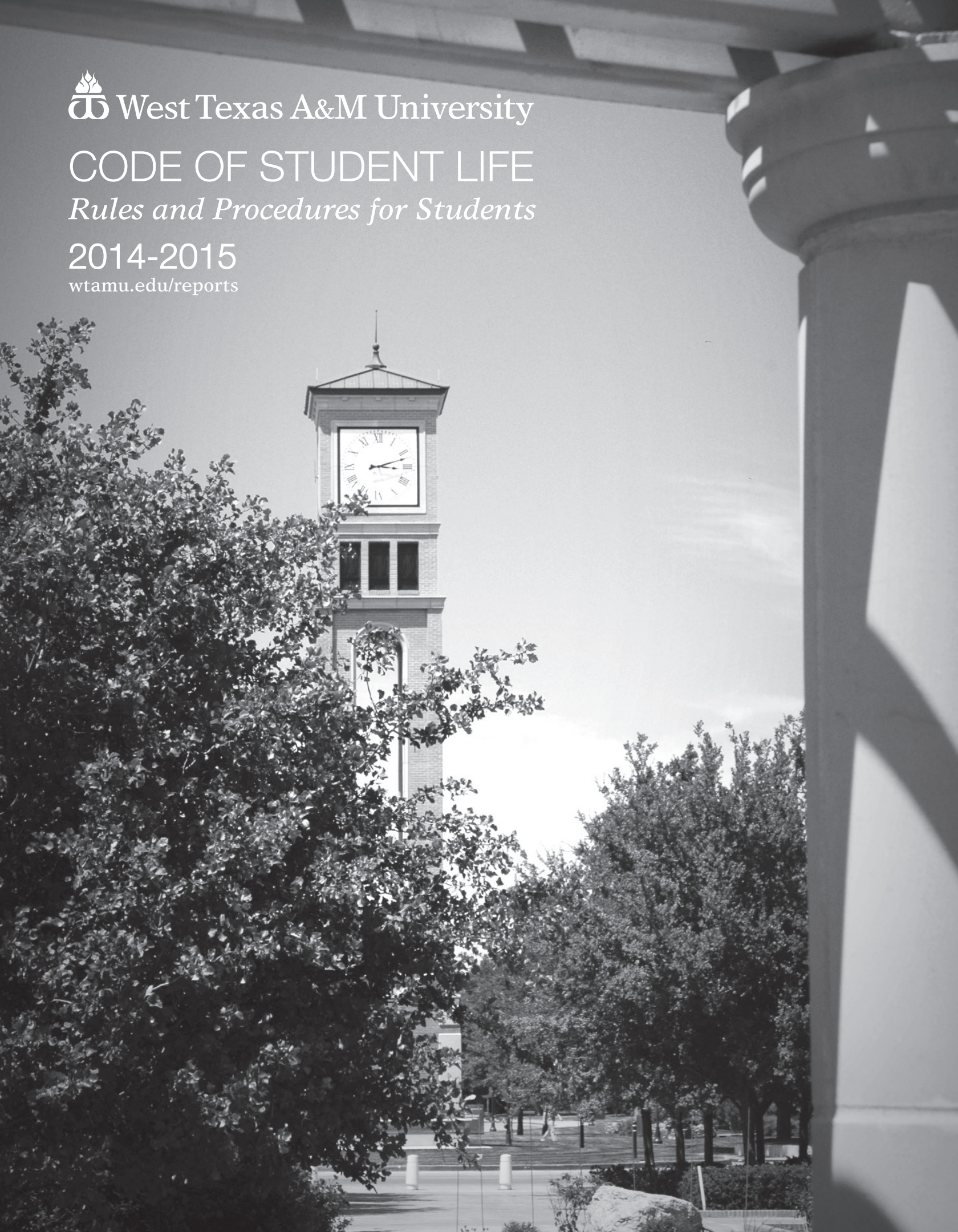
West Texas A&M University

CODE OF STUDENT LIFE

Rules and Procedures for Students

2014-2015

wtamu.edu/reports



Disciplinary Procedures and Sanctions

Each violation is considered one offense. Once a criminal report is filed with the University Police Department (UPD), it is investigated by the criminal investigation division. When a suspect is identified, the case is referred to the Randall County district attorney's office for prosecution. Aside from the criminal charges, the vice president for student affairs (VPSA) refers the suspect for University disciplinary action.

The VPSA may choose to hear cases that involve charges of a sexual nature, hazing, cases involving temporary suspension or other cases in which the law may grant authority. If the VPSA chooses not to hear a case, a conduct officer or conduct board will be appointed to pursue the case. All disciplinary hearings will adhere to the procedures for notification, evidence, counsel/advisers, burdens of proof, records, findings and appeals as outlined in the current edition of the *Code of Student Life*. University actions may include but are not limited to monetary fines, work hours, probation, mandatory participation in specific awareness/rehabilitation programs and/or suspension or expulsion from WTAMU.

In all hearings, both the accused and accuser will have the opportunity to present their versions of the facts, to present other evidence in support of the case including witnesses and to question evidence presented. In cases of alleged sexual assault, both the accuser and accused will be informed of the outcome of any disciplinary hearing.

For complete procedures and information involving discipline hearings, sanctions, penalties and appeals, please refer to the appropriate sections of the *Code of Student Life*. The current edition of the *Code of Student Life* is available on the West Texas A&M University website at www.wtamu.edu/reports.

Student Education Records and Federal Privacy Law

Annually, West Texas A&M University informs students of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended. This act, with which the institution intends to comply fully, was designated to protect the privacy of education records, to establish the right of students to inspect and review their education records, to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings, and to submit an explanatory statement for inclusion in the education record if the outcome of the hearing is unsatisfactory. Students have the right to file complaints with the Family Educational Rights and Privacy Act Office of the Department of Education in Washington, D.C., concerning alleged failures by the University to comply with the act. Written complaints should be directed to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Local policy explains in detail the procedures to be used by the institution for compliance with provisions of the act. Copies of the policy may be obtained at the Office of the Registrar, located in Old Main, Room 103, on the West Texas A&M University campus. Questions concerning the Family Educational Rights and Privacy Act may be referred to the Office of the Registrar. **Directory information includes student's name, gender, local and permanent address, telephone number, date and place of birth, marital status, major field of study, classification, enrollment status (full-time, part-time, undergraduate, graduate), participation in recognized activities and sports, height and weight if a member of an athletic team, date of attendance, degrees, awards and honors received, the most recent educational institution attended and other information which would make the student's identity easily traceable.** Students have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the university discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

According to FERPA, the university may release information without the student's written consent to the following:

a. School officials, as identified by the university, determined by the university to have a legitimate educational interest,
b. Officials of other institutions in which the student seeks to enroll,
c. Persons or organizations providing to the student financial aid, or determining financial aid decisions,
d. Accrediting organizations carrying out their accrediting functions,
e. Parents of a student who have established that student's status as a dependent according to IRS code of 1986, Section 152,
f. Persons in compliance with a judicial order or a lawfully issued subpoena,
g. Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of the student and/or other persons.

Directory information may be disclosed unless students or parents request, in writing, that specific information not be divulged. Requests must be filed with the Office of the Registrar by the twelfth class day of each semester. For more information, go to www.ed.gov/print/policy/gen/guid/fpco/ferpa/students.html.

Photography and Recording of Students and Employees

West Texas A&M University reserves the right to photograph and record (through the use of still, video, audio or other medium) students and employees on campus and at University-sponsored functions and events. The University reserves the right to use, broadcast, distribute and/or publish any part of such images, likenesses, voices, appearances and/or performances for promotional, advertising, educational or other honorable purposes.

West Texas A&M University serves people of all ages, regardless of socioeconomic level, race, color, gender, religion, disability or national origin. WTAMU is an affirmative action/equal employment opportunity institution.

Parts of the West Texas A&M University Code of Student Life is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.

Published by
West Texas A&M University Student Affairs
806-651-2050
September 2014
West Texas A&M University
Reference Number 13.02.99.W1

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CODE OF STUDENT LIFE 2014-15

MISSION STATEMENT

West Texas A&M University is a diverse and inclusive student-centered community of learners that:

- provides a technology-rich, academically rigorous educational experience at the undergraduate and graduate levels;
- cultivates opportunities to develop critical thinking and problem solving skills, information literacy, and ethical behavior;
- directs resources in support of empowering co-curricular experiences;
- maintains focus on the development of future leaders for our community, the state, the nation, and the world; and
- serves through education, research, and consultation as a catalyst for economic development and enhancement of the quality of life for the region.

PROCEDURES AND RULES FOR STUDENTS

The procedures and rules contained in this document are subject to change, without notice, by the president of West Texas A&M University. The president of West Texas A&M University reserves the right to make the final decision in any disciplinary case.

These rules and procedures may also be adjusted, as needed, based on The Texas A&M University System, federal and/or state mandated requirements.

FORWARD

The *Code of Student Life* sets forth requirements for students of West Texas A&M University by clearly stating the procedures and rules which govern student life and student conduct. It is hoped that the code will enhance good citizenship as students familiarize themselves with the contents of this publication and follow the provisions set forth therein.

Free inquiry and free expression are essential attributes of the community of scholars. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained, independent search for truth. The freedom to learn depends upon opportunities in the classroom, on the campus and in the community. Students should exercise their freedom with maturity and responsibility.

Students are expected to conduct themselves in a manner compatible with the functions and purposes of West Texas A&M University. Although the University is committed to students' constitutional rights, including due process in student disciplinary matters, it has an equal obligation to protect its educational purposes. The University must be concerned with individual or group actions that are in conflict with the welfare and integrity of the institution.

TAMUS "DO THE RIGHT THING" STATEMENT

The Texas A&M University System is dedicated to adhering to the highest ethical standards and principles. If you have factual information suggestive of fraudulent, wasteful or abusive activities, we want you to report it. Examples of reportable issues include fraud; misuse of resources or information; violations of safety rules; inappropriate conduct, harassment or discrimination.

We encourage you to report such issues through the Risk, Fraud & Misconduct Hotline, an anonymous telephone and web-based reporting system. 1-888-501-3850 or select "file a report" at the top of the page at www.ethicspoint.com. The hotline is independently operated and available 24 hours a day, seven days a week.

STUDENT BILL OF RIGHTS

This Student Bill of Rights, Disciplinary Bill of Rights, Victim's Rights and Academic Bill of Rights do not serve to limit or infringe upon any other right a person may be afforded. Violations of these rights shall be referred to the appropriate hearing body.

1. Students have the right to inquire about and to recommend improvements in rules and procedures affecting the welfare of students.
2. Students have the right to form or join any association for the purpose of examining and discussing all questions of concern to them including questions relating to University actions, procedures and rules.
3. Students have the right to participate in a free exchange of ideas within parameters of appropriate classroom decorum, and there shall be no University rule or administrative procedure that in any way abridges the rights of freedom of speech, press, expression, petition and peaceful assembly as set forth in the U.S. Constitution.
4. Students shall be treated on an equal basis in all areas and activities of the University, regardless of race, creed, color, religion, gender, age, disability, national origin or sexual orientation.
5. Students have the right to personal privacy except as otherwise provided by law.

STUDENTS' RESPONSIBILITIES

1. Students have the responsibility to respect the rights and property of others, including other students, the faculty and administration.
2. Students have the responsibility to be fully acquainted with the published University rules and procedures and to comply with them and the laws of the land.
3. Students have the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.

4. Students have the responsibility to recognize the University's obligation to provide an environment for learning and to conduct themselves in a manner compatible with the functions and purposes of West Texas A&M University.
5. Students have the responsibility to keep the Office of the Registrar informed of current local and permanent addresses, telephone numbers and email addresses. Communications sent to any address of record will be deemed to be adequate notice.
6. It is the students' responsibility to accept/receive official University documents whether delivered by mail, University email or staff. A document so delivered shall constitute full and adequate notice of the information provided therein. The failure of a student to provide an address change or forwarding address, or the refusal to accept/receive a letter (delivered by University mail or by staff) shall not constitute good cause for failure to comply with the content of the official University correspondence.
7. It is the student's responsibility to provide his/her identification upon request of University officials.

DISCIPLINARY BILL OF RIGHTS

1. The accused, in disciplinary cases, shall be innocent until proven guilty.
2. The accused shall not be compelled to witness against himself/herself.
3. The accused shall have the right to seek legal counsel. The counsel may advise the student but not present the case.
4. The accused shall have the right to question information presented at the hearing.
5. The accused shall have the right to appeal any decision of an original hearing when disciplinary action is taken.
6. The University will, prior to the hearing, send written notice of the alleged charges against the student and the scheduled hearing information. This information will be sent to the accused student's address of record. It is the student's responsibility to provide an accurate local mailing address as well as maintain it and check it regularly, along with their University email address, for University-related correspondence.
7. All students shall be assured procedural due process.
8. Each student shall be free from disciplinary action by University officials for violations of civil and criminal law off campus except in situations that might be a detriment to the University and/or its community and as otherwise provided by law or applicable codes.
9. Accused students shall have the right to present their own version of the facts.
10. The accused shall have the right, upon written request at least three working days prior to the hearing, to be provided with a waiting area, separate or secure from other witnesses, including the victim and relatives of the victim before testifying in any proceeding concerning the accused offender. If a separate waiting area is not available, other safeguards should be taken to minimize the accused offender's contact with the victim and the victim's relatives and witnesses, before and during the proceedings.

VICTIM'S RIGHTS

1. When permitted by law (i.e. cases of sexual misconduct), the victim shall be informed as well as allowed to be present and heard at all crucial stages of the student judicial proceedings. Victims may inquire as to how the procedures work for a student conduct hearing.
2. The victim shall be informed about the availability of crime victim's compensation and other victim's services by contacting the victim assistance coordinator of the University Police Department (UPD).
3. The victim shall be protected from intimidation.
4. The victim shall be protected from retaliation.
5. The victim shall have the right to submit a victim impact statement.
6. The victim shall have the right to seek restitution from the offender.
7. The victim shall have the right to have the proceeding's officer take the safety of the victim or his/her family into consideration as an element in determining the final disposition for the accused.
8. The victim shall have the right, upon request, to be provided with a waiting area, separate or secure from other witnesses, including the accused offender and relatives of the accused offender before testifying in any proceeding concerning the accused offender. If a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the accused offender and the accused offender's relatives and witnesses, before and during the proceedings.
9. The victim shall have the right to seek legal counsel. The counsel may advise the student but not present the case.

ACADEMIC BILL OF RIGHTS

1. Students have protection through University procedure against arbitrary, capricious or unfair academic evaluation.
2. Students have the right to appeal academic suspension through the appropriate University channel.
3. Students have the right to appropriate personal contact with faculty, professional staff and other students in an academic setting.
4. Students have the right to inspect and review their educational records and to petition to change their records

upon proof of error. This right will hold unless it is specifically waived.

5. Within the parameters of overall University procedures and rules, students have the right to evaluate faculty members.
6. Students have the right to expect a quality education.
7. The purpose of the West Texas A&M University copyright rules and regulations is to outline the respective rights which members of its faculty, staff and student body have in copyrightable materials created by them while affiliated with the University. The University claims a financial interest in such matters when an individual makes significant use of University funds, space, equipment, or facilities administered by the University or if significant amounts of University time have been devoted to development of intellectual property in original works of authorship. The entire Texas A&M University System policy regarding intellectual property can be accessed online at http://www.tamus.edu/offices/legal/practice/business/.

GENERAL RULES AND PROCEDURES ON CAMPUS

STUDENTS SHOULD UNDERSTAND THAT VIOLATIONS OF RULES AND PROCEDURES CONTAINED IN THE PARKING RULES AND REGULATIONS, RESIDENTIAL LIVING HANDBOOK, CONTRACTS, HOUSING AND MEAL PLAN AGREEMENTS, THE CODE OF STUDENT LIFE, AND ANY RULES AND PROCEDURES OF THE UNIVERSITY RENDER THE STUDENT SUBJECT TO DISCIPLINE INCLUDING EXPULSION FROM THE UNIVERSITY.

Following is a general statement of the rules and procedures of West Texas A&M University. Any action in violation of these rules and/or any other action in violation of the laws of the State of Texas and the United States of America will subject a student to disciplinary action by the University, separate and apart from any action which may be taken by civil authorities, up to and including expulsion from the University (refer to sanctions/penalties section).

1. APPROVAL OF CAMPUS SPEAKERS AND/OR PROGRAMS. West Texas A&M University permits the expression of a full range of ideas provided that the expression of those ideas and the conduct are not in violation of University rules or state or federal laws. Speakers or programs shall be invited only by recognized faculty groups, University departments or registered student organizations. Approval of off-campus speakers or programs for student organizations is made by the faculty/staff adviser of the presenting organization. Speakers or programs sponsored by students who are not members of registered organizations must be reviewed by the vice president for student affairs (VPSA). Speakers or programs may not be permitted when there is a conflict with scheduled University events or facilities. In contested matters, a committee composed of the faculty senate president, the vice president for academic affairs, the vice president for student affairs, the organization's faculty/staff adviser, and the student government president and vice president will convene and make recommendations about the University's position to the University president who shall make the final determination.
2. SELLING AND SOLICITATION. Registered campus organizations will be allowed to sell goods or services as part of their fundraising programs in the Jack B. Kelley Student Center (JBKSC). Any such selling or solicitation must be scheduled through the JBKSC Information Desk. Charitable or non-profit organizations may sell or solicit goods or services in the JBKSC. Competitive goods or services to those sold by the University Bookstore or Food Service require the approval of the bookstore manager or food services manager. Campus organizations will receive priority in the assignment of available floor space. Any such selling or solicitation must be scheduled through the JBKSC Information Desk. All solicitation in residence halls must be approved by the director of residential living. Any other selling or solicitation of goods or services, taking of orders for goods or services, or solicitation of funds for any purpose is prohibited without an approved exhibitor's agreement and prior permission of the VPSA.
   a. RAFFLES. The Charitable Raffle Enabling Act permits "qualified organizations" to conduct up to two raffles per calendar year. An organization may not offer money as a prize in a raffle. Each prize must be in the possession of the organization. Tickets may not be advertised through paid advertisements. Each ticket must state the name and address of the organization, the name of an officer of the organization and a general description of each prize with value of more than $10. Only members of the organization may sell tickets. WTAMU does not qualify under the definition of "qualified organization." However, students or other affiliated organizations may be able to qualify if they are exempt from federal income tax under Section 501 (c), Internal Revenue Code and meet other "nonprofit" organization requirements. Participation in an unauthorized raffle is a Class C misdemeanor.
   b. FOOD SAFETY. Groups hosting an event are liable for all food safety preparation and service. Individuals within the group are expected to follow standard food safety and hygiene practices for food served or sold. WTAMU Risk Management Office retains the right to require insurance, permits or inspection as needed.
3. DISRUPTIVE ACTIVITY. Participation in disruptive activity that interferes with teaching, research, administration, disciplinary proceedings, other University missions, processes, or functions including public-service functions or other University activities. Such activities may include, but are not limited to:
   a. Leading or inciting others to disrupt scheduled and/or normal activities on University premises;
   b. Classroom behavior that interferes with either (1) the instructor's ability to conduct the class or (2) the ability of other students to profit from the instructional program;

c. Any behavior in class or out of class, which for any reason materially disrupts the class work of others; involves substantial disorder; invades the rights of others; causes concern for the welfare of the individual and/or others; or otherwise disrupts the regular and essential operation of the University.

4. POLITICAL CAMPAIGN EVENTS ON WTAMU PROPERTY.
   a. Political Campaign Meetings or Speeches. Student organizations that are currently registered with the WTAMU Campus Organizations/Resources/Entertainment (CORE) Office may invite candidates for political office to speak at their student organization meetings. Should those meetings be held in large meeting rooms or common areas, the candidate's opponent(s) will be afforded access to the same or similar facilities provided there is a currently registered student organization to sponsor the event.
   b. Political Campaign Advertising. Advertising for all off-campus political campaigns is limited to "open board" posting areas on campus. Off-campus political campaign materials may not be placed in or on the grounds or on automobile windshields or utility poles. Currently registered student organizations may create and post advertisements for their events including on-campus political speakers provided their names and the dates of their events are clearly printed on all materials. In the event a campus facility is used as an official polling place, the official election and campaign rules and regulations of that election will supersede WTAMU advertising regulations.
5. FINANCIAL OBLIGATIONS. All students must meet financial obligations to the University within the time allowed. Payment of all charges, including but not limited to loans, room and board, health services, tuition and fees, fines, Buffalo Gold Card fees and laboratory equipment breakage or loss, is due in the time noted on the University statement. Students who fail to pay the amount due, in the manner required by the Office of Accounting and Business, are liable to appropriate legal action and/or withdrawal from the University. Failure to pay can also result in withholding of (1) registration privileges, and/or (2) official transcripts. When checks or drafts are returned unpaid for any reason other than an admitted bank error, the student must immediately pay in cash or certified funds the amount due plus a service charge to be determined by the Office of Accounting and Business.
6. HAZING. Hazing is a criminal violation under Texas law. A person can be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his/her knowledge to the vice president of student affairs. Hazing that does not result in serious bodily injury and failing to report hazing are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing that results in death is a state jail felony. Organizations found guilty of hazing can be fined $5,000 to $10,000 or, for incidents causing personal injury or property damage, an amount double the loss or expenses incurred because of the hazing incident. It is not a defense to prosecution that the person hazed consented to the hazing activity. Any person reporting a specific hazing incident to the VPSA or other appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious. Knowledge of hazing can be reported using this form: http://wtamu.edu/student-support/incident-report-form.aspx. This state law does not limit or affect an educational institution's right to enforce its own penalties against hazing. The Education Code defines hazing as "any intentional, knowing, or reckless act occurring on or off the campus of an educational institution, by one person 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, affiliated with, holding office in, or maintaining membership in an organization." The statute contains a list of conduct that constitutes hazing.
7. HOUSING AND MEAL PLAN REQUIREMENTS. All students are required to meet housing and meal plan requirements. Students not meeting these requirements will be assessed housing and/or meal plan charges unless they have been approved for an exemption. Exemptions are valid for one academic year, so long as the requested exemption is still applicable to the student. Exemptions **must** be documented and approved through the Office of Residential Living prior to the **first day of class.**
   a. Housing Requirement. WTAMU is committed to the success of each student. Because of this commitment, the University requires all full-time students to live on campus if:
      - They are under 21 years of age, or
      - They have fewer than 60 semester credit hours (post-high school) accumulated.

      The housing agreement is valid for one full academic year (fall/spring). Students that fall under the above requirement on the first class day of the semester of initial enrollment/re-enrollment (for each academic year) are required to fulfill their housing agreement for the current academic year. Any exception to this requirement must be requested and approved through the Office of Residential Living.
   b. Meal Plan Requirement. All students under 21 years of age on the first day of class each semester, residing in on-campus housing or being assessed housing charges are required to purchase a University meal plan until the student has accumulated 45 **(post-high school)** semester hours. Full or partial exemptions may be granted to students:
      - Eating with a parent;
      - Based on a medical need;
      - With extreme financial need; or
      - Due to hours of employment.

c. Meningitis Vaccination Requirement - Texas Senate Bill 1107 requires all students (under age 30) entering an institution of higher education (public and private) to either receive a vaccination against bacterial meningitis or meet certain criteria for declining such a vaccination **10 days prior to the first day of the semester.** Contact the Office of Admissions or Student Medical Services for additional information related to this requirement.

8. STUDENT ORGANIZATIONS. Student organizations will be allowed to operate on campus only after properly registering with the CORE Office each semester, and abiding by all University rules and procedures governing student organizations.
   a. Student organizations may be officially registered when formed for purposes consistent with the philosophy and goals developed for West Texas A&M University. Any group of eight or more students wishing to create a student organization may apply for registration through the CORE Office in the Jack B. Kelley Student Center, Room 103. The group wishing to organize must submit:
      1. Application. Every new or inactive student organization must submit this form stating intended purposes, activities, etc.
      2. Semester Registration Form. This form lists officers, advisers, regular meetings, etc. This form must be updated and submitted to the CORE Office each semester.
      3. Constitution and Bylaws. Every student organization must have an up-to-date constitution and/or bylaws on file in the CORE Office.
      4. Risk Management Policy. Every student organization must have a current risk management policy on file in the CORE Office.
   b. If a student organization is not registered with the CORE Office for four consecutive long semesters, that organization must re-activate its registration through the director of student activities, the assistant vice president for student affairs and the VPSA.
   c. Student organizations must have an adviser who is a West Texas A&M University full-time faculty or staff member.
   d. West Texas A&M University requires that for students to hold office in any student organization, they must maintain a 2.0 grade point average (GPA) for undergraduate work and a 3.0 GPA for graduate work. Each student organization must have procedures defined in its constitution concerning academic deficiency and is responsible for administering these procedures.
   e. In order to maintain its official University registration and be afforded privileges of recognition, each student organization must register with the CORE office each fall and spring semester. Each student organization must send at least one representative, preferably the president, to scheduled CORE Roundtable meetings and the annual CORE Risk Management presentation.
   f. Student organizations are responsible for compliance with University rules and procedures and state and federal laws.
   g. Actions of student organizations are subject to review. Failure to abide by University rules and procedures or state and federal laws may result in an organizational disciplinary hearing by the chief student affairs officer or designate. Sanctions may range from documented verbal reprimand to revocation of privileges.
   h. All student organizations will have their functions, whether on or off campus, approved by their official University advisers.
   i. Because of the number, variety and scope of activities sponsored by faculty, staff and students, West Texas A&M University cannot be held responsible for accidents or injuries incurred through activities sponsored by registered student organizations.
   j. More information and guidelines concerning student organizations are available in the *Student Organizations Handbook*.
9. DEAD DAY AND FINAL EXAMINATION PERIODS. Dead Day is the last day that falls between the conclusion of scheduled academic classes and the start of the exam period in the fall and the spring semester. Student events/meetings/activities sponsored by student organizations will not be held on Dead Day or during the final exam period unless specifically reviewed by the VPSA and forwarded to the President's Executive Committee for final consideration.
10. ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS). The complete AIDS statement is on file in the Office of Student Affairs and online at www.wtamu.edu/medical, and is incorporated herein for all purposes.
    a. Consideration of the existence of AIDS or a positive HIV antibody test will not be a factor in the admission of prospective students or the continuing enrollment of current students.
    b. Students with AIDS or a positive HIV antibody test will be afforded normal classroom attendance, working conditions, participation in extracurricular activities, and access to all University facilities, functions and events.
11. UNLAWFUL DISCRIMINATION. Any act of unlawful discrimination based on race, creed, color, religion, gender, age, disability, national origin or sexual orientation is prohibited. West Texas A&M University encourages a climate of uniqueness of the individual within our state, nation and world. The University also strives to protect the

rights and privileges and to enhance the self-esteem of all its members. Any form of harassment and any form of unlawful discrimination against any individual is inconsistent with the values and ideals of the University.

12. ALCOHOL BEVERAGES. State and federal statutes along with University rules and regulations concerning alcohol beverages will be strictly enforced. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age. In addition to these statutes, the University prohibits student (regardless of age) possession, consumption of alcohol beverages on campus or in University public buildings and public areas, or at University-sponsored events **including student travel on behalf of the University**. Serving alcoholic beverages on campus or at a University-sponsored event requires the approval of the University president. The president may also grant permission for those over the age of 21 to consume alcohol at University events on an event-by-event basis.
    When alcohol consumption or possession occurs at prohibited places or events and/or when consumption causes disruptive behavior or results in public intoxication, the following procedures will be instituted.
    a. All violations of federal, state and local laws or University rules regarding alcohol shall be reported to the University Police Department (UPD). Each violation reported is considered to be one offense.
    b. In addition to any action, which may or may not be taken by civil authorities when laws, rules or procedures regarding alcohol are violated, the University may take the following actions.
        1. First Offense (within any 12-month period): The student will successfully complete a University-designated online alcohol awareness program, unless otherwise notified by authorized University officials; pay a $50 registration fee; and complete five University service hours.
        2. Second Offense (within any 12-month period): The student will pay a $50 assessment administration fee, attend at least one (1) assessment interview with a counselor from Student Counseling Services that might require testing to determine substance abuse/potential addiction and perform 15 University service hours as directed by the University conduct officer.
        3. Third Offense (within any 12-month period): Within the discretion of the University conduct officer, suspension from the University for a minimum of one semester or “special arrangements for continued enrollment” may be assessed. A restriction will be placed on the student’s records, transcript and registration privileges until disciplinary sanctions are completed.
13. ALCOHOL CONTAINERS. The possession of any alcohol container on campus is prohibited.
14. AMNESTY FOR VICTIMS. The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.[1]
    a. For Those Who Offer Assistance
        To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the director of student conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.
    b. For Those Who Report Serious Violations
        Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.
        Abuse of amnesty requests can result in a decision by the director of student conduct not to extend amnesty to the same person repeatedly.
15. DRUGS. The possession, distribution, consumption, and/or use (on University property or property under control of West Texas A&M University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University) of illicit drugs or narcotics, or any hallucinatory agent or other substance not prescribed to the person by a licensed provider is prohibited. This rule applies to all paraphernalia utilized in conjunction with the consumption and/or use of the prohibited substances as well as any student disruptive behavior related to such use. Any violation of the above drug-related rule may result in suspension or expulsion from the University or special conditions for continued enrollment. Procedures for controlled substance violations are as follows:
    a. All violations of federal, state or local laws, or University rules and procedures regarding the drug-related instances, described above, shall be referred to UPD. Reporting to UPD also includes athletics-related positive drug test results.
    b. In addition to any action which may or may not be taken by civil or criminal authorities when laws, rules or procedures regarding drugs or controlled substances are violated, the University may take the following actions.
        1. First Offense (within any 12-month period): Within the discretion of the University conduct officer, suspension or expulsion from the University or “special arrangements for continued enrollment” may be assessed. Failure to comply with any requirements imposed as a consequence of a first offense will subject

[1]Records regarding the provision of amnesty, however, should be maintained.

the student to suspension or expulsion. If the offense relates to the sale or distribution of controlled substances, the student shall be expelled or suspended from the University. A restriction will be placed on the student's records, transcript and registration privileges when disciplinary situations have not been resolved.

2. Second Offense (within any 12-month period): A second offense of the drugs rules/regulations will result in suspension or expulsion.

16. HARASSMENT. Behavior that is severe, pervasive or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an education opportunity or benefit. This behavior includes, but is not limited to, verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic. This includes cyber harassment which involves the use of email, messaging, chat rooms, cell phones, or other forms of information technology and social media to intentionally harm or control another person.
17. NON-COMPLIANCE WITH AUTHORITY. Failure to comply with the oral and/or written directions of University officials acting in performance of their duties is prohibited. These officials include faculty members, administrators, staff members, UPD, and elected or appointed student officers or representatives and University-affiliated agencies working in conjunction with the University, including, but not limited to, other law enforcement or emergency personnel.
18. DAMAGE, DESTRUCTION, TAMPERING WITH OR VANDALISM OF PROPERTY. Behavior that damages, destroys, tampers with, vandalizes or litters any property of this or another educational institution or of another person or entity on University premises or at University-sponsored activities is prohibited.
19. DISORDERLY BEHAVIOR. Disorderly behavior is contrary to the rules of good order and behavior, violates the public peace, is turbulent, riotous, or indecent. Disorderly behavior on campus or at a University-sponsored event off campus is prohibited.
20. FRAUDULENT USE OR FALSIFICATION OF RECORDS/INFORMATION. It is the responsibility of the individual student to give accurate written and oral information. Forgery, alteration or misuse of University records, documents or identification (i.e. ID card, University meal card, etc.) is prohibited.
21. CHEMICALS OR BIO-CHEMICALS. The inappropriate possession, use, or threat of use of these items is strictly prohibited on University property or at University functions.
22. FIRE ALARMS, FIRES AND EQUIPMENT. It is a violation of University rules for anyone to initiate a false alarm, cause a fire (intentionally or through negligence), or tamper with fire safety equipment. Under the Texas Education Code Section 51.219, the penalty for making false alarm or report of a bombing, fire, offense, or other emergency involving an institution of higher education is punishable as a state jail felony. In addition to crimina charges, violators will face stiff penalties assessed by the University.
23. FIREARMS AND AMMUNITION. The use or threatened use of firearms or ammunition on University property or at University functions is strictly prohibited. The possession of these items outside of a locked, privately owned or leased motor vehicle is strictly prohibited. These items or those similar in nature may not be used for display or decoration in University buildings.
24. EXPLOSIVES, FIREWORKS AND WEAPONS. The possession, use or threatened use of these items is strictly prohibited on University property or at University functions. This includes but is not limited to illegal knives/swords, brass knuckles, stun guns, nun chucks, sling shots, pellet guns, blow guns, air-powered guns, projectiles, etc. These items or those similar in nature may not be used for display or decoration in University buildings.
25. LASER POINTERS. The inappropriate use of laser pointers is prohibited.
26. GAMBLING. Gambling in any form on University property or at any University function is prohibited by state law.
27. INCITEMENT OF OTHERS. The incitement of persons to commit any act violating University rules is prohibited.
28. UNAUTHORIZED PRESENCE. Unauthorized possession, duplication, production or manufacture of any key, unlocking device or Buff Gold card for any University facility or property is prohibited. Unauthorized presence or attempted entry into or use of University facilities, property, networks or systems is prohibited. Students should be familiar with the visitation rules applicable to individual residence halls.
29. STATE AND FEDERAL STATUTES. Students who are convicted of state and/or federal statutes may be subject to administrative action by the University which may include expulsion from the University.
30. MISAPPROPRIATION OF UNIVERSITY PROPERTY, EQUIPMENT, NETWORKS, SYSTEMS AND/OR FUNDS. The misappropriation of University property, equipment, networks, systems and/or funds is prohibited. This also includes the inappropriate use of the Buff Gold card/number. This card is the property of West Texas A&M University and is non-transferable. Use by other than named cardholder is illegal. If it is lost or stolen, there is a $10 replacement fee. If the card is damaged in any way, bring the card and/or all of the pieces to the Buff Gold Card Office, Jack B. Kelley Student Center Room 118, and it will be replaced for free. Inappropriate usage may include but is not limited to lending an ID card/number to someone to be used at the dining hall, food court, Buff Cash vendors, student computerized elections or any University event; using another person's University ID card/number, with or without that person's knowledge for the purposes listed above; and using a person's University ID card/number for the purchase or receipt of tickets to University events. Sharing or downloading music, video, software, games or any other copyrighted material is against the law: http://www.wtamu.edu/p2p as well

as http://wtamu.edu/about/rules-and-procedures.aspx.

31. TAMPERING WITH INFORMATION, FILES, RECORDS, NETWORKS OR SYSTEMS. Willfully destroying, damaging, tampering, altering, stealing, misappropriating, or using without permission any system, program, information or file of the University or of a member of the University community is prohibited. Sharing or downloading music, video, software, games or any other copyrighted material is against the law: http://www.wtamu.edu/p2p as well as http://wtamu.edu/about/rules-and-procedures.aspx.
32. TELEPHONES. Unauthorized use of University telephones including long-distance service is prohibited. West Texas A&M University assumes no responsibility for personal telephone use. The use of cell phone camera(s) will not be permitted without authorized permission from the subject or owner of the object being photographed.
33. COMPUTER, NETWORK, AND TECHNOLOGY USAGE. Unauthorized and/or inappropriate use or access of computers, systems or networks is prohibited. The guidelines for computing, network and technology resources are available in the open access lab in the Hastings Electronic Learning Center or on the WTAMU website at www.wtamu.edu/rules and are incorporated herein for all purposes. Sharing or downloading music, video, software, games or any other copyrighted material is against the law: http://www.wtamu.edu/p2p as well as http://wtamu.edu/about/rules-and-procedures.aspx.
34. THEFT. The attempted or actual theft of University services, property, property of other University students, of other members of the University community, of campus visitors on University property, or at University-sponsored activities is prohibited. Possession of property known to be stolen or belonging to another person without the owner's permission is considered theft. Students found in violation of this rule will face disciplinary sanctions.
35. TRAFFIC AND PARKING. Any individual who operates or parks a motor vehicle within the boundaries of the campus shall comply with traffic and parking rules developed by the Faculty-Student Parking Committee. Copies of the rules are available from UPD.
36. RACIAL, ETHNIC, AND SEXUAL ORIENTATION HARASSMENT. In providing an educational and work climate that is positive and discrimination-free, faculty, staff and students should be aware that racial, ethnic, and sexual orientation harassment in the workplace, residence or educational environment is unacceptable conduct and will not be condoned. See Appendix IV for grievance procedures.
37. FIGHTING/ACTS OR THREATS OF VIOLENCE. The threat or use of force or violence or terroristic activities against members, guests or property of the University is prohibited.
38. ENDANGERING SELF AND/OR OTHERS. Any act that endangers or threatens to endanger the health, safety, or wellbeing of self or others may result in disciplinary action.
39. TOBACCO. All buildings on the West Texas A&M University campus are tobacco free. No tobacco products (cigars, cigarettes, chewing tobacco, etc.) to include shisha (flavored tobacco) can be used in any University buildings. Products that simulate tobacco use (e-cigarettes) or use water to vaporize tobacco/nicotine, like hookahs, are also prohibited. University policy additionally states that smoking should not occur within 50 feet of building entrance doors. Rules governing the use of tobacco products in the residence halls can be found in the *Residential Living Handbook*.
40. SEXUAL MISCONDUCT.
    a. Sexual Harassment. A form of sex discrimination that can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, and physical conduct of a sexual nature. The creation of an environment hostile to learning through offensive sexual comments or propositions, engaging in suggestive touching or showing offensive sexual materials is also prohibited. Sexual harassment also includes sexual misconduct and sexual exploitation. All acts of sexual harassment are strictly prohibited by the University. Sexual harassment also includes sexual misconduct (non-consensual sexual intercourse and non-consensual sexual contact) and sexual exploitation.
    b. Sexual Abuse. Sexual abuse is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his or her consent. Sex without conscious and total consent is abuse. An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.
    c. Sexual Contact. Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, against the person's will, or in circumstances where the person is physically, mentally, or legally unable to give consent.
    d. Sexual Exploitation. Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, and invasion of sexual privacy.
41. STALKING. Stalking is a course of repeated conduct directed at a specific person that causes that person to feel fear or suffer substantial emotional distress. Such conduct includes following another person, acts that threaten or intimidate that person or a member of that person's family or household, or an offense committed against that

person's property.

42. RETALIATORY DISCRIMINATION OR HARASSMENT. Any intentional, adverse action taken by a responding individual or allied third party against a participant [or supporter of a participant] in a civil rights grievance proceeding or other protected activity under this Code. The respondent, respondent's friends or associates, or anyone found to be acting on behalf of the respondent student may be held responsible and sanctioned for retaliatory behavior.
43. SEX OFFENDER REGISTRATION REQUIREMENT. Notification to persons required to register as sex offenders. In accordance with Article 62.064 of the Texas Code of Criminal Procedure, a person who is employed, carries on a vocation, or is a student at a public or private institution of higher education in this state, and who is required to register under Article 62.061, as added by Chapters 1193 and 1415, Acts of the 76th Legislature, Regular Session, 1999, or any other provision of Chapter 62 (Sex Offender Registration Program) shall, no later than the seventh day after the date on which the person begins to work or attend school, report that fact to the authority for campus security for that institution.
    The authority for campus security at West Texas A&M University is:
    Chief of Police
    West Texas A&M University Police Department
    WTAMU Box 60295
    Canyon, Texas 79016
    To arrange an appointment for registration or if you have questions, contact director of police operations at 806-651-2300
44. ANIMALS ON CAMPUS. Animals will not be allowed to run at large on campus and must be leashed at all times. Animals shall not be left unattended or secured to University property. With the exception of fish and those trained for work or emotional support, residents are not allowed to keep animals and/or pets in the residence halls. Emotional support animals must be approved through the Office of Student Disability Services.
45. STUDENT TRAVEL (individual and/or group). Student travel on behalf of West Texas A&M University is a privilege, and students participating in such travel are at all times representing the University. They should conduct themselves in a manner compatible with the functions and purposes of West Texas A&M University. It is the students' responsibility to comply with the published University rules and the laws of the land as well as respect the rights and property of others. They will be held accountable for failure to do so. Travel guidelines/procedures are available on the web at http://wtamu.edu/student-travel-information.aspx.

VIOLATIONS OF UNIVERSITY RULES AND PROCEDURES

The Office for Student Affairs investigates allegations of student involvement in conduct that violates this code and ensures that the *Code of Student Life* is administered equitably. The VPSA may choose to hear cases that involve charges of a sexual nature, hazing, cases involving temporary suspension or other cases in which the law may grant authority. If the VPSA chooses not to hear a case, a conduct officer will be appointed to pursue the case. The VPSA appoints University conduct officers who are responsible for the administration of the disciplinary process. The conduct officer is authorized to hear cases and impose any of the sanctions listed in the *Code of Student Life*. The decision of the conduct officer will include a detailed description of the appeals process. The conduct officer may also refer the case to the appropriate channel. These channels may include the student judicial board, the director of student activities, the director of residential living, the residence hall area coordinator, the appropriate Greek system judicial board, the intramural board, or the conduct officer himself/herself.

THE DIRECTOR OF STUDENT ACTIVITIES is authorized to hear cases arising within the student organizations. The director of student activities may impose disciplinary sanctions including admonition, fees, fines or service charges, restitution, withdrawal of campus privileges, work hours, organizational probation, special arrangements for continued student organization registration, and student organization suspension. Appeals are made to the assistant vice president for student affairs.

THE DIRECTOR OF RESIDENTIAL LIVING is authorized to hear cases arising within a residence hall involving housing/meal contracts or housing/meal requirements. The director of residential living may impose any of the sanctions listed in the *Code of Student Life*. Appeals of decisions made by the director of residential living will be made to the VPSA.

THE RESIDENCE HALL AREA COORDINATOR (RHAC) is authorized to hear cases arising within the residence hall. The RHAC may impose disciplinary measures including admonition, restrictions placed on records, restitution, withdrawal of campus privileges or work hours.

THE STUDENT JUDICIAL BOARD (SJB) is comprised of the chief justice and six associate justices. The SJB is authorized to hear cases involving any student. The SJB may impose disciplinary measures including the issuance of any University penalty with the exception of suspension or expulsion. Selection of the SJB members is in accordance with the current constitution of West Texas A&M University Student Government. Decisions of the SJB will be forwarded to the student and the conduct officer. The SJB decision will also include a detailed description of the appeals process. If a student so desires, or if in the event the SJB cannot be convened due to the academic calendar, the judicial officer will solely preside over the hearing and take any necessary action. The SJB must establish a quo-

rum of at least four members, including the chief justice or designated replacement, in order to render a decision.

TRAFFIC VIOLATIONS

Students charged with violation of campus traffic rules must pay a fee according to the *Parking Rules and Regulations* (copies available in the Office of Parking Services). Students have 20 days from the date of issue of the citation to appeal the citation with the Traffic Appeals Committee. For additional information on traffic violations and appeals, see the WTAMU Parking Services Division Traffic and Parking Regulations at http://www.wtamu.edu/university_police/upd-parking-services.aspx

UNIVERSITY ACTIVITIES CENTER

Infractions of rules with the Virgil Henson Activities Center (VHAC) will be referred to the conduct officer for disciplinary action. To challenge a VHAC rule, students will be referred to the VHAC manager. Appeals from that decision will be directed to the VHAC Advisory Committee.

IMMEDIATE SUSPENSION

(*For the purpose of this section, the term "suspension" may include "WITHDRAWAL OF CAMPUS PRIVILEGES.")

1. The University has the authority to immediately suspend, without notice or hearing, a student whose behavior poses a continuing danger to persons or property or is an ongoing threat of disrupting the academic process, so long as notice and hearings occur thereafter as soon as practicable. The president of WTAMU is vested with the authority by the Texas A&M University System policies adopted by the Board of Regents to order such a suspension. A student may be suspended for up to 10 calendar days when the president or designee believes a student poses such a threat.
2. The president or designee should inform the student orally and in writing that the student is immediately suspended from the university and that written notice and an informal hearing will take place as soon as practicable.
3. The University must provide to the student as soon as practicable after the immediate suspension:
   a. Oral or written notice of the charges against the student;
   b. If the charge is denied, an explanation of the evidence the University has; and
   c. An informal hearing to give the student an opportunity to present the student's side of the story, if requested. While notice and the opportunity for an informal hearing are required as soon as practicable, the university will aspire to provide notice and the opportunity for the informal hearing no later than three class days after the day of the suspension. The notice of the suspension should include facts supporting the charge.
4. The informal hearing can occur almost immediately after the incident that promoted the intervention; there need be no delay between the time notice is given and the time of the informal hearing. The decision of the president or designee at the informal hearing is final and no appeal procedure of the University applies to immediate suspensions.
5. Students subject to an immediate suspension shall remain off campus and away from all University facilities and functions during the suspension period and will be issued a criminal trespass warning. When possible, students subject to an immediate suspension will be instructed on acceptable methods available to remain current with classes and instructors during the suspension period. Failure to abide by these requirements may result in further disciplinary sanctions as well as arrest for criminal trespass.
6. If, after the informal hearing is concluded, the president or designee believes it is in the best interest of the campus community that the student should not return to campus even after the expiration of the immediate suspension period, the University will use, prior to the expiration of the immediate suspension, its formal **Conduct Process, Appeals Process**, and **Sanctions/Penalties** sections found in the current edition of the *Code of Student Life*. Appeals of any decisions made by the hearing body will be made to the VPSA.

CONDITIONS FOR CONTINUED ENROLLMENT

In situations where a student endangers or displays the potential to endanger others, the University may require, without a hearing, the student to meet certain conditions which may include an evaluation from the University's counseling staff as a condition of continued enrollment. The University's counseling staff will determine if further referrals are necessary.

THE CONDUCT PROCESS

All disciplinary proceedings will adhere to the following procedures.

1. The student will be informed in writing of the allegations made and the date, time, and place of the initial conference with a University conduct officer. This information will be sent to the accused student's address of record. For University-related correspondence, it is the student's responsibility to provide an accurate local mailing address, maintain it and check it regularly, as well as check their University email account.
2. An opportunity for the student to review the evidence, except official UPD reports on cases pending action in the district attorney's office or while the case is still under investigation, prior to the hearing, shall be provided upon request. An appointment must be set up with the judicial secretary in the Office of Student Affairs, in the Jack B. Kelley Student Center, Room 102, to review this information.
3. During the initial conference, the student may bring an adviser of his or her choosing. This person may advise the student but may not actively participate in the conference. The initial conference is not recorded and may result in the following outcomes:

a. The student(s) is found not to be in violation.
b. The student(s) is found in violation and subject to those sanctions described in this Code.
c. The conduct officer decides that more investigation is needed and continues the conference at a later date.

4. If a student is found not in violation, the process ends. If a student is found to be in violation, this determination will be provided in writing to the student. The student will have three University working days to accept or reject the finding. If the finding is not challenged within those three days, it will be accepted as final. If a student rejects the finding within those three days, a formal hearing will be scheduled and the student will be notified in writing of the date and time of the hearing. The formal hearing will be held before a University conduct officer. For cases involving sexual misconduct, the hearing may take place before a panel of two University conduct officers.
5. During the course of the formal hearing, the studentmay seek advice of legal counsel/adviser at his/her own expense. Counsel may advise the student but may not present the case. The accused and the accusing student may have one person accompany him/her in the hearing. This person cannot be a witness. In sexual misconduct cases, the complainant will have the right to be present throughout the hearing but will not be required to attend the hearing. The complainant shall have the opportunity to submit an impact statement. The complainant shall also have the right to not have past sexual history discussed during the hearing.
6. The University will present evidence supporting the allegations first and has the burden of proving its case by the preponderance of evidence. Preponderance of evidence means proof that leads a reasonable person to find that the facts in issue are more likely to have occurred than not. A determination of the facts will be based only on the evidence as presented. The technical rules of evidence applicable to civil and criminal cases shall not apply.
7. An opportunity will be provided for the respondent to present his/her own version of the facts and to present other evidence in support of the current case including witnesses. Witnesses not having information directly pertaining to the scheduled case may not be allowed. The responding student should notify and make arrangements with their witnesses to attend the hearing or provide notarized written information or official University reports to be included in the hearing. The respondent will also have the right to hear evidence and question evidence presented through the conduct officer. The conduct officer may impose reasonable limitations upon the presentation of evidence and questioning of witnesses.
8. A student may not be compelled to testify in his/her own behalf. If the student chooses not to testify or to appear at the hearing, no inference may be drawn from this action; however, the hearing will proceed and a decision will be made based on the facts presented. In the event that the respondent, witness, or any other person involved with the case is more than 10 minutes late to the hearing, the hearing body is not responsible for beginning the hearing over, recalling witnesses or re-entering any evidence into the record.
9. Disorderly or disruptive behavior by any individual during the conduct process may result in removal of that individual from the conduct process, at the discretion of the hearing officer, and the hearing process may continue.
10. The University will record the hearing and that recording remains the property of the institution. Deliberations will not be recorded. FERPA provides that when information on more than one student is contained in a single education record, each student may inspect only the information specifically related to him/her. If the recording pertains to only the requesting student, arrangements may be made to review the recording. An appointment will be required to review the recording, if applicableSuspension/expulsion sanctions result in records being maintained permanently in the Office of Student Affairs.
11. Upon conclusion of the hearing, a written statement of the findings, the formal action to be taken by the University, and a description of the appeals process will be forwarded (delivered or postmarked) to the student within five working days, as defined by the University. In cases of sexual misconduct, the findings, formal action to be taken by the University, a rationale for those actions, and a description of the appeals process will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
12. Disciplinary hearings will be closed with the exception of those directly involved in the hearing. The disciplinary proceedings will not be open to the media. At the University's discretion, notices and conduct correspondence will be issued to the student's local and/or permanent address of record, delivered by staff, or via email. It is the student's responsibility to keep the address of record current and to check their University email account. A letter sent to the address listed in the registrar's records or staff delivered shall constitute full and adequate notice. The failure of a student to provide an address change or forwarding address, the refusal to accept/receive a letter (sent either by first class mail or certified mail or by staff delivery), or failure to check University email shall not constitute good cause for failure to comply with the content of the official University correspondence. Disciplinary action may be taken against a student for failure to appear after proper notice.
    The following guidelines apply to student conduct proceedings in cases of alleged sexual misconduct or sexual harassment:
    a. The complainant may be present during the student conduct proceedings and has the right to be assisted by an adviser of his or her choosing. The adviser may advise the student but may not present the case.
    b. The complainant shall not be required to attend the student conduct conference but will have the opportunity to submit an impact statement detailing the alleged consequences suffered by the complainant.

c. The complainant shall have the right not to have his or her past sexual history discussed during the conduct proceeding.
d. The complainant shall have the opportunity to request immediate on-campus housing relocation (based on available space), transfer of classes or other steps to prevent unnecessary or unwanted contact or proximity to the responding student if such accommodations are reasonably available.
e. The complainant, or complainant's family member if the student dies as a result of the alleged misconduct, shall be informed in writing of the outcome of the student conduct conference. This will include a description of the appeal process. The proceedings and outcome of all student conduct proceedings are considered confidential information in accordance with the Family Educational Rights and Privacy Act of 1974. Such information shall not be otherwise re-disclosed.
f. In conduct cases which may result in a University mandated separation from the University for the accused student, there shall be a single verbatim record of all student conduct conferences. Deliberations shall not be recorded. The record shall be the property of the University.

APPEAL PROCESS

Appeals of decision made by the appropriate Greek system judicial board or the intramural board will be made to the student judicial board. Appeals of decisions made by the residence hall area coordinator, the student judicial board or University conduct officer will be made to the appellate committee.

The appellate committee is authorized to only hear appeals from decisions of the residence hall area coordinator, Student Judicial Board and University conduct officers. The three-member appellate committee is comprised of two students appointed by the student body president with first and second alternates also named. The third member of the committee will be the VPSA with the provost/VPAA as the alternate. The student members may not be current members of the student judicial board, resident assistant, assistant area coordinator or area coordinator. If any of the appointed student members cannot meet within a suitable time frame, the student body president and/or VPSA will appoint a student(s) in an attempt to expedite the appeal process. Each member has one vote to determine if a student has violated rules and/or procedures. Members of the appellate committee may not contact members of the original hearing body to solicit an opinion of a case. The same rules and/or procedures apply in the next level of the appeals process. The hearing body whose decision is being appealed may not forward its opinion to the appellate body hearing the appealed case. Each student has the right to appeal the University decision rendered at the original hearing. If a student wishes to appeal the original decision, a written notice of appeal, including the reasons for the appeal, must be filed in the appropriate office as delineated in the written statement of the findings within three working days, as defined by the University, of receipt of the decision. In cases of alleged sexual misconduct, the complainant may also appeal the University's decision within three University working days. In cases heard on appeal, the body conducting the hearing can do the following:

1. Find the appellant not guilty—overturn the decision;
2. Decrease the appellant's penalty—uphold the decision with modifications; or
3. Keep the appellant's penalty the same—upholding the decision.

Review of the appeal will be based on examination of the evidence presented at the original hearing, the recording of that hearing and the statements provided within the request for appeal. The appeal process is not an avenue for submitting evidence that was not provided in the original hearing. In reviewing the hearing recording, if the appeals committee determines that the conduct process was not directly observed, the committee may grant a new hearing to take place; otherwise, the decision will be based on the review alone. Students may appeal traffic violations to the traffic committee not the student judicial board.

The decision made on any appeal is final.

RECORD RETENTION

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

COPY OF FILE PROCEDURE

1. Individuals seeking photocopies of files must present the request, in writing, for specific documents to the Office of the Vice President for Business and Finance.
2. Upon receipt of the written request, the vice president for business and finance will determine the cost of reproducing the specific documents and send a memo stating the cost.
3. Upon payment, the vice president for business and finance will determine how long it will take to reproduce the documents and will inform the individual of when the documents will be ready. Requests for files are governed by System Policies & Regulations Manual, section 61.01.02.

SANCTIONS/PENALTIES

1. ADMONITION. An admonition is an oral or written warning that further violations may be grounds for more

severe disciplinary action.

2. FEES, FINES OR SERVICE CHARGES. The student or organization may be required to pay a fee, fine or service charge for violations.
3. RESTRICTIONS PLACED ON RECORDS. A restriction will be placed on a student's records, transcripts and registration privileges when the student fails to fulfill financial obligations to the University, fails to comply with any contract or agreement, fails to submit a housing deposit or when disciplinary situations have not been resolved. The restriction will remain in effect as long as proper settlement of the problem is pending.
4. LOSS OF CAMPUS HOUSING. Students may be denied or dismissed from University housing for violation of University and/or residence hall rules or failure to make timely room and board payments. If housing privileges are revoked and the student is obligated to reside on campus under University requirements, all fees associated with such requirement (room and board) may still be applied to the student's bill.
5. RESTITUTION. Students or student organizations who damage or destroy property belonging to the University or to individuals may be responsible for restitution.
6. WITHDRAWAL OF CAMPUS PRIVILEGES. Any violation of rules and/or procedures contained in the *West Texas A&M University Catalog*, *Residential Living Handbook*, residence hall agreements, *Parking Rules and Regulations*, and/or *Code of Student Life* may result in withdrawal of access to WTAMU property, eligibility to participate in specified athletic or non-athletic extracurricular activities, withdrawal of hall privileges such as visitation, or eligibility to assume or remain in a specified student office for a period of time.
   Student organizations could lose their student organization registration which would terminate their access to campus meeting facilities, access to campus organization funds, free mailbox in the JBKSC and access to JBKSC bulletin boards, assistance from the CORE Office staff, listing in the *Student Organizations Guide* and *West Texas A&M University Catalog* and use of West Texas A&M University to signify campus affiliation.
7. UNIVERSITY SERVICE HOURS. Any violation of rules and/or procedures contained in the *West Texas A&M University Catalog*, *Residential Living Handbook*, residence hall agreements, *Parking Rules and Regulations*, and/or *Code of Student Life* may result in the student or student organization working a specified number of hours of university service. Unless otherwise specified, should the student or student organization's members choose, they may pay a fine equivalent to the current "Federal Minimum Wage Rate" for the number of University service hours issued in place of working the assigned hours. Fines in place of University service hours should be paid to the designated office.
8. STUDENT PERSONAL PROBATION. Student personal probation is for a stated reasonable period of time. No entries are made on the student's academic record. Further violation of any kind during the probation period will subject the student to suspension or expulsion.
9. STUDENT ORGANIZATION PROBATION. Student organization probation is for a stated reasonable period of time. Further violation of any kind during the probation period will subject the student organization to student organization suspension and loss of registration.
10. STUDENT DISCIPLINARY PROBATION. Student disciplinary probation is for a stated reasonable period of time. An entry is made, for the probation period, on the student's academic record. Further violation of any kind during the probation period may subject the student to additional disciplinary action. If the student is a minor, parents or guardians may be notified.
11. SPECIAL ARRANGEMENTS FOR CONTINUED ENROLLMENT. This sanction allows the hearing body to assess special arrangements and/or restrictions that allow a student to continue enrollment in the University.
12. SPECIAL ARRANGEMENTS FOR CONTINUED STUDENT ORGANIZATION REGISTRATION. This sanction allows the hearing body to assess special arrangements and/or restrictions that allow a student organization to retain registration at the University.
13. STUDENT DISCIPLINARY SUSPENSION. Student disciplinary suspension from the University is for a stated reasonable period of time. Should a student be withdrawn while a semester is in progress, the student will receive the grade of X (passing) or XF (failing) based on the time of the withdrawal for each course as earned that semester. An entry is made for the suspension period on the student's academic record. If the student is a minor, parents or guardians are notified. Records of student disciplinary suspension are maintained permanently in the Office of Student Affairs. Conditions for readmission to the University may be specified.
14. STUDENT DISCIPLINARY EXPULSION. Student disciplinary expulsion from the University is permanent. An entry to this effect is made on the student's academic record. Once expelled, a student may never again attend the University. If the student is a minor, parents or guardians are notified. Records of student disciplinary expulsion are maintained permanently in the Office of Student Affairs.
15. STATE STATUTES. When state statutes are violated, the offense will be referred to the UPD and necessary penalties of state statutes will be enforced in addition to any University sanctions.
16. CRIMINAL TRESPASS. Students subject to immediate suspension, disciplinary suspension, disciplinary expulsion, or withdrawal of campus privileges shall remain off campus and away from all University facilities and functions during the stated period and will be issued a criminal trespass warning. Failure to abide by these requirements may result in further disciplinary sanctions as well as arrest for criminal trespass.

Students subject to an immediate suspension will be instructed if acceptable methods are available to remain current with classes and in contact with instructors during the suspension period.

Issues related to appendix I and II below are academic in nature and are therefore handled by the vice president for academic affairs (VPAA).

APPENDIX I—ACADEMIC INTEGRITY CODE

It is the responsibility of students and instructors to maintain academic integrity at WTAMU by refusing to participate in or tolerate academic dishonesty or any behavior that prevents University representatives or students from effectively furthering the mission of the University as stated in the mission statement. Any act that hinders WTAMU from maintaining the integrity of the University's academic mission shall be treated as a serious offense against the community as a whole. It is both the right and responsibility of every member of the community to read, understand and enforce the guidelines set forth for maintaining WTAMU's academic integrity. Sanctions for any violation of the Academic Integrity Code are at the discretion of the course instructor and may include reductions of grade on assignments or exams, up to and including a grade of F for the course. Any of the sanctions/penalties listed under the "Sanctions/Penalties" section of the *Code of Student Life* may be applied in addition, depending on the nature of the offense.

CLASS ATTENDANCE

Students are responsible for attending the classes for which they have registered. Students who miss classes for reasons of official University business will be given the opportunity to make up the missed work without penalty provided the student and/or the sponsor/coach of the official University activity informed individual professors prior to the absence.

Students called to active duty must withdraw from the University by notifying the Office of the Registrar of that intent in-person, by mail or by fax. If time allows, they should advise their professors of their departure.

If a student is hospitalized and family members need help with the notification of faculty, the Student Affairs office can provide that assistance. Whether or not the absence and any missed work will impact the student's grade is at the discretion of the professor.

Presented and endorsed by Faculty Senate, October 2013

Reviewed and approved by President O'Brien, November 2013

CATEGORIES OF ACADEMIC DISHONESTY

Below are examples of possible violations. This listing is not exclusive of any other acts that may reasonably be said to violate the spirit of the Academic Integrity Code. Commission of any of the following acts shall constitute acdemic dishonesty.

1. Improperly Acquiring Information
   a. Acquiring answers for or information regarding any assigned work or examination from any unauthorized source (peers, electronic resources, electronically stored data, textbooks, lab books, lecture or crib notes, former students, friends, etc.) in violation of the respective faculty member's guidelines. Possession of crib notes, stored data (on calculators, computer files, etc.) or cheat sheets against instructor's consent will be construed as an attempt to violate this provision of the academic integrity code.
   b. Working with another person or persons on any assignment or examination unless expressly permitted to do so by the respective faculty member's guidelines.
   c. Observing the work of other students during any examination.
   d. Stealing examinations or assignments from faculty, computer files or other students.
2. Improperly Providing Information
   a. Providing answers for any assigned work or examination in violation of the respective faculty member's guidelines.
   b. Informing any person or persons of the contents of any examination prior to the time the examination is given in subsequent sections of the course or as a makeup.
3. Plagiarism
   a. Presenting work, ideas or phrasing of another, in whole or in part, as one's own without giving credit and proper documentation of sources.
   b. Copying material directly from sources (including electronic media) except when the material is enclosed in quotation marks and the source is clearly identified. Failure to use quotation marks or appropriate methods of documentation shall be construed as attempted plagiarism.
   c. Paraphrasing too closely to the original, even when the source is identified.
   d. Claiming credit for work in any media (electronic, digital, artistic, etc.) where the student is not the original creator of said work.
4. Conspiracy
   a. Agreeing with one or more persons to commit any act of academic dishonesty.
   b. Logging on or signing in for another student for any assignment in which credit is given for participation or attendance.
   c. Taking an examination or completing an assignment for another student.

d. Coercing others to commit any act of dishonesty or approaching others in an attempt to gain their participation in acts of dishonesty.
e. Possessing knowledge of violations of the Academic Integrity Code and not informing a University official such as a faculty member, department head, dean or vice president.

5. Fabrication of Information
   a. The falsification of the results obtained from a research or laboratory experiment.
   b. The written or oral presentation of results of research or laboratory experiments without the research or laboratory experiment having been performed.
   c. Lying about the date upon which one took an examination or handed in an assignment, the reasons for not taking an examination or handing in an assignment on a specific date, one's reasons for challenging a professor's assigned grade, the fact that one has handed in material or one's contributions to a group assignment.
   d. Turning in a paper purchased or acquired from any media outlet, written by someone other than the student claiming credit or stolen from another student.
6. Violation of Departmental or College Rules
   a. Violation of any announced course, departmental or college rule relating to academic matters, including but not limited to abuse or misuse of computer access or information.
   b. Any violation of the "General Rules and Procedures on Campus" section of the WTAMU Code of Student Life that impairs either (a) a professor's ability to effectively deliver classroom or laboratory material or (b) a student's ability to effectively learn or process information or perform academic work.
7. Inappropriate Multiple Submissions of the Same Work
   a. Students may not submit a paper or project that is substantially the same for two courses unless expressly authorized by the instructor to do so.
   b. Students may not provide assignments for submission by other students unless expressly authorized by the instructor to do so.

REPORTING VIOLATIONS OF THE WTAMU ACADEMIC INTEGRITY CODE

As all members of the WTAMU community are responsible for maintaining the academic integrity of the University's mission, any member of the community may report and is responsible for reporting known violations of the Academic Integrity Code to a faculty member, department head, academic dean or vice president for academic affairs (VPAA). Violations shall be construed as any action outlined in Appendix I of the *Code of Student Life* or the violation of any other University code or regulation that impacts the University's ability to meet the academic expectations that it has set forth in its mission statement.

1. Any student with knowledge of a violation who fails to report it shall him/herself be in violation of Academic Integrity Code. Additionally, any member of the community who reports her/himself in violation of this code before it is likely that another might consider this possibility will be understood as repentant and acting in good faith toward the community as a whole. Though the confession will not excuse the student for the violation, the act will be considered with great weight by all hearing/sanctioning bodies and the violation should not result in suspension or expulsion except in the most extreme cases.
2. Before reporting a suspected violation, the accusing party should make a reasonable attempt to collect evidence (eyewitnesses, material facts, etc.) to present in the case of a hearing.
3. Teaching faculty who suspect a violation should confer with the suspected violator(s) and attempt to resolve the case at that point. If the faculty member and student can mutually consent to a solution, the faculty member should complete a "Statement of Fact and Resolution Regarding the WTAMU Academic Integrity Code" (SFR). This form is to be signed by the student, faculty member and department head, then forwarded to the office of the VPAA where it will be placed in the student's file. If a faculty member prefers to report the case directly to her/his department head, it remains her/his prerogative to do so. Additionally, if the faculty member and accused student cannot agree upon a resolution or if the faculty member believes that suspension or expulsion is the only fair sanction, the case should immediately be reported, by the faculty member and in writing, to the appropriate department head.

INITIAL FINDING OF FACT AND REVIEW OF CASES

1. In a case where a non-teaching member of the WTAMU community reports a suspected integrity violation, the case will be referred to the appropriate faculty member, department head or dean for initial judgment. The referral will come from the WTAMU community member to whom the suspected act was first reported.
   In a case where a resolution between the student and the faculty member has been reached, an SFR will be completed by the faculty member, signed by all parties and the department head and forwarded to the VPAA's office to be placed in the student's file.
2. In a case where a resolution between the student and the faculty member cannot be reached, all materials will be presented to the department head who will then review the case (including evidence, student and professor testimony, any documents, etc.), determine if a violation occurred, and, in the case of a finding of violation, impose or request through her/his dean that the VPAA impose the appropriate sanction. The department head will then notify

both the student and the faculty member of her/his decision, as well as inform the student of her/his right to appeal to the dean of the college and to the University Academic Integrity Committee (UAIC).* In the case of a finding of guilt, the department head will forward this finding to the VPAA's office to be placed in the student's file.

3. Upon any subsequent violation by the student (if another SFR, department head sanction or any combination is already present in the student's file), the VPAA's office will notify the dean and have him/her examine the file to determine if a trend of violation needs to be addressed.
4. If the dean feels that it is the case that there is a trend of violation, the dean will impose or request that the VPAA impose the appropriate sanction. The dean will then notify the student of her/his decision, as well as inform the student of her/his right to appeal to the UAIC.
5. Should the student desire to appeal either a department head's or dean's decision, the student will notify the dean that he/she requests an appeal hearing before the UAIC. The notification must be in writing and delivered to the dean within 10 days of the student's initial notification of the department head's or dean's findings. Such an appeal must specify if the student is appealing the finding of violation or the fairness of the sanctions.

HEARINGS BEFORE THE UNIVERSITY ACADEMIC INTEGRITY COMMITTEE

The UAIC functions only as an appeal committee. This committee will confer to hear the facts of the case and to render judgment regarding the appropriateness of the original finding/sanction.

1. Once an appeal hearing has been requested, the associate provost will make a reasonable attempt to notify (a) the appealing party and any accusing parties (as well as the accusing party's witnesses), (b) any faculty member(s) involved and (c) the members of the committee not less than seven working days before the scheduled hearing. These time frames are contingent upon the academic calendar and the necessity of bringing closure to a situation and, at the discretion of the associate provost, may be adjusted as deemed necessary.
2. If the student is appealing the finding of violation itself, the accuser has the burden of proving his/her case by the preponderance of the evidence (proof that leads a reasonable person to conclude that the facts in issue are more likely to have occurred than not).
3. If the student is appealing the sanctions, only facts presented before the committee or that are present in the student's file (and have bearing on the present case) may be considered in judging the fairness of the original finding. It is the responsibility of the appealing student to offer evidence that supports a different sanction.
4. The appealing party, during the course of the appeal, may, at her/his own expense, seek advice of legal counsel or a legal adviser. Counsel may advise the student but may not present at the appeal. Additionally, the appealing party may have one person accompany her/him to the appeal. This person cannot act as a witness.
5. An opportunity will be provided for the appealing party to present her/his version of the facts and to present other evidence, including witnesses, in support of her/his appeal. Witnesses not having information directly pertaining to the appeal may not be allowed. The appealing student should notify her/his witnesses of her/his request that they present information at the hearing. The appealing student is responsible for making sure that her/his witnesses attend the hearing and/or for providing any notarized written information or official University reports (the student may request these through the associate provost's office) that she/he would like considered at the appeal. The appealing party, through the associate provost, will also have the right to hear and question evidence. The associate provost may impose reasonable limitations upon the presentation of evidence and the questioning of witnesses.
6. If the student chooses not to testify at the appeal, no inference may be drawn from this action. If the student chooses not to attend the appeal, it will be assumed that the student revokes her/his appeal. Evidence that shows that the student has been contacted, however, should be entered into the record. (In the event that the accused is more than 10 minutes late to the hearing, the UAIC will assume that the student has chosen not to attend the appeal and the appeal will be withdrawn).
7. Disorderly or disruptive behavior by any individual in the appeal process may, at the discretion of the associate provost, result in the removal of that individual from the hearing and the hearing may continue.
8. For sanctions resulting in less than suspension or expulsion, the recording will be destroyed following the conclusion of the appeal. Suspension/expulsion sanctions result in records being maintained permanently in the Office of Academic Affairs. The appealing party may, at her/his expense, make a personal recording of the hearing. Appeal hearings will be closed with the exception of those directly hearing or involved in the case.

ON FINDINGS BY THE UAIC

1. The UAIC is not responsible for adhering to strict rules of evidence or bound to precedents.
2. The UAIC will consider only the facts presented during the hearing and the facts already contained in the appealing student's academic file.
3. At the conclusion of the hearing, the UAIC shall meet to adjudicate in a closed session. If the fact of violation is in dispute, the faculty and student members will first vote as to whether or not the original finding of violation—by

*The UAIC will be comprised of the associate provost (who will chair the committee and vote only in case of a tie), five students (elected annually by Student Government) and five faculty members (one from each college) chosen by the Faculty Senate for a three year term. The associate dean of the Graduate School will also serve on the UAIC if the case involves a graduate student.

faculty member, department head or dean—has merit. All such votes will be on paper ballot.**

4. In the case that the UAIC finds no violation, the student's file will be cleared of all documents that relate solely to this case.
5. If it is the appropriateness of the sanctions that is under appeal, the UAIC will vote on the fairness of the original sanction. If the UAIC finds that the original sanction is not appropriate, the members will discuss alternative sanctions that may include sanctions more severe than those originally imposed/recommended. The UAIC may impose any of the sanctions described in the *Code of Student Life* up to suspension or expulsion. The UAIC can recommend to the VPAA that suspension or expulsion is the appropriate sanction. In the case of such a recommendation, the case will immediately be referred to the VPAA and all further action will be taken through that office.
6. The appealing party will not be present for the discussion, voting and/or sanctioning portion of the appeal, and the University does not have to record the adjudication.
7. The UAIC will, at the conclusion of the appeal, discuss its finding with the appealing party. Additionally, the associate provost's office will forward a written statement of the findings and the formal action to be taken by the University to the student within five working days, as defined by the University.

THE INTEGRITY CODE AND THE LAWS OF THE LAND

Violations of local, state, federal or international codes and laws must be dealt with through ordinary processes of law and by the appropriate authorities.

Addendum. Faculty and Staff Violations

Faculty and staff violations of University integrity are outlined in the *WTAMU Faculty Handbook* and the rules and regulations set forth by WTAMU and The Texas A&M University System and will be dealt with according to the guidelines therein. Students with grievances against faculty or staff members should bring them to the VPSA in order that they might be directed to the proper channels.

APPENDIX II—PROCEDURE FOR STUDENTS WHO CHALLENGE A SEMESTER GRADE

1. ACADEMIC APPEALS COMMITTEE (VPAA)

   The Academic Appeals Committee hears appeals involving disputes over final course grades. Membership consists of:
   - Chair: Faculty member (appointed by the VPAA from the elected members)
   - Five Faculty (one from each college, elected by the colleges)
   - Five Students (appointed by Student Government)

   The VPAA appoints a faculty chair from membership from the elected faculty members.

   When an appeal is necessary to be heard, the chair chooses a panel of two additional faculty members from the remaining four faculty members, and two students from among the five student members.
2. APPEALS PROCEDURES
   a. Before a grade-challenge hearing can be scheduled with the committee, the student must make the initial appeal to the instructor; or if the instructor is no longer with the University, the student must appeal to the head of the department that offered the course. If no resolution is possible, the student may appeal to the head of the department that offered the course and then to the dean of the college in which the course was offered. If at this point the problem has not been resolved to the satisfaction of the student, the student may file an appeal with the Academic Appeals Committee.
   b. A student desiring a hearing before the Academic Appeals Committee must file a written request for an appeal hearing with the dean of the college in which the course was offered. The dean will forward the appeal to the provost/vice president for academic affairs. Any academic appeal must be filed by October 1 if the grade being challenged was given during the spring semester or a summer session. The deadline to challenge a grade given during the fall semester is March 1. The act of filing the written request is construed as authorizing all committee members to have access to all records, including academic, civil and medical records that may have a bearing on deliberations.
   c. The written request for an appeal hearing must be accompanied by a statement from the student outlining the basis for the appeal, copies of any evidence and supporting documents that will be introduced at the hearing, and the names of any witnesses who will be present. The faculty member also has the right to provide evidence or bring witnesses to the committee.
   d. Upon receipt of the appeal, the provost/vice president for academic affairs shall notify the chair of the Academic Appeals Committee, who will, within three working days, appoint the committee to hear the appeal. The chair will set a date for a hearing within 10 working days and inform the student, faculty member, the faculty member's department head, and the appropriate dean of the time and place for the hearing. All parties will be given five-working-days notice of the hearing and the opportunity to confirm their attendance.
   e. Failure to appear. Failure of the student to appear without justifiable cause terminates the right to appeal. The faculty member may waive the right to appear at the hearing, and a faculty member who has not waived the right to appear but nonetheless fails to appear without notice, will be deemed to have waived the right to ap-

**For all votes on violation or sanction a majority will carry the vote. The associate provost will only vote in the case of a tie.

pear. No hearing may take place in the absence of the faculty member unless the faculty member has specifically waived the right to appear or has failed to appear without notice.

f. The burden of proof shall be upon the student to prove his/her case by a preponderance of evidence. The student and the faculty member shall have the right to have counsel present, to present such witnesses and documentary evidence as may be pertinent and to cross-examine witnesses. Legal counsel, if present, may *offer counsel and advice, but may not* participate in the hearing. It shall be the duty of the committee chair to rule on procedural matters and admissibility of evidence. The committee chair may deny the admission of any evidence that did not accompany the student's request for a hearing.
g. All parties shall be afforded the opportunity for reasonable oral argument.
h. Upon request, sufficiently in advance by either party, the chair shall cause testimony presented at the hearing to be recorded. A copy of the recording may be obtained from the chair at the expense of the requesting party.
i. Immediately after hearing an appeal, the committee will go into closed session to deliberate and render a decision that is approved by at least three members of the committee. The student and the faculty member will be informed of the committee's decision orally at conclusion of the deliberations. A formal letter to all interested parties, with a copy to the provost/vice president for academic affairs and University president, will confirm the committee's decision.
j. If the committee finds that due to an arbitrary, capricious or prejudiced action, a student received an unearned grade, the committee will recommend to the faculty member that the grade be changed.
k. Either party will have the right to appeal the decision of the committee to the provost/VPAA. Written notice of the appeal by either party will be given to committee chair, who will notify the other party and provost/VPAA within three working days. All documents and any recordings of testimony at the hearing will be forwarded to the provost/VPAA who will review them and render a decision within five working days. There will be no further appeal from the decision of the provost/VPAA.
l. In the event that the faculty member loses the appeal at either level, he/she will be given the opportunity to change the student's grade. If the faculty member refuses to change the grade, the provost/VPAA will direct the registrar to change the grade, without prejudice to the faculty member.

APPENDIX III—COMPLAINTS

Initial complaints should be filed in the applicable department. Should students need assistance in determining how or where to proceed with filing a complaint, they may contact the Office of Student Affairs in the Jack B. Kelley Student Center, Room 102, or by phone 806-651-2050. Complaints against the Office of Student Affairs may be lodged with the Office of the President.

TITLE IX SEXUAL MISCONDUCT POLICY

Title IX of the Education Amendments of 1972 states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Sexual assault and violence are forms of sexual harassment prohibited by Title IX and Texas A&M University System policy and regulation.

West Texas A&M University complies with applicable laws prohibiting discrimination, including Titles VI and VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act;, Executive Order 11246; Title IX of the Education Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Vietnam Era Veterans Readjustment Assistance Act, as amended; the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, as amended; and the Genetic Information Nondiscrimination Act of 2008. WTAMU does not unlawfully discriminate on the basis of race, color, national origin, religion, sex, age, disability, genetic information or veteran status in admission or access to, or treatment or employment in, its programs or services.

Members of the West Texas A&M University community, guests and visitors have the right to be free from sexual harassment and violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. West Texas A&M University believes in a zero tolerance policy for sex-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, serious sanctions will be applied. The University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints, in compliance with Title IX, due process, the First Amendment to the federal Constitution, and other applicable laws and regulations.

The following information is broadly available to students, employees, and members of the public as part of the University's efforts to ensure that they are aware of the resources available to them in the event of sexual misconduct by faculty, staff, students, or visitors. Your health, safety, and well-being are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance.

Assistance can be obtained 24 hours a day, seven days a week, from:

- Emergency – 911

- University Police Department, 806-651-2300
- Family Violence/Rape Crisis Line, 806-374-5433
- During business hours (8 a.m. to 5 p.m., Monday through Friday), you are also strongly urged to contact Harvey Hudspeth, Director of Human Resources, who is the designated Title IX Coordinator for purposes of the University's sexual misconduct policy: Telephone 806-651-2114 or 806-651-2116, email at hhudspeth@wtamu.edu, or in person at the Human Resources Office, Old Main, Room 116.
- Student Counseling Services, Classroom Center, Room 116, or call 806-651-2340.

APPENDIX IV—UNIVERSITY STUDENT GRIEVANCE PROCEDURE

1. PURPOSE
   Any student shall have the opportunity to have his/her grievance, regardless of its nature, heard according to the student grievance procedure, this includes Section 504 grievances. Ffor more information, go to http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf). If a student formally initiates this process, he/she waives the right to have his/her grievance heard before any other University grievance channel (i.e., classified employee grievance procedure, faculty grievance procedure, etc.). Furthermore, if a student formally initiates the process before any other University grievance channel, he/she waives the right to utilize the student grievance procedure.
2. COMMITTEE
   This committee is comprised of five tenured faculty, one from each college, appointed by Faculty Senate; two students appointed by the Student Government; the dean of the student's declared major (unless the grievance is between students); legal counsel as ex officio (on an as needed basis); and the chair which is elected from the faculty, on the committee, by the membership. The secretary will be the VPSA's executive secretary and will be an ex officio/non-voting member. There must be five members present to establish a quorum.
3. PROCEDURES
   The following procedures are intended to provide a process for resolving student grievances in a prompt and equitable manner without prejudice, discrimination or malice toward the person or persons initiating the complaint. Fundamental to the process is the principle that all parties have made a good-faith effort to resolve the grievance prior to initiating this process. Working days are defined by the University. Summer session working days are not counted in this procedure unless agreed to by all parties.
   a. When a student believes there has been a violation as outlined above and contacts the VPSA, the VPSA will then direct the student to communicate concerns with the appropriate department head. If the grievance is against the VPSA, students are to communicate concerns with the Office of the President.
   b. If the violation has not been resolved at this point, students may formally initiate this process by submitting the allegation in writing to the VPSA within 30 working days of the discovery of the alleged violation. The written allegation shall include the following:
      i. Documentation and explanation of student's attempt to resolve the conflict and the events leading up to the grievance.
      ii. Detailed description of the grievance including the names of the other parties involved.
      iii. Include all information at this time as new documentation or materials will not be accepted after the initial grievance is submitted.
      iv. Include the result/action desired.
   c. The VPSA then contacts the other party(ies) involved, as soon as practicable, and requests written statements concerning the allegation to be received within seven working days. The initial grievance is forwarded to them along with this request. Once their written statement is received, it is forwarded to the party(ies) initiating the grievance. If no other statements are received, the committee will move forward with the information submitted.
   d. The VPSA then forwards all written statements and any other materials to the committee within seven working days.
   e. The VPSA executive secretary shall inform both parties, in writing, of the day, time and place of the hearing.
4. HEARING
   a. The hearing shall be closed.
   b. All present, for whatever length of time, shall consider the proceedings and deliberations to be confidential, both during and after the hearing. A confidential recording of the proceedings will be retained by the chairperson of the committee until the final report is written and said recording shall be deposited with the VPSA's executive secretary.
   c. Each party is responsible for notifying their witnesses of the day, time and place of the hearing. Witnesses not having information directly pertaining to the grievance may not be called to testify. The maximum number of witnesses for each party is three without prior approval of the chair.
   d. Each party may select one person to appear with him/her and offer support and advice. This person cannot be a witness.
   e. Each party may seek advice of legal counsel/adviser, at their own expense. Counsel/adviser may advise the

party but may not present the grievance.

f. Each party shall have the right to call witnesses and to question witnesses including witnesses for the other side.
g. Upon completion of the hearing, the chairperson shall, within seven working days, submit a written report of the committee's findings and recommendations to both parties and to the University president. Each member of the committee shall sign the report and indicate individual agreement or disagreement with it.

5. ACCEPTANCE OF THE COMMITTEE'S RECOMMENDATION
   a. If the University president accepts the committee's recommendation, it becomes final and the president is charged with overseeing the implementation of any and all recommendations. Details of the implementation will be provided, in writing, to both parties within seven working days via certified mail or delivery confirmation.
   b. If the University president does not accept the committee's recommendation, he/she shall, within seven working days, inform both parties in writing of his/her final decision in the case via certified mail or delivery confirmation.
   c. The original file and recording, along with the President's final implementation, will be deposited with the VPSA executive secretary.
   d. In the event the University president is named as a principal party to the grievance, the chancellor of The Texas A&M University System or his/her designee shall substitute for the role of the University president in the grievance process.

APPENDIX V—DISABILITIES ACCOMMODATIONS APPEALS COMMITTEE

1. Students with disabilities needing accommodations must request them through the director of student disability services (SDS). Any approved accommodations will be based on documentation demonstrating eligibility under state and federal regulations.
2. If a student disagrees with accommodation decisions made by SDS, he/she may discuss the concern with the director of SDS. Students must demonstrate that they have made a good-faith effort to resolve the complaint with the parties involved. If the complaint is still not resolved satisfactorily, the student may visit with the assistant vice president for student affairs. The assistant vice president may take up to five working days to determine an appropriate resolution. During this process, informal discussions will take place with all parties involved in an attempt to resolve the complaint.
3. If no informal satisfactory resolution is determined within five working days, the student may request the complaint be referred to the disabilities accommodations appeals committee. This request must be in writing to the vice president for student affairs and must contain all reasons for the appeal. This committee will consist of the following members or designated replacements.
   - Vice president for student affairs (VPSA), chairperson
   - Assistant vice president of academic affairs
   - Associate vice president for physical facilities
   - Director of student medical services
   - Faculty (from special education or other discipline with expertise in disability issues)
   - President of Faculty Senate
   - Student (representative of special populations)
   - Student (at large)
4. Recommendations of the disabilities accommodations appeals committee will be forwarded to the president for final approval and implementation.

APPENDIX VI—VERNON'S TEXAS CODES ANNOTATED (VTCA) EDUCATION CODE Sec. 51.935—DISRUPTIVE ACTIVITIES

1. A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of an institution of higher education.
2. For purposes of this section, disruptive activity is activity described by Section 37.123(b).
   a. Obstructing or restraining the passage of persons in an exit, entrance or hallway of a building without the authorization of the administration of the school;
   b. Seizing control of a building or portion of a building to interfere with an administrative, educational, research or other authorized activity;
   c. Preventing or attempting to prevent by force or violence, or threat of force or violence, a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
   d. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress;
   e. Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress

of a person to or from the property or campus without the authorization of the administration of the school.

3. An offense under this section is a Class B misdemeanor.
4. Any person who is convicted the third time of violating this section is ineligible to attend any institution of higher education receiving funds from this state before the second anniversary of the third conviction.
5. This section may not be construed to infringe on any right of free speech or expression guaranteed by the Constitution of the United States or of this state.

APPENDIX VII—DISRUPTIVE BEHAVIOR

Disruptive behavior is prohibited. Students are expected to conduct themselves in a manner compatible with the functions and purposes of West Texas A&M University. Although the University is committed to the student's constitutional rights, including due process in student disciplinary matters, it has an equal obligation to protect its educational purposes. The University must be concerned with individual or group actions in conflict with the welfare and integrity of the institution.

CAMPUS SECURITY REPORT

The *Campus Security Report* is available in hard-copy form in the Office of Student Affairs or online at www.wtamu.edu/reports.