



TEXAS A&M UNIVERSITY-TEXARKANA
STUDENT CODE OF CONDUCT
2020-2021

Revised Aug 24 2020

Table of Contents

[STUDENT RIGHTS AND OBLIGATIONS](#)

[DISCIPLINARY RULES AND PROCEDURES](#)

[FREEDOM FROM DISCRIMINATION](#)

[FREE SPEECH ON CAMPUS](#)

[UNIVERSITY DISCIPLINARY ACTION](#)

[ACADEMIC RULES AND PROCEDURES](#)

[GRADE GRIEVANCE AND APPEAL PROCESS](#)

[CHEATING & PLAGIARISM](#)

[NON-ACADEMIC DISCIPLINARY RULES AND PROCEDURES](#)

[AMNESTY FOR MINOR VIOLATIONS](#)

[PROHIBITION ON HAZING](#)

[ALCOHOL AND OTHER DRUGS](#)

[DISCIPLINARY PROCEDURES CODE](#)

[SEXUAL MISCONDUCT POLICY](#)

[DOMESTIC AND DATING VIOLENCE](#)

[STALKING](#)

[PROCEDURE FOR ACCOMMODATIONS APPEAL](#)

[PARENTAL NOTIFICATION PROCEDURES](#)

[STUDENT RECORDS](#)

[STUDENT USE OF COMPUTER RESOURCES](#)

SPECIAL COVID-19 CAMPUS RULES

COVID-19 EXPOSURE

Reporting of exposure to COVID-19.

Any student who believes they may have been exposed to someone with a diagnosis of COVID-19 must immediately report the exposure via TAMUT's COVID-19 Reporting Portal at <https://it-lf-ecmf2.ads.tamu.edu/Forms/COV19>. For questions about reporting contact Jill Whittington, Director of Compliance, at jill.whittington@tamut.edu or (903) 334-6755.

Individuals who have been *exposed* to an individual who has a known diagnosis of COVID-19 will be required to quarantine in accordance with CDC guidelines. Exposure is defined as close contact (within 6 ft for at least 15 minutes), physical contact (hugging, touching, kissing), providing at home care for someone who is sick, sharing eating/drinking utensils, or having been coughed or sneezed on. As of this writing, quarantine is for 14 days from last exposure. Note this means that roommates or members of the same household may have extended quarantine periods if they cannot fully isolate from the diagnosed individual. If at the end of quarantine, individual is without symptom, they may return to work/class. If during quarantine, the individual develops symptoms of COVID-19, they should be tested to confirm a diagnosis, at which time self-isolation as appropriate for an individual diagnosed with COVID-19 would begin. Quarantine means to remove yourself from further exposure by staying home and isolated from others while monitoring for symptoms. Those in quarantine must not be going to work/class or out in public.

COVID-19 EXPOSURE PREVENTION

*Face Coverings are required in all public areas on campus. A public setting is any indoor space other than one's own private office, residence, or personal vehicle. Face coverings must also be worn in private areas when occupied by more than one person. Public settings include but are not limited to lobbies, restrooms, cafeterias, classrooms, computer or other laboratory spaces, study areas, hallways, elevators, common spaces of residence halls, conference rooms, and break rooms. Face coverings are also required in outdoor areas where a 6-foot social distancing perimeter between people cannot be maintained.

Face covering specifications:

Individuals will be responsible for providing their own face coverings. Face coverings must:

- Fully cover both nose and mouth

- Fit snugly but comfortably against the side of the face and allow for breathing without restriction.

- Include multiple layers of material and contain no open valves.

Each individual must arrive on campus with appropriate face covering. The CDC has instructions on how to make your own face covering at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>. The university bookstore will sell fabric face coverings but supplies cannot be guaranteed.

Physical Distancing

The CDC recommends maintaining at least 6 feet separation from other individuals.

There are signs throughout the campus, reminding people to practice social distancing.

Virtual meetings are encouraged.

The elevator capacity has been reduced in all buildings.

Physical distancing must be practiced even when face coverings and masks are also being used.

Enforcement:

The university expects the TAMUT community to behave responsibly and with respect for the health and safety of others. Members of the Eagle family are encouraged to remind one another to wear face coverings as a community effort to slow the spread of COVID-19.

Any refusal to wear a face covering in the classroom is disruptive to the learning environment and will not be tolerated. Non-compliant students will be asked, first, to put on a face covering, and if that is refused, to leave the classroom. Students who refuse to leave the classroom will be escorted out of the setting, by university police officers, if needed.

Those not complying with use of face coverings will be asked to leave the restricted area and return with a face covering. Individuals who do not comply with face covering requirements will be referred to Student Life for appropriate action. Appropriate action may include disciplinary action up to and including suspension/expulsion from the university.

Off Campus Behavior during COVID:

The institution may impose disciplinary sanctions for conduct on or off campus where the University's interests are harmed or threatened. Violations of local, state, and federal law are considered violations of University Code and Procedures. Off campus violations of the state emergency orders for COVID prevention, when reported to the university, will be adjudicated through the Student Life Office. It is the student's responsibility to remain knowledgeable about COVID restrictions and requirements.

Additional information concerning A&M-*Texarkana's* response to COVID-19 is located here:
https://www.tamut.edu/About/Administration/COVID_19/index.html.

Texas Department of State Health Services COVID Information:
<https://dshs.texas.gov/coronavirus/opentexas.aspx>

City of *Texarkana* COVID information: <http://coronatxk.org/672/Coronavirus-Disease-2019>

I. STUDENT RIGHTS AND OBLIGATIONS

Students have rights that are to be respected. These rights include respect for personal feelings; freedom from indignity of any type, freedom from control by any person except as may be in accord with published rules and procedures of Texas A&M-*Texarkana* (A&M-*Texarkana*) or policies and procedures of The Texas A&M University System, and conditions that allow the best use of time and talents toward educational objectives. No officer or student, regardless of position or rank, shall violate those rights; no custom, tradition or regulation in conflict will be allowed to prevail. At all times students are expected to recognize constituted authority, to conform to the ordinary rules of good conduct, to be truthful, to respect the rights of others, to protect private and public property, and to make the best use of time toward the completion of an education.

The Code of Conduct (The Code) is designed neither to be exhaustive nor to encompass all possible relationships between students and the institution. The Code is not rigid or unchangeable. As the relationship between students and the University grows, it may be necessary to modify The Code. It is incumbent upon students to be aware of University rules and procedures. Ignorance of these rules and procedures does not excuse students from adherence to them. Staff and University officials should endeavor to inform students of University rules and procedures, whenever the circumstance is applicable.

II. DISCIPLINARY RULES AND PROCEDURES

Students may be accountable to both civil and criminal authorities and to the University for acts that constitute violation of law and of this Code. Those charged with violations are subject to University disciplinary proceedings even if criminal proceedings are pending and may not challenge university proceedings on the grounds that criminal charges for the same incident have been dismissed, reduced, or are not yet adjudicated. Students and recognized student organizations are cautioned that any material posted on the internet, including social networking sites and Internet blogs, is not private or protected information. Students may be held accountable for content posted in this manner and information obtained from this source may be considered in cases of misconduct.

University officers may investigate or seek out information about conduct in any case involving an alleged violation of the law or University rules and procedures. Students are required to comply with the directives of University officials in the performance of their duties. Failure to do so may result in disciplinary action. If a student does not appear for a meeting or hearing, or chooses not to answer question during a disciplinary hearing the adjudication process will continue.

Pending action on charges, the status of students should not be altered, nor their rights to be present on campus and to attend classes suspended, except for reasons relating to the health, welfare, and safety of the community.

III. FREEDOM FROM DISCRIMINATION

All students shall be free from discrimination based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity.

IV. FREE SPEECH ON CAMPUS

Texas A&M University-*Texarkana* is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its mission as an institution of higher learning, it encourages the free exchange of ideas. The university will protect the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution. Texas A&M University-*Texarkana* maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

As a public institution of higher learning, Texas A&M University-Texarkana provides forums for the expression of ideas and opinions. These include:

- Traditional public forums include the University's public streets, sidewalks and similar common areas. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- Designated public forums include other parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks, and parks in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- Limited public forums have limited open access for public expression, or they may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the Office of Student Life.
- Nonpublic forums are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, libraries, research and computer laboratories and research facilities.

Additionally, there are areas such as utility buildings, Central Plant etc. that have distance requirements, crowd placement restrictions, and security concerns that may vary depending on security needs, terror alerts, and other factors. Additionally, security needs, terror alerts, local and national events may affect the availability of spaces that would otherwise be routinely available. Information about existing requirements, restrictions, or security concerns will be discussed at the time the reservation request is processed.

Those who choose to observe and/or listen to expressive activities, bear the responsibility of recognizing and honoring the right of free speech. Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Any participant in a disruptive activity may face criminal charges.

Ideas or expressions put forth in expressive activities are not necessarily the views of Texas A&M University-Texarkana, its officers, administrators, or leaders, unless otherwise noted.

II. Reservable Free Speech Areas

The grassy area in front of the University Center Building is a free speech areas and will be reserved at the request of students and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in section III. Each area available for reservation is described below. No sound equipment is permitted in this area.

III. Advance Reservation Requirements

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Reservation Request for Space) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities

near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, and/or research are taking place.

IV. Reservation Procedures

Individuals or groups who are either required to make advance reservation (see section III) or those individuals or groups who otherwise wish to make advance reservations shall request use of the space through the Student Life Office. If advance reservation is required, (see section III) requests must be made at least ten(10) business days in advance of the event. Additional collaboration and coordination may be required from Facility Services and the Department of Student Life. Usually, use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities.

The university reserves the right to relocate any assembly to another suitable area on campus to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.

The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, compliance with applicable sign requirements, and availability of space. The decision to confirm will be based on the foregoing criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Engagement and Enrollment Services or a designee.

At the time of the request the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (i.e. speech or rally, march with signs, distribution of literature, sit-in).
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

Guidelines for Expression

1. Disruptive Activity–Obstruction, disruption or interference with classes, research, administrative functions or other university activities is not permitted. Likewise, infringement on the rights of others is prohibited.
2. Reasonable Access–It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic should not be obstructed.
3. Picketing–Picketing in an orderly manner outside of university buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
4. Literature may be distributed in traditional and designated free speech areas. Such activities should not become disruptive nor should they impede access.
5. Symbolic Protest–Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience’s view or prevent the audience from being able to pay attention.

6. Noise–Making sustained or repeated noise in a manner that substantially interferes with a speaker’s ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
7. Force or Violence–Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
8. Presenting Identification–In accordance with the Texas Education Code it is unlawful for any person on any property either owned or controlled by the university to refuse to identify him/herself to a university official in response to a request. For the purpose of these rules a person identifies him/herself by presenting student or faculty/staff ID card or state issued ID card.
9. Damage to Property–Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
10. Other University Rules–All applicable *Student Code of Conduct* rules should be followed whenever engaging in activities on campus. Consult the Student Code of Conduct for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, Texas A&M University-Texarkana Student Rules and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or University Police.

V. UNIVERSITY DISCIPLINARY ACTION

A&M-Texarkana has adopted the following procedures for implementing The Code of Conduct and reserves the right to amend these rules and procedures or make additional rules as deemed necessary for the protection of property and/or the general welfare the University community.

A. University Authority and Civil Power

The institution may impose disciplinary sanctions for conduct on or off campus where the University’s interests are harmed or threatened. Violations of local, state, and federal law are considered violations of University Code and Procedures.

The A&M-Texarkana University Police may investigate the conduct of students or detain and arrest students as peace officers certified by the State of Texas.

B. Administrative Search and Seizures

The overriding standard by which the law tests searches of students is one of "reasonableness" under the circumstances, and University officials must use their good judgment to determine what is reasonable. University property remains the property of the University even when used by students. Residence halls, lockers, etc. are subject to administrative search only in the interest of school safety, sanitation, enforcement of discipline and other University rules and procedures. Search by law enforcement officials may be conducted upon presentation of a proper warrant or exigent circumstances. A University official may search a student’s person and possessions (including vehicle) provided the official has reasonable grounds to suspect that the search will evidence violation of law or the rules and procedures of the University. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the infraction.

C. Burden of Proof Standard

Charges under the Student Code of Conduct will be determined by a preponderance of the evidence. This is often referred in terms such as, “more likely than not.” Legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the university never assumes a student is in violation of university policy. Campus hearings are conducted to take into account the totality of all evidence

available, from all relevant sources and make a determination base on the facts collected.

VI. ACADEMIC RULES AND PROCEDURES

A. The Classroom

The instructor is responsible for determining course content, course syllabus, choice of reading materials, type and size of assignments, and classroom attendance rules. Evaluation of academic achievement of students in a course is the responsibility of the professor. In order to maintain an atmosphere conducive to learning, the professor may take reasonable disciplinary measures judged appropriate to protect the learning environment.

B. Freedom of Expression

The instructor has an obligation to encourage free discussion, inquiry, and expression. He/she may not evaluate student performance based on opinions (such as religious belief or political views) or conduct in matters unrelated to academic standards.

C. Student Evaluations of Courses

Students have the opportunity, through a questionnaire available toward the end of each semester, to assess each course in which they are enrolled. Data from these questionnaires, along with other data, are used by the professor in improving his/her teaching effectiveness, and by the University in making decisions on faculty promotion, tenure and salary. As part of these questionnaires, students are asked to make comments about the extent to which each course they are taking has been a significant learning experience. Students are expected to reflect thoughtfully and to make carefully written comments both about how their own actions have influenced their coursework and about the instruction they have experienced.

D. Expectations of the Student

While students are free to take reasonable exception to data or views offered in any course of study and to reserve judgment about matters of opinion, they are responsible for learning the content of any course in which they are enrolled. Students have protection through procedures against prejudiced or capricious academic evaluation.

E. Class Attendance

Classroom participation is essential to the educational process. When requirements of attendance are delineated in the syllabus, the instructor may lower a student's final grade because of absences. Students are responsible for material disseminated in class and/or on-line and are not released from this responsibility because they cease to attend. It is the student's responsibility to be aware of the calendar deadline for officially withdrawing from a course. If a student does not officially withdraw prior to this deadline, and fails to successfully complete the required course work, a failing grade will be recorded.

F. Educational Environment Disruption Rule

If an instructor determines that a student is disrupting the learning environment, he/she shall address such behavior and meet with the student within five (5) business days from the date of the incident to discuss the behavior. If disruptions persist in spite of an instructor's best efforts, the instructor may dismiss a student immediately from the classroom until a final resolution of the matter occurs through the process outlined in this section. Students who fail to leave the classroom may face removal by University Police, possible legal action, and charges under this Code.

If an instructor determines that an unsafe situation occurs due to the actions, behavior, or threats from a student, University Police shall be notified and the student shall be removed immediately. In such cases (or in cases of multiple disruptions), the student may face interim suspension from the class or University until the discipline process is completed. Following any meeting between the instructor and a student for disruptive behavior, the instructor shall submit an incident report to the Academic Dean, Assistant Vice President of Student Affairs and the accused student describing the incident, the

student's behavior, and any action taken, including, but not limited to; a verbal warning, a written warning, or temporary removal from class. This rule does not preclude the Assistant Vice President of Student Affairs from adjudicating and sanctioning a student for violations under this Code. Any student dissatisfied with an instructor's decision may appeal the decision in writing to the Academic Dean within five (5) business days after receipt of the instructor's action.

G. Grounds for Disruptive Behavior Appeals:

An appeal must meet one or more of the following grounds to be considered:

1. A meeting was not afforded within the stated timeframe, including notice of the alleged violation, and an opportunity to present evidence and other information;
2. A sanction was not appropriate to the violation;
3. Significant information is shown on appeal that was not available at the time of the meeting, could not have been obtained for the presentation during the meeting by the student's exercise of reasonable diligence, and materially affects the finding of a violation or the impression of consequences.

H. Disruptive Behavior Appeal Process

The Academic Dean or his/her designee shall meet with the student within five (5) business days after receipt of the appeal. The Academic Dean will consider written reports from the incident along with the appeal letter from the student and will notify the student of his/her decision in writing within five (5) business days of the meeting with the student unless further investigation is necessary. The Academic Dean will forward a copy of the written decision to the instructor and the Assistant Vice President of Student Affairs, and will retain a copy in the department files. In classroom-related disciplinary appeals, the Academic Dean's decision shall be final

VII. GRADE GRIEVANCE AND APPEAL PROCESS

Faculty members are responsible for developing appropriate methods of evaluating student learning, for evaluating student performance fairly, for upholding academic standards, and for enforcing rules concerning academic dishonesty. Decisions made by faculty members regarding the quality of student work are given deference.

Faculty are responsible for outlining the objectives and setting standards for each course and for making clear the means of evaluation for purposes of grading students. Students are responsible for participating in and out of class, for learning the content of any course of study, and for maintaining standards of academic performance established for each course in which they are enrolled.

Students shall have protection through orderly procedures against prejudices or arbitrary academic evaluation. A student who believes that his/her final grade reflects academic evaluation, which is arbitrary, prejudiced, or inappropriate in view of the standards and procedures outlined in the class syllabus, may appeal the grade given for the course.

The burden of proof is on the student to demonstrate the appropriateness of the appeal and a preponderance of the information standard of proof will be used. A preponderance of the information is defined as a standard of proof that indicates that the information provided leads the hearing body to the conclusion that "more likely than not" a violation did or did not occur.

Each college will be responsible for maintaining records of all grade appeals, including collecting and storing files associated with individual appeals. These records must be retained for a period consistent with the Texas A&M System Records Retention Schedule.

A student appealing a final grade must demonstrate through documentation (course syllabus, graded homework, etc.) that the instructor assessed on a basis other than performance; used standards different from those applied to other students in the same course section; or made a substantial, unreasonable, and/or unannounced departure from previously articulated standards on the syllabus.

Informal Resolution (Grievance)

2.1 Students who believe their final grade to be unfair must first discuss the matter with the instructor. The student must contact the instructor within ten (10) business days following the beginning of the next regular semester, following the semester in which the disputed grade was earned. If the next semester is a summer term and the instructor is not available, the student may wait and contact the instructor within ten (ten) business days following the beginning of the fall semester. An instructor should make every effort to accommodate the student's schedule if a grade appeal meeting is requested.

2.2 If the student believes the matter is not satisfactorily resolved at the student-instructor level, within ten (10) business days, the student should then discuss the complaint with the instructor's coordinator/department head. The coordinator/department head will subsequently meet, if necessary, with the instructor in an attempt to resolve the issue.

If successful, or not, the coordinator/department head will issue a written statement of the findings to the student, instructor and Associate Dean/Dean.

2.3 If the instructor in the case is the coordinator/department head, the role of this officer will be assumed by the Associate Dean/Dean.

Formal Resolution

If the student remains dissatisfied after meeting with the instructor, he/she may file a formal, written appeal with the appropriate College Dean within ten (10) business days following the meeting with the instructor. The student must utilize the *Grade Appeal Petition Form* found in the Appendix of this procedure. The Dean shall send a copy of the written appeal to the instructor as soon as practicable but no later than three (3) business days after receiving the formal appeal.

The written appeal must:

- Identify and provide a thorough explanation of the complaint
- Define the basis of the complaint
- Identify the desired outcome
- Attach any appropriate documentation to support the appeal
- Provide contact information including email address, cell and home phone numbers, and current address

Within ten (10) business days of receiving a copy of the student's written appeal, the instructor shall provide a written response, including supporting documentation, to the College Dean.

Within ten (10) business days, the College Dean will establish a grade hearing committee to render a recommendation regarding the grade appeal.

The Grade Appeal Committee shall be an ad hoc committee comprised of two students who are members of the Student Government Association (SGA), three faculty (two from the college of the appeal and one from the other college), and the Assistant Vice President of Student Affairs, the latter of whom will be a non-voting member. All appointees will be recommended by the College Dean and confirmed by the Provost and Vice President for Academic Affairs (Provost/VPAA) who shall appoint the committee chair.

The College Dean will forward all written documentation to the chair of the committee. Only evidence that is presented with the written appeal will be considered.

The grade appeal hearing must be held within twenty (20) business days of the committee chair's receipt of the written appeal from the College Dean. If the twenty (20) business day time period falls during the summer semester when instructors may not be available, the grade hearing must be scheduled within ten (10) business days of the first day of class of the fall semester.

The chair of the Grade Appeal Committee will serve as the facilitator of the hearing. The committee will provide a written recommendation to the College Dean within 24 hours of the conclusion of the hearing.

After the College Dean has reviewed the student's written appeal, the instructor's written statement, and the recommendation of the Grade Appeal Committee, he/she will make a decision.

The College Dean will provide a written statement documenting his/her decision to the student, the chair of Committee, and to the instructor. The College Dean shall articulate in his/her statement the factual basis for reaching his/her decision.

The College Dean's decision must be made within five (5) business days of his/her receiving the committee's written recommendation. This decision is final and cannot be appealed.

VIII. CHEATING & PLAGIARISM

1. Standards of Academic Conduct and Integrity and Consequences for Their Violation.

A course instructor who has sufficient information to believe that a student has violated this section of the Student Code of Conduct shall notify immediately the Assistant Vice President of Student Affairs to record the incident. Within five (5) business days from the date of discovery, the instructor shall contact the student to arrange a meeting with the student to discuss the alleged academic dishonesty matter. The instructor shall use two of the following methods to inform the student of the meeting request: in person, by university email account (Acemail), Blackboard messaging, phone call, and US Postal Service. Students have five (5) business days to respond to the meeting notification request. If a student does not respond to the meeting request or appear for the meeting, the adjudication process will continue. If grades must be turned in during the period, the instructor shall give the student a grade of incomplete until the alleged academic dishonesty matter is resolved.

The course instructor shall determine if a violation has occurred after providing the student with an opportunity to be heard. If no violation has occurred, the matter is closed, and the Assistant Vice President of Student Affairs is notified of the outcome. If a violation has occurred, the course instructor shall consult with the College Dean before a sanction is imposed. Notice of violations, sanctions, and the appeals process will be provided to the student within five (5) business days of the meeting. All sanctions will be reported to the College Dean and Assistant Vice President of Student Affairs.

For the first violation, any one or a combination of the following sanctions may be imposed:

- a. Faculty imposed sanction(s) as outlined in the course syllabus;
- b. An oral admonition or reprimand;
- c. A written admonition or reprimand;
- d. A reduction in the grade or a grade of "F" in the course, examination, or assignment;
- e. Removal from the course.

For egregious or multiple violations, suspension or expulsion from the University may be warranted. These cases shall be referred to the Assistant Vice President of Student Affairs for disposition.

2. Appeals

If the student wishes to contest the sanction, the student may appeal in writing to the College Dean within five (5) business days of receipt of the sanction notification.

The appeal must meet one or more of the following grounds to be considered:

- a. An administrative meeting was not afforded, reasonable notice of the alleged violation was not presented, or an opportunity to present evidence and other information was not provided;
- b. A sanction was not appropriate to the violation, and/or
- c. Significant information is shown on appeal that was not available at the time of the administrative meeting; could not have been obtained for the presentation during the meeting by the student's exercise of reasonable diligence; and materially affects the finding of a violation or the impression of consequences.

An appeal is not a rehearing of the original case, but a review of the official record and the written statement of appeal provided by the student.

If the appeal is not submitted in the time allotted, the instructor's action shall be final and binding. Upon a timely appeal, the instructor will forward all written documents and evidence to the College Dean. The Dean will review the documents and will notify the student of his/her decision in writing within five (5) business days of receiving the documents from the instructor. The College Dean will forward a copy of the written decision to the student, instructor, the Assistant Vice President of Student Affairs and will retain a copy in the department files. Except in cases of suspension or expulsion, the College Dean's decision shall be final and binding.

If the sanction is suspension or expulsion, the student may file an appeal with the Provost and Vice President for Academic Affairs limited to the question of suspension or expulsion. The appeal must be in writing and must be submitted within three (3) business days of the student's receipt of the decision of the College Dean. The College Dean will forward the entire file to the Provost's office at the time the appeal is made. The Provost will review the appeal within three (3) business days of receipt of the file and determine whether to uphold the recommended sanction or to recommend a lesser sanction. The Provost will notify the student, College Dean, and Assistant Vice President of Student Affairs of his/her decision in writing.

IX. NON-ACADEMIC DISCIPLINARY RULES AND PROCEDURES

Prohibited Conduct The following misconduct is subject to disciplinary action. If a student, faculty member, or staff member has knowledge of a person(s) violating The Code or University Rules, he/she should submit knowledge of this alleged action in writing by completing an Incident Report form, which is available online at <https://www.tamut.edu/Campus-Life/Student-Conduct/index.html> or at the Office of Student Life, UC Room 125.

1. Offenses against the university community:

- a. Acts of dishonesty
 - i. initiating or causing any false report, warning, or threat of fire, explosion, or other emergency on University premises or at University sponsored activities.
 - ii. Forgery, alteration, or misuse of any University document or instrument of identification.
 - iii. Misrepresenting information or furnishing false information to University officials.
 - iv. Unauthorized access to and/or use of information contained in University records and/or computer files.

- b. Failure to comply with the directions of University officials acting in the performance of their duties.
- c. interfering with freedom of expression of others on the University premises or at University sponsored activities.
- d. violating the terms of any disciplinary sanction.
- e. passing a worthless check, money order or fraudulent use of credit card against the University or a member of the University community.
- f. Violation of published University rules and procedures or policies as approved and compiled by the officers of the University. Such rules and procedures shall include but not be limited to The Code of Student Rights and Responsibilities, University Housing Guidelines, Student Organization Manual, Campus Recreation Handbook, or those rules and procedures relating to entry and use of University facilities, traffic regulations and parking, and misuse of student identification cards.
- g. Violations of federal, state, or local law on or off-campus by A&M-Texarkana students or student organizations may result in disciplinary action.
- h. Action may be taken if a student or student organization behaves in a manner that disrupts or endangers the University community or the educational environment.
- i. Acts such as drug trafficking, other felonies, crimes against persons, etc., may result in suspension or expulsion from the University.

2. Offenses against persons include but are not limited to:

- a. Causing physical or emotional harm to any person, including self, on University property or at University-sponsored activities off campus, and includes intentionally or recklessly causing reasonable apprehension of such harm.
- b. Harassing another person, attempting or threatening to subject another person to violent physical contact, or engaging in a course of conduct or repeatedly committing acts that threaten, or create reasonable apprehension for another person.
- c. Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. fear for the person's safety or the safety of others; or
 - ii. suffer substantial emotional distress.

For the purposes of this definition:

- i. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily,

d. Engaging in sexual misconduct, as defined and outlined in the Sexual Misconduct Policy (see section XII).

e. Taking any action or creating any situation that recklessly or intentionally endangers mental or physical health of self or others, or involves the forced consumption of liquor or drugs from self or others for the purpose of initiation into or affiliation with any organization or group. (See Hazing in section X)

f. Intentionally exposing genitals, buttocks, or breasts in a public place on the University premises or at University-sponsored activities.

3. Offenses against property include, but are not limited to:

a. Using fire safety equipment without good cause.

b. Theft or misuse of property or services.

c. Damaging or destroying University property or the property of others on University premises or at University-sponsored activities.

d. Unauthorized access to, or use of, University premises, facilities, or property.

e. Violation of a restriction of access or criminal trespass order.

4. Offenses disrupting order or disregarding health and safety include, but are not limited to:

a. Unauthorized distribution, possession, or use of any controlled substance, illegal drug or paraphernalia.

b. The use, possession, or distribution of alcoholic beverages on University property except as authorized by University rule.

c. Unauthorized use or possession of fireworks, flammable or noxious devices or materials on University premises or at University-sponsored activities.

d. Possession and/or use of ammunition, firearms, or other explosives or propellant devices or weapons (including air powered guns, blowguns, slingshots, nun chucks, etc.) on University premises or at any University sponsored activity. A Student with a license to carry a concealed handgun may carry it on or about the license holder's person while the license holder is on the campus of Texas A&M University-Texarkana (A&M-Texarkana), unless prohibited by this rule, state or federal law.

e. Appearing in a public place on University premises or at University sponsored activities under the influence of a controlled or other intoxicating substance to the degree that there is danger to self, others, or property or there is reasonable apprehension to persons in the vicinity.

f. Interfering with University functions or University-sponsored activities including, but not limited to, studying, teaching, research, University administration, or fire, police, or emergency services.

g. Obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular, on institutionally owned or controlled property.

h. Wading, swimming or boating in any body of water on the university campus without prior administrative approval.

5. Abusing, delaying, or interfering with the orderly operation of the judicial process, including but not limited to:

- a. Falsifying information related to judicial process.
- b. Influencing others to abuse or undermine University process.
- c. Aiding or abetting any violation of law or provision of this Code.

6. Shared Responsibility for Misconduct and Infractions includes, but are not limited to:

- a. Students who act in concert to violate University rules, procedures or this Code.
- b. Students and organizations are responsible for the conduct of their guests on University property or at any University function including those sponsored or organized by registered student organizations.

7. University Housing Rules:

In the University Housing setting, each resident has certain responsibilities to the other residents and to the University. Students residing in University Housing are responsible for knowing and abiding by all of the rules outlined throughout The Code of Student Rights and Responsibilities and in the University Housing Guidelines.

AMNESTY FROM CONDUCT PROCEEDINGS

FOR VICTIMS

The University provides amnesty to victims who may be hesitant to report to A&M-Texarkana officials because they fear that they may be accused of rule/procedure 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.

FOR THOSE WHO OFFER ASSISTANCE

To encourage students to offer help and assistance to others, the University pursues a rule/procedure of amnesty for minor violations when students offer help to others in need. At the discretion of the AVP of Student Affairs, 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.

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 AVP of Student Affairs not to extend amnesty to the same person repeatedly.

X. PROHIBITION ON HAZING

Hazing is a criminal violation under Texas Education Code 51 Chapter 37 Section 37.152. 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 Assistant 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 resulting 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 Assistant Vice President of Student Affairs or other appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious.

This state law does not limit or affect an educational institution's right to enforce its own rules, procedures or code provision for hazing. The Texas 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:

- a. Student violators will be subject to possible suspension or expulsion from the University or other appropriate disciplinary action in accordance with the Student Code of Conduct.
- b. Faculty and staff violators will be subject to possible loss of employment or other appropriate disciplinary action.
- c. Faculty, staff or student organizations that authorize or contribute to actions that violate this rule or procedure may lose University authorization to operate on campus property. Officers of such organizations may be held individually responsible for the actions of their organizations.
- d. Visitors, licensees, and invitees to A&M-Texarkana who violate this rule or procedure will be removed from University property and may be subject to prosecution.

XI. ALCOHOL AND OTHER DRUGS

In order to ensure the University's commitment to a quality educational and work environment, every faculty member, employee and student has a right to work and learn in an environment free from the effects of abuse of alcohol and other drugs. It is the policy of the University to discourage the misuse and abuse of alcoholic beverages and other drugs. The Drug Free Schools and Communities Act requires every institution of higher education to inform students of standards of conduct that clearly prohibit violations of local, state, and federal laws pertaining to alcohol and other drugs. Parents may be notified for students who are found responsible for alcohol and drug violations under The Code. Alcoholic beverages may be served and consumed at official University functions and approved non-University functions as designated by the President or his/her designee.

1. The University prohibits the following actions and behaviors:

- a. Purchase, possession, or consumption of alcoholic beverages by persons under age of 21.
- b. Aiding and abetting an underage person in the purchase or possession of alcoholic beverages.
- c. Falsification of a driver's license or other identification in order to obtain alcoholic beverages.
- d. Appearing in any public place under the influence of alcohol, such that the individual may endanger his/herself or other persons, damage property, or disturb persons in the vicinity.
- e. Driving while under the influence or while intoxicated.

2. Alcoholic beverages may be served and consumed at University events held off-campus according to the following guidelines, as well as in addition to the above guidelines:

- a. The sale, serving, and consumption of alcoholic beverages are strictly prohibited except in areas and at times and dates licensed by the Texas Alcohol Beverage Control Board, or similar agencies in other states.
- b. Sponsoring group and organizations will be responsible for providing security to ensure that guests conduct themselves properly and to assist with the crowd control.
- c. Alcohol may not be consumed or carried in open containers on any street, sidewalk, alley, or in a motor vehicle.
- d. Activity sponsors must examine the identification of all guests entering the activity. Guests under the age of 21 are not permitted to consume alcoholic beverages. If the activity is located

in another state, all applicable state and local laws regarding alcohol sales, services, and consumptions shall prevail. Sponsors must assure that official law enforcement or on-site security personnel verify the identification of all participants.

e. Littering, infringing upon the rights of others, and abuse of public or private property in connection with possession or consumption of alcoholic beverages is prohibited.

f. Promotion or advertising of an event must not encourage any form of alcohol abuse, nor should events be advertised to place an emphasis on the quantity and/or frequency of use of alcohol.

g. Alcohol should not be provided as an award or prize to individuals or campus organizations.

h. Student organizations must designate one person, perhaps an officer of that organization, to assume responsibility for assuring that there is knowledge of and compliance with these alcohol policies. It is recommended that this person participate in the special educational programs offered by the Office of Student Life.

3. Beer distributors, liquor companies, bars, and night clubs are not permitted to:

a. advertise on campus,

b. co-sponsor an event with a student organization,

c. advertise on any schedule card, athletic brochure or press guide, or other printed material,

d. provide advertising for University events presented on the radio or television

4. A&M-Texarkana does not assume responsibility for unofficial events held off campus involving individuals or groups affiliated with the University. However, the University reserves the right to hold students and student organizations accountable for violations of federal, state, and local law by A&M-Texarkana students, or student organization off campus in which said violations adversely affect the University community and/or pursuit of its objectives.

XII SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want to do sexually and what you don't want to do. Consent to some form of sexual activity cannot be taken as consent to any other form of sexual activity. **Silence-without actions demonstrating permission-cannot be assumed to show consent.**

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured for sex.

Because alcohol or other drug use affect capacity to consent, sober sex may be less likely to raise questions about valid consent. When alcohol or other drugs are used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

Sexual misconduct is a violation of University standards of conduct for students, faculty, staff, and the University community, as well as a violation of the law.

Sexual misconduct includes, but is not limited to, forcing, threatening to force, coercing, or deceiving another to engage in sexual activity, or engaging in sexual activity with another knowing that the activity is offensive or unwanted by that person or that person is unable to assess the nature of or

control the conduct.

Sexual misconduct also includes engaging in sexual activity with another when that person has impaired judgment or control due to alcohol, drugs or other intoxicants.

Engaging in sexual conduct without consent is a serious offense; furthermore, such consent, whether verbal or non-verbal may be withdrawn at any time, without regard to activity preceding the withdrawal of consent.

Students who experience or witness Sexual Misconduct against a student should report the incident to the Campus Title IX Coordinator as soon as possible. Sexual Misconduct reporters have several options available to them after reporting the incident.

Options:

1. Reporters can report the incidence to the campus or local police for a criminal investigation of the incident. The Office of Student Life will help you if needed with this process. The University will begin an administrative investigation of the alleged misconduct in addition to the police investigation.
2. The reporter can only report to the Campus for an administrative investigation conducted by trained Title IX investigators.
3. The reporter can make the report to the Title IX Coordinator but not participate in the administrative investigation. The University reserves the right to investigate to the extent possible and will weigh the request against any reasonably foreseeable risk to the health and welfare of the community.

In all cases where sexual misconduct is reported to the University, students affected by the incident will be offered written explanation of their rights and options as well as information about support services via counseling, class adjustments, housing arrangement or other support services as needed.

Consent

Consent is the clear, voluntary and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made by threat, coercion, or force, cannot give consent. Consent may be revoked by any party at any time.

Consent is not given if it results from the use of force, threats, intimidation or coercion.

Coercion

Coercion is the act, process, or power of compelling a person to take an action, make a choice, or allow an act to happen that they would otherwise not choose or give consent to.

Incapacitation

Incapacitated is a state in which a person, due to a disability, the use of alcohol or drugs, being asleep, or for any other reason, is not capable of making rational decisions about consent to sexual activity and recognizing the consequences of their decision.

Engaging in sexual activity with a person, who the respondent knows to be mentally or physically incapacitated, or reasonably should know to be incapacitated, violates this rule.

Incapacitation may result from alcohol (**even one drink could incapacitate a person**) or other drug

use, unconsciousness or blackout, or other factors.

Incapacitation is a state where a person cannot make a rational, reasonable decision because they lack the capacity to give knowing consent (to understand the who, what, when, where, why or how of sexual interaction.) Incapacity can also result from illness, sleep, mental disability, and other circumstances.

Giving incapacitating or “rape” drugs, such as Rohypnol, Ketomine, GHB, and Burundanga to another person is a violation of the Student Code of Conduct.

Additional information regarding consent:

A person who does not want to consent to sex is not required to resist.

Consent to some forms of sexual activity does not automatically imply consent to other forms of sexual activity.

Silence, previous sexual relationships, or the existence of a current relationship does not imply consent.

Consent cannot be implied by attire or inferred from the giving or acceptance of gifts, money or other items.

Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Withdrawal of consent can be done in numerous ways and need not be a verbal withdrawal of consent.

A student's intentional consumption of alcohol/drugs is not a defense to a violation of this or any other provision of this Code.

The University will not tolerate such offenses that may not only cause physical harm but also emotional harm.

The University is committed to treating all parties with dignity and respect. Hearing proceedings will strive to accommodate the needs of individuals while collecting information and hearing from any potential witnesses. All members of the University community are asked to report violations of this policy to appropriate authorities by calling the Assistant Vice President of Student Affairs Office at 903-223-3062, the University Police at 903-334-6611 or by filling out an incident report form on the Student Life website at <http://www.tamut.edu/Campus-Life/Student-Conduct/index.html>.

It is the commitment of the University to maintain an academic and work environment free of sexual violence for students, faculty, and staff. Sexual harassment violates the University's long-standing policy against discrimination on the basis of sex and is also illegal. It is prohibited in the employment context by Title VII of the 1964 Civil Rights Act and in the education context by Title IX of the Educational Amendments of 1972. A complaint under this policy may be brought by a student based on the conduct of any university community member.

Sexual Misconduct Definitions

Sexual Misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Non---Consensual Sexual Contact (or attempts to commit same)
3. Non---Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

Sexual harassment is a serious matter. False accusations are also serious. A charge of sexual harassment is not to be taken lightly by a charging party, an accused party, or any member of the University community. A person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action.

The employment and educational environment throughout A&M -Texarkana shall be free from all forms of sexual discrimination and sexual harassment. Conduct constituting sexual harassment is specifically prohibited and will result in appropriate sanctions. Sexual harassment, as defined in Section 39-03 of the Texas Penal Code, is a Class A misdemeanor and a violation of State and Federal statutes.

Sexual Harassment

Sexual Harassment is:

Unwelcome conduct on the basis of sex (of a sexual nature or otherwise):

- (1) by an employee of the member who conditions the provision of an aid, benefit, or service of the member on an individual's participation in that unwelcome sexual conduct;
- (2) determined by a reasonable person to be so severe *and* pervasive *and* objectively offensive that it effectively denies a person equal access to the member's education program or activity;
- or
- (3) sexual assault or dating violence, domestic violence, or stalking based on sex.

Further guidance can be found in System Policy and Regulation 08.01 and 08.01.01. (<http://sago.tamu.edu/policy/intro.htm>) or may be obtained through the Human Resource/Civil Rights Protection Officer or the Assistant Vice President of Student Affairs. Sexual harassment is a form of sex discrimination.

A student having a complaint of sexual harassment may be directed to the Assistant Vice President of Student Affairs/Title IX Coordinator.

When appropriate, an informal resolution process will be used in sexual misconduct cases. An informal complaint is intended to result in the resolution of the complaint and an immediate halt of the unwelcome behavior without a formal hearing or report. If the offending behavior does not cease, a formal complaint may be filed in writing with the Assistant Vice President of Student Affairs.

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

Any intentional touching, however slight, with any object, that is without consent.

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts that is without consent.

Any intentional bodily contact, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice that is without consent.

Non-Consensual Sexual Intercourse

Sexual Assault

Sexual Assault is defined any intentional or knowing penetration of the sex organs, anus, or mouth without the other person's consent.

Sexual Exploitation

A situation in which an individual(s) 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, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct.

Sanctions

Any student found responsible for violating the Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will range from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for violating the policy on Sexual Assault will face a recommended sanction of suspension or expulsion.

The university reserves the right to take measures necessary to protect the rights and safety of others during the pendency of sexual misconduct allegations. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus, and reporting the matter to law enforcement. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the reporting party and the person accused of sexual misconduct.

Resources Responding to Sexual Misconduct

Students affected by sexual misconduct may benefit from one or more of the following resources or advisories:

Get to a safe place –Seek a safe location such as apartment/home, residence hall, or the residence of a trusted friend or relative.

Contact 911 or the University Police - File a report with the University Police Department or local law enforcement. The Office of Student Affairs can assist in filing a Police report if requested. The University Police Department is located at the Central Plant Building or by calling 903-334-6611. The police may conduct an investigation into possible criminal conduct. A police investigation is **not the same as an investigation through the Office of Student Affairs**. You may file complaints with both the Police and the University's Office of Student Affairs.

Get medical attention as soon as possible –Your health and safety is important. A doctor or nurse can examine and treat injuries or illnesses that may or may not be visible, including sexually transmitted infections. A sexual assault exam may be performed to collect evidence even if law enforcement is not involved. Medical professionals are not required to report to law enforcement unless the patient being treated for sexual assault is a minor.

Preserve Evidence –Do not shower, bathe, eat, drink, wash your hands, or brush your teeth before electing to undergo a sexual assault exam. If drugging is suspected, wait to urinate so that a sample can be obtained at the hospital. If waiting is not possible, collect urine in a clean container with a lid for examination.

Write it Down - To write down as much information about the circumstance of the incident including a

description of the respondent.

Seek free, confidential counseling at Student Counseling Services located on the fourth floor of the University Center Building room 427 via email at: counseling.services@tamut.edu or at 903-223-3186.

Office of Student Affairs - The Office of Student Affairs is available to assist any student affected by reports of sexual misconduct with resources, guidance, as well as an investigation of reported misconduct. For more information about TAMUT's Title IX procedures see the Title IX webpage: <http://www.tamut.edu/Campus-Life/Title-IX/index.html> or go by the Student Life Office at UC room 125. If the alleged respondent is a member of the University community the Office of Student Affairs will initiate a separate investigation to ensure the action stops and the safety of the University community is maintained. The victim will be informed of the outcome.

Protective Orders - In addition to the option of pressing criminal charges against a respondent, the reporting party may apply for a legal order of protection from a court. A protective order protects reporting parties of dating violence by ordering the respondent not to commit further acts of violence against the reporting party; not to harass, threaten, annoy, alarm, abuse, torment, or embarrass the reporting party; not to communicate with the reporting party in a threatening or harassing manner; and to stay away from the reporting party's residence, work, or school.

An application for a protective order is free. If the reporting party is 18 years old or older, the reporting party can seek a protective order for himself or herself. If the reporting party is under 18, the reporting party can have any adult apply for one on their behalf. To apply for a protective order for dating violence, the respondent must be someone s/he are dating, or someone s/he used to date; and s/he must have physically harmed the reporting party, or attempted or threatened to physically harm the reporting party. The application for a protective order must be filed in the county in which the reporting party or the respondent lives. The court will grant a protective order once the reporting party proves that dating violence has occurred and that it is likely to occur again.

Should the reporting party choose to seek out a protective order they may apply for one through the Domestic Violence Unit at the Bowie County District Attorney at 903-735-4800.

The reporting party may also wish to consult the services contained below:

Shelters:

Rape Crisis Center.....903-793-4357

A&M-Texarkana Services

Student Counseling Services903-334-6726

24 hour on-campus service (UPD)903-334-6611

Social Service Organizations

National Domestic Violence Hotline.....1-800-799-SAFE

Family Violence Legal Line 1-800-374-HOPE

Family Law Hotline1-800-777-FAIR

Sexual Assault Legal Hotline1-888-296-SAFE

Local Legal Assistance

District Attorney's Office

(Protective Orders & Domestic Violence Unit)..... 903-735-4800

Crime Victims

Texarkana Police903-798-3116

On Campus Services

If the reporting party needs additional support during this time in the form of counseling support, alternative on-campus housing options, or academic accommodations, please contact the Office of Student Affairs at 903-223-3062 so a staff member may work with reporting party in a timely way to provide assistance.

Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) fear for the person's safety or the safety of others; or
- (b) suffer substantial emotional distress.

For the purposes of this definition:

(a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

Stalking is explicitly prohibited under this regulation. Aiding another in the commission of stalking is also prohibited under this regulation. Stalking based on sex is a form of sexual harassment or sex-based misconduct.

Stalking behavior includes, but is not limited to, any of the following:

- a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.
- b. Use of online, electronic, or digital technologies, including:
 - i. Posting of pictures or information in chat rooms or on Web sites
 - ii. Sending unwanted/unsolicited email or talk requests
 - iii. Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
 - iv. Installing spyware on a person's computer
 - v. Using Global Positioning Systems (GPS) to monitor a person.
- c. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the reporting party
- d. Surveillance or other types of observation, including staring or "peeping"
- e. Trespassing
- f. Vandalism

- g. Non-consensual touching
- h. Direct verbal or physical threats
- i. Gathering information about an individual from friends, family, and/or coworkers
- j. Threats to harm self or others
- k. Defamation – lying to others about the person

XIII. DOMESTIC AND DATING VIOLENCE

Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a sexual or dating relationship. This includes threats, assault, property damage, and violence or threat of violence to one's self or to the family members of the sexual or romantic partner when used as a method of coercion, control, punishment, intimidation or revenge. The existence of the relationship is determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationships. For criminal proceeding, the following are applicable definitions.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (a) The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (b) For the purposes of this definition:
 - (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (2) Dating violence does not include acts covered under the definition of domestic violence. [34 U.S.C. 12291(a)(10)] Dating violence is explicitly prohibited under this regulation. Aiding another in the commission of dating violence is also prohibited under this regulation. Dating violence is a form of sexual harassment or sex-based misconduct.

Domestic Violence

A felony or misdemeanor crime of violence committed by:

- (a) a current or former spouse or intimate partner of the victim;
- (b) a person with whom the victim shares a child in common;
- (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. [34 U.S.C. 12291(a)(8)] Domestic violence is explicitly prohibited under this regulation.

Aiding another in the commission of domestic violence is also prohibited under this regulation. Domestic violence is a form of sexual harassment or sex-based misconduct.

REPORTING REQUIREMENTS AND GENERAL INFORMATION

To assure University-wide compliance with this policy and applicable law, the Assistant Vice President of Student Affairs or the Human Resource/Civil Rights Protection Officer must be advised of all reported incidents of sexual harassment and their resolution. The Assistant Vice President of Student Affairs Office and the Human Resource/Civil Rights Protection Officer will monitor repeated complaints within the same division or against the same individual, to assure that such claims are appropriately handled. Investigators and hearing officers assigned to allegations of sex based discrimination will be trained annually on the process for sex based investigations and hearing processes.

In all cases, a person who (1) reports or complains, (2) participates in an inquiry or investigation, or (3) is accused of sexual misconduct may be accompanied by an adviser of his or her choice who shall be permitted to attend, but not participate in, the proceedings.

The university prohibits retaliation against any person who in good faith reports, complains about, or participates in an informal resolution or formal investigation of a sexual harassment allegation.

Request for Privacy

Persons affected by sexual misconduct will be afforded privacy and confidentiality to the extent possible under law.

How the University will weigh the Request for privacy and Respond accordingly:

1. A report to a university employee is a report to a “responsible employee” which requires disclosure to the university’s Title IX Office. An individual will be afforded privacy and confidentiality to the extent possible under the law, including a request that no investigation be conducted. The University’s determination will weigh the request against any reasonably foreseeable risk to the health and welfare of the community.
2. Requests for privacy may limit the University’s ability to investigate, adjudicate, and respond to a report.
3. Confidential Officials. Confidential officials are the Counselors in the Student Counseling Center.
4. The University has designated the following individual(s) to evaluate requests for privacy once a “responsible employee” is on notice of alleged sexual assault:
 - a) Title IX Coordinator
 - b) (2) Title IX Deputy Coordinators
5. When weighing a reporting party’s request for privacy or that no investigation or discipline be pursued, such individuals will consider a range of factors, including the following:
 - a) The increased risk that the alleged respondent(s) will commit additional acts of sexual abuse or other violations.
 - b) Whether there have been other sexual violence complaints about the same alleged respondent.
 - c) Whether the alleged respondent(s) has a history of arrests or records from a prior school indicating a history of violence.
 - d) Whether the alleged respondent(s) threatened further sexual violence or other violence against the reporting party or others.
 - e) Whether multiple respondent(s) committed the sexual violence.
 - f) Whether the sexual violence was perpetrated with a weapon.
 - g) Whether the reporting party is a minor.

- h) Whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence, University Police Department reports).
- i) Whether the reporting party's report reveals a pattern of behavior (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

6. The presence of one or more of these factors will lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the survivor's request for privacy..

7. If it is determined that complete privacy cannot be maintained, the reporting party will be notified in writing prior to the start of an investigation. The University will share information to investigate, adjudicate, and respond to reports of misconduct.

XIV. DISCIPLINARY PROCEDURES CODE

1. Administration:

The Assistant Vice President of Student Affairs has primary authority and responsibility for the administration of student discipline. The Assistant Vice President of Student Affairs may delegate this authority to residence life staff, the PanHellenic Council, Residence Hall Association or other Judicial Officers as appropriate.

2. Misconduct Complaint:

Any person, including visitors, parents, or alumni may file a complaint alleging student misconduct. Complaints can be filed verbally at the Office of Student Life, room 125 University Center, via email or by completing an Incident Report form, which is available online at <http://www.tamut.edu/Campus-Life/Student-Conduct/index.html>, via email or in person at UC room 125.

3. Misconduct Notice:

When, because of a complaint by a member of the University community or because of a disciplinary investigation, there is reason to believe a student/student organization has violated the Code of Conduct, the student/student organization will be notified in writing via official university email account (Ace mail). The student/student organization must respond as required by the notice.

4. Informal Hearings:

Cases not involving the sanctions of dismissal or suspension from the university may be heard informally, with notice and the opportunity to be heard afforded students/student organizations. An adjudication officer, appointed by the Assistant Vice President of Student Affairs, will discuss the charges with the student/student organizations and afford the student/student organization an informal hearing. Should the adjudication officer find justification, an appropriate disciplinary sanction will be issued. Should the student or student organization deny the charges or the adjudication officer find that the charges require further examination, or should the alleged misconduct merit consideration of suspension or dismissal, the matter will be referred for a formal hearing.

5. Formal Hearings:

The University's procedure for formal hearings include:

- a. Written notice of charges containing a description of the alleged acts of misconduct,

including (when available) time, date, and place of occurrence; and the rules of conduct allegedly violated by the student/student organization;

- b. Written notice of the date, time, and place of the hearing, unless such right is waived in writing by the student/student organization;
- c. A sufficient interval between the date of notification of charges and the date of the hearing, to allow the student/student organization to prepare a defense;
- d. An opportunity to submit written, physical and testimonial evidence, and to review evidence in support of the charged offense;
- e. The hearing body may consist of a panel or individual appointed by the Assistant Vice President of Student Affairs;
- f. Maintenance of a written summary or audio record of the hearing at University expense, though students/student organizations may be required to pay the cost of copies of the records;
- g. A decision based upon a preponderance of the evidence standard, i.e. a sufficient to make a reasonable person believe that the charged offense is more likely true than not true;
- h. A written decision generally will be issued within ten (10) business days of the proceeding,
- i. In cases of alleged sexual misconduct, the reporting party will be informed of the investigation report and hearing outcome at the same time as the responding party; and
- i. A respondent is entitled to an advisor of their choice, counsel, or parent at the any meeting during the process. The advisor of their choice, counsel, or parent may only consult and interact privately with the student, but he/she will not be allowed to address the investigator or hearing board. In cases of alleged sexual misconduct, the reporting party is entitled to have an advisor of their choice, counsel or parent at the hearing.

6. Conduct of Hearings:

- a. The conduct of hearings shall be committed to the University, which may make all rules reasonable and necessary for the orderly and efficient disposition of cases.
- b. Conduct hearing are closed to the public and only those directly involved with the hearing may attend.
- c. The conduct of hearings shall ensure that the responding student/student organization has a reasonable opportunity to answer, explain, and respond to all charges.
- d. The University shall have the burden of proof in all cases.

7. Waivers:

A student, through a written statement, may waive his or her rights to a hearing.

8. Appeal Procedures:

An appeal is not simply a rehearing of the original case, but a review of the official record and the written statement of appeal provided by the student.

An appeal must comply with this Code. It must assert at least one recognized basis for appeal (See Section 9), supporting evidence and argument in support to the basis for appeal. The appeal must be presented to the Assistant Vice President of Student Affairs' office within ten (10) business days of receipt of notice of sanctions.

9. Grounds for appeals:

An appeal must meet one or more of the following grounds to be considered:

- a. A procedural error or omission occurred that significantly influenced the outcome of the hearing.

- b. A sanction was not appropriate to the violation. and/or
- c. Significant information is shown on appeal that was not available at the time of the administrative meeting, could not have been obtained for the presentation during the meeting by the student's exercise of reasonable diligence, and materially affects the findings or sanctions.

10. Appeals for cases that do not involve suspension or expulsion:

An appeal will be delivered to the Assistant Vice President of Student Affairs within (10) ten days of receipt of notice of sanctions. The Assistant Vice President of Student Affairs will decide whether to hear the case or send it to an Appeal Panel. Should the Assistant Vice President of Student Affairs hear the case, he/she will review the file and determine whether to approve, reject, or modify an earlier decision or the consequences recommended or imposed within ten (10) business days of receipt of the appeal unless extenuating circumstances apply.

11. Appeals for cases of suspension or expulsion:

The appeal will be forwarded by the Assistant Vice President of Student Affairs to the Office of the Vice President for Student Enrollment, Engagement and Success. The Vice President for Student Enrollment, Engagement and Success will decide whether to hear the case or send it to an Appeal Panel. Should the Vice President for Student Enrollment, Engagement and Success hear the case, he/she will review the file and determine whether to approve, reject, or modify an earlier decision or the consequences recommended or imposed within ten (10) business days of receipt of the appeal unless extenuating circumstances apply.

Should the Vice President of Student Enrollment, Engagement and Success decide to send the case to an Appeal Panel, the following procedures will apply:

- a. The Appeal Panel shall consist of three members of the University: one faculty member, one staff member, and one student member.
- c. An Appeal Panel will normally be convened within twenty (20) business days following notification from the Assistant Vice President of Student Affairs.
- d. The Panel shall review the file and recommend to the Appeal Officer whether to approve, reject, or modify an earlier decision or the consequences recommended or imposed. A majority vote will be required in all decisions.
- e. The Appeal Officer will inform the Assistant Vice President of Student Affairs of the decision in writing, and provide these findings and sanctions to the student/student organization in writing within ten (10) business days.
- f. The Assistant Vice President of Student Affairs shall implement the decision of the Appeal Officer.

The decision of the Appeal Officer will be final and the sanction(s) imposed will stand.

12. Interim Action/Interim Suspension

Except in cases where the Vice President for Student Enrollment, Engagement and Success or Assistant Vice President of Student Affairs deems interim action necessary or appropriate, the status of a student should not be altered, nor their right to be present on campus and to attend classes suspended prior to a disciplinary meeting. The Assistant Vice President of Student Affairs may order that a student be immediately excluded from classes, University facilities (including University Housing), or denied privileges and participation in activities when the student's continued presence may constitute an unreasonable risk of harm to the university community.

An interim action will be preceded by notice to the affected student as promptly as reasonably possible. The notice will state the basis for the interim action and provide information for requesting a hearing to determine the merits of the interim action. If it appears that the student's behavior warrants a medical

withdrawal, the Vice President for Student Enrollment, Engagement and Success or Assistant Vice President of Student Affairs may initiate the appropriate measures.

13. The University may take the following interim actions:

- A. Place a hold on the student's registration, transcripts, new awards of financial aid and/or other University records until the case is adjudicated when the following circumstances occur:
 - i. The student has failed respond to requests for information from the University;
 - ii. The student has failed to appear for the hearing; or
 - iii. The alleged conduct may pose an unreasonable risk of harm to the University community.
- B. When a student has pre-registered for a term after the one in which the hold is placed, the University may also revoke the registration of the student.
- C. When allegations of implicate the qualifications of a student to graduate, such as allegations of academic fraud or serious allegations of misconduct, the University may defer graduation until the charges are determined.
- D. The decision to place a hold on registration, to revoke registration, or to delay graduation may be appealed to the Vice President for Academic Affairs. The University may impose reasonable conditions on release of the hold.

In addition to the actions described above, the following actions may also be taken:

- A. Order that student/student organization be immediately denied University privileges and be excluded from activities on the campus when the student/student organization's continued activity on the campus may constitute an unreasonable risk of harm to the campus community.
- B. Issue a No Contact Order in cases involving allegation of assault, injury, harassment, or where there is reason to believe continued contact between the accused student or organization members and other specific persons, including reporting parties and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Assistant Vice President of Student Affairs, the Residence Life Coordinator or Chief of the University Police Department may order that the accused student/student organization members not have contact with specific persons. The student/student organization will receive written notice of the "No Contact Order".
- C. Impose an interim suspension from specific locations on campus or from the entire campus if it is believed that continued presence on the campus, or in certain areas of the campus, might be disruptive to, or pose an unreasonable risk of harm to the University community.

14. Sanction Guidelines

If a student or student organization is found responsible for a violation of The Code, the Conduct Officer will determine the sanction(s) to be imposed.

The following sanction guidelines are intended to be a recommended format:

- a. **Disciplinary Warning:** An official written notification that the student or student organization's conduct is in violation of the University's Code of Conduct, and specifies expectations for the future. Further misconduct may result in more serious sanctions.
- b. **Disciplinary Probation:** This probationary condition remains in effect for a specified period and may involve the loss of specified privileges. Further violation of University rules during the probationary period will be viewed as not only a violation based upon the act itself but also as a

violation of the probation, which may result in further action up to and including suspension or dismissal.

c. Suspension: Suspension terminates the student's enrollment at the University for a specified period of time. Completion of specified stipulations may be required for readmission at the end of the suspension period.

d. Suspension in Abeyance: Although the behavior may warrant suspension or expulsion from the University, due to extenuating circumstances, the Judicial Officer may choose to hold the student or student organization's suspension in abeyance for a specified period of time. When a suspension is held in abeyance, the student or organization may remain at the University provided they comply with the Code of Conduct and any education sanctions. Further violation of The Code may result in immediate Suspension or Expulsion.

e. Suspension of an organization from the University for a specified period: The organization will lose its privileges as a registered student organization and can no longer be an active participant in the University for the duration of suspension.

f. Expulsion: Expulsion permanently separates a student from the University without opportunity to re-enroll in the future. Expulsion of a student organization entails a permanent separation from the University. The imposition of this sanction is a permanent bar to the student organization's registration and privileges.

g. Other Sanctions: Other appropriate sanctions may be imposed singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, fines, restitution for property damage or misappropriation of property or services of the University or of any person, University Housing contract termination or reassignment to another room, restriction of access to specified campus facilities and/or property, research assignments, criminal trespass notices, campus service projects, special workshop participation and/or no contact orders.

TRANSCRIPT NOTATIONS:

Texas law and Texas A&M System policy 11.99.02 requires that a notation be made on a student's transcript who is "ineligible to reenroll in the institution for a reason other than an academic or financial reason." In addition, requires A&M-Texarkana is required to note Suspension and Expulsion on a student's transcript that has been suspended or expelled from the University for a violation of the Student Code of Conduct. Notations for suspensions will be active during the effective dates of the separation. Expulsion from the University will be permanently placed on the transcript unless the institution determines that good cause exists to remove the notation.

If a student is suspended or expelled from the University, he/she will not be eligible for reimbursement of funds.

XV. PROCEDURE FOR ACCOMMODATIONS APPEAL

If the student feels that he/she has been denied a reasonable accommodation, an appeal may be made to the Disability Advisory Committee Appeals Panel.

A. Appeal Procedure

1. Within ten (10) business days of the denial for accommodation, the student must submit written notice to the Assistant Vice President of Student Affairs to appeal that decision.

2. The Assistant Vice President of Student Affairs will notify the Disability Advisory Committee in writing of the student's wish to appeal within five (5) business days.

3. The Disability Advisory Committee shall form a panel of three (3) individuals to hear the appeal within five (5) business days of receipt of the notice from the Director Student Life.

The Appeals Panel shall be comprised of the following:

- a. Two representatives from the Disability Advisory Committee.
- b. One student appointed by the Disability Advisory Committee.
- c. In no case shall the System General Counsel sit as a member of the Appeals Panel, but Counsel may serve in advisory capacity to the Appeals Panel.

4. The Appeals Panel will notify the student and the instructor or staff, who provide the services for which the accommodation has been denied.

The student and Assistant Vice President of Student Affairs may:

- a. make an oral statement to the Appeals Panel; and
- b. submit supportive documentation.

The faculty/staff may also address the Appeals Panel to explain their position on the accommodation being appealed.

6. The Appeals Panel may ask questions of the student, the faculty/staff and the Assistant Vice President of Student Affairs to aid it in its decision.

7. The Appeals Panel must notify the student, faculty/staff and the Assistant Vice President of Student Affairs of its decision in writing within five (5) business days following the conclusion of the hearing.

8. If the student is dissatisfied with the determination of the Appeals Panel, he/she may make a final appeal to the Vice President for Academic and Student Affairs.

9. Final Appeal Procedure

- a. The student must submit a written notice of appeal to the Appeals Panel and the Vice President for Student Enrollment, Engagement and Success within five (5) business days of the Appeal Panel's determination.
- b. All materials considered by the Appeals Panel shall be forwarded to the Office of the Vice President for Student Enrollment, Engagement and Success upon receipt of the written appeal.
- c. The Vice President for Student Enrollment, Engagement and Success will make a determination within five (5) business days from receipt of the appeal.
- d. The Vice President for Student Enrollment, Engagement and Success will notify the student, the faculty/staff, the Assistant Vice President of Student Affairs and the Appeals Panel in writing of his/her final determination. The decision of the Vice President for Student Enrollment, Engagement and Success is final.

XVI. PARENTAL NOTIFICATION PROCEDURES

The Family Educational Rights and Privacy Act (FERPA, also known as the (Buckley Amendment), passed by Congress in 1974, was designed both to protect the privacy of students' educational records and to establish the right of students to inspect and review their non-privileged educational records. "Educational records" are all records, in any medium, that are maintained by the college and are directly related to a student, including, academic, disciplinary, and career planning records. Other statutes protect student rights to privacy for medical and counseling records. FERPA governs to whom

and under what conditions the University may disclose student educational records.

A. FERPA allows a college or university to disclose information to "appropriate parties," which may include parents, without written consent from the student.

A&M-Texarkana may make such notifications in the following situations:

1. The student is over the age of 18 at the time of the alleged violation; or
2. The student is involved in a violation of federal state or local law, or
3. The student has violated any Code provision governing the use or possession of alcohol or a controlled substance, or
4. The student is involved in an emergency or when notification is believed to be necessary to prevent an unreasonable risk of harm to the student or others.

XVII. STUDENT RECORDS

Disciplinary files are held in the Assistant Vice President of Student Affairs Office for five years after the student either graduates or is no longer enrolled at A&M-Texarkana. Violations resulting suspension or expulsion from the University remain on the student's permanent record.

Academic records are maintained in the offices of Admissions, Registrar, Academic Deans, chairpersons of departments, and directors of graduate and interdisciplinary programs. Federal law (FERPA) strictly control the information that may be disclosed students. Unless students specifically waive their rights under these statutes (forms available in the Registrar Office) or the University receives a properly served subpoena, only the following directory information may be released:

- Name, address, telephone listing
- E-mail address
- Photograph
- Date and place of birth
- Major Field of study
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- The most recent previous educational agency or institution attended
- Enrollment status (e.g., undergraduate, graduate, full-time, part-time, etc.)

Absent a written waiver by the student or parents of students under the age of majority, disclosure of most student education records is limited to school officials or agencies with a legitimate educational interest in the information. Certain records may be released to appropriate officials and parents in situations that are life threatening, (See parental notification guidelines) or in response to a properly served subpoena. Under FERPA, parents of students over 18 years old have no automatic right to access the student's records without the student's consent, even if the student is an economic dependent.

Right to Inspect Records

Under FERPA, students have the right to inspect and review any and all official records, files, and data pertaining to them (with specific exceptions, a list of which may be obtained from the Registrar's Office).

Students have the opportunity for a hearing to challenge the contents of these records to ensure that the records are accurate and are not in violation of any rights of students. Students have the right to an explanation and interpretation of these records. In the event that any student believes that the records are inaccurate, misleading, or in violation of his/her privacy, the student may request the University to amend these records at that time.

If the holder of the records decides at that time or within a ten (10) day period not to amend the file, the student may do either or both of the following:

- a. Cite in writing the information believed to be inaccurate, misleading or in violation of privacy and submit amended data; this material will be added to the student's file.
- b. Request a hearing before the Educational Rights and Privacy hearing committee. The hearing request should be submitted in writing to the Assistant Vice President of Student Access and Success within a reasonable time, not to exceed thirty (30) calendar days. A written decision, based upon the information taken at the hearing, will include a summary of the information and the reasons for the decision.

XVIII. STUDENT USE OF COMPUTER RESOURCES

All students must:

- a. Act responsibly and comply with local, state, and federal laws relating to copyright, security, and electronic media.
- b. Make certain that their computer is secured against viruses, worms, hacker attacks, and other intrusions. Further, students are responsible for all uses of their computer and will be held accountable for network traffic originating at their computer or traced back to their computer's IP number (Internet address).
- c. Be available on the Texas A&M University-Texarkana e-mail service and read e-mail in a timely manner. Faculty will send e-mail with important information about classes, and the administration, including the Office of Student Affairs and Enrollment Management, will send messages with timely, sometimes critical, announcements. These messages are sent to the "ace.tamut.edu" e-mail address assigned to each student.

Prohibited Activities

A student shall not damage, destroy, misuse, or otherwise endanger the University's computing and information resources. Specific violations of this standard include, but are not limited to:

- a. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for any activity other than that for which access or use was assigned or authorized;
- b. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for commercial use;
- c. Accessing any University computer, facility, equipment, software, network, or other resource, including e-mail, without authorization;
- d. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit a violation of this Code of Conduct;
- e. Disrupting, hindering, or damaging the service, use, or ability of others to access or use any University computer, facility, equipment, software, network, or other resource, including e-mail;
- f. Damaging, destroying, misusing, or otherwise harming any University computer, facility, equipment, software, network, or other resource, including e-mail; or
- g. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit acts prohibited under applicable federal, state, or local laws.