

Texas A&M University- Kingsville Student Handbook



Last Updated: June 2024

This handbook is not intended to be a contract, explicit or implied, to cover all eventualities or provide detailed regulations in all areas. Therefore, careful attention should be paid to published materials associated with the safety of persons and property and to applicable laws of local, state, and federal governments.

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Welcome to Texas A&M University- Kingsville!

Welcome from the Associate Vice President of Student Affairs/ Dean of Students

Dear Javelina,

Welcome to Texas A&M University-Kingsville! As a student, you are now a member of a long-standing tradition of excellent education and a great family atmosphere. Congratulations on making the intelligent decision to join the Javelina family!

I hope this year is filled with memorable experiences inside and outside the classroom. Our faculty members are ready to challenge you to expand your knowledge of their fields of expertise. Our staff members are prepared to help you as you navigate through the year. Our entire Javelina family is here to support you as you take steps to achieve your dream of a degree from Texas A&M University- Kingsville.

This student handbook provides information to help you navigate Texas A&M University-Kingsville. You will find descriptions of various offices providing services that will be helpful in your journey. The *Student Code of Conduct* section explains the guidelines regulating student conduct. We hope you utilize the information in this handbook to benefit from all the services at A&M-Kingsville, enhance your educational experience, and create many valuable memories.

Each student is expected to read this handbook carefully and observe the requirements. The cited references, particularly references to the university catalog, should be consulted concurrently with this handbook in all instances where indicated.

All users of this handbook are invited to submit comments and recommendations for changes through the Office of the Dean of Students. Additions, deletions, and changes to this handbook may occur throughout the year.

Best wishes for a successful and memorable year!

Sincerely yours,

Kirsten Compary

Associate Vice President of Student Affairs and Dean of Students

Reaffirmation of Commitment to Equal Employment Opportunity, Access and Affirmative Action

Section 1: Reaffirmation of Commitment to Equal Employment Opportunity, Access, and Affirmative Action

A message from Robert Vela, Jr., President of Texas A&M University- Kingsville

Texas A&M University-Kingsville is a federal contractor subject to the provisions of Executive Order 11246, as amended. Implementing regulations from the U.S. Department of Labor require that each federal contractor issue an equal opportunity statement demonstrating its commitment to affirmative action and nondiscrimination in recruitment, hiring, training, and promotions in all job titles.

Accordingly, Texas A&M University-Kingsville does not discriminate or permit harassment against any individual on the basis of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, genetics, status as a disabled veteran or protected veteran, or any other legally prohibited basis, in admissions, educational programs, or employment of faculty or staff. This includes the prohibition of harassment, intimidation, threats, coercion, discrimination, or retaliation against current students, applicants for enrollment, employees, and applicants for employment, for having filed a complaint, assisted in an investigation, or otherwise exercised their rights under the executive order.

Texas A&M University-Kingsville is committed to providing an educational and work environment that is conducive to the personal and professional development of each individual student and employee. The Chief Executive Officers of the A&M System universities and agencies are responsible for achieving an equal employment opportunity environment, and each System employee is accountable for creating an atmosphere that values and nurtures community, respect, and accessibility.

Texas A&M University-Kingsville is committed to serving students and community members through education, leadership development, research and service. We will meet these goals through a dynamic workforce that effectively responds to our constituents. It is my firm commitment to ensure that equal employment opportunity and access will be provided throughout the university to all current and prospective students and employees. Please join me in this commitment.

If you have any questions or concerns related to equal employment opportunity, equal access, affirmative action, or requests for disability accommodations, please direct them to the following individual designated as the university's acting Section 504 and Americans with Disabilities Act Coordinator.

Evangelina Lopez, AVP of People and Culture
College Hall, Suite 210
955 N. University Blvd.
Kingsville, Texas 78363
Eva.lopez@tamuk.edu
(361) 593-3705

Office of Employee Services Mailing Address:
700 University Blvd, MSC 107
Kingsville, Texas 78363

Students may contact the Disability Resource Center located at Student Health and Wellness to request accommodations:

Disability Resource Center

1210 N. Retama St.

Kingsville, TX 78363

(361) 593-3024

drc.center@tamuk.edu

Complaints alleging discrimination based on a protected class (race, color, religion, age, sexual orientation, gender identity, sex, national origin, disability, veteran status, or genetic information) can be filed with the following individual who has been designated as the university's Chief Ethics and Compliance Officer:

Joe Henderson, Chief Ethics and Compliance Officer

Lewis Hall, Suite 130

700 University Blvd. MSC 221

Kingsville, Texas 78363

joe.henderson@tamuk.edu

(361) 593-4758

Office of Compliance Mailing Address:

700 University Blvd., MSC 221

Kingsville, Texas 78363

The following individual is designated as the university's Coordinator for Title IX of the Education Amendments of 1972, responsible for inquiries and complaints alleging discrimination in educational programming and access based on sex:

Tasha Clark, Title IX Coordinator

Lewis Hall, Suite 130

855 N. University Blvd.

Kingsville, Texas 78363

tasha.clark@tamuk.edu

(361) 593-4761

Anonymous Reporting available through EthicsPoint:

1-888-501-3850

<https://secure.ethicspoint.com/domain/media/en/gui/19681/report.html>

Questions concerning Title IX may also be directed to the Assistant Secretary for Civil Rights, U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW Washington, D.C., 20202-1100, 1-800-421-3481, ocr@ed.gov.

All other complaints may be filed with the Office of Employee Services (contact information can be found above) or the Office of the Dean of Students:

Office of the Dean of Students

Student Union Building, Room 301

1050 W. Santa Gertrudis Ave.

Kingsville, Texas 78363

kirsten.compary@tamuk.edu

(361) 593-3606

Office of the Dean of Students Mailing Address:

700 University Blvd., MSC 133

Kingsville, Texas 78363

About Texas A&M University- Kingsville

Section 2: About Texas A&M University- Kingsville

Texas A&M-Kingsville seeks to provide quality undergraduate and graduate programs for students of all ages through a judicious blend of liberal and career education programs. The emphasis is on providing an intellectually challenging education with high academic performance standards. The University is committed to its mission of teaching, research, and service in South Texas to advance knowledge and regional development. The university is accredited by the Southern Association of Colleges and Schools Commission on Colleges.

MISSION

The founding public institution of higher education in South Texas, Texas A&M University-Kingsville, transforms lives and creates well-rounded leaders through a commitment to excellence in teaching and learning and the pursuit of research and discovery. With a focus on student success, the University offers high-quality undergraduate, graduate, and doctoral education. Our graduates advance the vitality of their communities, both locally and globally, with courage and integrity.

VISION

Students are the heart of our Javelina family. We will provide the highest levels of engagement in relevant and dynamic learning experiences that establish life-long success and multi-generational prosperity.

SHARED VALUES

Care • Integrity • Pride • Innovation • Excellence

Care

- We embrace a culture of genuine care and prioritize the success and well-being of our students, faculty, staff, and community. Our commitment to caring is what makes us a Javelina Family. We remove barriers on students' paths to transformation and success, fostering a sense of belonging and community. We are guided by a strong sense of service and respect for one another.

Integrity

- Integrity, as the foundation for a culture of personal and collective accountability, guides our daily actions. We understand that our behaviors have far-reaching consequences. We uphold the highest standards of ethical and responsible practices and behaviors. We never settle for "That's not my job" when it comes to serving our students and each other. We possess the courage to do the right thing. Javelinas play fierce and play fair. We compete with integrity, respecting the rules, and embracing fair play.

Pride

- Pride runs through the veins of our university and we honor the Javelina legacy of transforming generations. Like the mighty Javelina, we harness our tenacity, courage, and strength to thrive and fiercely defend our pack. We embrace a collective responsibility, knowing that “It’s our campus, my concern.” We carry the torch of our rich legacy forward, building upon the foundations laid by those who came before us.

Innovation

- Innovation drives us forward, propelling us to advance the frontiers of knowledge through discovery and interdisciplinary collaboration. We foster an environment where varied perspectives inspire ideas and approaches. At our university, innovation goes beyond technological advancements and research. It encompasses novel approaches to leadership, teaching and learning, and creative scholarship. We empower our students, faculty, and staff to think creatively, take strategic risks, and pursue bold ventures. We constantly seek opportunities for strategic growth and partnerships. We proactively identify emerging trends, challenges, and needs, leveraging our expertise and resources to make a meaningful impact.

Excellence

- Excellence is a lifelong journey, characterized by continuous improvement in all that we do. We always strive to exceed expectations. We set ambitious goals and systematically work to achieve them while understanding that the journey is defined by progress, not perfection. We seek to be intentional and proactive as we assess our progress and strategically redirect our focus to ensure institutional success. We celebrate our achievements along the way.

The Logo

The logo projects Texas A&M University-Kingsville’s affiliation with the Texas A&M University System. The official three-color version also celebrates the school colors of blue and gold, the landmark College Hall tower, and the university’s roots in Kingsville. Input from university constituents was highly important to the logo’s development and final adoption in January 1994.

The University Ring

Texas A&M University-Kingsville’s traditions are an intangible link between the past, present, and future. The official university ring is a significant university tradition. The ring is custom-crafted. It carries the university’s symbols and other features that capture the school’s experience. Over the years, the university has changed and a seamless gold circle holds together the many people who have changed it. After all, tradition isn’t just about what each student received from the university; it’s about the legacy that its graduates leave behind. Students are eligible to receive their rings when they have completed 75 hours of university credit. Rings are presented each fall and spring semester at a formal ceremony. At commencement, students will rotate the ring from facing inward to facing outward, showing the world they are proud Javelinas!

The Tower Chimes

The chimes in the College Hall tower began playing during the inauguration of Mr. Marc Cisneros, our 15th president. The chimes reflect our rich cultural heritage with the inclusion of our alma mater, the *Javelina Fight Song* and *Jalisco*. In addition, the clock strikes “Westminster” chimes on the hour and every quarter hour. The alma mater is played following the striking of the clock at noon. It is hoped that the rich tones of the chimes will forever be a reminder of what it felt to walk on our beautiful campus and feel the “Javelina Pride.”

Alma Mater

Hail AMK! We pledge anew
Aims that are high,
Devotion deep and true.
And though we may part,
And though we’re far away,
Still loyal each heart
To AMK.

Jalisco

¡Ay! Jalisco, Jalisco tú tienes tu novia que es Guadalajara.
Muchacha, bonita, la perla más rara de todo Jalisco es mi Guadalajara.
A mí me gusta escuchar los mariachis cantar con el alma sus lindas canciones.
Oír como suenan esos guitarrones y echarme un tequila con los valentones.
¡Ay! Jalisco no te rajes. Me sale del alma gritar con calor,
Abrir todo el pecho pa’ echar este grito. Qué lindo es Jalisco palabra de honor.

Fight Song

Fight, fight for ole AMK!
Hail that grand ole name
Fight, fight, no one can deny
We’re out to win this game.
So never stop
‘Till the last gun is fired
And the score it told.
Sock their kabinas, you Javelinas
Blue and Gold.
(Eight count lyric rest)
Go you Javelinas,

Fight for AMK!
(Eight count lyric rest)
Go you Javelinas,
Fight for AMK!
(Eight count lyric rest)
Bust their old machines
Right between the eyes
Hit ‘em high, hit ‘em low
Give ‘em everything you’ve got
Rah, rah, rah, rah, rah, rah, rah
Yea team! Yea team!

Student Services

Section 3: Student Services

Academic Testing Center

Robert Cousins Hall 101. (361) 593-3303/4881.

<http://www.tamuk.edu/workforcedevelopment/academictesting>

Athletics

Stephen Roach, Executive Director for Intercollegiate Athletics and Campus Recreation

McCulley Hall 112. MSC 136. Extension 2800

Javelina Stadium Office, (361) 593-2411

<http://www.javelinaathletics.com/>

Business Office

College Hall, Room 104, (361) 593-2616, moneyconnect@tamuk.edu

Website: www.tamuk.edu > Quicklinks: Tuition & Fees

Campus Activities Board (CAB)

Memorial Student Union Building Room 203A (CAB Office) or Javelina Student Engagement Center 1119 W. Santa Gertrudis, (361) 593-2760

cabtamuk@gmail.com or <https://www.tamuk.edu/secl/cab/>

Career Engagement Center

Memorial Student Union Building 122, (361) 593-2217

<https://www.tamuk.edu/careerengagement/>

hirejavelinas@tamuk.edu

Center for Student Success

Jernigan Library, Room 210, (361) 593-5800

<https://www.tamuk.edu/studentsuccess/>

UNIV course coordination

Mentoring

Tutoring

Advising

Undergraduate readmission process

University Writing Center

College of Arts and Sciences

A L Kleberg Hall, Room 130, (361) 593-2761

<http://www.tamuk.edu/artsci>

College of Business Administration

Business Administration Building, Room 108, (361) 593-3802

<http://www.tamuk.edu/cba>

College of Education and Human Performance

Rhode Hall, Room 120, (361) 593-2802

<http://www.tamuk.edu/cehp>

College of Engineering

Engineering Complex, Suite 301, (361) 593-2000

<http://www.tamuk.edu/engineering>

College of Graduate Studies

College Hall, Room 150, (361) 593-2808

<http://www.tamuk.edu/grad>

Communication Sciences and Disorders Clinic

Manning Hall, Room 108, (361) 593-3493

Dean of Students

Memorial Student Union Building (MSUB), Room 306, (361) 593-3606

<http://www.tamuk.edu/dean>

Dick and Mary Lewis Kleberg College of Agriculture and Natural Resources

Support Services, Room 110, (361) 593-3712

<http://www.tamuk.edu/agnr>

Financial Aid

Memorial Student Union Building, Javelina Enrollment Services Center, 1-800-687-6000, or (361) 593-5372

Email: financial.aid@tamuk.edu

Federal School Code: 003639

Check your status online via Blue and Gold: <http://www.tamuk.edu/bluegold/>.

<http://www.tamuk.edu/finaid/>.

Fraternity & Sorority Life

Javelina Student Engagement Center, 1119 W. Santa Gertrudis (Located next to Marc Cisneros Center for Young Children; Across from Lynch Hall), (361) 593-2760

<http://www.tamuk.edu/greeks>

Gallery Exhibits

Ben P. Bailey Art Building, (361) 593-3401

Honors College

Mesquite Village West (Honors College Residence Hall), (361) 593-4410

<http://www.tamuk.edu/honors>

Informational Technology Services (ITS)

ITS Help Desk

Located in Jernigan Library

1st Floor Commons Lab Area

(361) 593-4357

Email Communication

Located at <http://outlook.office365.com> or through JNET.

JNET

Located at <http://jnet.tamuk.edu>

Online Password Reset Website

Online password reset is located at <https://documents.tamuk.edu/acctmgmt/AccountManagement.aspx>

Wireless Networks

<https://www.tamuk.edu/finance/its/support/wificonnect.html>

James C. Jernigan Library

1050 University Blvd., (361) 593-3416

<https://lib.tamuk.edu>

Javelina Bookstore

Memorial Student Union Building, 1st Floor, (361) 593-2601

<https://www.bkstr.com/texasamkingsvillestore/home>

Javelina Dining (BY ARAMARK)

Memorial Student Union Building, 1st floor – next to Starbucks, (361) 593-3096

<http://tamuk.campusdish.com>

Javelina Express Card (ID Card)

Memorial Student Union Building, (361) 593-2243

<https://www.tamuk.edu/msub/javelinaexpress/index.html>

KTAI-FM 91.1

Manning Hall, Room 167, (361) 593-KTAI (5824)

Marc Cisneros Center for Young Children

1113 W. Santa Gertrudis, (361) 593-2219

<https://www.tamuk.edu/education/departments/cyc/index.html>

Memorial Student Union Building (MSUB)

1050 W. Santa Gertrudis, (361) 593-4173

<http://www.tamuk.edu/msub/>

Museum (John E. Conner Museum)

Loftin Hall, 905 West Santa Gertrudis, (361) 593-2810

<https://www.tamuk.edu/artsci/departments/museum/index.html>

Office of Admission

Memorial Student Union Building, Javelina Enrollment Service Center and Welcome Center, (361) 593-2315

www.tamuk.edu/admission

Office of Global Engagement

Cousins Hall, Front Desk. MSC 163

(361) 593-3558

E-mail: StudyAbroad@tamuk.edu

<https://www.tamuk.edu/globalprograms/index.html>

Office of International Student & Scholar Services

Cousins Hall, Front Desk. MSC 176

Phone: 361-593-3317, E-mail: OISSS@tamuk.edu

Office of the Registrar

Memorial Student Union Building, Javelina Enrollment Services Center, (361) 593-2811

<http://www.tamuk.edu/registrar/>

Office of Student Access

College Hall, Room 230, (361) 593-2129

<http://www.tamuk.edu/studentaccess/>

<http://www.tamuk.edu/studentaccess/>

Presidents Undergraduate Research Scholars (PURS)

Ronald E. McNair Scholars Program

Student Support Services (SSS)

Student Support Services-STEM (SSS-STEM)

Pathways Academic Assistance Center

Jernigan Library, 2nd floor, Room 220, (361) 593-5223

<http://www.tamuk.edu/studentsuccess/PAAC/>

Tutoring

Supplemental Instruction (SI)

Postal Services

Memorial Student Union Building, (361) 593-2400

Rec Sports

Student Recreation Center. MSC 208. 1020 Avenue C, (361) 593-3059.

<https://www.tamuk.edu/recsports/index.html>

Religious Activities

St. Thomas Aquinas Newman Center & Chapel, 1457 Retama, (361) 221-1103

Baptist Student Ministries, 720 N. Armstrong, (361) 592-9335

Chi Alpha Christian Fellowship, 717 W. Corral Ave, Kingsville, TX 78363, (281) 995-1617

South Texan

Manning Hall Room, Room 165, (361) 593-4370

<http://www.thesouthtexan.com/>

Steinke Physical Education Center (SPEC)

910 W. Avenue B, Equipment Cage (361) 593-2009; Bowling Alley (361) 593-3495

Student Engagement and Campus Life (formerly Student Activities)

Javelina Student Engagement Center, 1119 W. Santa Gertrudis, (361) 593-2760

<https://www.tamuk.edu/secl/>

Student Government Association (SGA)

Memorial Student Union Building, Room 201, (361) 593-3610

<http://www.tamuk.edu/sga>

Student Health and Wellness (SHW)

Student Health and Wellness (SHW)

1210 Retama Drive, (361) 593-3991

<http://www.tamuk.edu/shw>

Counseling Services: (361) 593-3991

Health Care Clinic: (361) 593-2904

Disability Resource Center: (361) 593-3024

Wellness Program: (361) 593-2382

Student Organizations

Javelina Student Engagement Center 1119 W. Santa Gertrudis, (361) 593-2760

<http://www.tamuk.edu/studentorganizations/index.html>

Student Shuttle Service

Memorial Student Union Building, Room 306, (361) 593-3606

<http://www.tamuk.edu/shuttleexpress>

TAMUK TV-2

Manning Hall, Room 170, (361) 593-3489

University Housing and Residence Life

Lucio Hall, Room #119A-G, (361) 593-3419

<http://www.tamuk.edu/housing>

University Police Department

Lewis Hall, 855 N. University Boulevard, (361) 593-2611

<https://www.tamuk.edu/upd/index.html>

Directory

Section 4: Directory

Dialing instructions for use of campus telephones: For on-campus calls, dial the last four digits of the number; for local calls, dial 9 + seven-digit number. All campus offices and residence halls have a (361) 593- area code and prefix.

	PHONE	MAIL	OFFICE
Academic Affairs	3106	MSC 102	College Hall 250
Provost /VP for Academic Affairs	3106	MSC 102	College Hall 250
Associate VP for Academic Affairs	3098	MSC 102	College Hall 250
Admission Office	2315	MSC 128	Memorial Student Union 136
Agriculture and Natural Resources, College of	3712	MSC 156	Support Services 110
Dean	3712	MSC 156	Support Services 114
Associate Dean	2307	MSC 156	Support Services 116
Academic Advisor	4202	MSC 156	Human Sciences 101
Academic Advisor	3718	MSC 156	Support Services 111
Academic Advisor	2789	MSC 156	Human Sciences 101B
Agriculture, Agribusiness and Environmental Sciences	3719	MSC 228	Kleberg Ag 117
Animal Science & Veterinary technology	2211	MSC 228	Kleberg Ag 130
Rangeland & Wildlife Sciences	2188	MSC 228	Kleberg Ag 133
Animal Science & Vet Tech	2211	MSC 131	Kleberg Ag 131
Aramark Food Services	3119	MSC 124	Memorial Student Union
Catering	3096	MSC 124	Memorial Student Union
Arts and Sciences, College of	2761	MSC 117	Kleberg Hall 130
Dean	2717	MSC 117	Kleberg Hall 130A
Associate Dean	2012	MSC 117	Kleberg Hall 136
Associate Dean	3050	MSC 117	Kleberg Hall 138
Art, Communication & Theatre Arts	3401	MSC 178	Speech Building 175
Biological & Health Sciences	3803	MSC 158	Biology-Earth Sciences 108
Chemistry	2914	MSC 161	Nierman Hall 102
Clinical Health Sciences	3493	MSC 177A	Manning Hall 108
History, Political Science & Philosophy	3512	MSC 165	Rhode Hall 330
Language and Literature	2516	MSC 162	Sam Fore Hall 110
Mathematics	2600	MSC 172	Rhode Hall 217
School of Music	2803	MSC 174	Music Education Complex
National Natural Toxins Research Center	3082	MSC 224	Kleberg Hall 103
Physics/Geosciences	3386	MSC 175	Hill Hall 113
Psychology/Sociology	2703	MSC 177	Manning Hall 120
Dual Enrollment Program	4574	MSC 117A	Lewis Hall 133
John E. Conner Museum	2849	MSC 134	John E. Conner Museum
Athletics/Ticket Office	4030	MSC 202	McCulley Hall 106
Bookstore	2601	MSC 127	Memorial Student Union
Business Administration, College of	3801	MSC 182	Business Administration Building 108
Dean	5989	MSC 182	Business Administration Building 108
Associate Dean	4022	MSC 182	Business Administration Building 108
Accounting and Finance	3787	MSC 184	Business Administration Building 241
Management/Marketing & Information Systems	2757	MSC 186	Business Administration Building 226
Academic Advisor	3902	MSC 182	Business Administration Building 112
Academic Advisor	3935	MSC 206	Business Administration Building 112
Business Office	2616	MSC 104	College Hall 104
Campus Recreation and Fitness	3059	MSC 208	Student Recreation Center 203
Career Services	2217	MSC 106	Eckhardt Hall 119
Compliance/ADA/Title IX	4758	MSC 221	Lewis Hall 130
Title IX Coordinator	4761	MSC 221	Lewis Hall 130
Conner Museum	2810	MSC 134	Loftin Hall
Dean of Students	3606	MSC 122	Memorial Student Union 306
Director of Student Conduct and Community Standards	3606	MSC 122	Memorial Student Union 306

Education and Human Performance, College of	2802	MSC 195	Rhode Hall 120
Dean	2802	MSC 195	Rhode Hall 120
Associate Dean	4413	MSC 195	Rhode Hall 112
Accreditation Office	4172	MSC 195	Rhode Hall 112
Teacher & Bilingual Education	2871	MSC 196	Rhode Hall 251
Educational Leadership/Counseling	2430	MSC 223	Rhode Hall 100
Health and Kinesiology	2301	MSC 198	Steinke Physical Education Center 100
Center for Educator Preparation Services	4313	MSC 195	Rhode Hall 117
Engineering, College of	2001	MSC 188	Engineering Complex 301
Dean	2001	MSC 188	Engineering Complex 301
Assoc. Dean, Graduate Affairs & Research	4519	MSC 188	Engineering Complex 301C
Assoc. Dean of Undergraduate Affairs	4802	MSC 188	Engineering Complex 301D
Javelina Engineering Student Success Center	4376	MSC 155	Engineering Complex 114
Wayne H. King Chemical/Natural Gas Engineering	2002	MSC 193	Engineering Complex 303
Electrical Engineering & Computer Science	2004	MSC 192	Engineering Complex 207
Environmental Engineering	4330	MSC 213	Engineering Complex 376
Civil & Architectural Engineering	2266	MSC 194	Engineering Complex 376
Industrial Management & Technology	2608	MSC 203	Gross Industry and Technology Building 100
Mechanical/Industrial Engineering	2003	MSC 191	Engineering Complex 303
Enrollment Management	4060	MSC 227	MSUB 301
Facilities, Planning, Construction, and Safety	2645	MSC 111	Support Services Building 103
Financial Aid	3911	MSC 115	Memorial Student Union 100
Finance/CFO	2410	MSC 144	College Hall 206
Financial Services	2410	MSC 144	College Hall 111
Graduate Studies, College of	2808	MSC 118	College Hall 150
Assistant Vice President/Dean	2808	MSC 118	College Hall 152
Associate Dean	4763	MSC 118	College Hall 153
Honors College	4410	MSC 217	Mesquite Village West 104
ID Center	2243	MSC 135	Memorial Student Union 216
International Student & Scholar Services	3317	MSC 176	Cousins Hall 113 A
International Studies & Programs	3558	MSC 163	Cousins Hall 113 A
ITS/Information Technology Services	5002	MSC 185	College Hall 220
ITS HELP Desk	4357	MSC 185	Jernigan Library 1 st Floor
KTAI-FM Radio / Television Office	3489	MSC 178	Manning Hall 166
Marketing & Communications	3901	MSC 114	College Hall 130
Physical Plant	3312	MSC 142	Physical Plant
Post Office	2400	MSC 100	Memorial Student Union 100
President's Office	3207	MSC 101	College Hall 201
ROTC (Military Science)	3201	MSC 204	Karr-Veterans Memorial Hall
Registrar	2811	MSC 105	Memorial Student Union 132
Risk Management	2237	MSC 107	Lewis Hall 158
Scholarships- TAMUK	2479	MSC 128	Memorial Student Union 115
South Texan	3700	MSC 178	Manning Hall 165
SPEC (Steinke Physical Education Center)	2301	MSC 198	Steinke Physical Education Center 100
Cage/Court Reservations	2306	MSC 198	Steinke Physical Education Center 100
Pool	2306	MSC 198	Steinke Physical Education Center 100
Racquetball	2306	MSC 198	Steinke Physical Education Center 100
Bowling Alley	2306	MSC 198	Steinke Physical Education Center 100
Student Access	2129	MSC 181	College Hall 230
Educational Opportunity Center	4636	MSC 181	Eckhardt Hall 240
Ronald McNair Program	4589	MSC 181	College Hall 230
Student Support Services	4453	MSC 181	Eckhardt Hall 230
Upward Bound Math & Science	4451	MSC 181	Eckhardt Hall 215
Student Engagement and Campus Life	2760	MSC 133	Javelina Student Engagement Center 105
Assist. Director	2166	MSC 133	Javelina Student Engagement Center 103
Greek Life	2769	MSC 133	Javelina Student Engagement Center 102

Student Organizations & Parents Programming	4064	MSC 133	Javelina Student Engagement Center 106
International & Multicultural	2760	MSC 133	Javelina Student Engagement Center 101
Student Government Association	3610	MSC 122	Memorial Student Union Building 201
Student Health and Wellness	3991	MSC 112	Student Health and Wellness 118
Counseling	3991	MSC 112	Student Health and Wellness 107
Health Care Clinic	2904	MSC 112	Student Health and Wellness 133
Disability Resource Center	3024	MSC 112	Student Health and Wellness 102G
Wellness Program	3991	MSC 112	Student Health and Wellness 114
Student Shuttle Service	3606	MSC 122	Memorial Student Union Building 306
Student Success	3290	MSC 206	College Hall 230
Academic Advising	4202	MSC 206	Business Administration Building 116
Mentoring & Tutoring	5250	MSC 206	Jernigan Library 210
Pathways Academic Assistance Center	5223	MSC 206	Jernigan Library 210
UNIV Success	3290	MSC 206	Eckhardt Hall 124
Student Union	4173	MSC 135	Memorial Student Union Building
Director, Memorial Student Union	4036	MSC 135	Memorial Student Union Building 214
Business Coordinator	4091	MSC 135	Memorial Student Union Building 215
End User Support Specialist	5023	MSC 135	Memorial Student Union Building 213B
ID Center	2243	MSC 135	Memorial Student Union Building 213 A
Event Planning	4173	MSC 135	Memorial Student Union Building 212
University Switchboard	2111	MSC 135	Memorial Student Union Building 1 st fl.
TAMUK Game Room	3113	MSC 135	Memorial Student Union Building 1 st fl.
University Housing & Residence Life	3419	MSC 108	Lucio Hall 119
Director of Residence Life	4648	MSC 108	Lucio Hall 119
Director of Residence Life	4642	MSC 108	Lucio Hall 119
Associate Director of Residential Ed & LLC's	2723	MSC 108	Lucio Hall 119
Assistant Director of Lucio/Martin Halls	4570	MSC 108	Lucio Hall 119
Area Coordinator of Martin Hall	2076	MSC 108	Martin Hall
Assistant Director of T/B, MVW & Lynch	2391	MSC 108	MVW
Lucio Hall	4559	MSC 108	Lucio Hall Lobby
Lynch Hall	2577	MSC 108	Lync Hall Lobby
Martin Hall	3239	MSC 108	Martin Hall Lobby
Mesquite Village West	4569	MSC 108	Mesquite Village West Lobby
University Police Department	2611	MSC 126	Lewis Hall
Veterans Affairs Services	4421	MSC 133	Memorial Student Union Building 113

Referral Resources

Section 5: Referral Resources

Students who have questions or concerns are encouraged to seek out assistance from a variety of university offices and departments. If in doubt about where to go for assistance, contact the Office of the Dean of Students, located in the Memorial Student Union, room 306, ext. 3606, and they will direct you to the appropriate office. **All numbers are in the (361) area code, and begin with the 593 prefix unless otherwise noted.**

Expressed Concern	Referral Resources
Academic advising	Consult your academic advisor to make an appointment; Student Success Office, 3290
Activities on campus	Student Engagement and Campus Life, 2760; University Event Planning, 4173; Marketing and Communications, 3901
Alcohol and other drug abuse issues	Student Counseling Center, 5080; Student Health & Wellness, 3991; Alcoholics Anonymous, 592-5385; PDAP, 1-800-346-0380
Birth Control	Student Health & Wellness, 3991; Women's & Men's Health Services of the Coastal Bend, (361) 595-1875; Family Planning Clinic-Kingsville and Men's Health Center, (361) 595-1929
Career Information	Career Engagement, 2217; contact respective colleges
Change of Address	Registrar's Office, 2811; Post Office, 2400
Child care information	Marc Cisneros Center for Young Children (university child care), 2219
Clubs & organizations	Student Engagement and Campus Life, 2760; individual departments
Complaints/Grievances (refer to Grievance Policy in handbook)	Dean of Students Office/Office of Student Conduct and Community Standards, 3606
Coping with death of loved one	Student Counseling Center, 5080; Student Health & Wellness, 3991
Depression or suicide	Student Counseling Center, 5080; Student Health & Wellness, 3991; University Police Department, 2611
Disability concerns	Disability Resource Center, 3024; Compliance Office, 4758
Dropping/adding class	Consult with your academic advisor; Registrar's Office, 2811
Eating disorders	Student Counseling Center, 5080; Student Health & Wellness, 3991;
Employment, on campus	Career Engagement, 2217
Employment, off-campus	Career Engagement, 2217
Family concerns	Student Counseling Center, 5080; Student Health & Wellness, 3991; Title IX, 4761
Fee payments, refunds	Business Office, 3818;
Financial concerns	Financial Aid Office, 3911
Food Service concerns	Aramark Food Service, 3119; Residence Life, 3419
Health concerns	Student Health & Wellness, 3991
Homesickness	Student Counseling Center, 5080; Student Health & Wellness, 3991;
Housing concerns	Resident Advisor, Area Coordinator or Residence Life Office, 3419
Information and referral	Dean of Students, 3606;
International student admission/services	International Student and Scholar Services, 3317

Internships	Career Engagement, 2217; Your department or college
Interpersonal conflicts	Student Counseling Center, 5080; Student Health & Wellness, 3991; Dean of Students, 3606
Lost & Found	University Police Department, 2611
Major/career indecision	Career Engagement, 2217; Student Counseling Center, 5080; Office of the dean of the respective college
Marital/Premarital concerns	Student Counseling Center, 5080; Student Health & Wellness, 3991;
Math & test anxiety	Student Counseling Center, 5080; Student Health & Wellness, 3991; Pathways Academic Assistance Center (PAAC), 5250
Meeting facilities	University Event Planning Office, 4173
Mentoring	Student Success, 3290; Your academic department
Money management	Financial Aid, 3911 Special Programs, 2129;
Nontraditional students, services for	Student Success, 3290; Student Counseling Center, 5080; Student Health & Wellness, 3991; Continuing Education, 2861; Dean of Students, 3606; Special Programs, 2129
Parenting concerns	Dean of Students, 3606
Personal problems	Student Counseling Center, 5080; Student Health & Wellness, 3991;
Physical abuse	University Police Department, 2611; Title IX, 4761; Student Counseling Center, 5080; Student Health & Wellness, 3991; Title IX, 4761
Pregnancy issues and/or testing	Title IX, 4761; Student Counseling Center, 5080; Student Health & Wellness, 3991; Women's & Men's Health Services of the Coastal Bend (361) 595-1875; Family Planning Clinic-Kingsville and Men's Health Center (361) 595-1929
Rape/Sexual Assault	University Police Department, 2611; Student Health & Wellness, 3991; Title IX 4761; Student Counseling Center, 5080;
Relationship problems	Student Counseling Center, 5080; Student Health & Wellness, 3991;
Resume writing	Career Engagement, 2217
Roommate conflicts	Contact your Resident Advisor; Residence Life, 3419; Student Counseling Center, 5080;
Scholarships	Respective Academic Department, Financial Aid, 2887 National Scholarships Office (Honors College), 4410
Sexual/gender issues	Student Counseling Center, 5080; Student Health & Wellness, 3991; Title IX, 4761
Sexual harassment	Title IX, 4761; Student Counseling Center, 5080; Student Health & Wellness, 3991
Sexual misconduct	Title IX, 4761; University Police Department, 2611 Dean of Students, 3606;
Sexually transmitted diseases	Student Health & Wellness, 3991; Women's & Men's Health Services of the Coastal Bend (361) 595-1875; Texas Department of Health, 592-2693; Family Planning Clinic-Kingsville and Men's Health Center (361) 595-1929
Shuttle Service	Dean of Students Office, 3606
Spiritual concerns	Baptist Student Ministry, (361) 592-9335; Latter Day Saints, (361) 592-2062; St. Thomas Aquinas/Newman, (361) 221-1103
Stress and anxiety, coping	Student Counseling Center, 5080; Student Health & Wellness, 3991;
Study abroad	Office of Global Engagement, 3558
Study skills	Student Success, 3290; Student Counseling Center, 5080;

Time management	Student Success, 3290; Student Counseling Center, 5080;
Testing (SAT, GRE, etc.)	Testing Center, 3303
Tutoring	Pathways Academic Assistance Center (PAAC), 5250; Student Success, 3290; Consult with your department
Veterans	Military and Veteran Resource Center, 4421
Withdrawal from University (advice)	Registrar's Office, 2811; Consult with your academic advisor; Javelina Enrollment Services Center, 2811; University Housing and Residence Life, 3419; Student Health & Wellness, 3991; International Student and Scholar Services, 3984
Withdrawal from University (process)	Registrar's Office, 2811; other steps will be directed by the Registrar's Office
Weight control	Student Health & Wellness, 3991; Recreational Sports/Student Recreation Center, 3057
Women's issues	Student Health & Wellness, 3991; Student Counseling Center, 5080

Student Rights and Responsibilities

Section 6: Student Rights and Responsibilities

Student Rights

Students have the right to be respected. These rights include respect for personal feelings, freedom from indignity of any type, freedom from the control of any person except as may be in accord with published rules of the institution, and conditions allowing them to make the best use of their time and talents toward the objectives which brought them to the University. No officer or student, regardless of position or rank, will violate those rights; no customs, tradition, or rule will be allowed to prevail. (TAMUS System Rule 13.02 (Student Rights and Obligations, <https://policies.tamus.edu/13-02.pdf>). These student rights apply to all students regardless of the method or location of study.

- A student shall have the right to participate in a free exchange of ideas. In addition, no university rule, regulation, or administrative policy shall reduce the rights of freedom of speech, expression, petition, and peaceful assembly as outlined in the United States Constitution.
- Students shall be treated on an equal basis in all areas and activities of the university regardless of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, genetics, status as a disabled veteran or protected veteran, or any other legally prohibited basis.
- Students have the right to personal privacy except as otherwise provided by law, and this will be observed by students and university authorities alike.
- Each student shall be free from disciplinary action by university officials for violations of civil and criminal law off campus, except when such a violation also is determined to be a violation of the provision regarding off-campus conduct in the Student Code of Conduct and university policies.
- Each student subject to disciplinary action arising from violations of the Student Code of Conduct and university policies shall be assured procedural due process. At all judicial hearings, a respondent shall be assumed to be responsible until they are determined to be responsible by a hearing officer/panel. The burden of proof shall rest with those bringing the charges. In all proceedings, the student shall be guaranteed substantive and procedural due process.
- Students' academic rights include competent instruction for full-allotted time and sufficient assignments graded fairly and promptly to inform the student of academic standing. Admission to the university and any of its sponsored programs is open to all qualified individuals without regard to any subgroup classification or stereotype.

Student Responsibilities

Students are expected at all times 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 their time toward an education (Student Rights and Obligations, <https://policies.tamus.edu/13-02.pdf>). These student responsibilities apply to all students regardless of the method or location of study.

- A student has the responsibility to respect the rights and property of others, including other students, the faculty and the administration.
- A student has the responsibility to be fully acquainted with the published university policies and to comply with them and the

laws of the land.

- A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire university community.
- A student has the responsibility to recognize the university's obligation to provide an environment for learning.

Student Complaints (Grievances)

Students who have a question or concern about an issue are encouraged to discuss the matter with the individual or department overseeing that area. A student with an unresolved issue may opt to utilize the university's grievance process (refer to Student Grievance Procedures in this handbook or online at <https://www.tamuk.edu/dean/student-grievances.html>). Contact the Dean of Students Office, Room 301, Memorial Student Union, for assistance.

Address Updates

It is the student's responsibility to maintain an accurate and current local, permanent, and billing address on file with the Office of the Registrar at all times. A change of address form is available at this site: https://www.tamuk.edu/registrar/rgad_resources/Change-of-Address.html

Javelina Integrity Principles

Section 7: Javelina Integrity Principles

Texas A&M University-Kingsville is deeply committed to the development of its students and the promotion of personal integrity and self-responsibility in the campus culture. This university recognizes students as adults pursuing an education. Students are expected to perform satisfactorily and behave in a manner consistent with the lawful and educational purpose of the university. Because integrity is integral to the education process, promoting and protecting integrity is the responsibility of every member of the campus community.

Principles

Integrity is a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility. From these values flow the principles of behavior that enable academic communities to translate ideas into action.

- **Honesty**—TAMUK students adhere to a code of moral or artistic values; their uprightness of character or action implies a refusal to lie, steal, or deceive in any way.
- **Trust**—TAMUK students are of high moral character; their confidence lies in their strength and ability to always tell the truth.
- **Fairness**—TAMUK students are marked by impartiality and honesty; they are free from self-interest, prejudice, or favoritism and conform to University established rules.
- **Respect**—TAMUK students are considered worthy and in high regard.
- **Responsibility**—TAMUK students answer for their conduct and obligations.

Purpose

The purpose of the Integrity Principles at Texas A&M University-Kingsville is to create and maintain an environment in which academic integrity and the resulting behavior can flourish. The importance of honesty, trust, fairness, respect, and responsibility are articulated, affirming these values as a defining part of the Texas A&M University-Kingsville campus culture.

Student Code of Conduct

Section 8: Student Code of Conduct

Texas A&M University-Kingsville is deeply committed to the development of the student and the promotion of personal integrity and self-responsibility. The university recognizes the student as an adult pursuing an education. By enrolling at Texas A&M University-Kingsville, students become citizens of the community and are entitled to enjoy the privileges and assume the responsibilities and obligations associated with this affiliation. Just as a student does not lose citizenship rights upon enrolling at a university, the student also does not become immune to society's obligations and laws or to the responsibilities of daily living in a broader society. In general, the behavioral norms expected of a university student are those of common decency and decorum, recognition of and non-infringement upon the rights and property of others and of the university, honesty in academic work and all other activities, and observance of local, state, and federal laws

8.1 Administration of Student Code of Conduct

Authority for administering the disciplinary system is delegated by the President of the university to the Division of Student Affairs, specifically to the Director of Student Conduct and Community Standards in the Dean of Students Office. To promote fairness and consistency, the Director of Student Conduct and Community Standards in the Dean of Students Office oversees all disciplinary activities. The Office of the Student Conduct and Community Standards will determine which hearing officer, conduct board, or appellate board will be authorized to hear each matter. All academic and nonacademic disciplinary outcomes and/or sanctions imposed will be reported to the Office of the Student Conduct and Community Standards for record-keeping purposes.

Students are expected to comply with all federal, state, and local laws. Disciplinary procedures may be instituted against a student charged with conduct that potentially violates both the criminal law and this code without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. The principle also extends to conduct off campus, which is likely to harm the university or the educational process. Proceedings under this code may be carried out before, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Office of Student Conduct and Community Standards. Determinations made, or sanctions imposed under this student code shall not be subject to change because criminal charges arising out of the same facts giving rise to a violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

The procedures outlined in the Student Code of Conduct are intended to inform the involved parties of university procedures and aid the hearing officer, investigating authority, or disciplinary body in its efforts to ascertain the facts of a matter and reach a just decision. Circumstances can differ greatly in each case, and the presiding hearing officer or chair may need to modify procedures or rule on procedural matters to reach a just decision.

8.2 Student Responsibility

When students enter a university, they bring upon themselves certain responsibilities and obligations, including satisfactory academic performance and social behavior consistent with the educational purposes of the university. Student conduct, therefore, is not considered in isolation within the university community but as an integral part of the educational process. All students are expected to know and abide by the Student Code of Conduct and other policies and procedures published by the University. Each student is expected to be fully acquainted with all published university rules and procedures, copies of which are available online. The university will hold each student responsible for compliance with these published policies.

The official Texas A&M University-Kingsville Student Code of Conduct is located in this handbook.

8.3 Definitions

General definitions utilized in the Student Code of Conduct are below. Specific definitions pertaining to individual sections of the Student Code of Conduct are contained in the respective sections.

- a. **Advisor:** a student's representative at any informal or formal hearing. Unless otherwise stipulated in a hearing procedure, the advisor may not address any participants in the hearing, question witnesses or the hearing officer or participate in the hearing except to offer advice and counsel to the student. It is the student's responsibility to notify an advisor of hearing dates and times, as well as share any pertinent information regarding the case.
- b. **Appellant:** the person who has filed an appeal of an original disciplinary decision.
- c. **Business day:** any weekday when the university is open for business. Partial days are considered business days.
- d. **Faculty member:** the term refers to any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
- e. **Formal Hearing:** the opportunity to present and review relevant evidence before a disciplinary committee, designated hearing officer, or panel vested with the authority to conduct such hearings. The hearing is conducted in accordance with the university's established hearing procedures. Consult the appropriate section in this handbook for the specific hearing procedures.
- f. **Hearing Officer:** a university official who is authorized on a case-by-case basis by the Office of Student Conduct and Community Standards (for nonacademic violations) or the Dean of the College (for academic violations) to hear a case and impose sanctions upon any student(s) found to have violated the Student Code. It may include but is not limited to an administrator, faculty member, staff member, graduate assistant, or residence hall professional staff member.
- g. **Informal resolution hearing:** a meeting with a university official to discuss a disciplinary matter. The student is informed of the charges, due process rights, the evidence available, an opportunity to respond to the charges, and, if applicable, the selection of the method of disposition of the case.
- h. **Notice/notification:** correspondence sent by mail (addressed to the addressee at the local address as shown on university records or personally delivered to the addressee), verbal notification, or electronic mail.
- i. **Preponderance of evidence:** the standard used to determine the merits of the allegation(s); i.e., more likely than not.
- j. **Recognized Student Organization:** student groups who have complied with the formal requirements for university recognition, and are therefore eligible to use the university facilities and apply for Student Service Fee Organization funding.
- k. **Non-recognized student organization:** a student group that has not completed the formal requirements for recognition under Student Engagement guidelines.
- l. **Senior Student Affairs Officer:** the senior administrator overseeing Student Affairs. At the time of publication, the title of the senior student affairs officer is The Vice President of Student Affairs and Community Relations.
- m. **Student:** includes anyone taking courses at or from the university, both full- and part-time, and between terms. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the university, or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University housing, although not enrolled in this institution. This also includes individuals who have been awarded a degree and later found to have obtained it through fraud, misrepresentation, or other violations of University standards. Students involved in study abroad are also subject to this code and the Study Abroad

Student Code of Conduct for Texas A&M University-Kingsville International Studies Programs.

- n. **University:** means the physical Texas A&M University-Kingsville campus and all other off-campus locations where Texas A&M University-Kingsville classes are taught. The Student Code of Conduct applies to all locations of the University, including online instruction and all other off-campus locations where classes are taught.
- o. **University premises:** include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (i.e., such as during university-sanctioned events off campus).
- p. **Will/Shall** are used in the imperative.

8.4 Communication Pertaining to the Student Code of Conduct

Written notice of charges may be presented in person, via e-mail, or by mail to the respondent's local address on file with the university. Notification of results will be made via electronic mail or via physical mail.

Failure to read electronic mail shall not invalidate notice of charges or notification of disciplinary action results. It is the student's responsibility to regularly check their university-provided e-mail account.

8.5 Student Amnesty

8.5 A. Amnesty relating to sexual harassment and/or sex-based misconduct.

Texas A&M University- Kingsville will "not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking [as defined in System Regulation 08.01.01, Civil Rights Compliance], for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any." (Texas Education Code Sec. 51.284).

This amnesty does not apply in situations where:

- a. A student "reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking" [as defined in System Regulation 08.01.01]; or
- b. A student's behavior occurring near or at the time of the incident could result in a suspension or expulsion from the university. For the purposes of this rule, suspension or expulsion may be possible outcomes when the student's behavior:
 - Threatens or endangers the physical or mental health and/or safety of other individuals;
 - Causes significant property damage or loss;
 - Causes a significant burden on the university and/or community members to repair the harm caused by the behavior;
 - Would cause a reasonable person similarly situated to fear for their safety or suffer substantial emotional distress;
 - Causes significant disruption that limits others' ability to access the academic, co-curricular, or work environment;
 - or
 - Has demonstrated a pattern of failure to comply with university behavioral expectations;

The Office of Student Conduct and Community Standards "may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith" (Texas Education Code Sec. 51.284(b)). A

determination by the person responsible for oversight of the student conduct processes that a student is entitled to amnesty is final and may not be revoked. All questions of implementation of this amnesty rule are subject to the decision of the Associate Vice President for Student Affairs or designee responsible for oversight of the student conduct processes.

8.5.b: Amnesty pertaining to alcohol and other drugs.

A student who calls 9-1-1 or takes an individual to receive emergency treatment for possible alcohol and/or drug overdose will not be charged under this code for possession or use of alcohol or other drugs. This amnesty only applies if:

- a. The student stays with the individual needing treatment until emergency services arrive;
- b. The student takes reasonable measures to assist the individual needing treatment; and
- c. The student is cooperative with emergency services and university processes.

8.6 Right of Due Process

A student or student organization alleged to have engaged in misconduct shall have the right of due process and appeal as outlined in this code. Students may opt to have only an informational hearing with the original hearing officer by waiving their rights to a formal hearing with the University Disciplinary Committee or other hearing officers/board. Except in the case of the *immediate interim suspension* of a student for exigent circumstances and adjudication of the *Sex-Based Misconduct Policy*, these rights include:

- a. A written copy of the charge(s). Notification must be at least three business days before any hearing may proceed.
- b. A fair and impartial hearing.
- c. Reasonable access to review the case file, which shall be maintained by the university official adjudicating the matter (i.e., hearing officer/College Dean /Director of Student Conduct and Community Standards).
- d. Present evidence and witnesses on his/her behalf.
- e. Be accompanied at a hearing by an advisor of his/her choice. Unless otherwise stipulated in the hearing procedure, the advisor cannot actively participate in the hearing or ask questions of the witnesses or the hearing/investigative body. The advisor's role is to advise the student and observe the proceedings.
- f. Be present at the hearing during the presentation of any evidence or material on which the decision will be made. If the student fails to attend the scheduled hearing, the hearing will be held in the student's absence.
- g. Request an electronic recording of the hearing in advance, solely for use by an appeal officer when deciding on an appeal. The recording is the property of the University.
- h. Refuse to answer any question or to make a statement without inference of guilt. However, the hearing officer/body will decide based on the evidence available at the time of the hearing.
- i. Ask questions of anyone presenting oral testimony during a hearing relating to the incident. See specific information regarding oral testimony in a hearing related to cases of sexual harassment and/or sex-based misconduct (i.e. sexual harassment, sexual assault, sexual violence cases, etc.) in a different section of this handbook.
- j. Right to a written notice on the findings of the investigation and/or hearing, an explanation of the decision, any sanctions assessed, if applicable, and the next level of appeal.
- k. Right to appeal the decision through the appropriate panel or administrative officer within three business days of notification of the decision as stipulated in a notice of decision/sanction document.

8.7 Status of Students During Charges and/or Appeals

Pending final action on an academic or nonacademic misconduct charge or appeal of disciplinary action, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following: 1) when the university has imposed *immediate interim suspension* action; 2) when a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction; 3) when interim measures or restrictions are taken during a Title IX investigation and/or code of conduct disciplinary process when it is determined that they are necessary and appropriate to the safety of the community, and/or to protect the integrity of the complaint/investigation process; or 4) to assist with maintaining order on campus in incidents involving serious cases of class /facility disruptions, physical altercations or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.

8.8 Student Records

Outcomes of all disciplinary proceedings administered under the Code of Conduct become part of the student's educational record. Student disciplinary records are normally maintained for at least five years from the date of the student's last enrollment date. Student disciplinary records may be retained for as long as deemed administratively valuable or permanently if the student was suspended or blocked from enrollment. Expulsion records are kept permanently.

Prohibited Conduct

Section 9: Prohibited Conduct

Each student shall be responsible for his/her conduct from the time of acceptance of admission through the actual awarding of a degree, even though the conduct may occur before classes begin or after classes end, as well as during the academic year and periods between terms of enrollment (even if his/her conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Disciplinary action may be initiated by the University and sanctions imposed against any student or student organization found responsible for committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of misconduct.

The following constitute examples of infractions for which students are subject to disciplinary action. This list is not designed to be all-inclusive. Other resources of university policies are in the *University Catalog*, *Student Organization Handbook*, *Residence Hall Agreement*, and *Residence Life Guidebook*. The university reserves the right to amend its rules and to make such amendments effective immediately upon appropriate public notification of students. The most current version may be found online at the Student Handbook website: http://www.tamuk.edu/dean/dean_files/studenthandbook.pdf.

100 Academic Policies	
101	Plagiarism
102	Cheating
103	Fabrication
104	Multiple submissions
105	Bribery
106	Aid of academic dishonesty
107	Failure to follow published academic guidelines or course syllabi
108	Unauthorized use or possession of educational materials
109	Failure to follow instructions in an academic setting
110	Falsification of transcript or academic records
200 Non-academic Policies	
201	Fraudulent activity
202	Harassment
203	Sexual harassment and/or sex-based misconduct
204	Theft of property or services
205	University hazing policy
206	Failure to comply
207	Unauthorized tampering, possession, or use of university-owned or controlled equipment
208	Conduct that could be interpreted as a violation of federal, state, or local law

209	Violation of other published university policies
210	Manufacturing, possessing, selling, or control of illegal drugs, controlled substances, or drug paraphernalia
211	Drinking or possessing alcohol in public areas or consumption or possession by a minor
212	Possession of illegal or unauthorized weapons or illegal or unauthorized weapons in prohibited places
213	Disorderly conduct or disruptive activities
214	Assault, threat or abuse
215	Damaging, destroying, defacing, misusing or littering of university or vendor
216	Unauthorized use/misuse of electronic devices
217	Breaching campus safety or security
218	Complicity/shared responsibility
219	Gambling on university property
220	Computer security/misuse of information technology resources
221	Abuse of the disciplinary process
222	Violation of university guidelines on bicycles, roller blades, skate boards and motorcycles
223	Trespassing
224	Retaliation
225	Violation of campus dining facility rules/meal plan use guidelines
300 Residence Hall Policies	
301	Failure to comply with oral or written instructions of residence hall staff and/or university officials
302	Violation of university housing health and safety regulations
303	Damages to residence hall facilities
304	Violation of overnight guest rules
305	Tampering with residence hall facilities
306	Excessive noise and/or violation of quiet hours

The following are intended as statements of general principles and are not all-inclusive.

Academic Policies

100 Academic Misconduct

101 Plagiarism:

Portrayal of another's work or ideas as one's own.

102 Cheating:

Using unauthorized notes or study aids; allowing another party to do one's work/exam and turning in that work/exam as one's own; getting help from another party without the instructor's consent; submitting the same or similar work in more than one course without permission from the course instructors.

103 Fabrication:

Falsification or creation of data, research, or resources, invention of any information or citation, or altering a graded work without the prior consent of the course instructor, including deliberate falsification with the intent to deceive in written or verbal form as it applies to an academic submission.

104 Multiple Submissions:

The submission of substantial portions of the same assignment for credit more than once without the prior permission of all involved faculty members.

105 Bribery:

Providing, offering, or taking rewards in exchange for a grade, an assignment, or the aid of academic dishonesty.

106 Aid of Academic Dishonesty:

Intentionally facilitating any act of academic dishonesty.

107 Failure to Follow Published Academic Guidelines or Course Syllabi:

Failure to follow published academic departmental guidelines, professor's syllabi, and other posted academic policies in place for the orderly and efficient instruction of classes, labs, and use of academic resources and equipment.

108 Unauthorized Use or Possession of Educational Materials:

Unauthorized possession of examinations, reserved library materials, laboratory materials, or other course-related materials.

109 Failure to Follow Instructions in an Academic Setting:

Failure to follow the instructor or proctor's test-taking instructions, including but not limited to not setting aside notes, books, or study guides while the test is in progress, failing to sit in designated locations, and/or leaving the classroom/ test site without permission during a test.

110 Falsification of Transcript or Academic Records:

Falsification of student transcript or other academic records; or unauthorized access to academic computer records.

Non-academic Policies**200 Non-Academic Policies****201 Fraudulent activity:**

Furnishing false information to any university official, staff, faculty member, or office in oral, electronic, or written form to access university facilities, obtain services, or meet administrative requirements, i.e., providing fraudulent documents; attempting to use an ID Card that is not in his/her name; using a parking permit that is fake or has been altered.

202 Harassment (Non-Title IX or Non-Sex-based Misconduct)

202 a. Harassment - Verbal Abuse or Hostile Behavior (Non-Title IX or Non-Sex-based Misconduct): Conduct by any means with intent to harass, alarm, abuse, torment, intimidate, bully, or embarrass another and would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature, and include only one instance to be considered harassing. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures. Verbal abuse or hostile behavior, including but not limited to name-calling, threats, intimidation, harassment, coercion, and/or other conduct that threatens, degrades, or endangers the health or safety of another person or group of persons. This may include comments distributed via or published on the internet and other forms of social media.

202 b. Harassment - Verbal Communication (Non-Title IX or Non-Sex-based Misconduct): Conduct by any means with intent to harass, alarm, abuse, torment, intimidate, bully, or embarrass another and would cause a

reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature, and include only one instance to be considered harassing. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures. Communication verbally, by telephone whether or not conversation occurs, in writing, or by electronic communication that makes a comment, request, suggestion, or proposal that is obscene.

202 c. Harassment - Conduct Intended to Harass, Alarm, Abuse, Torment, Intimidate, Bully, or Embarrass (Non-Title IX or Non-Sex-based Misconduct): Conduct by any means with intent to harass, alarm, abuse, torment, intimidate, bully or embarrass another and would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature, and include only one instance to be considered harassing. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures. Communication verbally, by telephone whether or not conversation occurs, in writing or by electronic communication in a manner that threatens to inflict bodily injury on the person, or to commit a felony against the person, a member of his/her family, household, or property and is reasonably likely to cause alarm to the person receiving the threat.

202 d. Harassment - Nuisance or Repetitive Calls (Non-Title IX or Non-Sex-based Misconduct): Conduct by any means with intent to harass, alarm, abuse, torment, intimidate, bully, or embarrass another and would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature, and include only one instance to be considered harassing. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures. Nuisance phone calls, including causing the phone to ring repeatedly or making repeated telephone communications anonymously or in a manner that is likely to annoy, alarm, abuse, torment, embarrass, or offend another.

202 e. Harassment - Repetitive Electronic Communication (Non-Title IX or Non-Sex-based Misconduct): Conduct by any means with intent to harass, alarm, abuse, torment, intimidate, bully, or embarrass another and would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature, and include only one instance to be considered harassing. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures. Sending electronic communications in a manner that is reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

202 f. Harassment - Stalking (Non-Title IX or Non-Sex-based Misconduct): Conduct by any means with intent to harass, alarm, abuse, torment, intimidate, bully, or embarrass another and would cause a reasonable person substantial emotional distress and undermine his or her ability to work, study, learn or participate in regular life or university activities. Harassing conduct may be verbal, written, visual, electronic, or physical in nature, and include only one instance to be considered harassing. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures. Stalking: Following, placing under surveillance, or contacting without consent to harass or intimidate.

203 Sexual Misconduct

203 a. Sexual Misconduct - Sexual Harassment: Sexual harassment is a form of sex discrimination. Unwelcome conduct based on sex (of a sexual nature or otherwise): (1) by an employee of the member who conditions the provision of 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.

203 b. Sex-based Misconduct - unwelcome conduct based on sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under this regulation. Aiding another in the commission of sex-based misconduct is also prohibited under this regulation. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex.

203 c. Sexual Misconduct – Sexual Assault: 203 c. Sexual Assault - an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as:

- a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b. Fondling: The touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Sexual assault is explicitly prohibited under this regulation.
- e. Aiding another in the commission of sexual assault is also prohibited. Sexual assault is a form of sexual harassment or sex-based misconduct.

203 d. Sexual Misconduct – 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 this definition:
 - i. Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence. [34 U.S.C. 12291(a)(10)]
- c. Dating violence is explicitly prohibited. Aiding another in the commission of dating violence is also prohibited. Dating violence is a form of sexual harassment or sex-based misconduct.

203 e. Sexual 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)]
- f. Domestic violence is explicitly prohibited. Aiding another in the commission of domestic violence is also prohibited. Domestic violence is a form of sexual harassment or sex-based misconduct.

203 f. Sexual Misconduct – Stalking: 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.
- c. For 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. A reasonable person means a 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, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]
- d. Stalking is explicitly prohibited. Aiding another in the commission of stalking is also prohibited. Stalking based on sex is a form of sexual harassment or sex-based misconduct

203 g. Retaliation - intimidation, threats, coercion, or discrimination against any individual to interfere with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, filed a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by Section 2.1 of System Regulation 08.01.01, Civil Rights Compliance (System Regulation). In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited. Aiding another in the commission of retaliation is also prohibited.

- a. Retaliatory action of any kind is prohibited when taken against a complainant, witness or other person participating in a discrimination investigation, complaint, hearing or lawsuit. Such retaliatory action(s) will be regarded as a separate and distinct cause for complaint and possible disciplinary action, including dismissal and/or expulsion. Prohibited conduct includes, but is not limited to, retaliation

against an employee or student who opposes a discriminatory practice, makes a complaint, or files a charge. For a list of additional prohibited conduct, see Section 2.11 of the System Regulation.

203 h. Quid Pro Quo Sexual Harassment - “this” for “that”; i.e., unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action. Quid pro quo sexual harassment is explicitly prohibited. Aiding another in the commission of quid pro quo sexual harassment is also prohibited.

203 i. Sexual Misconduct – Sexual Exploitation: a situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her 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.

204 Theft of Property or Services

204 a. Theft of Property or Services - Taking, Attempting to Take, or Keeping Items Not Legally Yours: Theft of property or services on university property or at university-sponsored activities. Taking, attempting to take, or keeping in his or her possession items not legally his or hers, including but not limited to University property, or items belonging to students, faculty, staff, student groups, university vendors contractors, or visitors to the campus, without proper authorization.

204 b. Theft of Property or Services - Unauthorized or Fraudulent Activities: Theft of property or services on university property or at university-sponsored activities. Unauthorized or fraudulent activities that result in unauthorized charges to the university or another’s billing account.

204 c. Theft of Property or Services - Possession or Resell of Stolen Property: Theft of property or services on university property or at university-sponsored activities. Knowingly possessing stolen property or reselling stolen property constitutes theft or being an accessory to theft, and is therefore a violation of this provision.

205 Violation(s) of University Hazing Policy:

Engaging in hazing or voluntarily submitting to hazing. Hazing is any act directed against a student by another student or group of students if the intent or effect of these actions would be to intimidate or submit the student to indignity or humiliation, which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization (Refer to Hazing Policy).

206 Failure to Comply with Proper and Lawful Directions:

Failure to comply with the proper and lawful directions of a university official (including resident advisors) in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

207 Tampering, Possession or Use of University Equipment, Keys, or Property:

Unauthorized tampering, possession, or use of university-owned or controlled equipment, including but not limited to university keys, university furnishings, and equipment.

208 Conduct Viewed as Possible Violations of Federal, State, or Local Law:

Conduct that could be interpreted as a violation of federal, state, or local law while off campus, on university premises, or at university-sponsored or supervised activities.

209 Violation Other Published University Policies:

Violation of published university policies in hard copy or available electronically on the university website/portal, including but not limited to, the student handbook, university catalog, residence hall policies, parking and traffic regulations, individual departmental policies, and student organization policies.

210 Manufacturing, Possessing, Selling, or Control of Illegal Drugs, Controlled Substances, or Drug Paraphernalia:

Manufacturing, possessing, having under control, selling, transmitting, using, or being a party to illegal drugs, drug paraphernalia, and/or controlled substances on university premises or at any university-sponsored activity.

211 Drinking or Possessing Alcohol in Public Areas or Consumption or Possession by a Minor:

Drinking or possessing any alcoholic beverage in public areas of campus, possession and/or consumption by a minor, and other violations of university, local, state, or federal rules of alcohol.

212 Possession of Illegal or Unauthorized Weapons or Illegal or Unauthorized Weapons in Prohibited Places:

Illegal or unauthorized possession or use of firearms, bullets, fireworks, explosives, knives, other weapons, or dangerous chemicals on university premises, or any items that could be used as weapons or resemble weapons on the University campus as specified by federal, state, local law and/or TAMUK rules/procedures. (Refer to Weapons Policy)

213 Disorderly Conduct or Disruptive Activity**213 a. Disorderly Conduct or Disruptive Activity - Classroom Disruption:**

Classroom disruption: Prevention of the convening, continuation, or orderly conduct of any class, lab, or class activity. Engaging in conduct that interferes with or disrupts university teaching, research, or class activities such as but not limited to 1) making loud and distracting noises; 2) repeatedly answering cell phones/text messaging or allowing pagers or phones to beep or play ring tones; 3) Unauthorized use of any technology or electronics; 4) exhibiting erratic or irrational behavior; 5) persisting in speaking without being recognized; 6) repeatedly leaving and entering the classroom or test site without authorization; 7). Persistence in ignoring instructions or failing to follow written class rules/lab procedures; 8). Blocking an entryway; 9). Using profane, intimidating, or abusive language; 10). Repeatedly interrupting other's speech; and 11) making physical threats, verbal insults, or intimidating remarks to the faculty member, or other students and staff.

213 b. Disorderly Conduct or Disruptive Activity - Disruption of Business Activities:

Disruption of business activity: Disorderly conduct that disrupts or impairs the business operation of the university or that interferes with any university-owned or controlled property, including buildings and parking lots, is prohibited. Disorderly conduct on university premises is defined as using abusive, indecent, profane, or vulgar language; making offensive gestures or displays; abusing or threatening a person in an offensive manner; blocking the access or egress to and from buildings, disrupting the flow of traffic and/or creating or causing unusually loud and disturbing noises.

213 c. Disorderly Conduct or Disruptive Activity - Obstruction or Restraining Passage of Others:

Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the university.

213 d. Disorderly Conduct or Disruptive Activity Seizing - Control of Buildings or Portions of Buildings:

Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity.

213 e. Disorderly Conduct or Disruptive Activity - Preventing or Attempting to Prevent an Authorized Assembly:

Preventing or attempting to prevent by force or violence or threat of force or violence any lawful assembly authorized by the administration.

213 f. Disorderly Conduct or Disruptive Activity - Disrupting a Lawful Assembly:

Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.

213 g. Disorderly Conduct or Disruptive Activity Obstructing or Restraining Passage of Any Person:

Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without authorization of the administration.

214 Assault, Threat, and Abuse

214 a. Assault, Threat, and Abuse - Intentionally, Knowingly, or Recklessly Causing Bodily Injury:

Intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another when he/she knew or should have reasonably believed that the contact would be offensive or provocative. Jokes and other comments interpreted as threats are taken seriously and acted upon to the full extent of the university's procedures.

214 b. Assault, Threat, and Abuse - Threat or Declaration to Inflict Pain:

Threat: a declaration of an intention to inflict pain, injury, damage, or other hostile action.

214 c. Assault, Threat, and Abuse - Aggravated Assault Exhibition of a Weapon:

Aggravated assault: The use or exhibition of a deadly weapon and/or causing serious bodily injury during an assault.

215 Damaging, Destroying, Defacing, Misusing or Littering of University or Vender Property:

Damaging, destroying, defacing, misusing, or littering any property of the university or university vendor, of another institution, or another person on university premises or at university-sponsored activities.

216 Unauthorized or Prohibited Use of Electronic Devices:

Cellular phones, pagers, and other electronic devices shall not be used in a manner that disrupts the classroom, library, or any university-owned or university-operated facilities. This includes abuse of cellular devices with photographic capabilities. Utilizing these devices for photographing test questions or other forms of academic misconduct or illegal activity is prohibited, as is photographing individuals in secured areas such as, but not limited to, lavatories or locker rooms. Taking photographs of any individual against their will is strictly prohibited.

217: Breaching Campus Safety or Security

217 a. Breaching Campus Safety or Security - Forcible or Unauthorized Entry or Access:

Breaching campus safety or security, Forcible or unauthorized entry /access to any university or university-related building, structure, construction site, or facility gained by opening windows, tampering with door locks or locking mechanisms, or scaling walls, roofs, fences or gates; or entering secured buildings after the end of normal business hours without authorization.

217 b. Breaching Campus Safety or Security - Tampering or Damaging Locks, Security Cameras, Card

Readers:

Breaching campus safety or security, Tampering/damaging door locks, security cameras and/or card access readers, elevator controls and/or equipment, and other devices in place for building security.

217 c. Breaching Campus Safety or Security - Unauthorized Duplicating or Use of University Keys:

Breaching campus safety or security, Unauthorized duplicating and/or use of university keys; unauthorized propping of exterior university doors.

217 d. Breaching Campus Safety or Security - Placement of Equipment, Vehicles, or Bicycles as a means to Obstruct:

Breaching campus safety or security, the placement of equipment or vehicles (including bicycles) to obstruct the means of access to/from university buildings thereby endangering life and safety.

217 e. Breaching Campus Safety or Security - Creating or Contributing to a Fire Emergency:

Breaching campus safety or security, Creating or contributing to a fire emergency, safety infraction, or other health hazard through unsafe actions and/or violation of fire/safety rules.

217 f. Breaching Campus Safety or Security - Failing to Comply with Fire Drill, Fire Alarm, or Emergency Evacuations:

Breaching campus safety or security, failing to comply with fire drills, fire alarms, emergency evacuations, shelter-in-place or building lockdown instructions, and/or university emergency response procedures.

217 g. Breaching Campus Safety or Security - Initiating or Causing False Report or Unsafe Act:

Breaching campus safety or security, Initiating or causing to be initiated by false report or unsafe act, a warning, threat of fire, explosion, or other emergency on university premises or at university-sponsored activities resulting in injury, damage to property, or expenditure of emergency response resources.

217 h. Breaching Campus Safety or Security - Tampering with or Vandalizing Fire or Safety Equipment:

Breaching campus safety or security, tampering with or vandalizing fire/safety equipment including but not limited to fire extinguishers, fire alarms, exit signs, sprinkler systems, card access readers, surveillance cameras, emergency notification equipment, or any other safety device.

217 i. Breaching Campus Safety or Security - Obstruction of Free Flow of Pedestrian or Vehicular Traffic:

Breaching campus safety or security, Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored events.

218: Complicity/Shared Responsibility

218 a. Complicity/Shared Responsibility - Attempting or Assisting to Commit Acts Prohibited by the Student Code of Conduct:

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to violate the Student Code of Conduct. Attempting or assisting to commit any act prohibited in this code shall be considered a completed violation.

218 b. Complicity/Shared Responsibility - Complicity or Knowledge of Another Committing or Attempting to Commit an Act Prohibited by the Student Code of Conduct:

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to violate the Student Code of Conduct. Complicity: A student who knows another committing

or attempting to commit an infraction of the Student Code of Conduct is required to remove him or herself from the situation and report it. Failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

218 c. Complicity/Shared Responsibility - Shared Responsibility of Individuals Present During the Commission of or Attempted Commission of an Act Prohibited by the Student Code of Conduct:

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to violate the Student Code of Conduct. Shared Responsibility: an individual present during an infraction of the code of conduct may have the charge reduced to shared responsibility, only if the student was reasonably unaware that a policy violation was taking place. Shared responsibility will be allowed only one time while the student attends TAMUK. The sanction for shared responsibility is a warning. Any subsequent sanction violation that would have been eligible for Shared Responsibility will be charged as a full violation of the code.

219 Gambling:

Illegal gambling on university property or at any university-sponsored activity is prohibited.

220 Computer Security/Misuse of Information Technology Resources:

Computer security/misuse of information technology resources, misuse of any computer, networking device, telephone, copier, printer, fax machine, or other university information technology resource, and other violations of the university's *Computer Use Policy*. All students are granted permission to use the computing resources of TAMUK. The university has specific policies that govern the use of electronic network facilities such as local area networks, the Internet, and computer labs. Upon misuse of the computing facilities at TAMUK, the university reserves the right to deny future computing privileges to the individual on all university-owned computing resources. Misuse of university information technology resources will result in restitution charges for the service received, damage incurred, and any associated costs. In addition, students found to violate this section will be subject to other disciplinary action.

221: Abuse of the Disciplinary Process

221 a. Abuse of the Disciplinary Process - Failure to Obey a Summons:

Abuse of the disciplinary process. Failure to obey the summons of a disciplinary body or university official to appear for a required meeting.

221 b. Abuse of the Disciplinary Process - Falsification, Distortion or Misrepresentation of Information:

Abuse of the disciplinary process. Falsification, distortion, or misrepresentation of information before a disciplinary body or university official.

221 c. Abuse of the Disciplinary Process - Disruption or Interference of a Disciplinary Proceeding:

Abuse of the disciplinary process. Disruption or interference with the orderly conduct of a disciplinary proceeding.

221 d. Abuse of the Disciplinary Process - Failure to Comply with Sanctions:

Abuse of the disciplinary process. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.

221 e. Abuse of the Disciplinary Process - Failure to Comply with Interim Measures:

Abuse of the disciplinary process. Failure to comply with the terms of interim measures put in place pending completion of an investigation and final resolution of a complaint.

221 f. Abuse of the Disciplinary Process - Instituting a Conduct Proceeding in Bad Faith:

Abuse of the disciplinary process. Instituting a code of conduct proceeding in bad faith.

221 g. Abuse of the Disciplinary Process - Attempted Discouragement of Participation:

Abuse of the disciplinary process. Attempting to discourage an individual's proper participation in or use of, the student conduct system.

221 h. Abuse of the Disciplinary Process - Harassment or Intimidation of Hearing Personnel or Investigators:

Abuse of the disciplinary process. Harassment (verbal, physical, or through use of technology) and/or intimidation of a hearing officer/investigative authority or a member of a hearing board before, during, and/or after a student conduct proceeding.

221 i. Abuse of the Disciplinary Process - Verbal, Physical or Technological Harassment, Intimidation, and/or Retaliation Against a Person Participating in an Investigation and/or Adjudication:

Abuse of the disciplinary process. Verbal, physical, or technological harassment, intimidation, and/or retaliation against a person participating in investigation and/or adjudication proceedings as a complainant, respondent, witness, hearing officer, hearing board member, investigative authority, and other staff for exercising their rights under the student code of conduct or performance of their duties, before, during or after the matter is finalized. This includes retaliation by a person involved in the case or a third party acting on their behalf.

221 j. Abuse of the Disciplinary Process Influencing or Attempting to Influence Another to Abuse of the Student Code of Conduct System:

Abuse of the disciplinary process. Influencing or attempting to influence another person to commit an abuse of the student code of conduct system.

222 Violation of University Guidelines on Bicycles, Roller Blades, Skate Boards and Motorcycles:

Riding bicycles, rollerblades, or skateboards in buildings or left in hallways, staircases, or lounges; unsafe or mischievous cycling, skateboarding, or rollerblading on campus is prohibited. Refer to the Policies & Procedures section in this handbook for additional information.

223 Trespassing:

Knowingly entering or remaining in or on university premises or any portion thereof after being notified of the exclusion from all or a portion of the university premises.

224 Retaliation:

Subjecting an individual or individuals to adverse action for participating in a complaint investigative, disciplinary process, or other protected activity.

225 Violation of Campus Dining Facility Rules/Meal Plan Use Guidelines:

Violation of campus dining facility rules/meal plan use guidelines to include but not limited to the following: 1) improper use or loaning of the ID/meal card; 2) unauthorized removal of food items, beverages, dishes, utensils, etc. from the dining area; 3) failure to wear shoes, shirts and other appropriate clothing in the dining area; 4) failure to properly bus/dispose of dishes, eating utensils and leftover food to the appropriate area; 5) conduct that is disorderly, disturbing the peace and/or disrupting the food service operations.

Residence Hall Policies

Students residing in the residence halls and visitors to the halls are responsible for abiding by the residence hall rules stated in the *University Catalog (graduate or undergraduate)*, *Residence Hall Agreement*, *Residence Life Guidebook*, this publication, and the residence life website <http://www.tamuk.edu/housing/>. In addition to the regulations stated herein, each hall may also have its own set of specific community rules. Violations of residence hall rules will be adjudicated under the *Student Code of Conduct* as nonacademic misconduct in addition to other action that may be taken by law enforcement authorities. Some infractions of hall rules will result in a fine or community billing as determined by University Housing and Residence Life guidelines.

300 Violation of Residence Hall Policies

301 Failure to Comply with Oral or Written Instructions of Residence Hall Staff and/or University Officials:

Violation of a residence hall policy stated in the University Catalog, Residence Hall Agreement, Residence Life Guidebook, this publication, the residence life website <https://www.tamuk.edu/housing/>, or a hall's specific community rules. a. Failure to comply with the oral or written instructions of residence hall staff members and/or other university officials acting in the performance of their duties. This includes but is not limited to 1) Refusal to present personal identification upon request, 2) Failure to respond to a summons to report to an administrative office, 3) Requests to disperse due to excessive noise or disorderly conduct, 4) Requests to evacuate during a fire alarm or other emergencies. 5) General behavior by a student over a time, which is indicative that the student is unwilling to observe university hall rules, or respond to disciplinary counseling, will result in severe disciplinary action.

302 Violation of University Housing Health and Safety Regulations:

Violation of a residence hall policy stated in the University Catalog, Residence Hall Agreement, Residence Life Guidebook, this publication, the residence life website <https://www.tamuk.edu/housing/>, or a hall's specific community rules. b. Violation of university housing health and safety regulations, including but not limited to 1) violation of the no pet rules; 2) unauthorized cooking in the student rooms; 3) the use of candles, incense, extension cords, or highly flammable items is prohibited; 4) possession of unapproved electrical appliances is prohibited; 5) Parking bicycles in a manner that blocks walkways, public areas, breezeways, stairwells or room doors is prohibited; 6) Throwing items outside from the hall windows is not permitted. Prohibited items are subject to confiscation.

303 Damages to Residence Hall Facilities:

Violation of a residence hall policy stated in the University Catalog, Residence Hall Agreement, Residence Life Guidebook, this publication, the residence life website <https://www.tamuk.edu/housing/>, or a hall's specific community rules. c. Damages to residence hall facilities including but are not limited to 1) unauthorized alteration of any residence hall space, room furnishing, or university property; 2) damages caused by the use of tacks, nails, paint, and other activities. 3) activities that result in excessive housekeeping beyond the normal daily routine (i.e., cleaning food, shaving cream, trash, vomit, broken glass, etc.). Students will be billed for any loss or damage caused by their actions and /or that of their guests as a result of their careless, accidental, or intentional conduct.

304 Violation of Overnight Guest Rules:

Violation of a residence hall policy stated in the University Catalog, Residence Hall Agreement, Residence Life Guidebook, this publication, the residence life website <https://www.tamuk.edu/housing/>, or a hall's specific community rules. d. Violation

of the overnight guest rules including but are not limited to 1) failure to register a guest; 2) Guests staying more than the allowed days; 3) hosting a guest without their roommate's consent.

305 Tampering with Residence Hall Facilities:

Tampering with residence hall facilities, doors, locks, furnishings, bathroom equipment and/or electrical, telephone, cable, or computer outlet boxes or wiring and/or unauthorized access to balconies, roofs, and secured areas.

306 Excessive Noise and/or Violation of Quiet Hours:

Excessive noise and/or violation of residence hall quiet hours. This includes but is not limited to excessive noise in the hallway, stairwell, student rooms, or public area and/or inconsiderate behavior which may be damaging to the hall environment; disrupt the expected level of quiet for study or sleep; violates of quiet hours and/or is disrespectful of other residents and staff.

Academic Misconduct Disciplinary Procedures

Section 10: Academic Misconduct Disciplinary Procedures

In the classroom, in the laboratory, studio, seminar, practicum, or other instructional setting, or activity undertaken by student(s) for academic credit (i.e. field trips, student teaching, study abroad, internships, etc.) students are expected to adhere to the highest academic standards of behavior and personal conduct. Examples of academic misconduct are listed in the **Prohibited Conduct** section of this handbook.

The procedures outlined in the Student Code of Conduct are intended to inform the involved parties of university procedures and aid the hearing officer, investigating authority, or disciplinary body in its efforts to ascertain the facts of a matter and reach a just decision. Circumstances can differ greatly in each case and the presiding hearing officer or chair may need to modify procedures or rule on procedural matters to reach a just decision.

10.1 Student Academic Responsibilities

Student **academic responsibilities** include, but are not limited to, the following:

- a. Inquire about course or degree requirements if they do not understand them or are in doubt about them.
- b. Maintain the standards of academic performance established for individual courses and programs of study.
- c. Maintain academic ethics and honesty by following the University's Honor Code and the TAMUK Student Code of Conduct.
- d. Act by commonly accepted standards of academic conduct professionalism and decorum to not interfere with the rights of students and faculty to learn, conduct class, and/or carry out their research and creative activities.

Students' **academic rights** include:

- a. Competent instruction for full-allotted time;
- b. Sufficient assignments are graded fairly and promptly to inform the student of academic standing.
- c. Faculty also have the responsibility of providing for distribution a course syllabus listing all requirements for the class, including field trips, reading and writing assignments, and tests.

10.2 Classroom Conduct Expectations

Texas A&M University-Kingsville students are expected to assume individual responsibility for maintaining a productive learning environment and conduct themselves with the highest regard for respect and consideration of others.

10.2.1 Student responsibility to contribute to the positive academic environment

Students are encouraged to be familiar with their respective faculty's expectations regarding classroom behavior, as delineated in their class syllabus and other departmental policies. Disruptive classroom behavior which interferes with the normal conduct of instructional activities, hampers the ability of instructors to teach, or students to learn, are taken seriously and addressed through the academic misconduct adjudication process.

10.2.2 Classroom Distractions

Ongoing behaviors or single behaviors considered distracting including but not limited to (e.g., coming late to class or leaving early, performing a repetitive act that is annoying, loud or prolonged side conversations, sleeping or reading a newspaper in class, etc.) can

be addressed by the faculty member initially either generally or individually as part of the instructor's classroom management efforts. Cases in which such annoying behavior becomes excessive and the student refuses to respond to the faculty member's efforts can be referred to the Dean of Students.

10.2.3 Classroom Disruptions

Serious disruptive behavior in a classroom may include but is not limited to the following behaviors:

- a. Making loud and distracting noises;
- b. Repeatedly answering cell phones/text messaging or allowing pagers to beep or play ring tones;
- c. Unauthorized use of any technology or electronics;
- d. Making loud or distracting noises;
- e. Exhibiting erratic or irrational behavior;
- f. Persisting in speaking without being recognized;
- g. Repeatedly leaving and entering the classroom or test site without authorization;
- h. Persistence in ignoring instructions or failing to follow written class/lab procedures;
- i. Blocking an entryway;
- j. Using profane, intimidating, or abusive language;
- k. Repeatedly interrupting others' speech;

In the case of a minor disruptive behavior in a classroom, the instructor should first request compliance from the student and if the student fails to comply, an instructor has the authority to ask the student to leave the classroom. The student is expected to comply with this request to leave the classroom and may subsequently contest this action using procedures established by the department. If the student fails to leave after being directed to do so, assistance may be obtained from other university personnel including the University Police Department. The incident shall be handled as an academic misconduct matter using established departmental procedures for academic misconduct to determine if the student should be allowed to return to the classroom and other appropriate administrative action.

In the case of significant disruptive behavior in a classroom, the instructor should request compliance from the student and if the student fails to comply, an instructor has the authority to ask the student to leave the classroom. The student is expected to comply with this request to leave the classroom. If the student fails to leave after being directed to do so, assistance may be obtained from other university personnel including the University Police Department. The incident shall be handled as a nonacademic misconduct matter through the Office of Student Conduct and Community Standards.

Faculty who are unsure if disruptive behavior is a minor or major case should contact the Office of Student Conduct and Community Standards to discuss which process is appropriate given the facts of the case.

In instances where the behavior is judged to be physically threatening, violent, harassing, intimidating, or otherwise dangerous, the faculty member should immediately report the matter to the University Police Department for assistance.

10.3 Initiating Academic Misconduct Charges

The dean of the respective academic college will oversee the process for handling all academic misconduct allegations occurring in his/her college. In the case of graduate students, oversight of the matter will be handled by the Dean of Graduate Studies. It is recommended that any academic discipline case be initiated at the lowest possible level. In this capacity, the dean of the college acts as a resource person for administration, faculty, staff, and students to promote consistency within the college in resolving cases of academic misconduct. The dean of the college also has the responsibility for maintaining all student records related to academic misconduct with a copy of all academic misconduct findings being placed on file with the Office of the Dean of Students.

10.3.1 Simple Cases of Academic Dishonesty

Simple cases of first-offense cheating or plagiarism by an individual student may be handled by the instructor in the course.

- a. The faculty member shall inform the student of the alleged violation(s) and allow the student to be heard.
- b. After meeting with the student, the faculty member will determine if a violation has occurred based upon a preponderance of the evidence.
- c. The faculty member may issue an appropriate grade penalty at his or her discretion, after consultation with the department chair and checking the student's disciplinary file for instances of previous academic dishonesty incidents in the Office of Student Conduct and Community Standards.
- d. When the evidence is indisputable, the usual penalty is a grade of *F* on the particular assignment or in the course depending upon the circumstances, in addition to other sanctions deemed appropriate.
- e. The student is provided a written summary of the findings and informed of the next level of appeal, with a copy to the academic dean and the Office of Student Conduct and Community Standards.

10.3.2 Serious Cases of Academic Dishonesty

For more serious cases, such as those involving repeated offenses, conspiracy with other students, the theft and/or selling of examination questions, or other egregious acts of academic dishonesty, a report should be made by the instructor via the department chair to the dean of the college for investigation and disciplinary action. Suspension or expulsion from the university is a normal penalty for such offenses.

10.3.3 Report of a case by a third party

In addition to the above-mentioned cases, any person may report a policy violation against any student for alleged academic misconduct violations. The report must be in writing and include the nature and date of the alleged violation, a detailed statement of the incident, the name of the person allegedly responsible for the incident, and the complainant's contact information. The referral for academic misconduct should be addressed to the dean of the college where the infraction allegedly occurred. Upon receipt of the report, the Dean of the college will determine the seriousness of the allegations and the appropriate level for initiating disciplinary action.

10.3.4 Handling Serious Cases or Cases Referred by a Third Party

For serious cases or cases reported by a third party, the Dean of the college may handle the case or may appoint someone else as the hearing officer. In addition to the Dean, the hearing officer may be a faculty member, department chair, or assistant/associate dean. The hearing officer may consult with the Dean of Students for guidance on the process.

- a. For serious cases or cases reported by a third party, the hearing officer will investigate the allegations to make an initial determination whether there is sufficient basis to proceed. He/she may decide to interview the complainant and/or witnesses or to request additional information from the complainant.
- b. As a result of the investigation, for serious cases or cases reported by a third party, the hearing officer will take one of the following actions.
 1. The allegation may be dismissed as unfounded.
 2. The allegation may be dismissed for lack of preponderance of evidence.
 3. The student will be notified in writing of the alleged charges and summoned to an informational hearing with the hearing officer. Written notification of the alleged offenses must be at least three business days before the informational hearing and mailed to the student at his/her local address or delivered to the student in person.

10.4 Academic Misconduct Informational Hearing Procedures

For serious cases or cases reported by a third party, the respondent, in conference with the hearing officer, will be informed of the following:

- a. An explanation of the charges which have been made against him/her;
- b. A review of all evidence on which the charges are based and names of all witnesses;
- c. A review of due process rights and disciplinary procedures;
- d. A reasonable opportunity to review charges and evidence, respond to the charges, and select the method of disposition of the case.

The student may:

- 1). Admit or deny responsibility for the charge(s). A student who admits responsibility for the charges retains the option to appeal the sanction levied. A student who denies responsibility retains the right to appeal the decision and/or the sanction(s) levied.
- 2) Schedule a date for a **Formal Hearing** before an appointed hearing officer or body (as determined by the Academic Dean) **OR** request to continue the **Informational Hearing** by signing a written waiver.
- 3) During the informational hearing, the hearing officer/body will review the allegations of academic misconduct and allow the student to respond and present witnesses on his / her behalf. The hearing officer/body will determine whether the student is responsible for the alleged policy violation, based upon a preponderance of the evidence, and if so, issue appropriate sanctions.
- 4) The student will be notified in writing of the results, the sanction(s) if applicable, and the next level of appeal.

Note: A reasonable effort will be made to locate the student by telephone, email, or regular mail. If the student does not respond to the request to meet for the scheduled informational hearing, the hearing will be held in absentia, and action taken as warranted by the facts of the case.

10.5 Academic Misconduct Formal Hearing Procedures

- a. The hearing officer/body will provide written notification of alleged offenses to the student at least three business days before the formal hearing.
- b. The formal hearing will be held as scheduled even in the absence of the respondent unless such absence is for good and sufficient cause. The decision of the hearing officer or body as to good and sufficient cause is final.

- c. During the formal hearing, the student will have an opportunity to respond and present witnesses on his/her behalf. The hearing procedure utilized shall provide for prompt and fair consideration and resolution of the case based upon a preponderance of the evidence. Proceedings are not judicial trials and formal rules of evidence shall not apply, but evidence submitted must be material and relevant to the issue under consideration as determined by the hearing officer or chair of the disciplinary body.
- d. After the testimony phase of the hearing is concluded, members of the hearing board or the hearing officer will deliberate on the allegations. Determination of responsibility will be made based on a preponderance of the evidence. If the respondent is not found responsible for a violation, then the hearing is concluded. If the respondent is found responsible for one or more violations of the Student Code of Conduct, then the hearing board or hearing officer will discuss sanctions for the student after being informed of the student's conduct status with the University.
- e. A list of sanctions is included in the non-academic misconduct section of the Student Code of Conduct contained in this handbook. The student shall be informed by mail or hand-delivery of the hearing officer's decision and of the student's right to appeal to the next level.
- f. Written documentation of the incident and recommended actions shall be forwarded to the chair/college, dean/director, and Dean of Students. Proceedings, findings, and the names of the parties involved are confidential and shall not be disclosed to anyone not involved in or who is not responsible for the disposition of the hearing or case, unless such disclosure is required by law or campus policy.

10.6 Appeal Procedure for Academic Misconduct Cases

While all members of the university community have the right to request an appeal, a request for an appeal may not always be granted. Requests will be reviewed for merit and if filed on time.

10.6.1 Cases First Initiated or Heard at the Faculty / Chairperson's Level

The student will be notified in writing regarding the disciplinary outcome and the next level of appeal for academic misconduct cases. Cases which are first initiated and heard at the faculty and/or chairperson's level or other administrator serving as a hearing officer must be appealed to the dean of the college within three business days of the notification of the initial decision by completing an *Appeals Request Form* available in the Office of the Dean of Students and online at <http://www.tamuk.edu/dean/>

- a. The appeal must be in writing to the appropriate person or body and submitted within the specified time, including the name of the individual or organization appealing, the action that is being appealed, the date the action took place, and the grounds for the appeal. On appeal, the burden of proof rests with the student to show that an error has occurred during the initial hearing. Appeals must be made based on one or more of the following grounds:
 - 1). A procedural error occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error and how it impacted the outcome.
 - 2). New evidence, unknown or unavailable during the investigation /hearing process has come to light, that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation.
 - 3). The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
- b. The academic dean will have five business days to evaluate the merit of the appeal request and if it was filed on time. If the appeal is not merited, the academic dean may terminate the appeal and so notify the student. If the appeal is merited, the academic dean will have ten business days to review the case and render a decision. If extenuating circumstances prevent either party from

meeting this time frame, all parties involved will agree upon an alternate schedule.

- c. If an appeal request is granted, the academic dean may at his/her discretion meet with the student and/or other witnesses to determine a decision. The decision will be based upon a preponderance of the evidence. The academic dean may uphold, modify, send back the case to the original hearing body for further consideration, or completely reverse the original decision as appropriate. The student will be notified in writing of the academic dean's **appellate decision which is final** and a summary of the findings.

10.6.2 Cases Initiated and Originally Adjudicated at the Academic Dean's Level

Cases that are **initiated and originally adjudicated** at the academic dean's level may be appealed to the Judicial Appeals Board via the Senior Student Affairs Officer (Acting Director of Student Affairs) within three business days of the notification of the initial decision by the academic dean by completing the *Appeals Request Form* available in the Office of the Dean of Students. They shall convene the Judicial Appeals Board within 10 business days to conduct the hearing and render a decision. If extenuating circumstances prevent either party from meeting this time frame, all parties involved will agree upon an alternate schedule.

- a. If a formal hearing is held during an appeal, it shall be conducted following the procedural guidelines for hearings. The appellant and a representative from the initial hearing officer or body shall be allowed to present reasonable oral arguments and file typewritten or reproduced material. The appellate body may call in other witnesses it deems necessary. The decision will be based upon a preponderance of the evidence.
- b. Upon review of the appeal, the person or body conducting the appeal may uphold, modify, send back the case to the original hearing body for further consideration, or completely reverse the original decision as appropriate. A written summary of the findings must be provided and should the decision be modified it should be following one or more of the conditions delineated in this code.
- c. The student will be notified in writing by the Senior Student Affairs Officer (Acting Director of Student Affairs) or the chair of the Judicial Appeals Board of the body's **appellate decision which is final** (except for cases involving suspension or expulsion) and a summary of the findings.

10.6.3 Cases Involving Suspension or Expulsion

In academic misconduct cases where the sanction assigned to the student is suspension or expulsion, the student may appeal the decision of the Judicial Appeals Board to the Provost by appealing in writing within three business days after notification of the committee's decision. Students must complete the *Appeals Request Form* available in the Office of the Dean of Students. The Provost has 10 business days to review the case and render a decision. The student will be notified in writing of the decision and a summary of the findings. The decision of the Provost is final and may not be appealed. Should the Provost sustain the suspension/expulsion, a copy of the letter will be sent to the Dean of Students, the Registrar, the academic dean, and the President.

Nonacademic Misconduct Disciplinary Procedures

Excluding Sexual Harassment and/or Sex-based Misconduct

Section 11: Nonacademic Misconduct Disciplinary Procedures

(Excluding Sexual Harassment/Sex-based Misconduct)

Students are expected to respect the rights and property of others and to observe all federal, state, and local laws in addition to those regulations articulated in the TAMUK Code of Conduct. Refer to the

Prohibited Conduct section of this handbook for examples of nonacademic misconduct infractions.

The procedures outlined in the Student Code of Conduct are intended to inform the involved parties of university procedures and aid the hearing officer, investigating authority, or disciplinary body in its efforts to ascertain the facts of a matter and reach a just decision. Circumstances can differ greatly in each case and the presiding hearing officer or chair may need to modify procedures or rule on procedural matters to reach a just decision.

The Office of the Dean of Students will oversee the resolution of all nonacademic misconduct violations. In this capacity, the Dean of Students acts as a resource person for administration, faculty, staff, and students to promote consistency throughout the university community in adjudicating cases of nonacademic misconduct. The Dean of Students will determine the appropriate level for adjudication of a case and if it should be referred to a hearing officer. It is recommended that any nonacademic discipline case be adjudicated at the lowest possible level. The dean also has the responsibility for maintaining all student records related to nonacademic misconduct.

The process for adjudication of sexual harassment and/or sex-based misconduct allegations are detailed separately. Below are the procedures for nonacademic misconduct allegations that do not contain allegations of sexual harassment and/or sex-based misconduct.

11.1 Initiation of Nonacademic Misconduct Charges

Any person may refer a conduct violation against any student for a violation of the University code of conduct. The referral must be in writing and include the nature and date of the alleged violation, a detailed statement of the incident, the name of the person allegedly responsible for the incident, and the complainant's contact information. The referral for nonacademic misconduct should be addressed to the Office of Student Conduct and Community Standards.

- a. The Office of Student Conduct and Community Standards will assess the seriousness and consider the circumstances of the alleged violation(s) to determine the appropriate level for adjudication of a case, may hear the case, appoint a hearing officer/hearing body if needed, or refer the allegation(s) to another office having jurisdiction over the matter. The hearing officer may be an administrator or a University Housing and Residence Life professional staff member. The University Disciplinary Committee (UDC) may be convened by the Office of Student Conduct and Community Standards to hear nonacademic violations that are serious in nature.
- b. The Office of Student Conduct and Community Standards /hearing officer will investigate the allegations to make an initial determination as to whether there is sufficient basis to believe that a nonacademic violation of the Student Code of Conduct has occurred. The Office of Student Conduct and Community Standards /hearing officer may decide to interview the complainant and/or witnesses or request additional information from the complainant. The process for adjudication of sexual harassment and/or sex-based misconduct allegations is detailed separately.

- c. As a result of the investigation, the Office of Student Conduct and Community Standards /hearing officer will take one of the following actions.
 1. The allegation may be dismissed as unfounded.
 2. The allegation may be dismissed for lack of preponderance of evidence.
 3. The allegation may be referred to another office having jurisdiction over the matter (i.e., Compliance Office, Human Resources, Academic Dean, etc.)
 4. The student will be notified in writing of the alleged charges and summoned to an informational hearing with the Office of Student Conduct and Community Standards /hearing officer. Written notification of the alleged offenses must be at least three business days before the hearing and mailed to the student at his/her local address, emailed to the official university email address, or hand-delivered.

11.2 Initial Meeting

The charged student in conference with the hearing officer will be informed of all rights and responsibilities and provided with the following:

- a. An explanation of the charges which have been made against him/her;
- b. A review of all evidence on which the charges are based and names of all witnesses;
- c. A review of all due process rights and disciplinary procedures;
- d. A reasonable opportunity to review charges and evidence, to respond to the charges, and to select the method of disposition of the case, if applicable. The student may:
 1. **Accept** responsibility for the charge(s). A student who admits responsibility for the charges retains the option to appeal the sanction levied. The hearing officer will, based upon a preponderance of the evidence and if so, issue appropriate sanctions and appeal processes.
 2. **Deny** responsibility for the charge(s), and participate in an informal resolution hearing with the hearing officer. A student who denies responsibility retains the right to appeal the decision and/or the sanction(s) levied. The hearing officer will review the allegations of nonacademic misconduct and allow the student to respond and present witnesses on his / her behalf. The hearing officer will determine whether the student is responsible for the alleged policy violation, based upon a preponderance of the evidence, and if so, issue appropriate sanctions and appeal processes.
 3. Schedule a date for a **Formal Hearing** before an appointed appropriate hearing body. Procedures are outlined in below.

Note: If the student does not respond to the request for the initial meeting, the hearing officer will, in absentia, determine whether the student is responsible for the alleged policy violation, based upon a preponderance of the evidence and if so, issue appropriate sanctions. The student maintains the right to an appeal.

11.3 Nonacademic Misconduct Formal Hearing Procedures

Formal hearing procedures for cases of nonacademic misconduct include the following:

- a. The hearing officer/body will provide written notification of alleged offenses to the student at least three business days before the formal hearing.
- b. The formal hearing will be held as scheduled even in the absence of the respondent unless such absence is for good and sufficient cause. The decision of the hearing officer or body as to good and sufficient cause is final.

- c. During the formal hearing, the student will have an opportunity to respond and present witnesses on his/her behalf. The hearing procedure utilized shall provide for prompt and fair consideration and resolution of the case based upon a preponderance of the evidence. Proceedings are not judicial trials and formal rules of evidence shall not apply, but evidence submitted must be material and relevant to the issue under consideration as determined by the hearing officer or chair of the disciplinary body.
- d. After the testimony phase of the hearing is concluded, members of the hearing board or the hearing officer will deliberate on the allegations. Determination of responsibility will be made based on a preponderance of the evidence. If the respondent is not found responsible for a violation, then the hearing is concluded. If the respondent is found responsible for one or more violations of the Student Code of Conduct, then the hearing board or hearing officer will discuss possible sanctions for the student after being informed of the student's conduct status with the University.
- e. Written documentation of the incident and recommended actions shall be forwarded to the chair/college, dean/director, and Dean of Students as appropriate. Proceedings, findings, and the names of the parties involved are confidential and shall not be disclosed to anyone not involved in or who is not responsible for the disposition of the hearing or case, unless such disclosure is required by law or campus policy. The Office of Student Conduct and Community Standards will retain copies of case information.

11.4 Appeal Process for Nonacademic Misconduct Cases

While all members of the university community have the right to request an appeal, a request for an appeal may not always be granted. Requests will be reviewed for merit and if filed on time.

11.4.1 Cases heard through University Housing and Residence Life

Sanctions issued in nonacademic misconduct disciplinary hearings in University Housing and Residence Life areas may be appealed to the Office of the Dean of Students.

The Dean of Students will hear appeals from nonacademic misconduct cases adjudicated by University Housing and Residence Life. The appeal must be made in writing to the Dean of Students within three business days after notification.

- a. The appeal must be in writing to the appropriate person and submitted within the specified time; include the name of the individual or organization appealing, the action that is being appealed, the date the action took place, and the grounds for the appeal. On appeal, the burden of proof rests with the student to show that an error has occurred during the initial hearing. Appeals of nonacademic disciplinary action must be made based on one or more of the following grounds:
 - 1). A procedural error occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error and how it impacted the outcome.
 - 2). New evidence, unknown or unavailable during the investigation /hearing process, has come to light that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation.
 - 3). The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
- b. The Dean of Students will have ten business days to evaluate the nonacademic appeal request and the case, then render a decision. If extenuating circumstances prevent either party from meeting this time frame, all parties involved will agree upon an alternate schedule.
- c. If an appeal request is granted, the Dean of Students may, at his/her discretion, meet with the student and/or other witnesses to

determine a decision on the nonacademic appeal. The decision will be based upon a preponderance of the evidence. The dean /associate dean may uphold, modify, or send back the case to the original hearing body for further consideration or completely reverse the original decision as appropriate. The student will be notified in writing of the Dean of Students **appellate decision which is final** and a summary of the findings. The Dean's decision will be final and may not be appealed, except for sanctions resulting in suspension or expulsion.

11.4.2 Cases Initially Adjudicated at the Office of Student Conduct and Community Standards, Dean of Students, or UDC Level

Nonacademic misconduct cases initially adjudicated by the Office of Student Conduct and Community Standards, Dean of Students, or the UDC may be appealed to the Senior Student Affairs Officer (the Vice President of Student Affairs and Community Relations). The appeal must be made in writing to the Senior Student Affairs Officer within three business days after notification of the decision. Students may complete the *Appeals Request Form* available in the Office of the Dean of Students and online at <http://www.tamuk.edu/dean/>. The Senior Student Affairs Officer will have ten business days to review the case and render a decision. If extenuating circumstances prevent either party from meeting this time frame, all parties involved will agree upon an alternate schedule.

- a. The Senior Student Affairs Officer may, at his/her discretion, meet with the student and/or other witnesses to determine a decision. The decision will be based upon a preponderance of the evidence.
- b. Upon review of the appeal, the person or body conducting the appeal may uphold, modify, or send back the case to the original hearing body for further consideration or completely reverse the original decision as appropriate. A written summary of the findings must be provided and should the decision be modified it will follow one or more of the conditions delineated in this code. The decision of the Senior Student Affairs Officer is final and may not be appealed.

11.5 Status of Student During Charges and/or Appeals

Pending final action on a nonacademic misconduct charge or appeal of disciplinary action, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following: 1) when the university has imposed *immediate interim suspension* action (as outlines in a separate section of this publication); 2) when a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction; 3) interim measures taken during a Title IX investigation when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process, as allowed by the published process; or 4) to assist with maintaining order on campus in incidents involving serious cases of class /facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.

Sexual Harassment/Sex-based Misconduct

Including Sexual Assault, Sexual Harassment, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking and Related Retaliation

Section 12: Sexual Harassment and Sex-based Misconduct

(including Sexual Assault, dating violence, domestic violence, stalking based on sex, sexual exploitation, and related retaliation)

TAMUK is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual harassment, sex-based misconduct, and/or related retaliation. Any action involving sexual harassment, sex-based misconduct, violence, coercion, and intimidation will not be tolerated. These acts have a real impact on lives. They not only violate a person's feelings of trust and safety, but they can also substantially interfere with a student's education.

It is the policy of TAMUK that all employees, upon learning that an act of sexual harassment and/or sex-based misconduct has taken place, are required to share this information with the Title IX Coordinator. The university has actual notice once the Title IX Coordinator or other official with authority to institute corrective measures has been notified of an incident. Other officials with authority to institute corrective measures include The Title IX Coordinator, Deputy Title IX Coordinators, Human Resources, the Office of Student Affairs, the Office of the Provost, and the president of the university.

Once a report has been received by an official with authority to institute corrective measures immediate action will be taken to provide supportive measures and discuss reporting options. This includes assisting the reporter with making a report to state and local law enforcement to bring possible criminal charges and seeking disciplinary action through the university. The complainant(s) may proceed with a criminal investigation and a Title IX complaint simultaneously. TAMUK encourages the reporting of sexual harassment or sex-based misconduct (including Sexual Assault, dating violence, domestic violence, stalking based on sex, sexual exploitation, and related retaliation) that is prompt and accurate. This allows the university community to quickly respond to allegations and offer immediate support to the complainant(s). If a formal investigation results in a finding of a violation of sexual harassment and/or sex-based misconduct, the university will impose disciplinary action, up to and including termination of employment and/or expulsion from the university.

All Texas A&M University-Kingsville students, faculty, and staff who have experienced sexual harassment or sex-based misconduct (including Sexual Assault, dating violence, domestic violence, stalking based on sex, sexual exploitation, and related retaliation) have the right to report the incident to the Office of Compliance and Risk Management and to receive a prompt and equitable resolution of the report. Reports may be made to Tasha Clark, Title IX Coordinator, by phoning 361-593-4758, emailing tasha.clark@tamuk.edu or titleix@tamuk.edu, or in person at the Office of Compliance and Risk Management, Lewis Hall, room 130. Individuals may also report anonymously at the Risk, Fraud & Misconduct, Sexual Assault/Harassment Hotline link on the TAMUK homepage (<https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>).

All TAMUK students, faculty, and staff who have experienced sexual harassment or sex-based misconduct (including Sexual Assault, dating violence, domestic violence, stalking based on sex, sexual exploitation, and related retaliation) also have the right to choose to report the crime to law enforcement. Students, faculty, and staff may seek assistance from the Office of Compliance and Risk Management with reporting incidents to the University Police Department, Kingsville Police Department, or other police departments in other jurisdictions. Students, faculty, and staff also have the right to decline to report an incident to law enforcement.

University Police Department
Lewis Hall on University Blvd
361-593-2611

Kingsville Police Department
1700 E King Ave, Kingsville, TX
361-592-4311

It is important for victims of sexual harassment or sex-based misconduct (including Sexual Assault, dating violence, domestic violence, stalking based on sex, sexual exploitation, and related retaliation) to be aware of the importance of seeking treatment and preserving evidence. A sexual assault may result in injuries that are not visible. Your family care physician can provide medical assistance and treatment. Medical professionals are not required to call law enforcement when treating an adult patient for a sexual assault. You may also have a Sexual Assault Exam, performed by a Sexual Assault Nurse Examiner (SANE). The SANE will collect evidence and treat any injuries you may have sustained but this must be done within 5 days of the assault. The exam can be completed even if you choose not to involve the police and file a report. If you suspect you were drugged, you should be tested, ideally within 24 hours of ingestion. If you want a pill to prevent pregnancy ("Morning After Pill"), it can be obtained over the counter at a pharmacy or Student Health and Wellness.

If you think you want evidence collected, do not bathe, douche, shower, brush your teeth, or go to the bathroom. Do not change your clothes. Keep any clothing or sheets, blankets, etc., undisturbed. If they must be moved, keep each item separate and do not place them into a plastic bag. Use a paper bag or wrap the items in a sheet. Do not delete or destroy any text messages, emails, voicemails, written notes, or any other documents that are relevant.

For a SANE exam please contact Doctor's Regional or Driscoll Children's Hospital:

Doctor's Regional
3315 S. Alameda St. Corpus Christi 78411
361-761-1000

Driscoll Children's Hospital
3533 S Alameda St, Corpus Christi 78411
361-694-5000

Requests for assistance with transportation to the hospitals to get a SANE exam may be made to the Office of Compliance and Risk Management and the University Police Department.

12.1 Definitions

All definitions are from Texas A&M University System Regulation 08.01.01, *Civil Rights Compliance*

(<https://policies.tamus.edu/08-01-01.pdf>) or from Texas A&M University-Kingsville Rule 08.01.01.K1, *Civil Rights Compliance*

(https://www.tamuk.edu/policy_files/pdf/08-01-01-K1.pdf).

Advisor – an individual selected by each complainant(s) and respondent(s) to provide guidance during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. A member may appoint an advisor of the member's choice for a complainant(s) or respondent(s) for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although members may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

Appellate authority – an individual or panel responsible for rendering appeal decisions as specified in member rules. The role of the appellate authority is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an appellate authority in any case involving an allegation of discrimination or harassment based on sex.

Coercion – 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.

Complainant – the individual(s) who is alleged to have been subjected to discrimination.

Complaint - an oral or written report of an alleged violation of this regulation. A complaint may be filed by a complainant(s), any system member employee or student, or a third party. The complaint does not have to meet the definition of a "formal complaint".

Confidential – communication that cannot legally be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances such as allegations of elderly, disabled, or child abuse; an imminent threat of injury or to the life of any person; or as required by law.

Confidential reporter – an employee designated or permitted by a member to receive complaints of discrimination and maintain confidentiality. Confidential Reporters are required to provide general non-identifying information as required to comply with the Clery Act and must report to the Title IX Coordinator any type of sex-based incident made known to them, but may not include any information that would violate that person's expectation of privacy. Exceptions to confidentiality/privacy include reports of child abuse, abuse or neglect of disabled or elderly persons, and when a party poses an imminent danger to themselves or others.

Consent – 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.

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 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.

Dating violence is explicitly prohibited under system 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.

Deputy Title IX Coordinator – an employee designated and authorized to assist the Title IX Coordinator in receiving reports and implementing corrective measures.

Designated administrator – the decision-making entity specified in member rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the designated administrator is to determine whether or not allegations of misconduct rise to the level of a violation of this regulation based on the evidence provided and utilizing the preponderance of the evidence standard. The designated administrator cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a designated administrator in any case involving an allegation of discrimination or harassment based on sex. Designated administrators may consist of a single decision-maker (hearing officer for formal hearings) or a group of decision-makers (hearing panel for formal hearings). When a hearing panel is utilized by a member, it must be chaired by a voting member and consist of an odd number of total voting members.

Discrimination - a materially adverse action or actions that intentionally or unintentionally excludes one from full participation in, denies the benefits of or affects the terms and conditions of employment or access to educational or institutional programs because of an individual's race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or any other classification protected by federal, state, or local law. Discrimination includes harassment (based on both a hostile environment and quid pro quo) and retaliation based on a legally protected category.

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 cohabited with, the victim as a spouse or an 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.

Domestic violence is explicitly prohibited under system 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.

Educational program or activity – an “educational program or activity” is interpreted broadly to include all of the member's operations, including locations, events, or circumstances over which the member exercised substantial control over both the respondent(s) and the context in which the alleged discriminatory behavior occurred, including any building owned or controlled by a student organization that is officially recognized by the system member.

Employee – all personnel employed by the member including faculty, staff and students who receive compensation in either a full- or part-time capacity. Employees who are also students would have their status in the civil rights process determined by the context of the allegations; these individuals are subject to civil rights processes, as well as student conduct and employment standards set by the member.

Exculpatory evidence – evidence that would tend to support a finding that a respondent(s) did not commit the alleged misconduct.

Formal complaint – a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant(s), or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent(s) and requesting that the member investigate the allegation(s). The formal complaint must contain the complainant(s)'s physical or

digital signature, or otherwise indicate that the complainant(s) is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant(s) or otherwise a party to the complaint.

Hearing Facilitator Advisor – an employee assigned to facilitate the hearing process and communicate the findings from the hearing panel to the parties of a complaint. The hearing facilitator does not serve as a voting member of the hearing panel.

Hostile environment- a situation in which there is unwelcome harassing conduct based on a legally protected class that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider objectively offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances, which may include the frequency of the conduct, the nature and severity of the conduct, whether the conduct was physically threatening or humiliating, and/or the mental or emotional effect of the conduct on the individual(s) subjected to the alleged discrimination.

Incapacitated – 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.

Inculpatory evidence – evidence that would tend to support a finding that a respondent(s) is responsible for alleged misconduct.

Informal resolution – resolution of a civil rights complaint without the use of a formal hearing. Informal resolutions may or may not involve the establishment of findings of fact and the application of sanctions.

Investigative Authority – one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts of an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the investigative authority will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of witnesses and evidence.

Misconduct – an action or actions that violate published behavioral standards.

Objectively offensive – behavior determined by a reasonable person to be offensive.

Offensive – actions that cause unreasonable harm or distress to another individual or group of people.

Persistent – conduct occurring frequently over an unspecified period of time.

Pervasive – conduct existing in or spreading over a large area of an activity or program over a period of time.

Predation – an intent to engage in acts of misconduct prior to their occurrence demonstrating premeditation, planning or forethought, and is reflected in communicated intent (physical, verbal, visual, or written), threats directed at a party, attempts to incapacitate a party, attempts to isolate a party, utilizing physical force or violence, or other actions that a reasonable person would construe as a premeditation to engage in actions that are unwanted by/against the recipient. Committing any of these actions with an individual under the age of consent is also considered predatory.

Preponderance of the evidence – what is more likely than not to be true, based on the totality of the available evidence. The preponderance of the evidence is the standard of evidence used for all determinations made under this regulation.

Private – that which affects, characterizes or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

Private body parts – a person’s breast, posterior (butt), groin, and/or genitals.

Quid pro quo sexual harassment- “this” for “that”; i.e., unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action. Quid pro quo sexual harassment is explicitly prohibited under this regulation. Aiding another in the commission of quid pro quo sexual harassment is also prohibited under this regulation.

Reasonable person – a comparative standard on one person’s assessment of an action, actions, or situation compared with how most persons might act or react based on similar circumstances. This standard considers the identities of an individual as well as the context of the actions being evaluated.

Remedies – actions taken to restore or preserve equal access to the member’s education program or activity. Remedies may be disciplinary in nature and may burden the respondent(s).

Reporter – an individual who observed or was made aware of an alleged violation and who provides an initial oral or written account of an alleged violation of this regulation.

Respondent – an individual who is alleged to have discriminated against another.

Retaliation – intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by Section 2.1 of this regulation. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under this regulation. Aiding another in the commission of retaliation is also prohibited under this regulation.

Severe – of sufficient seriousness to interfere with the rights, privileges, and legal activities of an individual, as well as actions that would be deemed by a reasonable person to be extreme or life-threatening.

Sexual Assault – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as:

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

Sex-based misconduct – unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under this regulation. Aiding another in the commission of sex-based misconduct is also prohibited under this regulation. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex.

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.

Sexual Harassment – a form of sex discrimination. 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.

Stalking –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.

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.

Student – individual enrolled in member universities or someone who has accepted an offer of admission or, if not currently enrolled, otherwise has a continuing relationship with the university; for example, someone enrolled in a future semester. Students who are also employees would have their status in the civil rights process determined by the context of the allegations; these individuals are subject to civil rights processes as well as student conduct and employment standards set by the member.

Supportive measures – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant(s) or the respondent(s) before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the member's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the member's educational or work environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus or workplace, and other similar measures.

Title IX Coordinator – an employee designated and authorized to coordinate the member's efforts to comply with its responsibilities under the Title IX of the Education Amendments of 1972 Act.

12.2 Acts that Constitute Sexual Harassment

For purposes of this section, Sexual Harassment refers to 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. According to TAMU System Policy *08.01.01, Civil Rights Compliance*, a sexual harassment complaint under Title IX may be dismissed if:

- the conduct alleged in the formal complaint would not constitute sexual harassment as defined by System Regulation even if proved,
- the conduct did not occur against a person in the United States, or
- the conduct did not occur during a TAMUK education program or activity.

A complaint of sexual harassment may be dismissed under Title IX if:

- the complainant(s) notifies the Title IX Coordinator in writing that the complainant(s) wishes to withdraw the complaint,
- if the respondent(s) is no longer enrolled or employed by TAMUK, or
- if specific circumstances prevent TAMUK officials from collecting evidence sufficient to reach a determination (for example, when the complainant(s) has ceased participating in the process, if too much time has passed and sufficient evidence is no longer available, when the complainant(s)'s identity is not known, and when the exact same allegations have already been investigated and adjudicated).

If a sexual harassment complaint is dismissed under Title IX, the complaint may still be investigated and adjudicated as an alleged violation of sex-based misconduct or other student/employee conduct policies. Appeals of a complaint dismissal under Title IX may be filed with the senior compliance officer at the Office of Compliance and Risk Management, Lewis Hall, room 130, 361-593-4758.

12.3 Acts that Constitute Sex-based Misconduct

For purposes of this section, Sex-based Misconduct refers to unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under this regulation. Aiding another in the commission of sex-based misconduct is also prohibited under this regulation. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex.

Complaints of sexual harassment and sex-based misconduct follow the same adjudicatory process. If the complaint is unsubstantiated as a violation of System Regulation *08.01.01, Civil Rights Compliance* and there is an allegation of student code of conduct violations, the complaint may move forward through the student conduct process.

12.4 Confidentiality/Privacy

TAMUK is committed to protecting the privacy of individuals, and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct.

- a. The university cannot guarantee complete confidentiality, but it will do everything possible to maintain privacy, and will only share information as needed to address the issue.
- b. Licensed professional counselors at Student Health and Wellness are the only individuals on campus who can provide confidentiality to a complainant(s). Student Health and Wellness can be reached at 361-593-3991.

- c. Requests to withhold any name, or a request not to investigate or seek action against the alleged violator, will be considered in the context of the university's duty to provide a safe and nondiscriminatory work, educational or campus living environment. This may require that the University take actions when the reporter requests no action, such as when violence is involved, when the threat of violence exists, or when required by law, as in the case of elderly, disabled, or child abuse. (08.01.01, 2.5)
- d. A request to withhold information or not to investigate the alleged misconduct may limit the university's ability to respond. (08.01.01, 2.5)
- e. Additionally, the university will maintain all related records in accordance with the requirements of FERPA (the Family Educational Rights and Privacy Act of 1974), and will be accomplished without the inclusion of identifying information about the complainant(s), to the extent permissible by law.
- f. The complainant(s) may revoke a request not to investigate or seek action against the alleged violator and proceed with a formal complaint against the alleged violator.
- g. An employee's or student's complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint. (08.01.01, 4.1.4)

12.5 Prevention and Awareness Educational Programs

It is the collective responsibility of all members of the TAMUK community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of discrimination based on sex (including sexual harassment and sex-based misconduct) from occurring, the university engages in ongoing prevention and awareness education programs. All students have access to online training programs available under the "Campus Resources" tab on JNET, and all members of the university community are encouraged to participate throughout the year in ongoing campaigns and in-person trainings focused on the prevention of sexual harassment and sex-based misconduct. In addition, all incoming undergraduate students, student-athletes, and employees have required online training. Students who have been assigned Sexual Assault Prevention for Undergraduates and/or Sexual Assault Prevention for Student Athletes must complete the training by priority registration or have a registration hold placed on their account. Students can contact the Office of Compliance and Risk Management, 361-593-4758, if they have additional questions or to have a hold removed.

12.6 Reporting

In processing reports of sexual harassment, sex-based misconduct and/or related retaliation involving students, TAMUK follows The Texas A&M University System Policy *08.01, Civil Rights Protections and Compliance* and corresponding Regulation *08.01.01, Civil Rights Compliance* (<http://policies.tamus.edu/08-01-01.pdf>). These are supplemented by Texas A&M University- Kingsville Rule *08.01.01.K1, Civil Rights and Compliance*. (<http://www.tamuk.edu/policy/files/pdf/08-01-01-K1.pdf>) You may also refer to the TAMUK Office of Compliance website for more information: <http://www.tamuk.edu/compliance/index.html>

- a. An employee's or student's complaint alleging discrimination should be reported as soon as possible after the action that caused the complaint. (08.01.01, 4.1.4)
- b. Sexual harassment, sexual assault, non-consensual sexual contact, domestic violence, dating violence, sexual exploitation and stalking may be reported to any university official. All faculty, staff, and student-employees, when working within their job description, are required to share all such reports relating to sexual harassment or sex-based misconduct with the Title IX Coordinator, located in the Office of Compliance and Risk Management, Lewis Hall, Room 130, (361) 593-4758. The Title IX Coordinator will work closely with other offices as appropriate to implement supportive measures and oversees the investigation

process. As a matter of Texas A&M University System policy and state law, all employees must report a known allegation to the Office of Compliance and Risk Management. Failure to report may result in termination of employment and/or criminal charges.

- c. Individuals reporting issues of sexual harassment, sex-based misconduct, or related retaliation will meet with the Title IX Coordinator, Dean of Students Office, or designees and/or law enforcement (if a criminal report is being made, which is not required, but is always encouraged).
- d. The reporting party will be provided information about available resources including counseling, physical and mental health assistance, victim advocacy, and other services available. A student who has been the victim of sexual harassment, sex-based misconduct, or related retaliation may request an academic accommodation, notice of absences or change in on-campus residence after a report of sexual misconduct. (http://www.tamuk.edu/compliance/title_9/index.html).
- e. The reporter may withhold identifying information; however, withholding information about the alleged misconduct may limit the university's ability to respond to a complaint.
- f. The University, at its discretion, may proceed with the investigation / disciplinary process without a formal complaint if the University has sufficient information that sexual misconduct may have occurred or determines an investigation is warranted considering the circumstances.
- g. Individuals reporting, in good faith, an incident of sexual misconduct may not face disciplinary charges for other student conduct violations occurring at or near the incident unless the reporter was the perpetrator or assisted in the perpetration of the reported incident.

12.7 Supportive Measures

- a. When reasonable and appropriate, the University will provide supportive measures to involved parties upon request, and the interim steps will be taken promptly, and at no cost to the parties. The university will continue to take these steps, as is appropriate, if sexual violence is found to have occurred. Possible requests include the ability to change academic schedules or work schedules, withdraw from or retake a class without penalty, access to academic support such as tutoring services, and a change of residence hall assignments. Additional supportive measures that may be taken pending the outcome of an investigation/hearing may include contact restrictions, removal of the respondent(s) on an emergency basis, or change in course schedule, residence assignment, and/or other restrictions. Retaliation, including retaliatory harassment, and retaliation by third parties is prohibited by the university. Reports of retaliation may result in additional student code of conduct violations.
- b. Supportive measures will be considered in all sexual harassment and sex-based misconduct complaints.
 - 1). The individual subjected to the alleged illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation, the respondent(s) and other affected individuals may be offered and/or expected to comply with appropriate supportive measures or remedies, such as physical separation, contact limitations, alternative work or other arrangements, academic adjustments and counseling services. Failure to comply with the terms of supportive measures may be considered a separate violation of system policies and regulations and member rules and procedures.
 - 2). At any point in the process, an employee may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action. Failure to comply with the terms of the interim actions may be considered a separate violation of system policies and university rules and procedures.
 - 3). At any point in the process, a student respondent(s) may be subject to removal from the university on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with the university's behavioral

intervention team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The respondent(s) will be provided notice of removal, and will be able to immediately challenge the decision by filing the challenge with the Provost and Vice President of Academic Affairs or designee. Upon removal, the respondent(s) will be granted the opportunity for a hearing within five (5) business days to review the removal.

12.8 Inquiry and Investigations

When an official with the authority to institute corrective measures has been made aware of a potential violation, an inquiry or investigation will be initiated to determine what occurred and then take appropriate steps to resolve the situation. All students, staff and/or faculty are expected to cooperate in an investigation if contacted. Retaliation for participation in an inquiry or investigation is strictly prohibited and may result in disciplinary measures, separate from the original complaint of sexual misconduct.

12.8.1 Initial Review by Title IX Coordinator or Deputy Coordinator

The Title IX Coordinator or Deputy Coordinator will conduct an initial review of information in a sexual harassment or sex-based misconduct report or complaint to determine if there is sufficient information to proceed with an investigation, or if additional information is needed.

- a. If the information is sufficient, the Title IX Coordinator will forward the complaint/report to an appointed investigative authority within 5 business days of the determination to proceed with the investigation.
 - 1). If the allegations involve allegations misconduct that is sex-based, the complaint may be investigated as a possible violation under Title IX, sex-based misconduct, or both; and
 - 2). A complaint dismissed under Title IX may continue as an allegation of sex-based misconduct; and
 - 3). If a complaint is dismissed through Title IX, the complainant(s) may file an appeal with the senior compliance officer at the Office of Compliance.
- b. If the information is insufficient, the Title IX Coordinator or Deputy Coordinator, in consultation with the System Ethics and Compliance Office, may conduct an inquiry into the circumstances of the complaint and;
 - 1). Dismiss the complaint as baseless;
 - 2). Close the complaint for insufficient information to investigate or lack of jurisdiction;
 - 3). Refer the complaint to another office which has responsibility for such complaints;
 - 4). With the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution (If the complaint involves an allegation based on sex, a formal complaint is required before the complaint can be resolved through informal mediation).

The designated office will notify the complainant(s) of such action in writing.

12.8.2 Due Process Rights of Both Parties

Both the complainant(s) and the respondent(s) are entitled to due process and fair and equitable procedures in all facets of the complaint and investigation process and shall be:

- a. Provided access to support services from the university at their request.
- b. Provided written notification of: (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, Civil Rights Compliance; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim

supportive measures, if any; (5) admonishments regarding cooperation and prohibiting retaliation, and (6) any informal resolution process that may be available.

- c. Informed of the investigation and adjudication procedures.
- d. Allowed to choose to participate or decline to participate in the process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available.
- e. Allowed to discuss any conflicts of interest (real or perceived) arising from prior interactions by those handling the Title IX grievance procedures.
- f. Allowed to review the final draft of the investigative report and exhibits, and be provided an opportunity to submit comments to the investigators before the report is finalized.
- g. Provided a copy of the investigative report and exhibits before the hearing.
- h. Allowed to resolve the complaint through informal resolution if both parties agree and the complaint does not involve an employee respondent accused of sexually harassing a student. Mediation cannot be used to resolve an allegation of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- i. The right to withdraw from an informal resolution process at any time prior to a final agreement and resume the formal investigative and adjudicative process.
- j. Allowed to have an advisor present during the investigation and adjudication proceedings. During the investigation, the role of any advisor will be limited to being present and communicating only with their advisee. During the hearing process, the complainant(s) and the respondent(s) will be able to direct their advisor to ask questions of the opposing party, witnesses, and investigators. If a party does not have an advisor for the hearing, the university will provide the party with an advisor.
- k. Given the opportunity to present witnesses and submit other evidence on their behalf to the investigators.
- l. Notified in writing of the results /outcome of the complaint and subsequent action.

12.7.3 Investigation Procedures

- a. When a decision is made to forward an investigation to an investigative authority for allegations of sexual harassment, sex-based misconduct, and/or related retaliation, the Title IX Coordinator or designee will appoint two (2) investigating authorities to review the complaint/report unless circumstances warrant otherwise.
- b. In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence, i.e., more likely than not.
- c. The investigative authority will review the complaint and relevant documentation, interview the complainant(s), respondent(s) and witnesses (if applicable), review exculpatory and inculpatory evidence, consult with subject matter experts as appropriate, and review other available evidence or information. The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. The investigative authority may also consult with appropriate management personnel, including but not limited to, the Dean of Students, the Title IX Coordinator, System Office of General Counsel, and/or the System Ethics and Compliance Office (SECO) for advice and guidance, as applicable. The investigative authority will provide a draft report on the merits of the allegations to the Office of General Counsel (OGC) for legal sufficiency review within 30 business days of receipt of the complaint.
- d. OGC will provide its legal review to the investigative authority within 10 business days. The investigative authority will have five (5) business days to finalize the final draft of the report and submit the final draft with exhibits to the parties for review.

- e. The parties will have ten (10) business days to review the final draft and provide comments, if any, to the investigators. The investigators may or may not change the report based on the information provided by the parties. All comments submitted will be added to the report as an exhibit.
- f. The investigators will then have five (5) business days to finalize the report and provide the final report and exhibits to SECO and OGC for review.
- g. If the report did not substantially change, SECO and OGC may waive their review. If the report substantially changed from the final draft, SECO and OGC will have five (5) business days to review the final report.
- h. The investigators will then submit the final report directly to the hearing facilitator and hearing panel.
- i. The hearing facilitator will provide the final report and exhibits to the parties. The parties will be provided at least ten (10) business days to review the final report and respond to the hearing panel (if desired) before the hearing.
- j. The parties will be provided a pre-hearing conference to review the hearing process as well as to explore any available options for informal resolution.
- k. Following the pre-hearing conference, the parties will be given a minimum of five (5) business days notice of any formal hearing. The notice will include the date, time, and location of the hearing, as well as instructions for those participating in hearings through online means.
- l. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.
- m. The Dean of Students or designee serves as the hearing facilitator for cases where the student is a respondent(s), and the hearing panel will serve as the designated administrator. The hearing panel will consist of three (3) members of the faculty and staff. One (1) hearing panel member will serve as the chair, who will make determinations of admissibility of questions, witnesses, evidence, and other information during the hearing.
- n. Following the hearing, the hearing panel will develop a draft decision and submit the draft to SECO within two (2) business days.
- o. SECO will have a maximum of three (3) business days to provide feedback to the hearing panel.
- p. Thereafter, the hearing panel will have three (3) business days issue a decision letter to the hearing facilitator. The hearing facilitator will issue the decision simultaneously to both/all parties.
- q. Circumstances may warrant an extension of the time frame in this section. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.
- r. If the respondent(s) withdraws from TAMUK before the completion of the investigation, the investigation process will continue. Additionally, TAMUK will not issue a transcript to the student until the process has finished.

12.9 Sexual Misconduct and Related Retaliation Process

The designated administrator will review the completed report from the investigative authority and act as follows:

- a. If the investigative authority determines in their report that one or more of the allegations is substantiated to be a violation of the TAMUK Student Code of Conduct, including the sexual harassment and sex-based misconduct procedures, the designated administrator will notify all parties in writing of the initiation of disciplinary charges and subsequent hearing procedures to review the investigation report. The designated administrator has five (5) days after receipt of the investigative report to determine whether to pursue charges of the Student Code of Conduct. All parties will also be notified if interim measures are continued, modified or discontinued pending resolution of the case and reminded of the university's policy against retaliation.
- b. If the investigative authority determines that all allegations are unsubstantiated or there is insufficient evidence to determine whether or not the allegations are substantiated, the designated administrator will notify all parties in writing of the results of the

investigation. Both parties will also be notified if interim measures are continued, modified or discontinued pending resolution of the case and reminded of the university's policy against retaliation.

12.9.1 Office of the Dean of Students Oversees Hearing Process

The Dean of Students Office will oversee the hearing process originating from an investigation into a sexual harassment, sex-based misconduct and/or related retaliation reports where the respondent(s) is a student. In this capacity, the Dean of Students Office acts as a resource for administration, faculty, staff and students to promote consistency throughout the university community in adjudicating sexual harassment, sex-based misconduct and/or related retaliation cases. The Office of the Dean of Students also has the responsibility for maintaining all student hearing records related to students charged with a violation of sexual harassment, sex-based misconduct, or both.

a. Initiation of sexual harassment and/or sex-based misconduct Charges against a Student:

If a student is charged with a violation of the sexual harassment and/or sex-based misconduct clause or other applicable provisions in the Student Code of Conduct, the respondent(s) will be notified in writing of the specific code of conduct charge(s) prior to the hearing. Both parties will be provided a copy of the investigative authority's report with exhibits prior to the hearing. The complainant(s) will be notified when the respondent(s) is charged. Complaints involving allegations of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist may not be mediated or handled informally.

b. Pre-hearing Meeting for Sexual Harassment, Sex-based Misconduct and Related Retaliation Charges:

The complainant(s) and respondent(s) will be provided a pre-hearing conference with the Dean of Student or designee. During the meeting the parties will be informed of all pending charges, rights and responsibilities, and provided with the following:

- 1). A review of all due process rights and disciplinary procedures;
- 2). Interim supportive measures/actions (if applicable);
- 3). Notification of consequences of retaliation against either party, witnesses or any individual connected with the investigative / hearing process;
- 4). An explanation of the charges which have been made;
- 5). A review of the investigation report on which the charges are based;
- 6). A review of informal resolution processes; and
- 7). The opportunity to obtain an advisor for the hearing if the party does not already have an advisor present.

12.9.2 Sexual Misconduct and Related Retaliation Hearing Procedures

The Dean of Students Office will facilitate the hearing process. The Dean of Students Office will compile the information from the investigative authority, as well as inform all of the parties of the date, time and location for the hearing.

- a. The Dean of Students Office will provide written notification of the hearing to the participants at least five (5) business days prior to the hearing.
- b. Determinations during the hearing, will be made using the *preponderance of the evidence* standard, which asks whether it is "more likely than not" that the alleged sexual misconduct occurred.
- c. The complainant(s) and/or respondent(s) are allowed to choose to participate or decline to participate in the hearing process with the understanding that the process will continue without their involvement, that the hearing panel will not consider any statements

- made by a party who did not answer all questions from the opposing party's advisor at the hearing (including statements made in the investigative report), or other person who, and that the university will determine an outcome with the information available.
- d. The hearing panel may not consider statements from the witnesses or other individuals (including statements in the investigative report) if those persons do not answer all questions asked by the complainant(s)'s and respondent(s)'s advisors at the hearing during their deliberations.
 - e. Each party must have an advisor of their choice present at the hearing. If the party does not have an advisor, the university will provide an advisor.
 - f. The formal hearing will be held as scheduled even in the absence of the complainant(s) or respondent(s), unless such absence is for good and sufficient cause. Note: this hearing is not a criminal proceeding. Related criminal charges are handled separately.
 - f. The University Sexual Harassment and Sex-based Misconduct Hearing Board will convene the hearing to conduct a review of the investigation report and exhibits arising from sexual harassment, sex-based misconduct and/or related retaliation cases.
 - 1). The purpose of the hearing will be to review the investigative authority's written report; to work to resolve any issues with the report; provide an opportunity for the complainant(s) or respondent(s) to direct their advisors to ask investigators, witnesses, the opposing party, and other persons involved in the investigation material questions; to provide the complainant(s) and respondent(s) an opportunity to answer questions and offer rebuttal or support of the completed report; to clarify any questions the board may have about the incident and report; and to deliberate on the outcome and sanctions (if a student is found responsible).
 - 2). Any evidence submitted during the hearing review in rebuttal to or in support of the investigation report must be material and relevant to the issue under consideration as determined by the chair of the hearing board, and may be accepted or rejected by the hearing board.
 - g. After the review phase of the hearing is concluded, members of the hearing board will deliberate on the charges in closed session. Determination of responsibility will be made on the basis of a preponderance of the evidence. As a result of the hearing, the Sexual Misconduct Hearing Board may take one of the following actions:
 - 1) The respondent(s) may be found not responsible for a violation of the sexual harassment, sex-based misconduct and any other applicable charge(s). If the respondent(s) is not found responsible, then the deliberations conclude. While no sanctions are imposed, the Designated Administrator may determine if specific interim supportive measures should continue in place and notify all parties.
 - 2) The student may be found responsible for a violation of the sexual harassment, sex-based misconduct or any other applicable charge(s). If the respondent(s) is found responsible for one or more violations of the Student Code of Conduct, the hearing board will discuss sanctions for the student after being informed of the student's conduct status with the University. In all cases, (except in cases of permanent expulsion) a pairing of inactive and active sanctions that address all desired learning outcomes will be assigned. All active sanctions will have written reflection components assigned to them that are included in the student's conduct record.
 - 3) Sanctions may have educational, restorative, and rehabilitative components for students. In addition, employee sanctions may have punitive components. Examples of sanctions may include, but are not limited to, written warning or reprimand, required training and/or counseling, "no contact" order, probation, suspension, and employment dismissal and/or expulsion from an educational institution. For students, expulsion is a disciplinary action taken to teach them that their actions and conduct have consequences, which include ineligibility to continue as a member of the educational community.

- a. Students found responsible for committing acts of sex-based violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of one-year suspension, in the absence of significant mitigating factors.
- b. Students found responsible for committing acts of sex-based violence and/or non-consensual sexual penetration and have demonstrated predation to carry out these acts will be subject to permanent expulsion.
- c. For other sex-based student conduct violations, the university has established the minimum sanction guidelines listed below:

	Warning	Probation	Suspension	Expulsion
Harassment or Misconduct Based on Sex	X	X	X	X
Stalking (based on sex)	X	X	X	X
Sexual Exploitation		X	X	X
Non-Consensual Sexual Contact		X	X	X
Sexual Abuse and/or Assault without predation and with Penetration Sex-based violence and/or non-consensual penetration (without predation)			X	X
Sexual Abuse and/or Assault with Predation and Sex-based violence and/or non-consensual penetration (with predation) Penetration				X
Related Retaliation			X	X

- d. Students found responsible for committing acts of sex-based violence and/or nonconsensual sexual penetration of another person who are allowed to return to the university after a suspension of one year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors.
- e. For other sex-based student conduct rule violations, the student's eligibility to represent the university in extracurricular activities, both on and off campus will be determined through the Student Conduct process. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student's participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization)
- f. When an employee is found to have sexually harassed (as defined by this regulation) another member of the university or community, the sanction will be termination of employment.
- h. For sex discrimination complaints, both the complainant(s) and respondent(s) will be notified simultaneously, in writing, of the hearing outcome; appeal procedures; any change(s) as a result of the appeal process; and/or when the result becomes final.

12.9.3 Appeal Process for Sexual Misconduct and/or Related Retaliation Cases

With respect to allegations of sexual harassment, sex-based misconduct and/or related retaliation, the hearing panel's decision and the sanction(s) imposed can be appealed by the complainant(s) and/or the respondent(s),

- a. Appeals of disciplinary action as a result of a sexual harassment, sex-based misconduct and/or related retaliation complaint must be in writing and made on the basis of one or more of the following grounds:

- 1) A procedural irregularity during the process that significantly impacted the outcome. The appeal must state in writing the procedural irregularity and how it impacted the outcome.
 - 2) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation, and the new evidence must be submitted with the appeal.
 - 3) The Title IX Coordinator, investigators, or decision-makers had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant(s) or respondent(s) that affected the outcome; and/or
 - 4) The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
- b. On appeal, the burden of proof rests with the appellant to show that an error has occurred during the hearing process.
 - c. In order to avoid the appearance of a conflict of interest, appeals of these bases must be directed to an authority who had no previous involvement and/or participation in the investigation and/or decision. In cases of sexual harassment, sex-based misconduct and/or related retaliation involving a student, the appeal must be made in writing to the Senior Student Affairs Officer (Acting Director of Student Affairs) or a designee within five (5) business days after notification of the initial decision.
 - d. The Senior Student Affairs Officer may handle the appeal or designate, at their discretion, the appeal to another administrator who has received adequate and relevant training about sex-based adjudication. Appeal requests will be reviewed for merit and timeliness. The procedures governing the hearing of appeals include the following:
 - 1) The appeals process carries a presumption that the original decision was correct unless a preponderance of the evidence demonstrates that one or more of the conditions of the appeal are met, and that either or both parties was deprived of a fair process.
 - 2) Members must notify the other party in writing when an appeal is filed and implement appeal procedures equitably for both parties. Parties will be given three (3) business days to review the appeal and submit any written response in support of, or challenging, the outcome to the appellate authority.
 - 3) The Senior Student Affairs Officer/Appeals Officer has ten (10) business days to reach the decision and provide it to the complainant(s), the respondent(s), and the investigative authority simultaneously to the extent possible. Appellate authorities are exempt from obtaining OGC review of the decision prior to issuance but may request assistance from OGC and SECO when needed.
 - 4) Circumstances may warrant extensions to the time frames. The Senior Student Affairs Officer /Appeals Officer should send extension requests, if needed, to the office or individual(s) who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.
 - 5) The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The Senior Student Affairs Officer / Appeals Officer may at his/her discretion meet with the parties to determine a decision.
 - 6) Upon review of the appeal, the appellate authority may reach one of the following outcomes:
 - a. affirm the original finding and sanction;
 - b. affirm the finding and modify the sanction; or
 - c. remand the case to a new hearing or review.

- 7) The Senior Student Affairs Officer /Appeals Officer will render a written decision on the appeal to all parties which shall include the rationale forming the basis for the decision. The decision is final and may not be further appealed.
- 8) If the Senior Student Affairs Officer /Appeals Officer determines that new evidence should be considered, it will return (remand) the complaint to the original hearing body to reconsider in light of the new evidence only. The reconsideration of the hearing body is not appealable.
- 9) If the Senior Student Affairs Officer /Appeals Officer determines that a material procedural (or substantive) error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. The results of a reconvened hearing cannot be appealed. In cases where the error cannot be cured by the original hearing officers (as in cases of bias), the appeals officer or body may order a new hearing on the complaint with a new body of hearing officers. The results of a new hearing can be appealed once based upon the grounds for appeals stated above.
- 10) If the Senior Student Affairs Officer/Appeals Officer determines that the sanctions imposed are substantially disproportionate to the severity of the violation, the matter will be returned to the hearing body. The hearing body will review the case, and may then increase, decrease or otherwise modify the sanctions. This decision is final.
- 11) Circumstances may warrant an extension of the time frame in this section. Both the complainant(s) and respondent(s) will be notified in writing simultaneously of any extensions or decisions made.
- 12) Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with Rule 08.01.01.K1, *Civil Rights Compliance* and/or code of conduct for student grievances.

12.10 Training of Staff Involved in the Investigation and/or Adjudication of Sexual Misconduct and/or Related Retaliation

The Title IX Coordinator, Deputy Coordinators, investigator(s), members of the Sexual Misconduct Hearing Board, and the Senior Student Affairs Officer /Appeals Officer /Body will receive training on the handling of complaints of discrimination on the basis of sex, sexual harassment, sex-based misconduct, the university's Title IX Policy and Grievance Procedures, and applicable confidentiality requirements.

Interim Suspension

Section 13: Interim Suspension

Definitions: The following definitions apply for *interim suspensions*:

Continuation hearing – the hearing before the president or designee to determine whether or not the *interim suspension* should remain in place for the entire suspension period before the *formal hearing* is held. The *continuation hearing* can be as simple as a meeting between the student and the president or designee. In this *continuation hearing*, the student is permitted to be represented by an advisor of their choosing.

Formal hearing – a hearing before a disciplinary committee, designated hearing officer or panel vested with the authority to conduct such hearings. *Formal hearing* procedures are published in this document and generally provide greater rights to charged students than informational hearings due to the structure of the formal hearing.

Interim suspension – separation from the university without the student first receiving notice and a hearing. A student receiving an *immediate interim suspension* shall remain off campus and away from university facilities until the expiration of the *immediate interim suspension* period unless otherwise instructed by a university official. The *immediate interim suspension* period cannot exceed 10 calendar days.

Interim Suspension:

When the president of the university or designee determines a student poses a continuing danger to persons or property, or the student's behavior is an ongoing threat of disrupting the academic process, the university can impose an *interim suspension* by informing the student in writing. The following steps will be followed:

- a. The President or designee informs the student in writing that the student is **immediately placed on interim suspension** from the university and that *notice* and a *continuation hearing* will take place as soon as practicable. Student(s) subject to an interim suspension shall remain off campus and away from university facilities. The failure to abide by this requirement may result in the issuance of a criminal trespass warning and further disciplinary action.
- b. The university will provide to the student:
 - 1) Written *notice* of the charge against the student; notice of the charge(s) should include the offending conduct and the facts supporting the charge(s);
 - 2) A *continuation hearing* date is scheduled to give the student the opportunity to present his /her side of the story and determine whether the interim suspension should continue. The university will aspire to provide *notice* and a *continuation hearing* no later than three class days after the day of the *interim suspension* begins. The *continuation hearing* can occur almost immediately after the conduct. The decision of the President or designee at the *continuation hearing* is final and no appeal procedure of the university applies to *interim suspensions*.
- c. If after the *continuation hearing* is concluded, the president or designee believes it is in the best interest of the campus community that the student should still not be permitted to return to the campus even after the expiration of the *interim suspension* period, the university shall initiate its *formal hearing procedures* for long-term suspensions or expulsions, prior to expiration of the *interim suspension*. The matter will be referred to the Judicial Appeals Board in the case of academic misconduct or to the University Disciplinary Committee in cases of nonacademic misconduct.
- d. In certain situations, such as, but not limited to, ongoing administrative investigations, the university may take measures to restrict an individual from parts of campus or from university sponsored events/activities. These measures are not part of the Interim Suspension policy. In addition, criminal trespass warnings issued by the University Police Department are not part of this policy.

Disciplinary Sanctions

Section 14: Disciplinary Sanctions

Sanctions may be imposed upon any student or organization found responsible for a violation of the Student Code of Conduct.

- a. The student or organization may be levied a sanction or combination of sanctions.
- b. Record of the student's disciplinary status and the results of disciplinary proceedings are a part of the student's confidential records for a period of at least five years past the late date of a student's enrollment.
- c. As part of the notification of disciplinary action undertaken, the student will be notified in writing of the sanctions imposed, their duration, stipulations, and deadlines for completion.
- d. Pending final action on a disciplinary charge or appeal, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:
 - 1). When the university has imposed *interim suspension* action;
 - 2). When a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
 - 3). Interim measures taken during a Title IX investigation when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process; or
 - 4). To assist with maintaining order on campus in incidents involving serious cases of class /facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other interim measures imposed to minimize the opportunity for verbal/physical conflict or retaliation.
- e. Once a student or organization has been assigned a disciplinary sanction and the appeals process is complete, no more severe major sanctions may be assessed against the student or organization by any higher university authority for the infraction in question except in instances where the student or organization does not comply with the initial sanctions that have been imposed.

The sanctions identified below are not inclusive and may be levied in any combination:

1. **Appropriate Grade Penalties** in cases of academic misconduct may include the issuance of a grade of "F" in a course, grade reduction, removal from an academic program, or additional work assigned. For serious academic misconduct cases such as, but not limited to, those involving repeated offenses, conspiracy with other students or the theft and/or sale of examination questions, suspension or expulsion from the university is a common sanction.
2. **Warning:** A notice in writing to the student/organization that the student /organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
3. **Probation** a written reprimand for violation of specified regulations. Probation is for a designated period of type and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
4. **Loss of Privileges:** Denial of specified privileges for a designated period.
5. **Fines:** Previously established and published fines may be imposed.
6. **Restitution:** Compensation for loss, damage, misappropriation, or injury. This may take the form of appropriate service and/or monetary or material replacement.
7. **Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirements (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.

8. **No Contact Order:** Directive to cease all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter), etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, ‘tagging’ them in comments, or through online message boards or other internet sites. This restriction applies to both on and off-campus. The directive is to avoid contact until this order is lifted.
9. **Residence Hall Suspension:** Separation of the student from university housing for a definite period after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
10. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
11. **University Suspension:** Separation of the student from the University for a definite period, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.
12. **University Expulsion:** Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.
13. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for academic misconduct, misrepresentation, or other violation of University standards in obtaining the degree.
14. **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process outlined in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

Notification of Parents Regarding Disciplinary Action

Section 15: Notification of Parents Regarding Disciplinary Action

The Family Educational Rights and Privacy Act (FERPA), permits colleges and universities to inform the parents/guardians of students less than 21 years of age when their son/daughter has been found in violation of university alcohol and drug regulations. Texas A&M University-Kingsville may notify the parents/guardians of students less than 21 years of age under the following circumstances:

- a. If found to have committed a serious violation of the alcohol or drug policy;
- b. After a second violation of the university alcohol or drug policy;
- c. When a student endangers his or someone's health or welfare through the use of alcohol or drugs;
- d. When a drug or alcohol violation results in the termination of the student's housing contract.

The parents of students who find themselves in this situation may be sent a letter by the Dean of Students or designee indicating that their son/daughter has committed a violation and been issued a disciplinary sanction. The disciplinary sanction may require that the son/daughter be enrolled in an alcohol education program presented by Student Health and Wellness. Serious violations of alcohol and drug abuse may result in assessment and basic intervention by a counselor in Student Health and Wellness and/or referral for counseling and treatment by an agency or professional outside the university. In very serious situations, suspension or expulsion from the university may occur.

Parents may also be notified of other concerns about students' behaviors, health or academic progress if a health or safety emergency involves their son or daughter.

Code of Conduct for International Studies Programs

Section 16: Code of Conduct for International Studies Programs

The Office of Global Engagement is responsible for the administration of all study abroad programs at Texas A&M University-Kingsville. The Office of Global Engagement holds students responsible for knowing and abiding by the policies outlined in this document, as well as the policies and guidelines included in the University's Student Handbook. As a study abroad student, you are required to read both documents before your departure to your destination. The full Code of Conduct for International Studies Programs can be found at the Dean of Students website: <http://www.tamuk.edu/dean/international-code.html>

a. Administration of the Student Code of Conduct for Study Abroad Students

Authority for administering student conduct and the disciplinary system is delegated by the President of the University to the Senior Student Affairs Officer (Vice President of Student Affairs and Community Relations) and the Dean of Students. Violations of the Student Code of Conduct and/or the Code of Conduct for International Studies Programs will be reported to the Dean of Students by the Office of Global Engagement.

The Office of the Dean of Students will determine the appropriate response to the alleged misconduct and whether the sanctions should be immediate or upon return to campus. He/she will also designate the individual or disciplinary body to investigate and/or resolve the allegations.

b. Student Code of Conduct for International Study Abroad Students

All students who participate in Texas A&M University-Kingsville International Studies programs are representatives of A&M-Kingsville and their country for the duration of their time on the program. Students are expected to conduct themselves appropriately and respectfully, and will abide by the rules set forth by the Office of Global Engagement, the Program Director, the onsite program staff, and their hotel or home stay hosts.

Judicial/Conduct Hearing Boards

Section 17: Judicial/Conduct Hearing Boards

The University has several disciplinary hearing boards in place as part of the conduct hearing process.

17.1 University Disciplinary Committee (UDC)

- a. A committee consisting of students, faculty, and staff appointed by the Dean of Students which serves as a hearing body to adjudicate nonacademic student misconduct cases that are serious in nature. The Dean of Students determines the seriousness of the alleged violation(s) and will refer cases to this committee as deemed appropriate.
- b. The UDC is composed of three (3) staff members (comprised of two (2) representatives from the Division of Student Affairs and one (1) at-large from the University); two (2) faculty (from any college); and two (2) students. The Dean of Students serves as an ex-officio member. Four (4) members shall constitute a quorum to hear cases.
- c. It is the responsibility of the UDC to provide for prompt and fair consideration and resolution of the case through a formal hearing process. The proceedings are not judicial trials; however, the respondent may present his or her defense against the charges and may produce either oral testimony or written affidavits of witnesses. The student may choose an advisor, to accompany, but not represent him or her during a hearing. Final decisions of this body are communicated through the chair, appointed by the Dean of Students. The decisions of this body may be appealed to the Senior Student Affairs Officer.
- d. The University Disciplinary Committee is expected to consult with the Texas A&M University System Counsel, through the Dean of Students, to ensure that its procedures are legally sound and fair to all parties.

17.2 Sexual Harassment/Sex-based Misconduct Hearing Board

A committee consisting of students, faculty, and staff is appointed by the Dean of Students which serves as a hearing body to adjudicate sexual misconduct cases.

- a. If the complaint is referred to a hearing, the Dean of Students Office will select three individuals from a pool of trained adjudicators to hear the case as members of the Sexual Harassment/Sex-based Misconduct Hearing Board.
- b. The Dean of Students will also appoint one of the three members to serve as the chairperson.
- c. The hearing will be conducted in conformance with the Sexual Harassment/Sex-based Misconduct Hearing Procedures.
- d. It is the responsibility of the Sexual Harassment/Sex-based Misconduct Hearing Board to provide for prompt and fair consideration and resolution of the case through a formal hearing process. The proceedings are not judicial trials.
- e. The respondent and complainant may choose an advisor, to accompany, but not represent, him or her during a hearing.
- f. During the hearing, the investigative authorities will present the information from their investigative report on behalf of the university.
- g. Both the respondent and the complainant will be allowed to support or rebut information presented before the hearing board.
- h. After the testimony phase of the hearing is concluded, the member of the Sexual Misconduct Hearing Board will go into executive session to deliberate on the charges.
- i. Determination of responsibility will be made based on a preponderance of the evidence standard.
- j. If the respondent is found not responsible then the hearing board concludes the process. If the respondent is found responsible for one or more violations of the Student Code of Conduct, the hearing board will determine sanctions for the student after being informed of the student's conduct status with the University.

- k. The Sexual Harassment/Sex-based Misconduct Hearing Board will have five (5) days to render a written decision including any applicable sanctions unless circumstances require additional time.
- l. For sexual harassment and/or sex-based misconduct hearings, a written statement of the findings, including rationale, the formal action to be taken by the University and a description of the appeals process will be sent to the respondent and the complainant simultaneously (meaning without substantial delay between the notifications to each) by the Office of Student Conduct and Community Standards.
- m. Sexual Harassment/Sex-based Misconduct Hearing Board is expected to consult with the Texas A&M University System Counsel and/or the System Ethics and Compliance Office, through the Office of Student Conduct and Community Standards or Dean of Students, to ensure that its procedures are legally sound and fair to all parties.

17.3 Judicial Appeals Board

An appellate board consisting of students, faculty, and staff appointed by the Senior Student Affairs Officer to hear student appeals of proposed disciplinary actions associated with academic student misconduct charges and appeals of decisions resulting from a student grievance against a student, student group, faculty, staff, or university administrator

- a. **The board's composition** includes one (1) faculty representative from each of the academic colleges; two (2) representatives from the Division of Student Affairs; and three (3) students. The required meeting quorum is six members, consisting of at least two students. The Senior Student Affairs Officer serves as an ex-officio member. The final decisions of this board are communicated through the chair, which is appointed by the Senior Student Affairs Officer.
- b. **In the case of hearing student appeals of proposed disciplinary** actions associated with academic student misconduct charges, it is the responsibility of the board to make a reasonable determination of the validity of charges against the student and to express its judgment regarding the appropriateness of the proposed sanctions.
- c. The student may choose an advisor, to accompany, but not represent him or her
- d. In cases involving suspension or expulsion for academic misconduct, the decision of this board may be appealed to the Provost.
- e. **In the case of student grievances appeals**, except in specific areas of dispute covered by other explicit policy (e.g., discrimination, sexual harassment), it is the responsibility of the board to make a reasonable determination of the validity of the student's charges and to express its judgment regarding the appropriate resolution of the problem. The student may choose an advisor, to accompany, but not represent him or her.
- f. The Judicial Appeals Board is expected to consult with the Texas A&M University System Counsel, through the Senior Student Affairs Officer, to ensure that its procedures are legally sound and fair to all parties.

Student Grievance (Formal Complaint) Procedures

Academic Grievance Procedure

Final Grade Appeal Grievance Procedure

Nonacademic Grievance Procedure

Section 18: Student Complaint (Grievance) Procedures

18.1 Introduction to Complaint/Grievance Procedures

Texas A&M University-Kingsville is committed to providing an educational climate that is conducive to the personal and professional development of each individual. To ensure that commitment, the university has developed procedures for students to pursue grievances within the university community should such action become necessary.

A student may file a complaint in an instance of a perceived violation of a University policy. This policy provides two avenues for pursuing a complaint: An informal resolution procedure and a formal resolution procedure. Students may utilize either or both procedures.

Texas A&M University- Kingsville welcomes the opportunity to address and respond to complaints that someone might have regarding the University, its operations, or its community. The University provides a reporting system that can be accessed online (including anonymously) at https://cm.maxient.com/reportingform.php?TAMUKingsville&layout_id=2 or through the Texas A&M University System's Risk, Fraud, and Misconduct Hotline at <https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>.

These procedures apply to registered students of the University. Additionally, any individual who was a registered student but who has graduated or otherwise left the University also may avail themselves of these procedures provided that any such complaint is made within three (3) months of the individual leaving the University and the acts or omissions being complained of occurred while the individual was a registered student.

These procedures do not replace any complaint or appeal procedures found in Texas A&M University- Kingsville policies.

18.2 Definition of a Formal Complaint/Grievance

A student grievance is a complaint about a concern, problem, or issue **other than a disciplinary measure**. (The appropriate response to a disciplinary measure, which is deemed unfair or excessive, is an appeal, not a grievance.) A student who has a disagreement or unresolved dissatisfaction with a faculty or staff member, another student, student group, or administrator (hereafter known as the respondent) has the right to file a grievance without prejudicing his or her status with the university. Grievances must be based on a claimed violation of a university rule, policy, or established practice. Any student who brings a grievance has the burden of proof and must provide documentation and evidence to support the allegation. Except in the case of final grade appeals or where specified by university policy, **a grievance should normally be filed within 20 working days of the incident or incidents**. (Note: This process does not limit the university's right to change rules, policies, or practices.)

18.3 Grievance Procedures- Informal and Formal Complaints/Grievances

18.3.A: Informal Complaint Procedure:

Students with a complaint should initially seek an informal resolution by raising the complaint directly with the relevant staff member, faculty member, or department chair/supervisor to resolve the complaint immediately.

The student arranges a meeting with the person involved with the complaint and/or with the direct supervisor of the person involved. For example, a student who perceives that he or she has been graded unfairly on an assignment should meet with the faculty member who assigned the grade. In this example, the meeting with the faculty member may be followed up with the department chair, or the original meeting might be with the department chair. Another example would be a complaint in the Office of Finance involving the Business Office. The student would meet with the Director of the Business Office and/or the Executive Director of Financial Services and Comptroller. If the informal process does not resolve the complaint, the student may move to the formal complaint procedure.

The basic steps in the informal procedure include the following:

- Complaints will begin as soon as possible with the staff or faculty member with whom the issue originated.
- When an informal approach is inappropriate or ineffective, the student may follow the formal procedure.

Note: While students are encouraged to talk about their complaints directly with the person concerned, this approach may only sometimes be appropriate. When students believe it is inappropriate to raise the issue directly with the person(s) of concern, they may

18.3.B: Formal Complaint/Grievance Procedure:

If the informal complaint is not satisfactorily resolved or if informal complaint resolution is not appropriate, students may submit a written complaint to the University through the Student Complaint Portal (insert website address here). The Associate Vice President of Student Affairs/Dean of Students or the Director of Student Conduct and Community Standards will review the complaint and notify the University official who is responsible for handling the complaint.

1. The student should file the nonacademic grievance in writing using the following guidelines:

- a. The name and contact information of the student filing the complaint.
- b. Identify the specific nature of the complaint.
- c. Any attempt(s) by the student to resolve the matter informally, including the name/position of the employee whom the student contacted concerning the complaint, the date(s) of such contact (may be approximate dates), and the outcome of the informal complaint;
- d. Attach any supporting documents or evidence, names and contact information of witnesses, and short statements summarizing the testimony that the witnesses may present.
- e. The desired resolution or outcome regarding the complaint.

2. The appropriate University administrator shall have fifteen (15) business days to evaluate the complaint and determine appropriate action. The University Administrator shall evaluate the complaint to determine if it meets the following criteria:

- a. Alleges facts which, if true, would demonstrate a violation of university policy or regulations;
- b. If it is appropriate for consideration by the administrator, or if it should be referred to another hearing body for resolution (i.e., to a different college or in case of sexual harassment, job discrimination, etc., referred to a different administrative unit);
- c. Contains information that indicates the allegations are credible;
- d. Addresses a violation which, if true, results in a personal wrong to the complainant; and
- e. Was filed promptly.

3. If the complaint does not meet the above conditions, the university administrator may terminate the complaint and notify the student.

4. The university administrator will seek to facilitate the resolution if the complaint meets all the conditions.
- a. Review the student's complaint and gather any additional information from the student if needed.
 - b. Review the administrative head's report and possibly confer with either the respondent or person responsible for enforcing the policy or procedure.
 - c. The University Administrator may, at his or her discretion, meet with the student and/or respondent together or separately if deemed appropriate.
 - 1) The student and respondent must be given three days advance notice of any meeting.
 - 2) The complainant's failure to appear without justifiable cause will result in the meeting proceeding as scheduled, and the matter is resolved based on the information available to the University Administrator.
 - d. In consideration of the information provided, the burden of proof shall be upon the student to prove his or her case by a preponderance of the evidence; that it is more likely than not that the alleged actions/events occurred and that they constituted unfair treatment or a violation of policy.

Final Grade Appeal Process

Section 19: Final Grade Appeal Process

The instructor of the class is the primary authority concerning the assessment of a student's academic performance and final grade in that course. All practices and procedures that are used to determine a student's final grade should be communicated to the student in the course syllabus.

An appeal of a final grade must be filed within 180 calendar days of the last day of the semester or summer session in which the disputed grade was earned. The student has the burden of proof and must provide documentation and evidence to support the allegation.

19.1 Basis for a Final Grade Appeal

Students can appeal a final grade based upon one or a combination of the following:

- 1) An error in calculating the grade or inaccurate recording of the grade;
- 2) Failure of the instructor to notify students clearly and promptly of the criteria for grade determination;
- 3) Assignment of a grade based on reasons other than the stipulated criteria or standards;
- 4) Assignment of a grade based on factors other than performance in the course, e.g., personal bias;
- 5) Inconsistent or inequitably applied standards for evaluation of student academic performance;

19.2 Appeal Procedures

It is the responsibility of a student who believes that his or her final grade is the result of a capricious, arbitrary, or prejudiced action or that the procedures and practices used to determine the grade were not consistently and/or accurately followed, to first discuss the matter with the instructor of the class orally or in writing.

- 1) If the student is unable to contact the faculty member, he/she should contact the department chair regarding the matter for assistance in contacting the faculty member.
- 2) After reviewing the student's request, the instructor (in consultation with his or her department chair) shall respond to the grade appeal in writing within 10 business days of receipt of the grade appeal request.

If no satisfactory resolution is reached with the instructor and/or department chair, or if the instructor is unavailable, and the student wishes to appeal the final grade, he or she shall file a written grievance appealing the final grade to the dean of the college in which the class was taught. In the case of a graduate student, he/she will appeal to the Dean of Graduate Studies.

- 1) The grade appeal must be filed within three business days after notification of the instructor's decision and must include the following:
 - a). A detailed description concerning specific points of dissatisfaction with the grade assigned.
 - b). All supporting documentation that demonstrates the occurrence of one or more of the above-listed grounds for appeal.
 - c). A complete list of all potential witnesses including phone, email, and other contact information.
 - d). Specific action or remedy sought by the student to resolve this matter.
- 2) The dean of the college will have 15 business days to evaluate the **grade appeal request** and determine appropriate action:
 - a). Review the student's grievance and gather any additional information from the student.
 - b). Review the faculty member's report and possibly confer with either the respondent or the person responsible for enforcing the policy or procedure.
 - c). Evaluate the grade appeal grievance request to determine if the appeal:

- 1) alleges facts which, if true, would demonstrate a violation of university policy or regulations;
 - 2) is appropriate for consideration by the Dean or it should be referred to another hearing body for resolution (i.e., to a different college; or in the case of sexual harassment, job discrimination, etc. referred to a different administrative unit);
 - 3) Contains information that a *prima facie* case exists and that the allegations appear to be substantially credible;
 - 4) Addresses a violation which if true, results in a personal wrong to the grievant; and
 - 5) Was filed promptly.
- d). If the grade appeal does not meet all of the above conditions, the appropriate dean of the college may terminate the grade appeal grievance and so notify the student and faculty member.
- e). If the grade appeal meets all of the conditions, that administrator will seek to facilitate the resolution of the complaint.
- 1) The dean of the college will secure statements from all parties and such other information as he/she deems helpful and will issue his or her findings and remedies if any.
 - 2) The decision will be based upon a preponderance of the evidence.
 - 3) A conference may be scheduled with the parties involved to resolve the disagreement if deemed appropriate by the dean of the college.
 - 4) Within 15 business days of receipt of the appeal, the appropriate college dean will complete any consultation and shall notify in writing the grievant and respondent of his / her determination of the grievance and a summary of the findings.

The results of Final Grade Appeal grievances **appealed** to the dean of the college (after being initiated with the course instructor at Level 1) are final and may not be further appealed.

Decisions of grade appeal grievances first initiated at the academic college dean's level may be appealed to the Judicial Appeals Board via the Senior Student Affairs Officer. The student must appeal in writing within three business days after notification of the findings by the dean of the college. The Judicial Appeals Board will have 15 business days to review the grade appeal and render a decision. The decision of the Judicial Appeals Board reviewing a grade appeal grievance is final.

The *Final Grade Appeal Grievance Process* does not apply to grades resulting from academic dishonesty cases. Adjudication and appeals of academic dishonesty cases are handled through the Academic Misconduct Process delineated in a separate section of this handbook.

Other Policies and Procedures

Section 20: Other Policies and Procedures

20.1 Academic Catalog, Advising and Withdrawals

University Catalog

Every student is responsible for familiarizing himself/herself with the specific academic regulations contained in the university catalog including degree requirements. For a detailed explanation of policies on class attendance, absence due to religious holidays, field trips, degree planning and withdrawal from the university, please refer to the catalog or the online version at <https://catalog.tamuk.edu/>

Advising

Each student will have the opportunity to register with the advice of their appointed faculty/academic advisor. Students should consult with their respective colleges to ensure proper advisement or to seek help in locating their academic advisor.

Schedule of Refund of Tuition and Fees

The *Tuition-and-Fees Refund Policy* is mandated by the state. Students withdrawing from the university will receive a refund of fees based on the date of the official withdrawal. Students receiving financial aid also should consult with the Financial Aid Office for instructions appropriate to their situation. (Also see the Financial Aid listing on page 15). Applicable tuition and fee refunds are:

Fall and Spring		Summer Session	
1. Prior to the first class day	100%	1. Prior to the first class day	100%
2. During the first five class days	80%	2. During the first three class days	80%
3. During the second five class days	70%	3. During the second three class days	50%
4. During the third five class days	50%	4. After the sixth class day	none
5. During the fourth five class days	25%		
6. After the twentieth class day	none		

General Undergraduate/Graduate Add/Drop Procedures

Students should contact their college major advisor for permission to add or drop a course. Changes must be processed at the Javelina Enrollment Services Center located in room 132 of the Memorial Student Union Building. Students registered through Student Success should process any changes with their academic advisor. Students receiving financial aid should also consult with the Financial Aid Office to inquire if the number of classes dropped will affect their financial aid award status.

Minimum Grades for Good Standing

To be in good standing, students must have a satisfactory grade point average on their academic record. The definition of “good standing” is a minimum of 2.00 overall GPA on A&M-Kingsville courses. All undergraduate students must have a cumulative 2.00 GPA to transfer into A&M-Kingsville.

20.2 AIDS Policy

Senate Bill 959, passed in the 71st Texas Legislature, specifies that workplace guidelines be promulgated to assure that the rights and privileges of individuals infected with the Human Immunodeficiency Virus (“HIV”) are protected. Pursuant to that requirement and in recognition of the serious nature of HIV and related health issues in the work and learning environment, the following guidelines and policies are established for The Texas A&M University System (the “System”).

Human Immunodeficiency Virus cripples the body's ability, through the immune system, to fight infection. Once infected with HIV, a person may remain without symptoms for a long period of time, but is able to infect others through sexual or direct blood contact. As the disease progresses, the immune system can become so weakened that a person may eventually develop life-threatening infections and cancers. Acquired Immune Deficiency Syndrome ("AIDS") is the final stage of HIV infection.

20.3 Alcohol Policy

Texas A&M University-Kingsville is an educational institution dedicated to the pursuit of excellence, the promotion of academic achievement and the advancement of knowledge. Because of the university's interest in the intellectual, physical and psychological well-being of the campus community, it is important that the university take steps to curtail the abusive or illegal use of alcoholic beverages. This will be accomplished by educating members of the university community about the effects of misuse and use of alcohol, and enforcement of the Alcohol Policy.

The use of alcoholic beverages by members of Texas A&M University-Kingsville community is at all times subject to the alcoholic beverage laws of the State of Texas. Individuals must be at least 21 years old to purchase, possess or consume alcoholic beverages. Information about current state alcohol laws and their provisions may be found on the Dean of Students website.

1. Alcohol use, possession, manufacturing, or distribution of alcoholic beverages is prohibited on Texas A&M University-Kingsville premises and University sponsored events (except as expressly authorized by University regulations). Specified locations where alcohol is permitted on the Texas A&M University-Kingsville campus during a university-sanctioned event are: President's Home, Founder's Room, Memorial Student Union Building, McCulley Hall, John E. Conner Museum, Mesquite Grove, Tailgate Area near Javelina Stadium, or other locations designated by the president.
2. University rules prohibit drinking or being in possession of any alcoholic beverage in public or private areas of University premises not approved for such activity; possession and/or consumption by a minor; furnishing alcohol to a minor; use, possession, or distribution of alcoholic beverages while driving or riding in or on a vehicle on university premises is prohibited; individual may not be in a state of public intoxication or drunkenness; individuals may not operate a motor vehicle or another form of transportation while intoxicated or while under the influence of alcohol.
3. Residence Hall students who are 21 years of age may consume alcohol beverages only within their rooms but are expected to do so in moderation and without infringing on other residents' rights to privacy, sleep and study. Individuals may not possess excessive amounts of alcohol.
4. Possessing excessive amounts of alcohol, and/or furnishing or serving from a common source of alcohol (i.e., kegs, mini-kegs, beer balls, etc.) in the residence halls is prohibited in apartments, suites, and/or individual rooms. Sanctions apply to all students (residents and non-residents) present at the time of the infraction and/or to all students (residents and non-residents) who were involved in any way in planning or hosting an event at which a common source or bulk container is provided. In addition, empty cans, kegs, mini-kegs, beer balls, and/or any tapping devices are not permitted in any apartment, suite, or individual room for any purpose, including use as decorations and/or furnishings. (Refer to University Housing & Residence Life Guidebook for additional rules.)
5. Objects and drinking apparatuses or methods that promote irresponsible binge consumption of alcohol, which include, but are not limited to, funnels, beer bong, beer pong tables, or drinking games are prohibited at all times on university premises. All individuals present at the time of the infraction may be charged for a policy violation.

6. Recognized student organizations and student groups must comply with the Alcohol Policy and university alcohol use guidelines for student organizations. Failure to comply may lead to suspension or expulsion of the organization or group, restrictions or revocation of campus privileges, or other lesser sanctions listed in the Student Code of Conduct. (Refer to the Student Organization Manual for specific rules).

Individuals not in compliance with the alcohol policy are subject to arrest and/or citation by the University Police Department. The offending student or organization will also be subject to university disciplinary action and sanctions commensurate with the offense and any aggravating or mitigating circumstances.

The Drug-Free Schools and Communities Act requires, as a condition of receiving any federal funding or other financial assistance, that an institution of higher education certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol for students and employees on school premises and as a part of its activities. The University publishes a Biennial Review of alcohol and other drug programs and existing alcohol abuse and drug use policies. The latest Biennial Review is located at: <https://www.tamuk.edu/shw/biennial-review.html>

20.4 Bicycle, Skateboard, Roller Blade and Motorcycle Use Guidelines

Riding bicycles, roller blades, or skateboards **in buildings or left in hallways, staircases, or lounges is prohibited.**

1. Bicycles left unattended in hallways, staircases, or lounges; blocking access or egress to building entrances and exits; or, parked in non-designated bicycle parking areas will be confiscated by the University police department at the owner's expense.
2. Bicycles must be maintained in good repair while parked in designated bicycle parking areas.
3. Bicycles that are in disrepair or that are left in designated parking areas after the end of a semester will be removed by the police department at the owner's expense.
4. Only the safe operation of bicycles, rollerblades, or skateboards is permitted on campus; unsafe or mischievous cycling, skateboarding or roller-blading on campus is prohibited.
5. Pedestrians have the right-of-way at all times and all bicyclists, rollerbladers, and skateboarders must yield to all pedestrians.
6. Bicycles may be secured only in designated areas of the campus.
7. Bicycles may be registered at the University Police Department.
8. Motorcycles, motorbikes, mopeds and motor scooters must be parked only in designated "Motorcycles" parking areas within designated parking lots unless otherwise approved by the University Police Department.

20.5 Computer Use Policy

IT Standard Administrative Procedures

The Texas A&M University-Kingsville (TAMUK) provides information technology resources and services to faculty, staff, students and guests. ITS procedures articulate the university's vision, strategy, and principles as they relate to the use of information and information technology resources. ITS procedures interpret applicable laws and regulations and ensure that the procedures are consistent with legal and contractual requirements. In addition, ITS procedures specify requirements and standards for the consistent use of information resources across the university. Below you will find an abbreviated listing of ITS's procedures. Click on the bolded titles to access the detailed standard administrative procedures for each of the listed headings below. For a full listing of standard administrative procedures log into JNET under the "About ITS" tab.

Acceptable Use Standard Administrative Procedures

Computers, networks, and electronic information systems are essential resources for accomplishing Texas A&M University-Kingsville's mission of instruction, research, and public service. The University grants members of the University community access to these resources in support of the University's mission. Under the provisions of the Information Resources Management Act (TEX.GOV'T CODE § 2054), these information resources are strategic assets of the State of Texas that must be managed as valuable state resources. The purpose of this procedure is to establish rules that: 1. Ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources. 2. Establish prudent and acceptable practices regarding the use of information resources. 3. Educate individuals who may use information resources with respect to their responsibilities associated with such use.

Email Standard Administrative Procedures

Texas A&M University-Kingsville provides many computing and network resources for use by students, faculty, staff and other persons associated with the University. Members of the University community are required to use electronic mail (E-Mail) to facilitate the exchange of useful information. TAMUK E-Mail is an official form of communication between the university faculty, staff and students. It is the responsibility of faculty, staff and students to check their university email. Under the provisions of the Information Resources Management Act, these information resources are strategic assets of the State of Texas that must be managed as valuable state resources. The purpose this procedure is to establish the rules for the use of University E-Mail for the sending, receiving, or storing of electronic mail.

Internet Usage Standard Administrative Procedures

Computers, networks, and electronic information systems at Texas A&M University-Kingsville are essential resources for accomplishing the University's mission of instruction, research, and public service. The University grants members of the University community shared access to these resources in support of accomplishing the University's mission. Under the provisions of the Information Resources Management Act, these information resources are strategic assets of the State of Texas that must be managed as valuable state resources. The purpose of this procedure is to establish rules to ensure that usage of the internet complies with University procedure, to protect the University against damaging legal consequences, and to educate the individuals who may use the internet about their responsibilities associated with such use.

Network Access Standard Administrative Procedures

The Texas A&M University-Kingsville network infrastructure is provided as a central utility for all users of University Information Resources. It is important that the infrastructure, which includes cabling and the associated wired and wireless equipment, continues to develop with sufficient flexibility to meet demands while at the same time remaining capable of exploiting anticipated developments in high speed networking technology to allow the future provisioning of enhanced user services. The purpose of this procedure is to establish the rules for the creation, distribution, safeguarding, termination, and reclamation of the TAMUK user authentication mechanisms.

Password Standard Administrative Procedures

User authentication is a means to control who has access to an information resource system. Controlling the access is necessary for any information resource. Access gained by a non-authorized entity can cause loss of information confidentiality, integrity and availability that may result in loss of revenue, liability, loss of trust, or embarrassment to Texas A&M University-Kingsville. The purpose of this procedure is to establish the rules for the creation, distribution, safeguarding, termination, and reclamation of the TAMUK user authentication mechanisms.

Wireless Standard Administrative Procedures

With the proliferation of wireless enabled devices, it is necessary to standardize the delivery of wireless network access to promote and maintain the security of the Texas A&M University-Kingsville network. The purpose of this procedure is to establish rules for governing wireless networking at TAMUK. This procedure limits interference with the University's network infrastructure, promotes greater security in campus networking, and supports the academic mission of the University in order to provide reliable and secure wireless network access.

Institutional Policies Addressing Unauthorized Peer-to-Peer File Sharing

Texas A&M University - Kingsville respects the rights of copyright owners and their representatives and is committed to implementing procedures and practices to support these rights without infringing upon the legal use of copyrighted materials.

In using the university's information resources, users expressly consent to university monitoring for these purposes and if possible evidence of criminal activity is identified, the university administration may provide that evidence to law enforcement officials. In addition, all members of the university community are to be aware that intellectual property laws extend to the electronic environment. Users should assume that works communicated through the computer network are subject to copyright laws, unless specifically stated otherwise.

Peer-to-Peer (P2P) file sharing software can share copyrighted material from your computer, possibly without your knowledge. Anti-piracy scanners target universities to catch users who violate the [Digital Millennium Copyright Act](#). There are potentially severe penalties for copyright infringement including but not limited to, university sanctions, fines up to \$250,000, and imprisonment for up to five years.

If the university receives a claim of copyright infringement, it will be forwarded to the identified student. If you receive notice, you must delete any media you are not licensed to have, and stop sharing any media that you do not have permission to share. The Dean of Students will address all claims against students sharing copyrighted material illegally and may impose sanctions.

How You Can Stay Safe

1. Download media from legal sources such as YouTube or iTunes. For a list of legal choices, visit www.educause.edu/legalcontent
2. Disable internet file sharing on your P2P software.

Computer Lab Locations

A list of computer lab locations, the number of computers, the types of computers, and the main software packages on the computers is located at <https://www.tamuk.edu/finance/its/catalog/labs-printing.html>

Printing

Information about printing on campus, utilizing GoPrint, is available at <https://www.tamuk.edu/finance/its/catalog/goprint.html>

20.6 Disruption of Business Activities Policy

Disorderly conduct that disrupts or impairs the business operation of the university or that interferes with any university-owned or controlled property, including all campus buildings (offices, lobbies, hallways, administrative spaces, adjoining courtyards, stairwells, other campus venues) and parking lots, is prohibited. Disorderly conduct on university premises is defined as:

1. Using abusive, indecent, profane, or vulgar language; or
2. Making offensive gestures or displays; or
3. Abusing or threatening a person in an obviously offensive manner; or
4. Sound disruption or inappropriately aggressive behavior within an office, administrative space or other campus venue such as voice levels or intimidating attitude inconsistent with office behavior, profanity, belligerent conduct through physical evidence of anger, invasion of personal space, slamming doors, throwing objects, or assault; or
5. Blocking the access or egress to and from buildings, disrupting the flow of traffic and/or creating or causing unusually loud and disturbing noises, between the hours of 8 p.m. and 6:30 a.m. is a violation of university policy.

The University Police Department will respond to complaints and request that the offending behavior desist. Persons refusing to cooperate may be cited for violation of this policy and applicable State statutes and reported to the Dean of Students. Offenders will be subject to disciplinary action.

20.7 Drug Policy

Texas A&M University-Kingsville strives to assist students in achieving their potential as human beings and in becoming self-directed in all activities. Because growth and development are shaped by a student's experience, the university seeks to develop an environment where students can learn how to live fulfilling and productive lives. Substance abuse disrupts this environment and threatens not only the lives and well-being of our students, faculty, and staff but also their potential for contribution to society. All members of the university community need to take responsibility for preventing substance abuse from negatively affecting the community's learning environment and the academic, physical, and emotional well-being of its membership.

In recognition of the problems of substance abuse, members of the university community have developed a university-wide drug policy. These policies deal with education, prevention, intervention, and treatment activities as well as disciplinary sanctions for those found in violation of the policy. The university has established comprehensive substance abuse prevention programs to help eliminate the threat that substance abuse poses. Through education, the university is committed to helping individuals achieve their personal and academic goals.

I. Legal Aspects and Consequences Concerning Controlled Substances and Illegal Drugs

All members of the university community are expected to abide by local, state and federal laws pertaining to controlled substances and illegal drugs. More specifically, the Texas A&M University-Kingsville Student Code of Conduct prohibits "manufacturing, possessing, having under control, selling, transmitting, using or being party thereto any illegal drug, controlled substance or drug paraphernalia on university premises or at university-sponsored activities."

The term “controlled substances,” when used in this policy, shall refer to those drugs and substances whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substance Act (Texas Civil Statutes, Article 4476-15), as well as substances that possess a chemical structure similar to that of a controlled substance (e.g., “designer drugs”).

II. Education, Prevention and Referral for Treatment

Texas A&M University-Kingsville is committed to providing comprehensive drug education and prevention as well as early intervention and treatment referral services. Student Health and Wellness provides a broad-based educational program to assist in the prevention of substance abuse.

The university realizes the importance of treatment services in assisting faculty, staff and students to overcome substance abuse problems. Assessment and intervention services are available through Student Health and Wellness. If further treatment is necessary, the student may be referred to outside counselors and programs.

III. University Disciplinary Process

University disciplinary charges may be pursued against faculty, staff and students alleged to have violated university regulations and/or local, state and federal laws concerning controlled substances. Violations of any local, state or federal law pertaining to controlled substances that occur off campus and are not associated with a university-connected activity may result in disciplinary charges in situations in which the continued presence of the individual on campus is likely to interfere with the educational process and the orderly operation of the university.

University disciplinary proceedings will be in accordance with procedures outlined in the Student Code of Conduct and university policy (faculty and staff). Voluntary admission to a substance abuse treatment program prior to the issuance of charges may be looked upon favorably in disciplinary cases. Disciplinary action in cases involving serious drug-related violations will result in suspension, dismissal or expulsion from the university, depending on the nature and seriousness of the case. Participation in a substance abuse education or treatment program may be required in addition to other sanctions. Any disciplinary action imposed by the university may precede and be in addition to any penalty imposed by an off-campus authority.

20.8 Expressive Activity

Rule Summary

In 2019, the 86th Texas Legislature passed Senate Bill 18, addressing the protection of campus expressive activities. This new law adds Texas Education Code Section 51.9315, which requires that each public institution of higher education “adopt a policy detailing student’s rights and responsibilities regarding expressive activities” on its campus.

As stated in the Preamble to the bill: Freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus. It is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right. Freedom of speech and assembly is central to the mission of institutions of higher education and persons should be permitted to assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

20.8.a Definitions

Definitions of terms used in this rule. The definition includes both the singular and plural version of the term:

Benefit – recognition by or registration with the university, the use of the university’s facilities for meetings or speaking purposes, the use of channels of communication controlled by the university, and funding sources made generally available to student organizations at the university.

Campus – all land and buildings owned or leased by the university.

Common outdoor areas – places located outside a building or facility that are accessible to the public, such as streets, sidewalks, plazas, lawns, and parks, unless closed by the university for special circumstances. This term does not include areas immediately adjacent to a private residence.

Employee – an individual employed by the university.

Expressive activity – any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes 08.99.99.K1, Expressive Activity on Campus assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech. **Faculty** – any full or part-time employee of the university holding an academic appointment.

Materially and substantially disrupt – interrupting a program or activity in a significant and consequential manner.

Person – students, faculty, staff, student organizations, and third-parties.

Reasonable time, place, and manner restrictions – limitations that: (1) are narrowly tailored to serve a significant institutional interest; (2) employ clear, published, content-neutral, and viewpoint-neutral criteria; (3) provide for ample alternative means of expression.

Staff – an employee of the university that is not a faculty member.

Student – an individual currently enrolled at the university, full or part-time, pursuing undergraduate, graduate, or professional studies, including students who were enrolled the previous semester and registered for a future semester.

Student Organization – any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

Third-party (External Client) – an individual or entity that is not a student, student organization, or employee of the university.

Traditional public forum – a place, widely recognized in law, which has been intended for the use of the public, and has been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions when the principal function of the location would not be disrupted by expressive activity. Examples of traditional public forums include public streets, sidewalks, plazas, lawns, and parks.

20.8.b Expressive Activity Rule

Expressive Activity Rights

1. Any person is allowed, subject to reasonable time, place, and manner restrictions, to engage in expressive activities on campus, including by responding to the expressive activities of others.

2. Student organizations and employees are allowed to invite speakers to speak on campus. In determining the amount of a fee to be charged for the use of the university's facilities for purposes of engaging in expressive activities, the university may consider only content-neutral and viewpoint-neutral criteria related to the requirements of the event, such as the proposed venue and the expected size of the audience, any anticipated need for campus security, any necessary accommodations, and any relevant history of compliance 08.99.99.K1, Expressive Activity on Campus or noncompliance by the requesting student organization or employee with this rule and other relevant rules. The university may not consider any anticipated controversy related to the event.

3. The university may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the university based on a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

4. The common outdoor areas of the university's campus are deemed traditional public forums. Any person is permitted to engage in expressive activities in these areas freely, as long as the person's conduct: (a) is not unlawful; and (b) does not materially and substantially disrupt the functioning of the institution. Members of the university community are allowed to assemble or distribute written material in common outdoor areas without a permit or other permission from the institution.

4.1 To ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required 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. Requests for reservations should be made through Event Planning's reservation page.

4.2 The Pavilion on the north side of the Memorial Student Union Building is the primary area to reserve for expressive activity (designated public forum) and will be reserved at the request of students and non-students for expressive activity. Other locations are available upon request. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in the reservation procedures.

5. Nothing in this rule should be interpreted as prohibiting faculty members from maintaining order in the classroom.

20.8.c Expressive Activity Grievance Procedure

1. Any person who believes that their campus expressive activity rights, as recognized by this rule, have been unduly interfered with by a student, student organization, or employee has the right to file a grievance.

2. Grievances should be filed with the Office of Compliance.

3. A student, student organization, or employee who is found to have unduly interfered with another person's expressive activity rights, as recognized by this rule, is subject to disciplinary action in accordance with the university's applicable rules and procedures. The Office of Compliance will investigate the grievance and draft a report summarizing 08.99.99.K1, Expressive Activity on Campus its findings. If a violation of this rule was found to occur the report will be referred to the appropriate office for further action. The referral office will be determined by the status of the offending individual. Complaints concerning (a) faculty will be referred to the Office of the Provost; (b) students will be referred to the Office of the Dean of Students; and (c) complaints concerning staff and third parties will be referred to Human Resources.

20.8.d Implementation

- A copy of this rule shall be included in any university-published student handbook and faculty handbook.
- A copy of this rule shall be provided to students during the university's new student orientation program.
- A copy of this rule shall be posted to the university's website.

20.8.e. External Client Events

A recognized student organization, university academic or administrative unit, or an A&M System member must sponsor events organized by an external party and held on campus.

20.9 False Alarm or Report

Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance. A violation of this section is punishable as a Class A misdemeanor (fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fine and confinement) unless the false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public services. In this event, the offense is a state jail felony (confinement in a state jail for any term of not more than two years or less than 180 days; in addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.)

- a. A person commits an offense if he knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or another emergency that he knows is false or baseless and that would ordinarily:
 - 1) cause action by an official or volunteer agency organized to deal with emergencies;
 - 2) place a person in fear of imminent serious bodily injury; or
 - 3) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.
- b. An offense under this section is a Class A misdemeanor unless the false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service. In this event, the offense is a state jail felony.

20.10 Hazing Policy

Hazing is a criminal violation under Texas law. A person can be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his / her knowledge to the Dean of Students. An organization commits hazing if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commit or assist in the commission of hazing. It is not a defense to prosecuting an offense under this policy that the person against whom the hazing was directed consented or acquiesced in the hazing activity.

Hazing means 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 to pledge, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes but is not limited to:

1. Any physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or institution, rather than submit to acts described in this policy.
5. Any activity that induces, causes, or requires the student to perform a duty or task that violates the penal code.
6. Texas A&M University-Kingsville also defines hazing to include:
 - a. Misuse of authority by one's class rank or leadership position;
 - b. Any form of physical bondage of a student (including but not limited to having prospective members perform personal chores or other tasks under threat of negative repercussions, blindfolding and/or parading individuals, requiring members to carry items or perform activities meant to punish, discomfort or embarrass members; etc.)
 - c. Road trips (taking a student to an outlying area and dropping him/her off); compelling a person or group to remain at a certain place; transporting a person anywhere without their consent (kidnapping).
 - d. Performing physical exercise (sit-ups, push-ups, crab walk, elephant walk, etc.) except in the case of organized sports activities.
 - e. Expecting participation in an activity that violates the Student Code of Conduct (stealing, defacing, or trashing property, assigning or endorsing pranks, etc.)

Incidents of hazing should be reported to the Dean of Students. The website provides a detailed list of conduct that constitutes hazing and the entire hazing policy.

20.11 Lost and Found/Abandoned Property

Any abandoned or unclaimed property at any Texas A&M University- Kingsville facility should be reported to the University Police Department Property Officer. The property officer shall attempt to notify known owners through mail, telephone, or other means (email, text message, etc.). The property officer shall attempt to identify unknown owners through a public notice of abandoned property. Any presumed lost or stolen item should be reported promptly to the University Police Department. The University Police Department may retain possession of the item until it is returned to the owner or otherwise disposed of according to law. After 90 days, the Texas A&M University Kingsville University Police Department Property Officer will determine if unclaimed items may be sold through public auction.

Lost and found logs and the disposition of abandoned and unclaimed personal property procedures are published online at http://www.tamuk.edu/finance/upd/lost_and_found.html.

20.12 Motor Vehicle Operation/Parking Policy

<http://www.tamuk.edu/finance/upd/parking.html>

The operation of a motor vehicle on the Texas A&M University-Kingsville campus is a privilege granted by the university rather than a right.

1. All faculty, staff, and students who operate or expect to park and/or operate a vehicle on university property, regularly or occasionally, are required to register those vehicles with the University Police Department and to obtain a parking permit assigning a designated parking area or areas.
2. A parking permit does not guarantee a parking space. Each vehicle operator is responsible for finding a legal parking space. Lack of space is not a valid excuse for violating any parking regulation. The fact that citations are not issued for any offense does not indicate that the regulations or laws have been modified to exclude that offense.
3. When a person is charged with violating any provision of these regulations, proof that the vehicle was bearing a valid university parking permit on the offense date is clear evidence that the permit holder committed the violation. However, if the vehicle does not bear a valid parking permit, proof that the vehicle, on the date of the alleged offense, was owned by an individual or connected to an individual affiliated with the university through registration address is prima facie proof that the owner committed the violation.
4. Individuals with unpaid violation charges recorded in their names, including those from previous semesters, are ineligible to receive a parking permit until those charges have been paid.
5. The legal speed limit on the Texas A&M University—Kingsville campus is 20 miles per hour unless otherwise posted. The speed limit in the university parking lots is 10 miles per hour.
6. Parking and Traffic regulations are enforced 24 hours a day, seven days a week.
7. Faculty/Staff parking lots and spaces are reserved from 6:00 a.m. to 6:00 p.m. on business days.
8. On special occasions and in emergencies, the University Police Department may temporarily close any campus parking area on the facility or limit parking and traffic as required by circumstances.
9. The university reserves the right to immobilize (boot-lock), impound, or remove any motor vehicle on the Texas A&M University-Kingsville campus premises at the owner's expense. Please refer to the *Parking and Traffic Regulations* on the parking website for more information on immobilization, impounding, removal, or parking violation fees.

Visitor Permits

A visitor is an individual with no affiliation, association, or relationship with Texas A&M University-Kingsville as a student, faculty member, staff member, or employee or as determined by the University Police Department. The university requires all visitors and university guests to obtain temporary visitor permits for motor vehicles they will operate or park on campus. The permits may be obtained at the Business Office.

For additional guidelines, please refer to the University Police Department's Parking and Traffic Regulations publication.

20.13 Posting, Advertising, and Publicity on Campus Regulations

Bulletin boards are available on campus to assist with promoting and publicity of events that may interest the campus community. Postings include posters, flyers, handouts, displays, banners, etc. Because there is limited bulletin board space on campus, certain regulations are enforced to ensure that the boards are used properly and to keep the campus free of unnecessary litter.

General Posting Guidelines

- A. All postings must have the sponsoring group's date, location, time, and name.
- B. Each academic department will have a designated bulletin board for general postings. Individuals or organizations posting materials inside campus buildings must observe all posting guidelines specific to that building or department.
- C. Posting is not permitted on windows, doors, walls, columns, outdoor furniture, trashcans, trees, parked cars, or street signs without special approval of the Student Activities or Event Planning. Special campus-wide university events will be reviewed as applicable to assist in promoting them on campus.
- D. Posted materials should be reasonable relative to the posting area's size and should not cover or obstruct other notices. Use thumbtacks and not staples.
- E. Outdated materials are to be removed by the sponsoring group or individual.

Registered Student Organization Postings

Refer to the Student Organizations Handbook for additional guidelines and suggestions for campus organizations.

Personal Student Postings

Personal student postings include flyers advertising personal items for sale, recitals, roommate requests, etc. Postings regarding student-run businesses, bands playing at local clubs, etc., are not considered student postings and should follow the commercial posting regulations.

Departmental Postings

Departmental postings may be placed in designated departmental bulletin boards and all bulletin boards across campus. Departments posting materials inside campus buildings must observe all posting guidelines specific to that building or department.

Commercial Postings

Student Engagement or Event Planning must review and approve all external commercial business postings. Student Engagement staff will inform the business of the appropriate locations for commercial postings.

20.14 Privacy of Student Records: FERPA Policy

The Family Educational Rights and Privacy Act of 1974 is a Federal Law that states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights concerning their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the university receives a request for

access. A student should submit to the registrar, dean, head of the academic department or other appropriate official, written requests that identify the records(s) the student wishes to inspect. The university official will arrange for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the university to amend a record should write the university official responsible for the record, clearly identify the part of the record they want changed, and specify why it should be changed.

If the university decides not to amend the record as requested, the university will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill her/his professional responsibilities for the University.

Upon request, the university discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless the institution states in its annual notification that it intends to forward records on request.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education 400 Maryland Avenue, SW, Washington, DC 20202-5901

Directory Information

No one outside the institution shall have access to nor will the institution disclose any information, other than directory information, from a student's education records without the written consent of the student, except to personnel within the institution, to officials of other institutions in which the student seeks to enroll, to persons or organizations providing financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order and to persons in an emergency to protect the health or safety of students or other persons. The following items are considered **directory information** at Texas A&M University-Kingsville:

Name, local and permanent address, telephone number, major(s) or minor(s), classification, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, enrollment status (e.g., undergraduate or graduate, full-time or part-time), degrees, honors and awards received, and most recent educational agency or institution attended.

Students reserve the right to suppress any information from being released to the general public without the written consent of the student. Any student wishing to withhold any or all of this information should notify the Office of the Registrar. The university assumes that failure on the part of any student to request the withholding of directory information specifically indicates individual approval for disclosure.

20.15 Sexual Harassment and Sex-based Misconduct (Including Sexual Assault, Sexual Harassment, Sexual Exploitation, Domestic Violence, Dating Violence and Stalking)

Refer to the Student Code of Conduct section regarding sexual harassment and/or sex-based misconduct for details regarding reporting, response, and hearing procedures, which can be located in this handbook.

20.16 Tobacco Free Policy (K34.05.99.K1)

1. Scope and Limitations

1.1 Areas in which smoking is prohibited:

1.1.1 Smoking (the use or carrying of a lighted pipe, cigar, cigarette, tobacco, e-cigarette, and any other type of nicotine delivery system or smoking substance) is prohibited on campus.

1.1.2 The use of cigarettes, cigars, pipes, all forms of smokeless tobacco (chewing tobacco, snuff, dip, or any other product that contains tobacco), and any other smoking devices that use tobacco, such as e-cigarette is also specifically prohibited on any TAMUK property.

1.1.3 University student artists or actors who participate in authorized performances will be allowed to smoke as part of an artistic production provided that appropriate disposal receptacles and smoke filtration units are available and the audience is informed before the performance.

1.1.4 If approved by the Provost and Vice President for Academic Affairs, participants in academic research projects involving smoking are permitted to smoke provided that it is conducted in a designated area and informational signs are posted indicating the presence of tobacco smoke. The Principal Investigator must have a smoke filtration unit operating during the smoking event.

2. Smoking and Tobacco Cessation Programs

TAMUK is committed to supporting faculty and staff who wish to stop using tobacco and nicotine products. Information on tobacco, nicotine and smoking, including the smoking cessation program, is provided through the following link:

<https://www.tamuk.edu/finance/hr/benefits/eap.html>

3. Exemptions

The president may permit exemptions to this rule for specific activities and locations that carry out the university's goals and objectives.

20.17 Student Organization Formation Procedures

<http://www.tamuk.edu/studentorganizations/>

There are many clubs and organizations at Texas A&M University-Kingsville. However, if the organization you seek doesn't exist, we encourage you to create one. The steps for creating an organization are listed below.

1. Schedule an appointment with a Student Engagement and Campus Life staff member. The staff member will advise you on

the process and provide the necessary forms to get your organization off the ground.

2. Draft a *Statement of Purpose*. You will need to create a statement of purpose, which will be submitted with other paperwork to complete your recognition.
3. Complete an *Information Sheet* outlining your organization's leadership.
4. Provide a *Constitution/By-Laws/Other Governing Documents*. All organizations must submit (and update anytime there are changes) a constitution and any other governing documents, such as by-laws. These will need to be updated every three years on Collegiate Link.
5. Submit a *Membership Roster*. Your proposed organization will need at least 10 members to be recognized.
6. Comply with Risk Management Guidelines for Student Organizations.
7. You must Register your organization with Student Engagement and Campus Life. Please contact them for more information on the process and associated deadlines.

Organizations may be proposed at any time; however, the process is not complete until the Student Engagement has reviewed it and the process is complete. You will be notified of your organization's recognition. For guidelines for approval of Greek organizations and the privileges of registered organizations, consult the Student Engagement website. All questions and matters concerning student organizations should be addressed to Student Engagement, located in the Javelina Student Engagement Center (JSEC), or by calling 593-2760.

20.18 Student Traffic Appeals/Board

Function and Purpose: This board's purpose is to ensure the right of appeal to any student charged with violating the university's parking and traffic regulations. Appeals must be filed online at Blue & Gold (<http://www.tamuk.edu/bluegold/>). All communication with the student is done via email. The board reviews student appeals concerning traffic and parking citations, makes a ruling, and notifies the student (via email) about the disposition of the case.

Duties and Responsibilities of the Board:

- A. Has original appeal jurisdiction over all parking and traffic citations issued to students by the University Police Department.
- B. Reviews the student's appeal and other pertinent information about the citation before deciding.
- C. Establishes procedural guidelines for the disposition of cases by the board.
- D. Makes the final decision and determination about a parking citation. The board's decision is final and not subject to appeal.
- E. While the board makes every effort to communicate its findings with the person appealing, it is the responsibility of the student making the appeal to follow up on the disposition of their appeal and to ensure that all fees, if any, are paid on time.

20.19 Student Travel

In compliance with state law and System Policy, submission of student travel paperwork at least 5 business days in advance of the date of departure is required of any student who travels more than 25 miles from campus to an activity or event that is organized or sponsored by the University (including all class travel and field trips), funded by the University, using a vehicle owned or leased by the University; or travel required by a student organization registered at the University. Information on domestic student travel procedures is located at: <http://www.tamuk.edu/dean/travelprocedures.html>.

All international travel paperwork must be coordinated and submitted through the Office of Global Engagement in Cousins Hall.

International student travel procedures are available online at https://www.tamuk.edu/globalprograms/campus-resources/sponsored_travel.html.

20.20 Video Surveillance

Video surveillance plays an increasingly important role in the total security package that the University is able to provide for students, faculty, staff, and visitors. The University maintains and monitors a comprehensive video surveillance system.

20.21 Weapons and Campus Carry Policy

Texas A&M University-Kingsville strives to provide a safe and secure environment for its students, staff and faculty. Texas A&M University-Kingsville prohibits the possession or storage of any weapons, fireworks or explosives on university premises or at any university-sponsored activity, except in the following cases: law enforcement personnel engaged in the official performance of their assigned duties; approved university experiments and/or projects; transporting of firearms to and from a place of storage on campus; TAMUK ROTC; and other approved academic use. The term “weapons” may be defined as any object or substance designed to inflict a wound, cause injury, or incapacitate.

The university prohibits the possession of the following items on any Texas A&M University-Kingsville campus or university-sponsored event. These include but are not limited to:

- Handguns, revolvers, pistols, BB guns, pellet guns, etc.
- Chemical weapons and /or explosives (including bullets or fireworks)
- Location-Restricted Knives, bows and arrows; slingshots
- Martial arts weapons

Simulated or toy weapons that look like real weapons are similarly prohibited on campus unless approved in advance for a special university event. University officials encourage anyone who has or owns any weapon to contact the University Police Department to arrange to store such items. The University police department will secure all weapons, providing a receipt for items stored. Each item will be checked for status, and a criminal history check will be conducted before the item is returned. All requests, exceptions, and interpretations of this policy will be managed by the University’s Chief of Police. (593-2611)

Unlawful Carrying a Weapon, Texas Penal Code, Chapter 46.02: A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, location-restricted knife, or club.

Prohibited Weapons, Texas Penal Code, Chapter 46.05: A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells: an explosive weapon; a machine gun; a short-barrel firearm; or a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device; a zip gun; or a tire deflation device.

Texas Campus Concealed Carry Law, Senate Bill 11 and Texas A&M University-Kingsville

On June 1, 2015, Texas Governor Greg Abbott signed Senate Bill 11 into law. This law, effective August 1, 2016, authorizes a handgun

license holder to carry a concealed handgun on the campus of an institution of higher education, subject to the institution's rules adopted in accordance with this act. "Campus" includes all land and buildings owned or leased by the institution. The "open carry" of a handgun on the Texas A&M University-Kingsville premises is against the law.

Quick Facts related to the Campus Concealed Carry Law:

To be a licensed handgun holder, a person must be 21 years old and take/pass the concealed handgun class that is regulated by the Texas Department of Public Safety (DPS). A first-time Concealed Handgun License (CHL) applicant must complete four to six hours of classroom training, pass a written examination and pass a proficiency demonstration (shooting). All classroom and proficiency must be conducted by a CHL instructor certified by the DPS.

Carrying concealed handguns on campus (Campus Rule 34.06.02.k1)

This rule is established pursuant to Texas Government Code 411.2031.

1. The President of Texas A&M University-Kingsville (TAMUK) established this rule after consulting with Texas A&M University-Kingsville students, staff and faculty about the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This rule has been reviewed and approved by the system board of regents, as required by law.
2. A handgun license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the TAMUK campus or in a TAMUK vehicle, unless prohibited by state or federal law, or this rule. The open carrying of a handgun on campus is prohibited. Licensed peace officers are authorized by law to carry firearms at all times.
3. TAMUK enforces state law regulating firearms on campus. This enforcement occurs in two ways. First, university police or other applicable law enforcement agencies will investigate and take appropriate action, including referral for criminal prosecution when violations occur. Second, Texas A&M University-Kingsville will consider any violation of state law regulating firearms to be a violation of Texas A&M University-Kingsville rules. Accordingly, such a violation is subject to disciplinary action under rules applicable to students, faculty, and staff.
4. Storage of Handguns in Residential Facilities.
 - a. This section applies to residence halls or other residential facilities located on campuses that are owned by Texas A&M University-Kingsville.
 - b. Any resident student that is a Concealed Handgun License Holder who wishes to store their handgun in their residence hall room:
 - i. Must provide a safe that is intended and made for the storage of handguns. Inspection and installation of a safe must go through the Department of University Housing & Residence Life; or
 - ii. Concealed Handgun License Holders may apply for a safe through the Department of University Housing and Residence Life which will oversee the installation.
5. Rules Applicable to Carrying a Concealed Handgun on Campus
 - a. State Law Prohibitions

A license holder is responsible for complying with the applicable state law prohibitions. See <http://assets.system.tamus.edu/files/policy/pdf/Appendix-Texas-Statutory-Prohibitions.pdf> for state law prohibitions.

b. Federal Law Prohibitions

A license holder is responsible for complying with the applicable federal law prohibitions.

c. *Other Prohibited Campus Locations*

A license holder is also prohibited from carrying a concealed handgun in the following campus premises:

1. The President has prohibited carrying a concealed handgun in:

- a. Academy High School;
- b. Marc A. Cisneros Center for Young Children;
- c. University Speech and Hearing Clinic;
- d. University Child Literacy Laboratory;
- e. Premises on which UIL and Interscholastic events hosted by the University where minors are the primary attendees/audience (band camp, sports camps, engineering day, leadership conferences, etc.);
- f. Campus laboratories that have in their bounds compressed gas cylinders, flammable organic solvents, flammable liquids, or unstable (reactive) chemicals;
- g. The Student Health & Wellness Center (medical/counseling facility);
- h. On the premises of the stadium, ballpark, gymnasium, court area, golf course, or track and field facility where the following is taking place: interscholastic sporting event; intercollegiate sporting event; professional sporting event;
- i. Athletic practice fields and marching band practice fields whenever Academy High School is holding practice for football, baseball, basketball, softball, tennis, track & field or marching band.
- j. Third (3rd) floor, Irma Rangel College of Pharmacy building. All pharmacy labs are located on this floor and compressed gas and flammable liquids are located throughout this entire floor/laboratory complex.
- k. TAMUK Citrus Center in Weslaco: 1) Research labs 214-229 and open central lab; 2) Two Chemical Storage buildings located east of greenhouses and north of main building; 3) Auto repair shop; 4) Post harvest shed & workshop.
- l. The Student Recreation Center.

2. Any premises where the university, as directed or approved by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06, Penal Code. For this rule, the term “owner of the property” in Section 30.06(b), Penal Code, means the president of the university. No university employee is “someone with apparent authority to act for the owner” for purposes of Section 30.06(b), Penal Code. All notices under Section 30.06, Penal Code, will be institutional notice, conform to Sections 46.03 and 46.035, Penal Code, and apply equally to all handgun license holders.

6. At all premises where concealed carry is prohibited, TAMUK must give effective notice under Section 30.06, Penal Code.

Other Campus Process and/or Appeal Procedures

Section 21: Other Campus Process and/or Appeal Procedures

Several areas within the University have additional mechanisms for addressing concerns or filing appeals, outlined in the table below. The Dean of Students Office can assist individuals with questions regarding the grievance procedures.

Nature of Concern	Reference	Office or Contact	Comments
Academic Content/Record	Student Handbook System Policy FERPA	<i>Registrar</i>	System and university policies and FERPA establish the student's right to request a change, addition, or deletion to his/her student records if the material is inaccurate or misleading. The request must be submitted in writing, including reasons for appeal. Written notification of the decision is provided to the student. Records are maintained in the Office of the Registrar.
Academic Suspension/Enforced Withdrawal	Undergraduate Academic Catalogs Graduate Academic Catalogs Student Handbook	<i>Division of Student Success</i> <i>Dean Graduate School:</i>	Undergraduate students on academic suspension/enforced withdrawal may appeal through Student Success. That appeal can either be denied or accepted. Appellants whose appeals are accepted are permitted to register under certain conditions, which are provided to the student in written form. A record of each appeal, accepted or denied, is kept by the Student Success. Graduate students can appeal through their respective academic departments and the Dean of Graduate Studies.
Admission Appeal-Undergraduate	Undergraduate Catalog	<i>Undergraduate Admission</i>	The admission appeal process is outlined in the decision letter sent to the student. We suggest the following: Applicant is encouraged to re-take the SAT and/or ACT entrance exam if they apply as a high school student. Transfer students are encouraged to attend a community college to improve their transfer GPA. Students can submit an essay/personal statement and two letters of recommendation. Letters should be from academic teachers/professors and address the applicant's academic ability. The committee will consider factors such as academic performance, socio-economic status, extracurricular involvements, and performance of high school/district or any other information that might be helpful.
Admission Appeal-Graduate	Graduate Catalog	<i>Graduate School:</i>	The admission decision letter will include the reasons a student was denied admission to the graduate school or program. For admission appeal information, please contact the Dean of Graduate Studies.
American with Disabilities (ADA)	Student Health and Wellness/Disability Resource Center Webpage	<i>Disability Resource Center:</i> <i>Office of Compliance:</i>	A student who feels he or she has been subject to discrimination in an academic program or university department based on disability may file a written grievance to the Compliance Office or with the DRC, which would be submitted to the Director of Compliance within five business days of receipt. A student's complaint alleging discrimination should be filed within 10 business days of the action if the complaint is in connection with discipline and/or dismissal or within 90 calendar days of the most recent incident if it is unrelated to discipline and/or dismissal.
Athletics	Student Athlete Handbook	<i>Athletics:</i>	Student-athletes who wish to address concerns/complaints about athletic policies and/or procedures should consult the Student Athlete Handbook for process information. The NCAA and the Lone Star Conference also govern athletics. TAMUK abides by all applicable NCAA and conference policies.
Family Education Rights and Privacy Act	Student Handbook FERPA	<i>Registrar's Office</i>	FERPA information may be found in this student handbook on page 83. If you witness or commit what you believe to be a possible FERPA violation, please notify the Office of the Registrar immediately.
Financial Aid	Financial Aid website	<i>Financial Aid Office</i>	Students inquiring on their eligibility for financial aid obtain answers to questions through their Financial Aid counselor and/or the Financial Aid Office. Financial Aid representatives are available in the Javelina Enrollment Services Center. Students may make an appointment to speak with their financial aid counselor.

Fraudulent, Wasteful or Abusive Activities	Ethics Point website	<i>Texas A&M University System</i> <i>Office of Compliance</i>	The Texas A&M University System is dedicated to adhering to the highest ethical standards and principles. If you have factual information suggestive of fraudulent, wasteful, or abusive activities, we want you to report it. Ethics Point is the mode for students, parents, and citizens to report issues through the Risk, Fraud, and Misconduct Hotline, an anonymous telephone and web-based reporting system by calling 1-888-501-3850 or selecting “file a report” at the top of the page at www.ethicspoint.com. The hotline is independently operated and available 24 hours a day, 7 days a week. The Office of Compliance may provide additional assistance in filing an Ethics Point complaint. Examples of reportable issues include fraud, misuse of resources or information, violations of safety rules, inappropriate conduct, harassment, or discrimination.
Graduation Requirements (Effective Catalog Rule)	Website Undergraduate catalogs	<i>Registrar’s Office</i>	A student entering the university must meet the degree requirements listed within their current catalog or those of a subsequent catalog. However, a student who fails to graduate within five years after admission will be required to meet the degree requirements of a subsequent catalog within five years of currency at the time of their graduation. As the Southern Association of Colleges and Schools Commission of Colleges (SACSCOC) requires, at least 25 percent of the hours applicable to a degree must be earned through instruction by the institution awarding the degree.
Pregnant and parenting student concerns	08.01.01 Civil Rights Compliance Procedure (TAMU System) 08.01.01.K1 (TAMUK)	<i>Office of Compliance</i> <i>Dean of Students Office</i>	Complaints or requests for assistance by students who are pregnant should be directed to the Office of Compliance for review and possible accommodations under Title IX. Complaints or requests for assistance by students who are parenting a child under the age of 18 should be directed to the Dean of Students Office.
Refund of Fees	Business Office website Business Service Appeal Information	<i>Business Office</i>	Refunds from credit balances on student accounts are automatically refunded. No student action is necessary once refund information is established in Customers Bank (formerly HigherOne). Students contesting refund percentages from drops or withdrawals are referred to the Registrar’s Office for appeal. Students contesting the application of excessive hour rules are referred to the Business Service Appeals process. Students contesting housing and/or meal plan charges are referred to Housing and Residence Life for appeal.
Residency Status Determination	Residency Appeal	<i>Registrar’s Office</i>	For students desiring to appeal residency status (in-state vs. out-of-state tuition rate). Students must meet one requirement in Part A of the Revised Chart II: Documentation to Support Establishing and Maintaining Domicile in Texas Form. Students must submit one item from part B of the revised Chart II: Documentation to Support Establishing and Maintaining Domicile in Texas Form.
Sexual Harassment, Discrimination	08.01.01 Civil Rights Compliance Procedure (TAMU System)	<i>Office of Compliance</i>	Complaints of sexual harassment or discrimination, including sexual assault, dating or domestic violence, or stalking (including discrimination and retaliation) should be directed to the Office of Compliance. Deputy Title IX Coordinators: Henry Burgos, HR Gina Smith, Housing Hanna Lantz, Athletics Kirsten Compary, Dean of Students Office
Student Employment Grievance and Appeal	32.01.02 (Complaint and Appeal Process for Nonfaculty Employees)	<i>Human Resources</i> <i>Office of Compliance</i>	Complaints by any non-faculty employee include any appeal of an adverse employment action, discipline, or dismissal. Complaints related to employment must be filed within seven (7) business days of the action that caused the complaint. Human Resources will coordinate the investigation of employment-related complaints. Illegal discrimination complaints should follow the procedures in TAMU System Regulation 08.01.01, and should be reported to the Office of Compliance.

Transfer Credit Denial		<i>Office of Undergraduate Admission</i>	The Office of Undergraduate Admission evaluates transcripts for credit and, at times, may review them by faculty members in an academic program. Academic departments determine credits for a specific degree. Once a transcript undergoes the review process, students are provided with information concerning the transferability of courses and how they will be applied to a degree program. A course must be college level to be transferrable, with a grade of "D" or better. Sometimes, a grade below a "C" may not be acceptable in cases where the course will be applied to a major. Students can access their degree plans through DegreeWorks.
Unresolved dissatisfaction with a staff member, another student, student group, or administrator regarding a program, service, or activity	Non-academic Student Grievance Policy	<i>Original Decision-Makers</i> <i>Unit Supervisors</i> <i>Dean of Students Office</i>	Infringement upon the rights or sensibilities of an individual by a university employee, student, or student organization; Interpretation or application of an administrative policy or procedure of the university; unresolved concern about a university program, service, or activity. Established grievance procedures are usually implemented to address such concerns.