Handbook of Operating Procedures

STUDENT CODE OF CONDUCT

A. Purpose

The purpose of this policy is to provide students with fair notice of standards of conduct expectations at The University of Texas Rio Grande Valley (UTRGV). All students are expected and required to obey federal, state, and local laws, to comply with the Regents' *Rules and Regulations*, with The University of Texas System (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. The conduct described in this policy is not intended to be a complete list of conduct punishable by disciplinary action.

B. Persons Affected

Each student is responsible for compliance with the provisions of the Regents' *Rules and Regulations*, UT System, and UTRGV rules and regulations, specific instructions issued by an administrative official of UTRGV or the UT System acting in the course and scope of their authorized duties, and federal, state, and local laws.

C. Policy

Any student who engages in conduct that violates the Regents' *Rules and Regulations*, the UT System or UTRGV rules and regulations, any lawful, reasonable order or specific instructions issued by an administrative official of UTRGV or the UT System acting in the course of their authorized duties, or federal, state, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct as enumerated in this policy, including (where applicable) conduct that occurs off-campus, including but not limited to UTRGV 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.

1. *Authority*

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

2. *Speech, Expression, and Assembly*

   Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered prohibited conduct under this policy.

3. *Prohibited Acts*

a. Academic Misconduct

In engaging in the educational process, students are expected to uphold the values of intellectual honesty and transparency in their scholarship and research. Academic Misconduct is prohibited and subject to discipline. Academic Misconduct refers to any action or omission by a student that misrepresents (or attempts to misrepresent) a student's or group's work, knowledge, or achievement; provides a potential or actual unfair advantage; or otherwise compromises the integrity essential to scholarship or research. Academic Misconduct includes (without limitation) cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person without giving sufficient credit, taking an examination for another person, or any act designed to give unfair academic advantage to a student or the attempt to commit such acts.

i. Cheating is the following or attempts to do the following:

i.i Copying from the test paper (or other assignment) 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 person or online sources (including, but not limited to, tutoring websites/services) during a test or on another assignment, where doing so is prohibited by the instructor;

i.ii Possession or use during a test of materials which are not authorized by the person giving the test, such as class notes, calculators, electronic devices, books, or specifically designed "crib notes";

i.iii Using, obtaining, or attempting to obtain by any means the whole or any part of a non-administered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part, without permission of the instructor; or accessing a test bank without instructor permission;

i.iv Using artificial intelligence such as ChatGPT, DALL-E, or a similar service to create content and pass on that content as if it was one's own without authorization and proper citation;

i.v Using artificial intelligence such as ChatGPT, DALL-E, or a similar service to complete or assist in the completion of an assignment or test without authorization;

i.vi Substituting for another person, or permitting another person to substitute for one's self, to take a test; or

i.vii Falsifying research data, laboratory reports, or other records or academic work presented for credit.

ii. Plagiarism is the appropriation of material that is attributable in whole or in part to another source, or the use of one's own previous work in another context (self-plagiarism) without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program course or degree requirements.

iii. Collusion is 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 academic dishonesty, including disclosing or distributing the contents of an exam or assignment.

iv. Misrepresenting facts for academic advantage to UTRGV or an agent of UTRGV. This includes providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; and providing false or misleading information in an effort to injure another member of the UTRGV community academically or financially.

b. Illicit Drug Activity

A student may not engage in the illegal use, possession, or distribution of controlled substances, or in the possession of drug paraphernalia.

UTRGV affords amnesty to students under this provision who seek aid in a medical emergency. This amnesty extends to those who requested emergency medical assistance (or assisted/encouraged the individual who requested medical assistance) in response to the possible overdose of the student or another person, remained on the scene until the medical assistance arrived, and cooperated with medical assistance and law enforcement personnel, if applicable. Amnesty may extend to more than one student involved in rendering aid.

c. Endangerment of Health or Safety

A student may not engage in conduct that endangers the health or safety of any person.

d. Disruptions

A student may not, acting singly or in concert with others, obstruct, disrupt, or interfere 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. 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.

e. Inciting Lawless Action

A student may not engage in any expressive activity directed at inciting or producing imminent violation(s) of law under circumstances such that the expressive activity is likely to actually or imminently incite or produce violation(s) of law.

f. Unauthorized Use of Property

A student may not engage in the unauthorized use of or access to property, equipment, supplies, buildings, or facilities owned or controlled by the UT System or UTRGV.

g. Hazing

A student may not engage, solicit, encourage, direct, aid, attempt to aid, or recklessly permit another to engage in hazing, either acting singly or in concert with others. Hazing in state educational institutions is prohibited by state and federal law. Hazing with or without the consent of a person whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the person, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

"Hazing" means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act:

i. is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;

ii. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

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

iv. involves coercing, as defined by the Texas Penal Code, the person to consume a drug or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the person is intoxicated, as defined by the Penal Code;

v. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation law; or

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

In an effort to encourage reporting of hazing, UTRGV may grant immunity from student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

h. Altering of Official Documents or False Information During Application

A student may not alter or assist in the altering of any official record of the UT System or UTRGV or submit false information or omit 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. A former student who engages in such conduct is subject to bar against readmission, revocation of degree, and withdrawal of diploma.

This prohibition includes a student who participates or assists in the forging, altering, or duplicating of any parking permit, traffic ticket, or parking ticket issued by UTRGV; any ticket for admission to a program or event sponsored by UTRGV; any means of identification issued by UTRGV; any instrument obligating UTRGV to pay any sum of money; any key which may be used for entering any building owned or controlled by UTRGV; or participating in such actions with other persons.

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 members of the UTRGV community is subject to discipline. Some examples include:

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

ii. Intimidation of others, such as unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words or other conduct, with or without displaying a weapon or subjecting the victim to actual physical attack.

iii. 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

mental distress.

j. Vandalism

A student may not deface, mutilate, or destroy any property, equipment, supplies, buildings, or facilities owned or controlled by UTRGV or the UT System.

k. Use of Explosives, Weapons or Hazardous Chemicals

Unless authorized by federal, state, or local laws, and UTRGV, a student may not possess or use 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. UTRGV has a "campus carry" policy, and any violation of that policy by a student will be handled according to the procedures in this policy.

l. Theft

A student may not commit theft, steal, or take unauthorized possession of any personal property of any community member or UT System or UTRGV property, including but not limited to property within the buildings or facilities owned or controlled by UTRGV or the UT System.

m. Retaliation

A student may not engage in intentional adverse action against an individual who has brought a complaint under this policy (or other UTRGV policies) or participated in an investigation or disciplinary process of such complaint.

n. Gambling

A student may not engage in gambling on property, buildings, or facilities owned or controlled by UTRGV or the UT System.

o. Information Resources Systems Usage Violations

Students using UTRGV information resources or connecting to UTRGV information resources with a personal or non-UTRGV owned system will be held responsible for adhering to all UTRGV policies and procedures regarding information resource usage as well as state and federal rules and regulations. Information resources system usage violations include, but are not limited to, unauthorized system/network activity and unauthorized distribution or altering of programs or data.

p. Sale or Use of Alcoholic Beverages

UTRGV enforces all state and federal laws or regulations involving the sale or use of alcohol on campus, and at university-sponsored sponsored events, including those

pertaining to the possession of alcohol by minors. UTRGV regulations prohibit the possession or consumption of alcoholic beverages on property owned or controlled by UTRGV or the UT System without prior written authorization by appropriate administrative officials. Customers of legal age under state law may purchase and consume alcoholic beverages in areas on the campus specifically designated for the public sale and consumption of alcohol, and residents of University Housing are authorized to possess and consume alcohol in the privacy of their living quarters, if they are of legal age under state law.

UTRGV, however, in accordance with the Texas Alcoholic Beverage Commission's amnesty policy, affords amnesty to a minor seeking aid in a medical emergency if the minor (1) requested emergency medical assistance in response to the possible alcohol overdose of themselves or another person; (2) was the first person to make a request for medical assistance under Subdivision (1); and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person, and: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel, if applicable.

q. Knowingly Submitting False Information

A student may not knowingly provide false information to UTRGV officials or the UT System. This prohibition includes, but is not limited to, a student who knowingly files a false report related to another student's alleged violation of the Student Code of Conduct or knowingly provides false information during the course of a student conduct investigation or proceeding.

r. Failure to Comply

i. Students must comply with any lawful, reasonable order or specific instruction of a UTRGV or UT System administrative official in the course of that official's duties. Knowingly failing to do so is prohibited.

ii. Students must identify themselves to a UTRGV official when requested to do so. A student must provide identification by giving their name and complete address, substantiated by a current driver's license, voter registration card, or other official documentation, and by stating truthfully whether or not they are a student or employee of UTRGV. Failure to do so is a violation of this policy.

iii. Students may not violate any federal, state, or local laws.

iv. Students may not violate the housing contract, the housing handbook, or any other posted policies within residence life.

v. Students may not violate ADM 04-108 Tobacco-Free Workplace Policy.

vi. Students may not violate any other published UTRGV policy.

4. *Bar from Campus*

   A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any UT System institution during the period of such suspension or expulsion without prior written approval of the chief student affairs officer of the UT System institution at which the suspended or expelled student wishes to be present.

D. Procedures

The Dean will conduct an investigation, determine whether to proceed with the charges, and if so, propose the appropriate sanction. The Dean may proceed with the disciplinary process even if the student is subject to concurrent criminal, civil, or other UTRGV proceedings. Students will have the opportunity to appeal disciplinary action.

If there is a more specific policy that specifies the procedures for the investigatory and disciplinary process of student misconduct, such as ADM 03-300 Sexual Misconduct, that policy will govern. Student violations of the ADM 02-300 Speech, Expression, and Assembly will follow the procedures in this Policy.

1. *Investigation*

   Allegations of student misconduct will be investigated by the Dean. The Dean may contact a student for a meeting for purposes of the investigation or to discuss the allegations. The Dean may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least three days after the date of the written request if the request is sent regular mail, or at least two days after the date of the request if the request is sent by email or hand delivered. If notices are sent via both mail and email, the timeline followed will be that of the email notification. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student at the student's assigned UTRGV e-mail address, or if the student does not have an active UTRGV e-mail address, the e-mail address on record with UTRGV, or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Dean, the Dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons. If the student failing to appear as directed in a summons is the student against whom charges are being reviewed, in addition to the above, the Dean may proceed with disciplinary action based upon other information available using the disciplinary procedures in this policy. The refusal of a student to accept delivery of the notice, the failure to maintain a current address with the registrar, or failure to read mail or e-mail shall not be good cause for the failure to respond to a summons.

2. *Reviewing the Evidence and Determining the Sanction*

   The Dean will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. 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. When students within the Division of Health Affairs or other field education or clinical practicum are

found responsible for academic misconduct or violation of professional or ethical standards, the Dean of Students may consult with or defer sanctioning to the appropriate academic unit.

In determining sanctions, the Dean will take into consideration if the violation was motivated by antisemitism, defined by Texas Government Code Section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. This includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

3. *Interim Disciplinary Action*

Pending a hearing or other disposition of the allegations against a Respondent, the Dean may take immediate Interim Disciplinary Action if the Dean determines circumstances warrant immediate action to ensure the safety of any person or the UTRGV community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegations or to the concern of any potential threat, UTRGV will provide the Respondent an opportunity to respond to the allegations and potential threat as soon as practicable after instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegations and any potential threat, the Dean may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing as described in Section D.8.a of this policy unless the Respondent agrees to an Administrative Disposition under Section D.5.

4. *Withholding Transcripts, Grades, Degrees*

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 UTRGV 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 UTRGV would be served by this action.

5. *Administrative Disposition of Charges*

a. In any case where the Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the Dean assesses, the student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This Administrative Disposition shall be final and there shall be no subsequent proceedings regarding the charges.

b. Alternatively, the Respondent may elect to sign an Administrative Disposition waiving the right to the hearing under Section D.8 but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President (or designee) in accordance with Section D.10 of this policy.

6. *Academic Misconduct Cases – Faculty Disposition*

Faculty who believe academic misconduct has occurred will complete a faculty disposition form and make an attempt to meet with the student to resolve the matter. If the student does not dispute the allegations, and agrees with the suggested sanction(s), both the faculty member and the student will sign the faculty disposition form, which includes a written waiver of the hearing and appeal procedures. The faculty member will submit the signed faculty disposition form to Student Rights and Responsibilities, with the relevant supporting materials.

If the student does not agree with the proposed sanction(s), disputes the allegations, or does not respond to the faculty member's attempted contact, the faculty member will submit the unsigned disposition form in the report made to Student Rights and Responsibilities for adjudication via the Vaqueros Report It Academic Misconduct Form.

Faculty members will implement the academic outcomes reached through the adjudication process established by this policy. Faculty members will issue a grade of incomplete for cases which are unlikely to be resolved prior to final grade deadlines, and issue grade changes where appropriate based on assigned sanctions.

7. *Challenging the Disciplinary Action*

a. Cases in which Proposed Sanction Involves Suspension, Academic Sanctions, or Expulsion. In those cases in which the Dean proposes suspension (including suspension of rights and privileges), academic sanctions, or expulsion as a sanction, the charges shall be heard and determined by a fair and impartial Hearing Officer in accordance with Section D.8 of this Policy, unless the Respondent has elected an Administrative Disposition.

b. Cases in Which Neither Suspension, an Academic Sanction, or Expulsion is Proposed as a Sanction. In those cases not subject to Section D.7.a, institutional rules may provide for a hearing process, other than that provided for in Section D.8 that at a minimum provides that the Dean inform the student in writing of the charges, evidence, proposed findings, and the proposed sanction(s); allows the student an opportunity to meet with the Dean to provide evidence and at such time (or after such an opportunity), the Dean will inform the Respondent of the final findings and sanctions, if any; and provides an appeal process outlined in Section D.10 of this Policy.

c. Burden of Proof. Upon a hearing of the charges (whether under Section D.7.b or Section D.8), the Dean or other institutional representative 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.

8. *Hearing Process*

In those cases in which (a) the Respondent disputes the facts upon which the charges are based and (b) the Respondent's proposed sanction is suspension (including suspension of rights and privileges), an Academic Sanction, or expulsion, such charges shall be heard and

determined by a fair and impartial Hearing Officer.

Where a Respondent is alleged to have violated ADM 03-300 Sexual Misconduct, the procedures governing the investigatory and disciplinary processes in this policy do not apply.

a. *Interim Disciplinary Action Accelerated Hearing*

When Interim Disciplinary Action has been taken by the Dean under Section D.3 above and remains in place following the opportunity for the student to address the allegations or potential threat, the student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified in Section D.8.e of this policy within 10 days after the interim disciplinary action was taken; however, if the Dean determines that there is good cause, the 10-day period may be extended for a reasonable period.

b. *Notice of Hearing*

Except in those cases where immediate Interim Disciplinary Action has been taken, the Respondent shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least five days prior to the hearing, UTRGV will provide the Respondent all evidence obtained related to the allegation(s). The notice shall be delivered in person to the student, emailed to the student at the student's assigned UTRGV e-mail address, or if the student does not have an active UTRGV e-mail address, the e-mail address on record with UTRGV, 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 mailing. A notice sent via email will be considered to have been received on the day sent. If notices are sent via both mail and email, the timeline followed will be that of the email notification. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Dean. If the student fails to appear, the Hearing will proceed without the benefit of the student's presence.

c. *Impartiality of the Hearing Officer*

The Respondent may challenge the impartiality of a Hearing Officer(s). The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer(s) through the Office of the Dean at least three days prior to the hearing. The Hearing Officer(s) shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event a Hearing Officer(s) recuses himself or herself, a substitute will be chosen by the Dean or their designee.

d. *Duties of the Hearing Officer*

The Hearing Officer(s) 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(s) 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 UT System Office of General Counsel. Within 10 days of the hearing, the Hearing Officer(s) shall render and send to the Dean and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violations as charged, however, if the Dean determines that there is good cause, the 10-day period may be extended for a reasonable timeframe. Upon a finding of responsibility, the Hearing Officer(s) shall assess a sanction or sanctions specified in Section D.9 of this policy.

e. *Hearing Procedures*

The hearing shall be conducted in accordance with the following procedures:

i. 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 5 days prior to the hearing. If the hearing is an accelerated hearing under Section D.8.a, this information should be provided at least 3 days before the hearing.

ii. Each party shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the Hearing Officer), and be assisted by an advisor of choice. The advisor may be an attorney. If the Respondent's advisor is an attorney, the Dean's advisor may be an attorney from the Office of General Counsel of the UT System. An advisor may confer with and advise the Dean or Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer(s).

iii. Live hearings may be conducted with all parties physically present in the same geographic location or, at UTRGV's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

iv. The Dean may recommend a sanction to be assessed by the Hearing Officer(s). The recommendation may be based upon past practice of UTRGV for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Dean. The Respondent shall be entitled to respond to the recommendation of the Dean. In making the sanctioning decision, the Hearing Officer will take into consideration any mitigating or aggravating factors.

v. The hearing will be audio recorded. The official record will consist of the audio recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Hearing Officer(s). The audio recording will be made available to the Hearing Officer within 3 days of the hearing date. Access to the audio recording will be revoked upon completion of the written decision.

9. *Sanctions*

The following sanctions, either singularly or in any combination, may be assessed by the Dean or by the Hearing Officer(s) as applicable, in accordance with these procedures.

a. Written warning. The student will be notified that continuation or repetition of the specified conduct may be cause for further disciplinary action.

b. An academic sanction, including a failing grade or reduction of a grade for an examination, assignment, or for a course.

c. Restitution or reimbursement for damage to or misappropriation of UTRGV or UT System property.

d. Suspension of rights and privileges, including participation in athletic or extracurricular activities.

e. Disciplinary probation. Disciplinary probation identifies a specified period of time during which the student [or registered organization] is not in good standing and required to comply with terms and conditions that include not engaging in further conduct in violation of this policy. Any conduct in violation of these regulations while in a probationary status may result in the imposition of a sanction of suspension or expulsion or the removal of an organization's official registration.

f. Deferred suspension. A deferred suspension is a designated period of time during which a student, while continuing to be enrolled, is given an opportunity to demonstrate the ability to abide by the Standards of Conduct. A deferred suspension will not be noted on the student's transcript. A student may be placed on deferred suspension for serious misconduct or in the case of repeated misconduct. If the student is found responsible for any additional violation(s) of the Standards of Conduct while the student is on deferred suspension, then the sanction of suspension will be the minimum sanction that will be imposed in a Hearing on the subsequent misconduct. Students who are placed on deferred suspension are also generally given developmental sanctions.

g. Withholding of grades, official transcript, or degree.

h. Denial of degree.

i. Suspension from UTRGV for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. 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 Section D.11 when all conditions of the suspension are met. Students may be subject to further disciplinary action for engaging in prohibited conduct (as defined in this and other UTRGV Policies) during the period of suspension.

j. Expulsion (permanent separation from the institution). Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Expulsion creates a permanent notation on the student's academic record.

k. Revocation of degree and withdrawal of diploma.

l. Bar against readmission, bar against enrollment, drop from one or more classes, or withdrawal from the institution.

m. Other sanction(s) as deemed appropriate under the circumstances.

10. *Appeal Procedures*

A Respondent may appeal a disciplinary sanction assessed by the Dean in accordance with Section D.5.b. A Respondent may also appeal the Dean's determination of responsibility or sanction in accordance with Section D.7.b above. Either the Dean or the student may appeal the decision of the Hearing Officer(s). An appeal shall be in accordance with the following procedures:

a. Bases for Appeal

A Respondent (and the Dean, where applicable) may appeal on any of the following grounds:

i. The sanctions imposed are inappropriate or not commensurate with the circumstances (Note: this is the only appeal option available for Administrative Dispositions under Section D.5.b;

ii. A procedural irregularity affected the outcome of the matter;

iii. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter; or

iv. The Dean, investigator(s), or Hearing Officer had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.

b. Appeal Procedures

i. The appealing party must submit a written appeal through the process and within the deadlines referenced in communication from Student Rights and Responsibilities stating the specific reasons appeal and any argument addressed to the President's designee (hereafter "Appeal Official"). If the appealing party alleges that new evidence exists that was not reasonably available at the time of the determination that could affect the outcome or that there is evidence demonstrating bias or conflict of interest that affected the outcome, the appealing party must provide that

evidence. The Appeal Official or designee will provide a copy of the appeal and any alleged new evidence of bias or conflict of interest to the other party. The appeal must be stamped as received in the office of the Appeal Official no later than 10 days after the appealing party has been notified of the sanction assessed by the Dean or the decision of the Hearing Officer(s). The nonappealing party may, but is not required to, submit a response to the appeal within 7 days of the receipt of the appeal. For purposes of calculating deadlines, the date that an appealing party has been notified of the sanction or the date of the appealing party received a copy of the Hearing Officer's decision is 3 days after the date the document was sent by mail to the recipient or, if emailed to the recipient, the day the email was sent. If notices are sent via both mail and email, the timeline followed will be that of the email notification.

ii. An appeal of the sanction assessed by the Dean in accordance with Section D.7.b above 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(s) will be reviewed solely on the basis of the record from the hearing and any new evidence submitted with the appeal. The Dean will submit the record from the hearing to the Appeal Official as soon as it is available to the Dean. The President or designee may request additional information from the student disciplinary file, including previous disciplinary actions. The Appeal Official may, at the Appeal Official's discretion, entertain oral argument in an appeal.

c. Appeal Official's Authority

The Appeal Official may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

d. Communication of Decision

The Appeal Official's decision shall be communicated in writing to the Respondent and the Dean within 20 days after receiving the appeal and official record. The decision of the Appeal Official is the final appellate review.

11. *Transcript Notations and Disciplinary Record*

The academic transcript of a student suspended or expelled for disciplinary reasons (not academic or financial) shall be marked with "Disciplinary Suspension" or "Disciplinary Expulsion" or "Bar from Readmission" as appropriate. A notation should state whether and when the student is eligible to reenroll.

If the student becomes eligible to reenroll at UTRGV and UTRGV determines that good cause exists to remove the disciplinary notation from the student's academic transcript, the notation may be removed upon the written request of the student to the Dean. If the requesting student falls within the Division of Health Affairs, the Dean may consult with or defer the decision to the appropriate academic unit.

UTRGV will maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial or revocation of degree, or withdrawal of diploma. All other disciplinary records shall be maintained in accordance with university record retention policies, unless the record is permanent in conjunction with the above stated sanctions in this section. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information. This disciplinary record shall be maintained by the Office of the Dean of Students. It shall be treated as confidential, and the record shall not be accessible to anyone other than the Dean or UTRGV officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

E. Definitions

1. *Academic Sanction* – A sanction affecting a student's grade, such as the lowering of a grade on an assignment, test, or in the course.

2. *Administrative Disposition* – A document signed by the student and Dean which includes a statement of the disciplinary charges, the findings, the sanction and a waiver of the hearing procedures and possibly a waiver of appeals.

3. *Campus* – Consists of all real property, buildings, or facilities owned or controlled by UTRGV.

4. *Chief Student Affairs Officer* – The administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule.

5. *Complainant* – The individual who is alleged to be the victim of any prohibited conduct under this Policy.

6. *Day* – A business day, Monday through Friday during regular business hours (8:00am – 5:00pm), excluding any day that is an official holiday recognized by the institution or when regularly scheduled classes are suspended due to emergent situations. Counting of days will commence the day after a document or decision has been received.

7. *Dean or Dean of Students* – Refers to the administrative officer or officers responsible for the administration of the disciplinary process. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.

8. *Hearing Officer* – An individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s).

9. *Interim Disciplinary Action* – Disciplinary action adverse to a Respondent that is imposed on the Respondent before a finding of responsibility for a policy violation. Interim Disciplinary

Action may include suspension, suspension of a right or privilege, or a prohibition from entering campus or any part of campus.

10. *Respondent* – The student accused of an alleged policy violation.

11. *Student* – The following persons shall be considered students for purposes of this policy:

    a. A person currently enrolled at UTRGV.

    b. A person accepted for admission or readmission to UTRGV.

    c. A person who has been enrolled at the institution 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.

    e. A person previously enrolled, but suspended from the institution.

F. Related Statutes or Regulations, Rules, Policies, or Standards

Regent's *Rules and Regulations*, Rule 50101 Student Conduct and Discipline

ADM 02-300 Speech, Expression, and Assembly

ADM 02-400 Concealed Handguns and Other Weapons on Campus

ADM 03-300 Sexual Misconduct

ADM 04-108 Tobacco-Free Workplace Policy

ADM 07-102 Misconduct in Research and Scholarly Activities

ADM 10-103 Alcoholic Beverages

EAA005 Medical Student Dishonesty and Plagiarism Policy

G. Dates Reviewed or Amended

May 13, 2022 – Reviewed and amended (non-substantive: updated responsible executive).

June 6, 2022 – Reviewed and amended.

December 17, 2025 – Reviewed and amended.