

## STUDENT CONDUCT AND DISCIPLINE

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### A. Purpose

The purpose of this policy is to provide students fair notice of conduct considered unacceptable at The University of Texas Rio Grande Valley (UTRGV) and which may be the basis for disciplinary action. This conduct listed is not intended to be a complete list of conduct punishable by disciplinary action.

This policy provides procedures to be followed when student disciplinary action may need to be and outlines the appeals process.

### B. Persons Affected

All students at UTRGV.

### C. Definitions

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

1. Administrative Disposition- a document signed by the student and dean that includes a statement of the disciplinary charges, the findings, the sanction and a waiver of the hearing procedures and possibly a waiver of appeals under Regents' *Rules and Regulations*, Rule 50101, Part 2, and any institutional rules regarding student discipline.
2. Business Day - Monday through Friday, excluding any day that is an official holiday recognized by the institution or when regularly scheduled classes are suspended due to emergent situations.
3. Campus - Consists of all real property, buildings, or facilities owned or controlled by UTRGV or The University of Texas System.
4. Cheating - examples of cheating include but are not limited to:
  - a. Copying from the test paper of another student, engaging in written, oral, or any other means of communication with another student during a test, or giving aid to or seeking aid from another student during a test;
  - b. Possession or use during a test of materials which are not authorized by the person giving the test, such as class notes, books, or specifically designed "crib notes;"

- c. Using, obtaining, or attempting to obtain by any means the whole or any part of an unadministered test, test key, homework solution, or computer program;
  - d. Collaborating with or seeking aid from another student, person or resource for an assignment without authority;
  - e. Taking an examination for another person, or permitting another person to take an examination for one's self; and
  - f. Falsifying research data, laboratory reports, or other academic work offered for credit.
5. Collusion - the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any provision of the rules on scholastic dishonesty.
  6. Day - a calendar day, except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations.
  7. Dean or Dean of Students - refers to the administrative officer or officers responsible for the administration of the disciplinary process at each institution. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.
  8. Harassment - intentionally creating a situation to persistently annoy or produce unnecessary and undue mental or emotional discomfort, embarrassment, ridicule, or interference with scholarship or personal lives.
  9. Hazing - any intentional, knowing or reckless act 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 any organization whose members are or include students at an educational institution.
  10. Hearing Officer - An individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Dean of Students to hear disciplinary charges, make findings of fact, and upon a finding of responsibility, impose an appropriate sanction(s).
  11. Plagiarism - the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission (resubmission) or incorporation of it in one's own academic work offered for credit.
  12. Stalking - a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

13. Student - The following persons shall be considered students for purposes of these policies and regulations:
  - a. A person currently enrolled at UTRGV.
  - b. A person accepted for admission or readmission to the University or an institution in the UT System.
  - c. A person who has been enrolled at the University or an institution of the UT System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
  - d. A person who engaged in prohibited conduct at a time when he or she met the criteria of a, b, or c above.

#### D. Policy

##### I. **Authority**

The Dean of Students shall have primary authority and responsibility for the administration of student discipline at UTRGV.

##### II. **Violations/Prohibited Acts**

All students are expected and required to obey federal, state, and local laws, to comply with the Regents' *Rules and Regulations*, with the UT System and institutional rules and regulations, with directives issued by an administrative official of the UT System or UTRGV in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

Any student who engages in conduct that violates the Regents' *Rules*, the UT System or UTRGV rules and regulations, specific instructions issued by an administrative official of UTRGV or the UT System acting in the course of his or her authorized duties, or federal, State, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct that occurs on or off campus, including but not limited to UTRGV or UT System sponsored off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct.

##### a. **Scholastic Dishonesty**

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, and the submission for credit of any work or materials that are attributable in whole or in

part to another person, taking an examination for another person, any act designed to give unfair advantage to a student, or any attempt to commit such acts. (See Academic Integrity Violation Sanctioning Guidelines).

**b. Drugs**

Any student who uses, possesses or sells drugs or narcotics on campus or at a campus related event is subject to discipline. If a student is found responsible for the illegal use, possession, or sale of a drug or narcotic on campus, the minimum sanction assessed shall be suspension from UTRGV for a specified period of time or suspension of rights and privileges.

**c. Alcohol**

The unauthorized use or possession of any intoxicating beverage in a UTRGV facility or campus grounds or while participating in a UTRGV Sponsored trip including, but not limited to minor in possession, public intoxication, allowing minors access, or any violation of UTRGV policies concerning alcohol and other drugs.

**d. Health or Safety**

Any student who while on campus or at a campus-related event, intentionally or recklessly engages in conduct that endangers the health or safety of any person may be subject to discipline.

**e. Disruptive Conduct**

Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the UT System or UTRGV is subject to discipline.

Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources. A separate UTRGV HOP policy on free speech, expression and assembly provides guidelines for the campus community to express their ideas, opinions and beliefs.

**f. Inciting Lawless Action**

Any student who, while on any UTRGV campus or at a UTRGV-related event, engages in conduct directed to inciting or producing imminent lawless action and may be likely to incite or produce such action is subject to discipline.

**g. Unauthorized Use of Property**

Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the UT System or UTRGV is subject to discipline.

**h. Hazing**

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

**i. Harassment**

Any student who, acting singly or in concert with others, engages in conduct that includes any action meant to harass, intimidate, bully or stalk another students may be subject to discipline. Some examples include:

1. Intentionally creating a situation to persistently annoy or produce unnecessary and undue mental or emotional discomfort, embarrassment, ridicule, or interference with scholarship or personal lives.

2. Intimidation of others such as to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, without displaying a weapon or subjecting the victim to actual physical attack.
3. Engaging in a course of conduct directed at a specific person that involves repeated (two or more) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

**j. Sexual Harassment and Misconduct**

UTRGV is committed to the principle that its working and learning environment be free from inappropriate conduct of a sexual nature. Sexual harassment or sexual misconduct in any form will not be tolerated and individuals who engage in such conduct are subject to disciplinary action. UTRGV's policy and procedures regarding sexual harassment and misconduct are delineated in the Sexual Harassment and Sexual Misconduct Policy ([ADM 03-300](#)).

**k. Altering of Official Documents**

Students who commit one of the following scenarios is subject to disciplinary action:

- A student who alters or assists in the altering of any official record of the UT System;
- A student who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the UT System or UTRGV may be subject to discipline.
- A former student who engages in such conduct may be subject to a bar against readmission, revocation of degree, and withdrawal of diploma.

**l. Non Compliance with University Officials**

Any student who fails to comply with any reasonable order or instruction of an official of UTRGV or UT System acting in the course of their duties, including failing to identify him or herself and provide identification documentation to a University official when requested to do so, or providing false identification is subject to discipline.

**m. Vandalism**

Any student who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by UTRGV or the UT System is subject to discipline.

**n. Use of Explosives, Weapons or Hazardous Chemicals**

Unless authorized by federal, State, or local laws, or related to academic instruction or activity, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by State or federal law, while on campus or on any property or in any building or facility owned or controlled by the UT System or UTRGV, is subject to discipline.

**o. Federal, State and Local Laws**

Any conduct that constitutes a violation of a federal, state, or local law or regulation regardless of whether the conduct results in the imposition of a penalty prescribed by the federal, state, or local law.

**p. Prohibited Conduct During Suspension or Probation**

A student who receives a period of suspension or probation as a disciplinary sanction is subject to further disciplinary action for engaging in prohibited conduct during the period of suspension or probation.

**III. Investigation**

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

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

**IV. Summons**

A student may be summoned by written request of the dean or designee for a meeting to discuss the allegations. The written request may specify a place for the meeting and a time at least three weekdays after the date of the written request. The written request may also direct the student to contact a specific person or office to set an appointment within a specified period of time. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student's UTRGV issued email address, or may be hand delivered to the student. If a student fails to appear or respond without good cause as determined by the dean or designee, the dean or designee may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the dean may proceed to

implement the disciplinary process. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.

**V. Interim Disciplinary Action**

Pending a hearing to other disposition of the allegations against a student, the dean may take such immediate interim disciplinary action as appropriate to the circumstances, including: (a) suspension and bar from the campus when it reasonably appears to the dean that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by UTRGV; or (b) the withholding of grades, degree, or official transcript when such action is in the best interest of the University.

When interim disciplinary action has been taken, a hearing of the charges against the student will be held under the procedures specified in this section within ten days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time or unless the student waives a hearing and accepts the decision of the dean in accordance with Subsection: Administrative Disposition of Charges. When the dean determines that the administrative process of hearing process and any ensuing appeal will not be completed before the end of a semester or summer session, appropriate action may be taken to withhold the student's grades or degree pending final disposition of the disciplinary action.

**VI. Administrative Disposition of Charges**

- a. In any case, except in a case finding a violation of the Sexual Harassment and Sexual Misconduct Policy, where the accused student does not dispute the facts upon which the charges are based and agrees to the sanctions the Dean assess, the student may execute a written waiver of the hearing procedures specified in Subsection: Hearing Process, the dean shall assess one or more of the penalties specified in Subsection: Disciplinary Procedures that is appropriate to the charges and inform the student of such action in writing. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.

In any case finding a violation of the Sexual Harassment and Sexual Misconduct Policy, the case will proceed under this Policy unless both the accused and the accuser agree to the terms of the administrative disposition and thus waive the hearing and appeals.

- b. In any case where the accused student elects not to dispute the facts upon which the charges are based, but does not agree with the sanctions assessed by the Dean, the student may execute a written waiver of the hearing procedures yet retain the right to appeal the decision only on the issue of penalty. The appeal must be in writing and submitted to the President's Office within ten (10) business days of the



Dean's decision as specified in the appeal procedures in Section IX: Appeal Procedures.

- c. In cases where a student is found in violation of the Sexual Harassment and Sexual Misconduct Policy, the case will proceed before a Hearing Officer unless both the accused and the accuser agree to the waiver of the hearing procedures. In any case involving a violation of the Sexual Harassment and Sexual Misconduct Policy, the accuser will be provided an equal opportunity to participate in the process.
- d. The minimum penalty that may be assessed when a student admits illegal use, possession, or sale of a drug or narcotic on campus shall be suspension from the institution for a specified period of time or suspension of rights and privileges.
- e. Faculty Disposition of Academic Dishonesty Cases

UTRGV permits faculty members to choose one of two options when resolving suspected issues of academic dishonesty:

1. Direct referral for the alleged infraction to Student Rights and Responsibilities for resolution, or
2. Completion of faculty disposition. This can occur in any case where the student does not dispute the facts and both the faculty member and student sign a form that includes a sanction and a written waiver of the hearing and appeal procedures.

Both a direct referral and a faculty disposition are reported using a single form (the Faculty Referral/Faculty Disposition Form): this form should be used for all suspected academic integrity violations at UTRGV.

3. Reference to Sanctioning Guidelines. In assessing sanctions for academic dishonesty, the Dean of Students shall give preference to the recommended sanction of the faculty member involved, provided the recommended penalty is within the Academic Integrity Violation Sanctioning Guidelines.

## **VII. Hearing Process**

1. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial Hearing Officer. In sexual harassment/sexual misconduct cases, the alleged victim may pursue an appeal under the same procedure as the accused student. An appeal shall be in accordance with the following procedures

In any case involving a violation of the Sexual Harassment and Sexual Misconduct Policy, the accuser will be provided the same rights and responsibilities outlined in this section as the accused including the right to have notice of the hearing.

2. Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least ten days written notice of the date, time, and place of such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s). The notice shall be delivered in person to the student, emailed to the student's UTRGV issued e-mail or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of the mailing, excluding any intervening Sunday. The date for the hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and dean. A request for postponement must be in writing, must state the reason for the postponement, and must be delivered to the Hearing Officer through the Office of the Dean at least three days prior to the date for the hearing. If the student fails to appear for the hearing, the hearing may be held in his or her absence.
3. The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the Office of the Dean at least three days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself or herself, a substitute will be appointed by the Dean of Students.
4. Upon a hearing of the charges, the dean has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
5. To avoid issues concerning invasion of the accused student's right of privacy and the unauthorized disclosure of information records protected by the federal Family Educational Rights and Privacy Act of 1974, the hearing should be closed to everyone except the dean, the accused student, the advisor of the accused student, the Hearing Officer, witnesses providing testimony, and the person making the record of the hearing. Because witnesses should testify from personal knowledge and without regard to what other witnesses may say, no potential witnesses other than the dean and the accused student may be present in the hearing room until called to give testimony.
6. The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the UT System. The Hearing Officer shall render and send to the dean and the accused student a written decision that contains findings of fact and a conclusion as to the guilt or innocence of the accused student. Upon a conclusion of guilt, the Hearing Officer shall assess a

penalty or penalties specified in this policy. Guilt of the illegal use, possession, or sale of a drug or narcotic on campus shall be suspension from the institution for a specified period of time or suspension of rights and privileges.

7. The dean and the accused student shall be assured the following rights:
  - a. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing.
  - b. Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisory may be an attorney. If the accused student's advisor is an attorney, the advisor of the dean may be an attorney from the Office of General Counsel of the UT System. An advisor may confer with and advise the dean or accused student but shall not be permitted to question witnesses, introduce evidence, make objections, give testimony to a witness, or present argument to a Hearing Officer. In sexual harassment/sexual assault cases, the alleged victim shall have the right to be present throughout the hearing, to have an advisor present during the hearing, to have irrelevant past sexual history with third parties excluded from the evidence; and to have a closed hearing, in addition to such other rights and protections as may be required by law or by UTRGV or UT System policy or procedures.
  - c. The dean make recommend a penalty to be assessed by the Hearing Officer. The recommendations may be based upon past practice of the institutions or violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the dean. The accused student shall be entitled to respond to the recommendations of the dean.
  - d. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. If, at the request of the President, the University transcribes the recording of the hearing, the accused student and the dean will be furnished a copy of transcript.
8. The hearing shall proceed generally as follows:
  - a. The dean reads the statement of charges and introduces the notice letter as evidence;
  - b. The dean presents evidence in support of the charges;
  - c. The accused student presents his or her defense;
  - d. The dean and the accused student present rebuttal evidence;

- e. The dean makes a closing argument summarizing the evidence and recommending a penalty to be imposed in the event the Hearing Officer finds the accused student guilty of the charges;
- f. The accused student makes a closing argument summarizing the evidence and responding to the recommendations regarding penalty;
- g. The dean makes a final argument;
- h. The Hearing Officer adjourns the hearing, deliberates, makes findings of fact, and decides the issue of guilt or innocence and assesses an appropriate penalty or penalties in the event of a finding of guilt;
- i. The Hearing Officer informs the dean and the accused student in writing of the decision and the penalty, if any.

#### **VIII. Disciplinary Penalties**

One or more of the following penalties, as appropriate for the circumstances, may be assessed by the dean or by the Hearing Officer after a hearing in accordance with the procedures in this policy.

1. Oral or written reprimand may be issued in cases on minor infractions. This penalty may be assessed only by the dean.
2. Disciplinary probation. A specified period of time during which the student is required to comply with specified terms and conditions that include not engaging in further conduct that violates the Regents' *Rules and Regulations* or UTRGV rules and regulations. The penalty or penalties that will be imposed for failure to comply with the terms and conditions will depend upon the nature of the conduct for which the probation may be imposed. Disciplinary probation may be imposed in conjunction with other penalties for scholastic dishonesty but may not be the sole penalty of scholastic dishonesty.
3. Withholding of grades, official transcript, or degree. The Dean may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the UT System or the institutions that would reasonably allow the imposition of such sanction. The Dean may take such action pending a hearing, resolution by administrative disposition, or exhaustion of appellate rights if the Dean has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean, the best interests of the UT System or the institution would be served by this action.

4. Bar against readmission. The bar will be imposed for a specified period of time or until certain conditions are met and will be removed at the expiration of that period or when such conditions are met.
5. Restitution or reimbursement for damage or to misappropriation of UTRGV or UT System property. A student is required to reimburse the University for actual loss that results from damage to or unauthorized taking or use of property owned or leased by UTRGV or UT System when the conduct of the student has caused or contributed to cause such loss. The notice imposing the penalty will advise the student of the amount of the loss and that failure to make restitution by a specified date will result in suspension from UTRGV until such time as restitution shall have been made. Restitution may also apply to the property of others.
6. Suspension of rights and privileges. This means that a student shall not be eligible to participate in official UTRGV events or activities, including athletic events, shall not join a registered student organization or participate in any meeting or activities or a registered student organization of which he or she may already be a member, and shall not be appointed or elected to or continue to function in any office or position within student government or official student publications. Students also may be barred from entering specified buildings or restricted from using particular facilities. This penalty may be imposed in part or in full as appropriate to the circumstances.
7. Failing grade for an examination or assignment or for a course, or cancellation of all or any portion of prior course credit. All or any portion of these penalties may be imposed when a student is found guilty of scholastic dishonesty.
8. Denial of degree. A student found guilty of scholastic dishonesty may be denied a degree.
9. Suspension from the University for a specified period of time. During the period of suspension, the former student is prohibited from entering any UTRGV campus or the campus of any UT System component institution without prior written approval from the dean of students of the component institution at which the student wishes to be present; from being initiated into an honorary or service organization; and from receiving credit at UTRGV for scholastic work done at another institution during the period of the suspension. Any special conditions outlined in this suspension notice must be met before readmission can be granted.

Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the procedures adopted in the institution's code of conduct when all conditions of the suspension are met.

10. Expulsion. Expulsion (permanent separation from the institution) requires the permanent imposition of the same prohibitions as for suspension. The penalty may also

include denial of a degree when appropriate. Moreover, expulsion creates a permanent notation on the student's academic transcript.

11. Revocation of degree and withdrawal of diploma. This action may be imposed when a former student engaged in scholastic dishonesty with regard to any of the academic work required for the degree of that individual or the degree or another individual.
12. Other penalty as deemed appropriate under the circumstances.

## IX. Appeal Procedures

A student may appeal a disciplinary penalty assessed by the dean. Either the dean or the student may appeal the decision of the Hearing Officer after a hearing. An appeal shall be in accordance with the following procedures:

1. Written notice of appeal must be delivered to the President, or their designee, of UTRGV within ten (10) business days after the appealing party has been notified of the penalty assessed by the dean or the decision of the Hearing Officer. If the notice of penalty assessed by the dean or the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the fourteen day period for giving notice of appeal to the President. An appeal of the penalty assessed pursuant to this policy will be reviewed solely on the basis of the written argument of the student and the dean.

The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. The record from the hearing shall consist of the recording of the hearing, the documents admitted in evidence, and the written decision of the Hearing Officer. The dean shall be responsible for filing the record from the hearing with the President. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the President within fourteen days after notice of appeal is given. Both parties may, at the discretion of the President, present oral argument in an appeal of the decision of the Hearing Officer. The President may request that the recording of the hearing be transcribed. A copy of the transcription shall be provided to the dean and the student.

2. The President may approve, reject, or modify the decision in question or may require that the hearing be reopened for the presentation of additional evidence and reconsideration of the decision. If the President upholds the finding of guilt in a case involving the illegal use, possession, or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed in Section II. Violations (b. Drugs).
3. The President shall communicate his or her decision to the accused student and the dean in writing within thirty days after the appeal and related documents have been received. **The decision of the President is the final appellate review.**
4. Notice of appeal timely given by a student appellant suspends the imposition of penalty until the appeal is finally decided, but interim action appropriate to the circumstances may

be taken pending final disposition of the appeal. Such action may include bar from University buildings, facilities, and property, the withholding of grades, degrees, or official transcripts.

#### **X. Disciplinary Records**

1. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked with “Disciplinary Suspension” or “Expulsion” as appropriate. Each institution shall maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, or withdrawal of diploma.
2. The hearing record, notice of appeal, and all documentation, including written arguments, that contain information that makes the student identifiable shall not be subject to disclosure except upon request of the student or in accordance with applicable state or federal laws or court order or subpoena.
3. UTRGV shall maintain a permanent written disciplinary record for every student assessed a penalty of suspension, expulsion, denial, or revocation of degree or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years, and disciplinary records required by law to be maintained for a certain period of time (i.e. Clery violations) shall be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated penalties. The disciplinary record of other penalties shall be maintained for such as period of time as determined by the dean.

A disciplinary record shall reflect the name of the student involved, the nature of the charge, the disposition of the charge, the penalty assessed, and such other information as may be deemed pertinent. This disciplinary record shall be maintained separately from the student’s academic record, shall be treated as confidential, and shall not be accessible to or used by anyone other than the dean, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

#### **XI. Notification of the Registrar**

1. The Dean of Students shall notify the registrar when one of the following penalties is assessed in a disciplinary case:
  - a. Withholding of grades, official transcripts, or degree
  - b. Bar against readmission;
  - c. Drop from enrollment;
  - d. Failing grade;
  - e. Denial of degree;
  - f. Suspension from UTRGV and transcript noted accordingly;
  - g. Expulsion from UTRGV and transcript noted accordingly;
  - h. Revocation of degree and withdrawal of diploma

2. The registrar shall make such entries upon or corrections to the academic record as required to comply with the assessed penalty but shall make no permanent notation upon the academic record to indicate that any disciplinary action has been taken.
  
3. **Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

University of Texas System Board of Regents' *Rules and Regulations* Rule 50101, Student Conduct and Discipline

Student Conduct and Discipline OGC Model Policy

Sexual Harassment and Sexual Misconduct Policy

Consensual Relationship Policy