

Section II

Campus Alcohol And Drug Policy

Texas Southern University adheres to and complies with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which requires an Institution of Higher Education to certify with the United States Department of Education that it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by students and its employees. The Drug-Free Schools Act, that has been adopted by the University, will be published and disseminated to students and employees periodically and will be enforced under this section.

Texas State Laws

In 1985 Texas amended its legal definition of “minor” to mean a person younger than 21 years of age. Minors are prohibited by Section 106.02(a) of the Alcoholic Beverage Code from purchasing alcoholic beverages. Further, Section 106.03(a) makes it unlawful for a person to sell alcoholic beverages to a minor. Section 106.06(a) prohibits anyone from purchasing alcoholic beverages for a minor. The only exception to section 106.06(a) is for an adult parent, guardian, spouse or other adults to whom the courts have given custody of the minor under Section 106.06(a).

Alcoholic Beverage Policy at Texas Southern University

The possession of alcoholic beverages on the campus of Texas Southern University or at University- sponsored activities is prohibited, except as described in the following University policies designed to provide for specific interpretations and implementation of this regulation, including, but not limited to the following:

1. No student who is below the chronological age of 21 years will be served alcoholic beverages of any kind while on the University campus or at University-sponsored activities.
2. The Office of the Vice President for Student Services must approve in advance the sale and distribution of alcoholic beverages dispensed on the campus of TSU or on properties or at events sanctioned by Texas Southern University.
3. Alcoholic beverages have been approved for distribution and consumption only through the Office of the Vice President for Student Services in the Sterling Student Life Center (for approved activities and special events) and in other areas designated by the appropriate University authorities.
4. Permission to serve or consume alcoholic beverages is restricted to approved Universted to a rse3.7 (ed U)

Drug Policy

The use, possession, acquisition, or distribution of any illicit drug or controlled substance on the University campus, at University-sponsored activities, or on buses or other conveyances engaged by the University to transport students to and from a University event is expressly prohibited. Students found in violation of this policy will be subject to strict enforcement of sanctions as outlined in Section IV and possible criminal charges. Illicit drugs include, but are not limited to PCP, marijuana, cocaine, heroin, crack, amphetamines, LSD, sedatives, hypnotics, and inhalants.

Alcohol or Drug Possession Disclosure

Texas Southern University retains the right to notify parents or legal guardians of a student regarding any violation of federal, state, or local law or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance, regardless of whether or not that information is contained in the student's education records, if:

1. the student is under the age of 21 at the time of the disclosure to the parent, and
2. the University determines that the student has committed a disciplinary violation with respect to such use or possession.

Such notices must be approved by the Office of the Vice President for Student Affairs/Dean of Students.

Section III

Freedom of Expression Policy

Texas Southern University is committed to fostering a learning environment where free inquiry and expression are encouraged. The purpose of Texas Southern University's Freedom of Expression Policy is to provide for organized expressive activities to be conducted on the grounds of the University in a manner consistent with these principles. The University expects that persons engaging in expressive activities will comply with University policies and applicable local, state, and federal laws. Texas Southern University maintain orv (c)-1.88Dy.7 (i)-1 (nc)-14.5 gpl (y)3.8 (a(e

A copy of Texas Southern University Freedom of Expression Policy may be obtained online at www.tsu.edu/student_services or in the Dean of Students Office, Recreation Center, 2nd floor.

Section IV

Definition of Sanctions

The Board of Regents and the President of Texas Southern University have delegated primary responsibility for student discipline to the Vice President for Student Services/Dean of Students. The Vice President for Student Services/Dean of Students is assigned direct operational responsibility for the administration of the Student Code of Conduct within the University. Consistent with this responsibility, certain disciplinary sanctions may be imposed on students found in violation of the Student Code of Conduct. These sanctions for violations of disciplinary rules and regulations may consist of, but are not limited to the following:

- 1. Expulsion:** Permanent involuntary separation from the University, prohibits a student from ever attending the University, enrolling in any University courses and/or being present on University premises (i.e. property owned, leased, controlled, used, or occupied by the University, including property physically removed from the main campus), without the prior written permission of the Vice President for Student Services/Dean of Students. Expulsion will be noted on the student's permanent record.
- 2. Suspension:** Involuntary separation or withdrawal from the University for a specified period of time, which prohibits the student from being on the University premises without the prior written permission of the Vice President for Student Services/Dean of Students. It also involves the loss of the privilege of registration for any University courses. A suspended student must petition the Vice President for Student Services/Dean of Students for readmission. Suspension will be noted on the student's permanent record.
- 3. Status of Students Suspended for Disciplinary Reasons:** Students under disciplinary suspension are required to disassociate themselves from the University except for appointments that have been made to conduct official university business approved in advance by the Office of the Vice President for Student Services/Dean of Students.
- 4. Disciplinary Probation:** Conditions imposed f(f)5 (S)1.7 ()5.8 (S)1.3 (tud2n(er)0.7t7 (i)-1.1e (v)3.8 (i)-1 (6

obtaining admission or a degree, or for other serious violations committed by an applicant or by a student prior to the awarding of the degree.

8. **Other Sanctions:** Any enforcement/sanctions needed to administer a fair standard of discipline, including but not limited to:
 1. Restitution.
 2. Counseling referral.
 3. Assignment of a special project.
 4. Assignment of community service.
 5. Restriction from membership, participation or holding office in student organizations or other elective office during the probationary period.
 6. Restriction to the campus and to those activities required of all students by the University.
 7. Restrictions from participating in University-sponsored activities, other extracurricular activities, residence hall activities, and/or athletics.
 8. Expulsion/suspension from the residence halls or a disciplinary room change.
 9. Revocation of the right to represent Texas Southern University in any honorary position: "Miss TSU", student delegate, etc.
 10. Restriction from using an automobile on the campus for a designated period of time.
 11. Restriction from voting, campaigning for another student, or attending organizational meetings during the probationary period.

Section V

Judicial Holds

The Office of the Vice President for Student Services may place a Judicial Hold on a student with the Office of the Registrar for non-compliance with required co1 Tcd1 (i-7 (es)-1Tc [c]dx96 (, s)-1. n)5.1 (or

6.11 **Destruction of Property** - Deliberately destroying, damaging, or mutilating University property or the property of another person while on the University campus.

6.12 **Burglary** -

- 6.24 **Misuse of TSU I.D. Card** - Illegal use, transfer, alteration, or forgery of a TSU I.D. Card.
- 6.25 **Disorderly Conduct** – Obstructing or interfering with teaching, research, administration, disciplinary proceedings or other University functions or activities, including the University’s public service functions on or off campus. Disturbing the peace and good order of the University by, among other things fighting, quarreling, and disruptive behavior or excessive noise, including but not limited to, a disruption by use of all types of cameras, electronic tablets, cell phones, and/or other communication devices.
- 6.26 **Misuse of Safety Equipment** - Unauthorized use or tampering with fire safety systems or other emergency equipment.
- 6.27 **Defacing University Property** - Unauthorized attachment of signs, posters, and other items of publicity to doors, walls, windows, etc., except on bulletin boards as prescribed by the University’s administration.
- 6.28 **Unauthorized Sales and Solicitations** - Unauthorized buying and/or selling goods and products on the University campus or at University-sponsored events.
- 6.29 **Parking and Traffic Violations** - Failure to comply with the University parking and traffic regulations; illegally registering or attempting to register an automobile and/or acquiring or attempting to acquire a TSU parking permit.
- 6.30 **Student Election Fraud** - Tampering with a student election with the intent of influencing the outcome of the election.
- 6.31 **Failure to Provide Correct Current Address** - Failure to update the University with the student’s correct current address.
- 6.32 **Aiding and Abetting** - Knowingly encouraging or assisting a student to attempt or commit a violation of the Student Code of Conduct.
- 6.33 **Sexual Misconduct** – Violation of the University’s Sexual Harassment Policy and/or the University’s Title IX Grievance Procedure including, but not limited to, engaging in or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, sexual harassment, dating violence, domestic violence and/or stalking.
- 6.34 **Misuse or Abuse of Computers** – Unauthorized use or misuse of any University computer, computer system, service, program, data, network, cable television network, or communication network. The inappropriate or disproportionate use of an information technology resource owned or controlled by the University or use of an information technology resource for an illegal, threatening, harassing, abusive, or intentionally destructive purpose. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Breach of computer security, harmful access or invasion of

necessary. An allegation of violation of the Student Code of Conduct must include the name of the complainant and should include pertinent facts including, but not limited to, a description of the alleged violation, the date of the alleged violation, the name(s) of the students involved, the time that the alleged violation took place, the location of the alleged violation, and the name(s) of any witnesses.

If an incident which involves an alleged/potential violation of the Student Code of Conduct occurs in University Housing, Housing staff will file an Incident Report form with the Office of the Vice President for Student Services/Dean of Students. Whenever a campus police officer responds to an incident which involves an alleged/potential violation of the Student Code of Conduct, the officer will file a Student Life Referral form with the Office of the Vice President for Student Services/Dean of Students..

The Incident Report form and the Student Life Referral form will list the following:

1. Date, location and approximate time of the incident.
2. The specific alleged violation.
3. Names and student numbers of persons involved.
4. Names of all available witnesses.
5. Actions taken.

Officers at Texas Southern University are certified peace officers of the State of Texas. It is their duty to enforce and preserve the public peace by all means lawfully available to them.

signed by the parties. The disposition shall be final and there shall be no subsequent proceedings. If a student/respondent admits to violating the Student Code of Conduct, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

4. If the complaint is not disposed of administratively as described above, the student/respondent will be advised that he/she must confirm in writing within 48 hours of the procedural interview whether he/she desires to proceed with a Disciplinary Conference (Conference) with the Director of Judicial Affairs and Assistant Vice President for Student Services ("Director/Assistant VP) or a hearing (Hearing) before the Student-Faculty-Staff Disciplinary Committee. A student/respondent's failure to provide written confirmation within the specified time will be considered a waiver of the student/respondent's right to proceed with a Hearing before the Student-Faculty-Staff Disciplinary Committee. A "Disciplinary Conference" will be scheduled.

Notice to Students

All written notices to students will be considered received upon the occurrence of one or more of the following: placing the written notice addressed to the student's current local or permanent address as listed in the Registrar's records in the United States Postal Service mail or campus mail, sending written correspondence to the student's official University email address, or hand delivering written notice to the student. Receipt will constitute full and adequate notice.

Notice of Disciplinary Conference or Hearing

The Office of the Vice President for Student Services/Dean of Students is responsible for scheduling the "Disciplinary Conference" or the Hearing before the Student-Faculty-Staff Disciplinary Committee. The Office will:

1. Provide the student/respondent with written notice of the date, time and place of the Disciplinary Conference (Conference) or the Hearing before Student-Faculty-Staff Disciplinary Committee at least five business days prior to the scheduled Conference or Hearing, citing the specific charges.
2. Include in the written notice the possible disciplinary sanctions that may be imposed if the charges are proven.
3. Advise the student/respondent of his/her right to present evidence and witnesses in support of his/her position.
4. Advise the student/respondent of his/her right to have access to the case file at least three (3) business days prior to and during the Conference or Hearing.
5. Inform the student/respondent in the written notice of the right to select an advisor, who may be an attorney, but who sits in an advisory capacity and who addresses the board only upon permission from the Chair. The student/respondent who wishes to have an attorney attend the Conference or the Hearing as their advisor shall notify the Office of the Vice President for Student Services/Dean of Students of the attorney's name and phone number at least three business days prior to the Conference or Hearing. If the student/respondent fails to provide the required notice, the student/respondent must proceed without an attorney

advisor. If the student/respondent advisor is an attorney, the University may have a

3. Faculty and Staff Committee members and alternates shall serve two (2) year terms. Student Committee members and alternates shall serve one (1) year terms. Committee members and alternates may be appointed to serve consecutive terms.
3. A quorum shall consist of five persons, at least three of which shall be students and one shall be faculty or staff. If quorum is not met and at least three people are present with one being a student, the student/respondent can request that the Hearing proceed with those in attendance.
4. The chair will be selected by the Office of the Vice President for Student Services/Dean of Students to serve for an academic year. If the chair is unable to attend a Hearing, the Office of the Vice President for Student Services/Dean of Students shall appoint an interim chair for that Hearing.
5. The Office of the Vice President for Student Services/Dean of Students may remove a committee member for justifiable cause.
6. If a committee member resigns, cannot serve, or is removed from office, the Office of the Vice President for Student Services/Dean of Students will select one of the alternates to fill the vacancy.

Procedures

1. The chair will control the Hearing and take whatever action is necessary to ensure an equitable, orderly, and expeditious Hearing. As presiding officer, the chair may remove anyone who is not in compliance with the rulings and/or disrupting the Hearing.
2. Any party may challenge a committee member on the grounds of personal bias. Committee members may be disqualified upon a majority vote of the remaining members of the Committee, conducted by secret ballot.
3. Hearings will be closed to the public except when the student/respondent requests an open hearing. This request must be made in writing to the Vice President for Student Services/Dean of Students at least three business days prior to the hearing.
4. If a student/respondent fails to appear, the Hearing may proceed without him/her.
5. Prospective witnesses, other than the complainant and student/respondent, may be excluded from the Hearing during the testimony of other witnesses. All participants shall be excluded during Committee deliberations.
6. The chair shall determine what evidence is admissible. Formal rules of evidence shall not apply.
7. The student/respondent, complainant, and Committee members may examine the written evidence offered. Questions for all witnesses shall be directed through the Chair.
8. The student/respondent will not be forced to testify against himself or herself and their silence shall not be used to their detriment.
9. Individuals referred to in the statements of student/respondent, complainant, and witnesses have a right to respond briefly. Individuals wanting to exercise this privilege during the

Hearing must direct their request in writing or orally to the chair. The chair shall determine the length of the response and when it shall be heard during the Hearing.

10. Formal rules of process, procedure and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in disciplinary proceedings conducted pursuant to this Conduct Code.
11. The student/respondent's advisor may speak only at the request of the chair. The advisor will not be allowed to question members of the Committee, the complainant, or any witnesses.
12. Witnesses will be heard one at a time and may be excused from the Hearing by the chair after testifying.
13. After all available evidence and witnesses have been examined and questioned, all persons except members of the Committee must leave the room.
14. Members of the Committee will then make a determination of the case, including sanctions, which shall be forwarded to the Office of the Vice President for Student Services/Dean of Students. The Committee's determination shall be made by majority vote on the basis of whether it is more likely than not that the accused student/respondent violated the Student Code of Conduct.

Section VIII

Sanctions

Where it is determined that the Student Code of Conduct has been violated and sanctions of less than suspension or expulsion are imposed, the decision of the Student-Faculty-Staff Disciplinary Committee or the Disciplinary Conference shall be final and will be communicated to the student/respondent by the Office of the Vice President for Student Services/Dean of Students. Where it is determined that the Student Code of Conduct has been violated and expulsion or suspension is recommended, the Vice President for Student Services/Dean of Students will review and either affirm, reject or modify the action taken by the Student-Faculty-Staff Disciplinary Committee or the Disciplinary Conference. Should he/she reject the sanction, the Vice President for Student Services/Dean of Students will return the recommendation to the Disciplinary Conference or the chair of the Committee with a request for reconsideration of the sanction. If the sanction(s) is approved or modified by the Vice President, the Office of the Vice President for Student Services/Dean of Students shall notify the student/respondent in writing.

Section IX

Appeals

An appeal is not an opportunity to re-hear the original conduct case and will not be granted based on a student/respondent's or student organization's disagreement with the outcome of the original conduct case decision. Any sanction(s) imposed by the Student-Faculty-Staff Disciplinary Committee or the Disciplinary Conference shall remain in force during the appeal process. A student/respondent has a right to file an appeal only where it has been determined that the Student Code of Conduct has been violated and the sanction imposed is expulsion or

suspension. A student organization has a right to file an appeal only where it has been determined that the Student Code of Conduct has been violated and the sanction imposed is suspension or cancellation of the organization's registration/recognized status with the University.

An appeal may only be based on the following grounds:

1. New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.
2. Procedural error that resulted in material harm or prejudice to the student/respondent or organization (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.
3. The sanction imposed as the result of the original hearing was excessively severe in relation to the violation that the student/respondent or organization was found to have committed. Appeals submitted on a claim that the sanction was excessively severe do not have bearing on the finding of "in violation" and relate only to the sanctions imposed.

Student/respondents or organizations may appeal a decision of the Disciplinary Conference or the Student-Faculty-Staff Disciplinary Committee by filing a written appeal, including a detailed explanation of the reason(s) for the appeal consistent with the grounds for appeal outlined above, with the appropriate appeal Committee within five (5) business days after receiving written notification of the decision. The appeal Committee will render a decision and simultaneously notify the complainant, the student/respondent or organization in writing within ten (10) business days of receipt of the appeal. The appeal Committee may affirm, reverse or modify the original conduct code decision.

The Student-Faculty-Staff Disciplinary Committee will hear appeals of decisions from the "Disciplinary Conference." The Office of the Vice President for Student Services/Dean of Students will present the charges and facts of the case to the Student-Faculty-Staff Disciplinary Committee.

The Vice President for Student Services Appeal and Review Committee will hear appeals of decisions from the Student-Faculty-Staff Disciplinary Committee. The Vice President for Student Services Appeal and Review Committee shall consist of one student, one faculty member and one staff member appointed by the Vice President for Student Services. Faculty/staff Committee members shall serve two (2) year terms and student Committee members shall serve one (1) year terms. Committee members may serve consecutive terms. The Office of the Vice President for Student Services/Dean of Students will present the charges and facts of the case to the Review Committee.

The decision of the appeal Committee shall be final. If the appeal Committee upholds the decision, the student/respondent or student organization has exhausted all University appeal sources and must abide by the sanction(s) imposed.

Section X
Mediation

Disciplinary Procedures

When the Office of the Vice President for Student Affairs/Dean of Students receives a complaint that an organization has allegedly violated the Student Code of Conduct or University Policy, the Office of the Vice President of Student Services/Dean of Students shall follow the Disciplinary Procedures set forth in Section VII. A student may be disciplined for a violation under the Student Code of Conduct even if the organization of which the student is a member is penalized under these procedures for the same violation.

Disciplinary Sanctions

The Vice President for Student Services/Dean of Students may impose one or more of the following sanctions on an organization for violation of the Student Code of Conduct or University Policy:

- Letter of Reprimand;
- Social Probation;
- Require restitution, educational seminars, and/or community service;
- Suspend the organization's right to do one or more of the following:
 - publicly post signs;
 - set up a table or exhibit;
 - publicly raise funds or make a solicitation;
 - reserve the use of University rooms or spaces;
 - participate in intramural sports tournaments and events; or
 - hold events for a defined period of time.
- Disciplinary Probation
- Suspend or cancel the organization's registration of the organization;
- Deferred suspension/cancellation of the organization's registration.

Failure to satisfy the conditions of the sanction imposed may be considered an additional violation of the Student Code of Conduct.

Notice

The Office of the Vice President for Student Services/Dean of Students shall provide written notice of the decision to the President of the accused organization. A copy of the letter may be sent to the organization's University Advisors, Alumni Advisors, Chapter Advisors, National Headquarters, and the governing council of the organization.

General Procedures for Appeal

See Section IX

Section XII

Disciplinary Withdrawal

If withdrawal of a student occurs as a result of disciplinary action by the University, the student is held accountable for the full term for payments owed the University for the semester in which the disciplinary action was taken.

Section XIII
Official Withdrawal

The Office of the Vice President for Student Affairs/Dean of Students may place a “Judicial Hold” on the records of any student who withdraws from the University prior to the resolution of pending disciplinary action. The Office may also place a notation on the student’s official transcript indicating “disciplinary proceedings are pending.”

Section XIV
Medical Mandatory Withdrawals

Students who prominently display (a) mental disorders, (b) emotional disorders, and (c) other psychological or physical behavior which strongly suggest that the student may do serious harm to self, others in the University environment, and/or to personal or University property may be

In all Student Conduct Code disciplinary proceedings that involve allegations of sexual assault, sexual harassment, sex discrimination, dating violence, domestic violence, stalking and/or any other conduct prohibited by Title IX of the Educational Amendments of 1972, the complainant will be provided with the same procedural protections provided to the respondent, including but not limited to the right to:

- a. receive notice of the Disciplinary Conference or Disciplinary Hearing;
- b. select and be accompanied and assisted by an advisor;
- c. present witnesses and evidence in support of her/his position;
- d. appeal the determination of the Disciplinary Conference or the Disciplinary Hearing Committee;
- e. notice of the outcome of the complaint and any appeal at the same time the respondent receives notice

Further, the complainant and respondent will not be allowed to personally question or cross-examine each other during disciplinary hearing/proceedings. Finally, all evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of the Student Conduct Code occurred).

Section XXI

Special Disciplinary Provisions Governing Acts of Academic Dishonesty

Academic dishonesty is both an academic matter between a student and his/her faculty member and a violation under the Student Code of Conduct subject to University disciplinary action. An act of academic dishonesty may and should be handled by the faculty member, the student, and if appropriate, the faculty member's department head and/or dean over that particular academic department. Sanctions that can be assigned by a faculty member range from giving a reduced grade on the particular work in question to failing the student for the entire course. In addition, some academic departments and programs have their own policies for dealing with academic dishonesty and/or violations of Professional Codes of Ethics which allow the department or program to impose sanctions ranging from probation to program dismissal. A sanction assigned by a faculty member and/or an academic department or program is an academic, not a disciplinary sanction.

If the matter is resolved satisfactorily between the student and the faculty member, and the faculty member decides not to refer the student for University disciplinary action, the faculty member may still report the incident to the Office of the Vice President for Student Services/Dean of Students. The Office of the Vice President for Student Services/Dean of Students will maintain a record of the reported incident and may elect to pursue University disciplinary action against a student who is reported to that office for a subsequent act of academic dishonesty.

If the faculty member decides that a stronger sanction is needed instead of or in addition to any

of the Vice President for Student Services/Dean of Students for review and possible University disciplinary action. Once the referral is made to the Office of the Vice President for Student Services/Dean of Students, the incident will be handled in the same manner as would any other allegation under the Student Code of Conduct.

In cases where the student denies the allegation of academic dishonesty, the faculty member may elect to postpone assigning an academic sanction until after the student has gone through the University disciplinary process. If at the end of that process, the charge of academic dishonesty is upheld, the faculty member may then assign an academic sanction. The academic sanction is independent of any disciplinary actions taken against the student by the University.

Academic sanctions assigned by the faculty member in agreement with the student or assigned by the faculty member after the charge of academic dishonesty has been validated through the University disciplinary system cannot be grieved under the University's Grade Grievance Procedure.