexual assault regardless of whether physical force or implied force is used.
- 4.7 Drug Possession, Distribution, Substance Abuse – Illegal manufacturing, distribution, sale, consumption, or possession of (or in the company of another person who consumes or has possession of) any controlled substance or illicit drug. Possession includes, but is not limited to, having illegal drugs in one's personal belongings or areas used by a student. Use of any illicit drugs or controlled substances on the University campus, at University-sponsored activities, on buses or other conveyances engaged by the University to transport students. At a minimum, violators will be required to report to the Drug and Alcohol Abuse Coordinator. This regulation also includes violations on conveyances engaged in transporting students to and from University events or the University campus, residential facilities, or managed facilities.
- 4.8 Theft – Taking without the consent of the owner personal property or services or having possession of stolen property belonging to the University, students, faculty, or staff or services belonging to or managed by the University.

- 4.9 Possession of Stolen Property – Possession (knowingly or otherwise) of stolen property (purchased or otherwise) while on campus or at University-sponsored activities or events.
- 4.10 Destruction of Property – Deliberately destroying, damaging, defacing, or mutilating University property or the property of another person while on the University campus, residential facilities, or University-sponsored events/activities.
- 4.11 Burglary – Unlawful and/or forcible entry into any facility by use of any physical object connected with the person's body, or possession of a building, office, room, vehicle, or coin-operated machine on the University campus or any facility with the intent to commit theft, damage or mutilation of University property or the property of another while on the University campus.
- 4.12 Discrimination – Intentional unequal treatment of other persons in the University environment solely on the basis of race, sex, color, age, religion, disability or nationality.
- 4.13 Hazing – Any initiation act that produces or is likely to produce mental or physical anguish or harm which demeans, disgraces, or degrades a student. The persons involved and the organization they represent will be sanctioned for this violation and may face serious criminal charges in addition to individual, group or organizational suspension.
- 4.14 Fraud – Intentionally attempting by illegal schemes and techniques to avoid the payment of tuition or fees legally due to the University and the State of Texas or to obtain surreptitiously or under false pretext money, goods, favors, or services from persons at the University or in the name of the University.
- 4.15 Forgery – Illegally altering or misusing official documents of the University or instruments of identification used by the University.
- 4.16 Unauthorized Use of the University's Name – Use of the name of Texas Southern University for the purpose of soliciting funds without prior written approval from the Office of Institutional Advancement.
- 4.17 Rendering False Information – Knowingly furnishing or causing to be furnished false information to, a University Official, a hearing body, or an investigating official when such information or testimony may result in the discipline of another student; misrepresenting facts against persons at the University with the expressed purpose of maliciously attacking, defaming, or subjecting the person to public scorn. Any false report includes, but is not limited to, bomb threats, fire threats, complaints against individuals, or other emergencies, or furnishing false information to a University official, a hearing body, or an investigating official; misrepresenting facts against persons at the University with the expressed purpose of maliciously attacking, defaming, or subjecting the person to public scorn or ridicule.
- 4.18 Insubordination – Deliberately disregarding or disobeying a directive from a University official acting in an official capacity.
- 4.19 Failure to Answer a Summons – Following proper notification, failing to appear before the Associate Provost for Student Services and Dean of Students, the Director of Judicial Affairs, Associate Dean of Students, a hearing body, or an administrative officer of the University.
- 4.20 Aiding and Abetting – Knowingly to encourage or assist another to attempt or commit a violation.

- 4.21 Unauthorized Use of Alcoholic Beverages – Possession and/or consumption of alcoholic beverages on the University campus, at University-sponsored activities, on buses or other conveyances engaged by the University to transport students is a violation. At a minimum, violators will be required to report to the Drug and Alcohol Abuse Coordinator.
- 4.22 Gambling – “Participation in any game of chance” of any kind and for any purpose.
- 4.23 Unauthorized Entry/Trespass – Unauthorized entry to any University facility or property.
- 4.24 Failure to Identify – Failure to carry a valid TSU I.D. Card on one’s person and produce the same upon request from any duly authorized University official.
- 4.25 Misuse of TSU I.D. Card – Illegal use, transfer, alteration, or forgery of a TSU I.D. Card.
- 4.26 Disorderly Conduct – Intentional conduct which tends to disturb the public order and decorum of the University, including, but not limited to, (a) abusive, profane, indecent, or vulgar language, (b) offensive gestures or acts, (c) unreasonable noise, (d) fights, quarrels, or other disruptive behavior.
- 4.27 Misuse of Safety Equipment – Unauthorized use or tampering with fire safety systems or other emergency equipment.
- 4.28 Defacing University Property – Unauthorized attachment of signs, posts, and other items of publicity to doors, walls, windows, etc., except on bulletin boards as prescribed by the University administration.
- 4.29 Unauthorized Sales and Solicitations – Unauthorized buying and/or selling goods and products on the University campus or at University-sponsored events.
- 4.30 Parking and Traffic Violations – Failure to comply with the University parking and traffic regulations; illegally registering or attempting to register an automobile and/or acquire or attempt to acquire a TSU parking permit.
- 4.31 Student Election Fraud – Tampering with a student election with the intent of influencing the outcome of the election
- 4.32 Disruptive Activity on University Sponsored Shuttle Buses- Any activity which disrupts or interferes with the normal shuttle bus operations including, but not limited to, disorderly conduct, profane language, failure to obey a directive of a bus driver, unauthorized use of fire extinguishers, opening of emergency windows during non-emergencies, unauthorized use of bus intercom.
- 4.33 Failure to Provide Correct Current Address – Failure to update the University with the student’s correct current address.
- 4.34 Unauthorized Meetings and/or Other Activities – Unauthorized meetings, musical presentation, and/or other activities involving the use of loud speakers, bull horns, or other amplification equipment except as approved by the Director of Student Activities at least 48 hours prior to their occurrence.
- 4.35 Aiding and Abetting – Knowingly encouraging or assisting a student to attempt or commit a violation.
- 4.36 Use of electronic devices - Students are prohibited from turning on, viewing, and/or using cellular phones, pagers and other electronic devices that are not authorized, required

and/or approved for student usage by the instructor/professor of the class while in the classrooms, libraries, laboratories, and/or any other facilities or areas of class. All devices should be turned off prior to the beginning of class.

4.37 Misuse or Abuse of Computers, Internet or Software – Unauthorized use or misuse of any computer, computer system, service, program, data, network, cable television network, or communication network. The following actions constitute misuse of the University's computer resources and are strictly prohibited for all users:

- A. Criminal and illegal acts. Texas Southern University's computer resources are not to be used in support of or for illegal activities. Any such use will be reported and addressed by the appropriate University authorities and/or law enforcement agencies. Criminal and illegal use may include, but is not limited to, unauthorized access, intentional corruption or misuse of computer resources, theft, obscenity, and pornography.
- B. Failure to comply with laws, policies, procedures, licensing agreements, and contracts that pertain to and limit the use of the University's computer resources.
- C. Abuse of the University's computer resources, including but not limited to:
  - 1. Any act which endangers or damages specific computer software, hardware, program, network, security, or the system as a whole, whether located on campus or elsewhere on the global Internet;
  - 2. Creating or purposefully allowing a computer malfunction or interruption of operation;
  - 3. Injecting a computer virus on to the computer system;
  - 4. Sending a message with the intent to disrupt the University operations or the operations of outside entities, for example: chain email, spam, and broadcast storm;
  - 5. Printing materials that tie up computer resources for an unreasonable time period; and
  - 6. Failing to adhere to time limitations which apply at particular computer facilities on campus.
- D. Use of computer resources for personal financial gain or for a personal commercial purpose.
- E. Failure to protect a password or account from unauthorized use.
- F. Permitting someone to use another's computer account, or using someone else's computer account.
- G. Unauthorized use, access, or reading of any electronic file, program, network, or the system.
- H. Unauthorized use, access, duplication, disclosure, alteration, damage, or destruction of data contained on any electronic file, program, network, or University hardware or software.
- I. Unauthorized duplication of commercial software. All commercial software is covered by copyright. Duplication of software protected by copyright is a violation of the law and of this policy.
- J. Attempting to circumvent, assisting someone else, or requesting that someone else circumvent any security measure or administrative access control that pertains to University computer resources.
- K. Using the University computer system in a manner that violates other University policies such as racial, ethnic, religious, sexual or other forms of harassment.
- L. Using the University's computer system for the transmission of commercial or personal advertisements, solicitations, promotions, or political material except as may be approved by the President and/or Board of Regents.

- 4.38 Unauthorized Throwing of Objects or Substances -- Throwing of any object or substance, which endangers the health or safety of other persons on University premises or at University-sponsored activities.

## **SECTION V**

### **DISCIPLINARY WITHDRAWAL**

In the event that a student's inappropriate actions result in mandatory suspension/disciplinary withdrawal by the University, the student is held accountable for the full term and payments owed to the University for the semester in which the disciplinary action was taken.

## **SECTION VI**

### **FAILURE TO MEET ACADEMIC REQUIREMENTS**

A student who fails to meet minimum academic standards required of majors by departments or schools may be dismissed in accordance with policies and procedures of that academic unit. In matters related to academic requirements, the University will defer to the policies and procedures of the academic schools and colleges.

## **SECTION VII**

### **TEMPORARY OR INTERIM SUSPENSION**

The Associate Provost for Student Services and Dean of Students or his/her designee reserves authority to grant an interim suspension to a student temporarily or indefinitely before or pending a disciplinary hearing, if, in fact, the University official determines that allowing the student who has been alleged to have portrayed inappropriate behavior – or violated university policy, state, federal, and/or local laws – displays behavior that the official considers to be associated with emotional or mental illness, and/or is viewed by others as a threat to himself/herself or the University family and/or property. The student will receive a loss of specified privileges and be denied the opportunity to utilize or to enter the premises of the campus, attend University activities, and/or attend classes due to the official's concern that the student could possibly pose a potential threat to the University environment (i.e. other students, faculty, staff, surrounding communities) or outside sources who are affiliated with the University or any state operated facility or university. Additionally, a student may receive an interim suspension if his/her actions or alleged allegations directly reflect negatively upon the University. Inappropriate behavior or negative reflection includes, but is not limited to imminent behavior and potential acts of violence, involving a threat to life, property, students, the university family, or the surrounding communities. In the event that a student violates the sanction of interim suspension, the University reserves the right to have the student arrested immediately and sanctioned to immediate expulsion. Failure to respond to a summons, failure to comply with a previous sanction, or a violation of a probationary status may also result in an interim or temporary suspension. Potential or actual violence, in the context of this student handbook, can be a result of apparent emotional or mental distress or disorders or physical or verbal threats. Failure to respond to a summons may also result in temporary suspension. A hearing will be scheduled and adjudicated by the Associate Provost for Student Services and Dean of Students, his/her designee, or the Student-Faculty-Staff Disciplinary Committee within a 30-day period or at the earliest available date following the release or availability of the student, all pertinent investigative material, and the availability the appropriate administrative staff or the appropriate Disciplinary Committee.

## **SECTION VIII**

### **PSYCHIATRIC OR MEDICAL MANDATORY WITHDRAWALS**

Students who prominently display (a) mental disorders, (b) emotional disorders, and, (c) other psychological or physical handicaps which strongly suggest that the student may do serious harm to self, to others in the University environment, and/or to personal or University property may be administratively withdrawn from the University under the following conditions:

1. The student is unable to meet reasonable standards of conduct required of all students by the University.
2. The student continues to engage in behavior expressly prohibited by the Student Code of Conduct.
3. The student functions either by attempt or repeated threats in a consistent manner, which suggests suicide or imminent danger.

Any student found in such circumstances, except in extreme emergencies, will be provided a statement indicating the type of behavior exhibited and the evidence which indicates that the student has failed to meet reasonable University standards of academic or social conduct. The statement will also indicate that because of these circumstances, the student may be subjected to involuntary psychiatric withdrawal from the University. The student will be given an opportunity for a review of these circumstances by a psychiatrist or mental health professional not employed by the University. The psychiatric review serves as a condition for readmission. If the evaluation of the psychiatrist or the mental health professional supports withdrawal from the University, the student will be provided an informal hearing or an informal meeting with the appropriate Student Services administrator who may be accompanied by the University's mental health professional. A member of the student's immediate family, the University's mental health professional, a Student Services administrator, and/or a faculty member within the student's major discipline may accompany the student to the mental health facility, and/or disciplinary hearing. These professionals may also serve in the capacity as the student's advisors. Any student withdrawn from the University for medical and/or psychological reasons may return upon written application for readmission sent to the Associate Provost for Student Services and Dean of Students or his/her designee. If the sanctions and conditions imposed for the negative behavior have been satisfied and the psychiatrist or mental health professional recommends in writing that the risk of threat to self, others or personal or private property by the student is sufficiently diminished or non-existent to the extent that the student's presence in the University environment is no longer dangerous to anyone, the student must then appear before a Student Services Administrator in an informal manner as a prior condition to readmission. The same individual(s) present at the informal hearing used to withdraw the student may also be present at the readmission hearing. A student may be readmitted with the understanding that any reoccurrence of similar behavior may reactivate the withdrawal process.

## **SECTION IX**

### **RESTRICTIONS DURING SUSPENSION**

No student who has been suspended for disciplinary reasons will be permitted on the University campus during the period of the suspension without the prior written approval of the Associate Provost for Student Services and Dean of Students.

## **SECTION X**

### **PROCEDURES FOR READMISSION FROM DISCIPLINARY SUSPENSION**

A student suspended for disciplinary reasons must request in writing a readmission interview with the Associate Provost for Student Services and Dean of Students. Suspended students are

eligible to apply for the readmission interview two weeks prior to the end of the stipulated ineligibility period and at least thirty days prior to the beginning of the semester for which readmission is requested. When a suspension is for an indefinite period of time (suspension for at least two long-term semesters), the student may apply at the beginning of any long term semester following the 2<sup>nd</sup> semester, during which the student was initially suspended. No student will be permitted readmission following suspension until after the time period cited in the communication suspending the student from the University. After the readmission interview, a suspended student must appear before the designated member(s) of the Student-Faculty-Staff Disciplinary Committee or the appropriate Student Services administrator(s) as a prior condition to any successful request for readmission. (Eligibility to apply for readmission does not mandate the readmission of a suspended student. Allowing the readmission of a suspended student is strictly the decision of the Associate Provost for Student Services and Dean of Students or his/her designee. Abiding by the terms and conditions of the suspension is the most reliable indicator of a favorable reaction to a readmission request.)

## **SECTION XI**

### **DISCIPLINARY PROCEDURES**

Anyone may file a written complaint charging a student with a violation of the Student Code of Conduct. The complaint must be filed with the relevant evidence to substantiate the charge. The procedures established for a Disciplinary Complaint filed by a campus police officer occurs when a campus police officer responds to an incident, which involves a violation of the Student Code of Conduct. The officer will file a Judicial Review form with the office of the Associate Provost for Student Services and Dean of Students. If the incident occurs in a residential facility, a Residential Hall Behavioral Ticket is filed. The Judicial Review form will list the following:

1. Date, location, and approximate time of the incident
2. The specific violation
3. Names and social security numbers of persons involved
4. Names of all available witnesses
5. Actions taken.

Officers at Texas Southern University are certified peace officers of the State of Texas. It is their duty to enforce and preserve the public peace by all means. They have the authority to arrest and detain persons who violate local, state, and federal laws.

#### Notice of Complaint

Upon receipt, the Associate Provost for Student Services and Dean of Students or his/her designee will immediately initiate some combination of the following:

1. Notify, send, or cause to be sent to the student's address of record a notice directing the student to appear before the Associate Provost for Student Services and Dean of Students or his/her designee at a specified time and date.
2. The Associate Provost for Student Services and Dean of Students or his/her designee will determine the validity of the complaint.
3. When a complaint is determined to be valid, the Associate Provost for Student Services and Dean of Students or his/her designee will inform the student. The student may or may not dispute the facts in the complaint. The student also has a choice to reserve the right to waive his/her right to a formal hearing before the Student-Faculty-Staff Disciplinary Hearing and have the appropriate Student Services administrator to hear the case and accept the disciplinary sanctions (if any) imposed according to the violation, the severity of the offense, and the student's current status. Waiver of the right to a hearing must be in writing and must be signed by the student. The Associate Provost for Student Services and Dean of Students or his/her designee will inform the student in writing of any sanctions imposed.

The Associate Provost for Student Services and Dean of Students or his/her designee will initiate the following hearing procedures in a formal hearing presented before the Student-Faculty-Staff Disciplinary Committee:

1. Proceed (if necessary and applicable) with a disciplinary hearing or meeting at that time after citing the specific charges or allegations or provide the student with written notice at least 48 hours prior to the scheduled hearing citing the specific charges and the date, time, and place of the hearing.
2. Provide the alleged student offender with possible disciplinary sanctions that may be imposed if the alleged student offender is found guilty.
3. Provide notice advising the student of his/her right to present evidence and witnesses in support of his/her position.
4. Provide notice informing the student of the right to select an advisor as long as that advisor is not a trained lawyer, legal paraprofessional, or a witness to the alleged incident.

When a student is charged with a violation of the Student Code of Conduct to the extent that a disciplinary hearing is necessary, the University is obliged to observe standards of fairness in conducting the disciplinary proceedings. Procedural due process does not require a student to be represented by legal counsel. If circumstances suggest a substantial likelihood of sanctions by any entity outside the University such as a court of law having criminal jurisdiction, then the Dean of Students will give the student an opportunity to choose whether to obtain legal counsel, at the student's expense, applicable to that outside entity's sanctions.

#### Request for Postponement

A student may request a postponement of the hearing because of circumstances absolutely beyond the student's control. The request must be in writing, must cite the reasons for the postponement, and must be received in the Office of the Associate Provost for Students Services and Dean of Students at least eight hours prior to the scheduled hearing. Request for postponement does not obligate the Associate Provost and Dean of Students to adhere to the request.

## **SECTION XII**

### **DISCIPLINARY HEARING BODIES**

Allegations set forth in a complaint against a student will result in a hearing conducted by the Associate Provost for Student Services or his/her designee or one of several hearing bodies according to (1) the type of alleged violation, and (2) the sanctions which may be imposed. At the conclusion of the hearing, the hearing body will make a recommendation to the Associate Provost for Student Services and Dean of Students. Decisions and/or disciplinary sanctions will become final for hearings or meetings that, at the student's request, have been waived by the student and require adjudication by the Associate Provost for Student Services or his/her designee. To ensure fairness and proper adjudication, the Associate Provost for Student Services may designate a Student Services Representative to appear and advise committee members within disciplinary hearings.

Residence Hall Judicial Council – The method of selecting judicial council members is left to the discretion of the Director of Housing/Coordinator of Residential Life/Housing and the Residence Hall House Councils. This court hears minor disciplinary problems, which arise within the residence halls, assesses penalties for routine misconduct, and may impose penalties of its own origin, which do not violate the Student Code of Conduct. Violations occurring within the residence halls for which the disciplinary sanctions of the Student Code of Conduct may be imposed must be referred to the Associate Provost for Student Services and Dean of Students for the scheduling of a hearing before the appropriate hearing body pending waiver of the right to a hearing. The Resident Hall Judicial Council may, however, address the issue of the student's status within the residence halls. The court may recommend the suspension or expulsion of a student who has appeared before the Residence Hall Judicial Council on three separate

occasions and who must be referred to the Associate Provost for Student Services and Dean of Students for the scheduling of a hearing before the next highest hearing body.

The Pan Hellenic Council, under the advisorship of the Director of Student Activities, serves as the hearing body, when rules and regulations governing Greek-letter fraternities and sororities are violated. In the event of alleged hazing activities, the Associate Provost for Student Services and Dean of Students will make a determination of whether students and fraternities/sororities will appear before his/her designee, the Pan Hellenic Council, or the Student-Faculty-Staff Disciplinary Committee. The Council hears all cases referred by the Associate Provost for Student Services and Dean of Students or his/her designee and through the direction of the Director of Student Activities. The Pan Hellenic Council consists of a president, first vice president, second vice president, recording secretary, treasurer, sergeant-at-arms, and a parliamentarian. These officers are determined by the Pan Hellenic Constitution.

The Student Court - The Student Court, under the advisorship of the Associate Provost for Student Services and Dean of Students or his/her designee, is vested with the judicial power of the Student Government Association (SGA). The Chief Justice is appointed by the President of the SGA and confirmed by the SGA Senate. The Associate Justices are appointed by the Chief Justice and confirmed by the SGA Senate. The Associate Provost for Student Services and Dean of Students or his/her designee – at his/her sole determination on a case-by-case basis – has discretion to refer to the Student Court any case that does not subject a student to a sanction of suspension or expulsion. Factors in that determination may include, without limitation, any of the following: (1) whether the alleged violation's maximum sanction upon a student or organization is disciplinary probation; (2) whether the case presents any conflict of interests if the Student Government Association or a member of the Student Government Association is a party, complainant, or alleged offender; and (3) whether the case presents any conflict of interests between a student and a student organization or among student organizations. If the alleged offender (student or organization) does not consider the Student Court to be able to provide a fair hearing among his/her peers or considers the Student Court to be unable to make a fair judgment, then the alleged offender is allowed to express his/her concerns to the Association Provost for Student Services and Dean of Students or his/her designee for consideration to have his/her hearing before an appropriate Student Services administrator or the Student-Faculty-Staff Disciplinary Committee. The Student Court has no authority to impose a sanction of expulsion or suspension, but it is entitled to recommend any case under its jurisdiction to the Associate Provost for Student Services and Dean of Students or his/her designee for adjudication applicable to either sanction.

The Student-Faculty-Staff Disciplinary Committee is the supreme judicial hearing body of the University. The committee hears all cases referred to it by the Associate Provost for Students Services and Dean of Students or his/her designee. The committee generally hears cases where the maximum sanctions are expulsion or suspension. The Committee is composed of three students, three faculty members, and three administrators/staff members. A quorum of five members including the chairperson is required to conduct a hearing, but the hearing may not proceed without the presence of at least one student member. The Committee is chaired by a faculty member or administrator/staff member who is appointed by the Associate Provost for Student Services and Dean of Students. The members of the Committee are appointed for one academic year, but may succeed themselves when appropriate. The Student-Faculty Disciplinary Committee may recommend to the Associate Provost for Student Services and Dean of Students any sanction consistent with the penalties outlined in the Student Code of Conduct. The chairperson will submit written recommendations to the Associate Provost for Student Services and Dean of Students indicating the status count of the vote. A simple majority of Committee members is sufficient to win recommendation for a course of action. In the event of a tie vote caused by absence or abstention, the chairperson will break the tie.

In hearings resulting in recommended sanctions of less than suspension or expulsion (i.e., probation, admonishment, loss of privileges, campus/community service, counseling, etc.), the recommendations of the Student-Faculty Disciplinary Committee are presumptively final. The Associate Provost for Student Services and Dean of Students, following his/her review, affirmation or rejection of the recommended sanction, will render a final decision regarding the sanction that will be communicated to the student in writing. In hearings involving the recommendations of expulsion or suspension, the Associate Provost for Student Services and Dean of Students will review and affirm or reject the action taken by the Student-Faculty Disciplinary Committee and notify the student in writing of the decision regarding his/her disciplinary sanction. Should the Associate Provost for Student Services and Dean of Students reject the action recommended, he/she will return the recommendation to the chairperson of the committee along with his/her reasons for non-approval and render to the student the disciplinary sanction.

## **SECTION XIII**

### **HEARING PROCEDURES**

The following procedures (in non-specific order) have been adopted to assure fairness for all parties involved:

1. The Chairperson or Chief Justice will control the hearing and take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. As presiding officer, the Chairperson or Chief Justice may remove anyone not complying with the rulings and/or disrupting the hearing. Parties may object to clearly irrelevant or repetitive material, but technical objections to testimony as used in a court of law will not be sustained.
2. Legal procedural rules of evidence will not be used in the disciplinary hearing.
3. All parties, members of the hearing bodies, complainant, and the accused student, and witnesses may examine all available evidence and question all witnesses through the direction of the chairperson only.
4. The student's advisor may speak only at the request of the Chairperson or Chief Justice, but will not be allowed to state any objection, present any statement, or question members of the hearing body, the complainant, or any witnesses. The advisor is allowed privately to speak directly with the student, as long as that communication is substantially inaudible to all other persons present at the hearing, and as long as the communication does not disrupt the progress of the hearing.
5. Witnesses will be heard one at a time and may be excused from the hearing by the Chairperson or Chief Justice after testifying, if appropriate. The Chairperson or Chief Justice has discretion – even if not requested – not to permit any witness into the hearing other than when that witness is testifying at that hearing. This requirement does not apply to the student.
6. After all available statements, evidence, and witnesses that are relevant to the case have been examined, heard, and questioned by the disciplinary committee and appropriate parties, all persons except members of the hearing body must leave the room.
7. Members of the hearing body will then make a determination of the case and render a written recommendation to the Associate Provost for Student Services and Dean of Students.

## **SECTIONXIV**

### **NOTICE OF APPEAL**

When the student appeals a decision of a hearing body, the student should proceed as follows:

1. File a written notice of appeal within 48 hours following notification of the hearing body's and/or the Associate Provost for Student Services and Dean of Student's decision of disciplinary sanction.
2. Submit written documentation stating clearly the evidence and facts justifying a hearing review. Present the names of persons willing to testify on the student's behalf. The appeal must be filed with the next highest hearing body or officer who will be vested with the authority to determine whether or not the appeal is of sufficient merit to warrant an appellate hearing. Dissatisfaction with the decision of a hearing body will not be justification for an appeal hearing.

## **SECTION XV**

### **APPEAL BODIES**

If the Review Committee upholds the sanction imposed against the student, the student has then exhausted all University appeal sources available and must abide by the sanctions imposed. Any sanction imposed by a hearing body is completely in force during the appeal process. A list of forums for appeal follows:

1. The Student Court will hear appeals of Residential Hall Judicial Council decisions.
2. The Student-Faculty-Staff Disciplinary Committee will hear appeals from the Student Court.

The Associate Provost's Appeal and Review Committee will hear appeals from the Student-Faculty-Staff Disciplinary Committee when a student can show: (1) due process was not received; (2) procedures of the Student Code of Conduct were not followed; or (3) reasonable indication that the facts presented did not prove the student guilty as charged. If an appeal is granted, the Associate Provost for Student Services and Dean of Students or his/her designee will notify the student at least 48 hours prior to the appeal hearing as to the time, place, and date of the hearing. The Associate Provost for Student Services and Dean of Students or a designated appointee will present the charges and facts of the case to the Review Committee.