

<b>The University of North Texas at Dallas Policy Manual</b>	<b>Chapter 7</b>
	<b>Student Affairs, Education and Funding</b>

## 7.001 Student Code of Conduct

### I. Policy Statement

As a student-centered public University, the University of North Texas at Dallas has established standards of conduct to foster a safe environment conducive to learning and development. Students and University student groups are expected to conduct themselves in a manner that demonstrates respect for the rights and property of others and upholds the integrity of the University community. The standards of conduct outlined in the Code of Student Conduct were developed in consultation with students, faculty, administrators and staff with specific consideration for the well-being, honor and dignity of all who live, learn and work in our educational community.

**Application of Policy.** This policy applies to all students.

### II. Definitions

- A. **Board of Regents** - Governing body of the UNT System, appointed by the governor of Texas.
- B. **Code of Student Conduct (“the Code”)** - Standards of conduct and procedures established to provide a full and fair opportunity for review of alleged student misconduct.
- C. **Committee on Student Conduct (“the Committee”)** - A group convened at the request of a student or student group for the purpose of providing a second opportunity for impartial evaluation of alleged violations of misconduct and/or sanctions.
- D. **Complainant** - An individual who files a complaint with UNTDSA alleging a violation of the Code of Student Conduct.
- E. **Conduct History** - Documentation of a student’s conduct sanctions.
- F. **Conduct Process** - The procedures provided in the Code from the initial complaint through final resolution to consider whether a student has engaged in misconduct, and whether conduct sanctions should be imposed.
- G. **Consent** - Words or actions that show an active knowing and voluntary agreement

to engage in mutually agreed- upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objectives of another, or by taking advantage of the incapacitation of another, where the student knows or reasonably should have known of such incapacity. Use of alcohol or drugs may impair an individual's capacity to freely consent and may render an individual incapable of giving consent. Consent is absent when the activity in question exceeds the scope of previously given consent.

- H. **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; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- I. **Director of Student Affairs** - University official responsible for administering the student disciplinary conduct process in accordance with the Code of Student Conduct, for maintaining student disciplinary conduct records, and for assisting students in resolving conflicts with one another.
- J. **UNTDSA Representative** - A University official authorized by the Director of Student Affairs to investigate alleged violations of the Code and to administer the procedures and sanctions as set forth in the Code.
- K. **Day** - Monday through Friday during regular University business hours (8am to 5pm), unless otherwise specifically noted.
- L. **Domestic Violence** - Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, or by a person with whom the victim shares a child in common, or by a person who is cohabitating with, or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of a victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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.
- M. **Good Conduct Standing** - Status in which a student is fully eligible to participate in University activities and privileges.
- N. **Preponderance of the Evidence** - Standard of review in the student conduct process which evaluates whether allegations are more likely than not to have happened. (*ex. More likely than not and/or 50.1% and/or Greater Weight*).
- O. **No-Contact Order** - Order issued by a UNTDSA Representative prohibiting contact between individuals. Order may be imposed as a sanction or as a directive of an

UNTDSA Representative during an investigation.

- P. **Notice of Complaint** - The initial document in the conduct process that identifies alleged misconduct in violation of the Code, and schedules a meeting between the student and a UNTDSA Representative to discuss possible violations of the Code and sanctions.
- Q. **Permanent Student Conduct Record** - Documentation of a student's conduct violation(s) and sanction(s) that are permanently maintained by UNTDSA subject to the University records retention schedule. This record is separate from an academic record.
- R. **Reconsideration** - An opportunity for a student to present new information to a UNTDSA Representative in order to modify a finding of misconduct and/or imposed conduct sanctions. Reconsideration will only occur after a proper appeal has been submitted and approved through a UNTDSA Representative.
- S. **Responsible Student** - A student who is found or alleged to have engaged in an act or acts of sexual misconduct in violation of the Code.
- T. Security Clearance Committee – Committee designated to review possible Code violations prior to an applicant's admission.
- U. **Sexual Exploitation** - Taking non-consensual or abusive sexual advantage of another for another's own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, including, but not limited to, non-consensual video or audio-taping of sexual activity or undetected viewing of another's sexual activity.
- V. **Sexual Harassment** - Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, sexual violence and other verbal, nonverbal or physical conduct of a sexual nature.
- W. **Sexual Misconduct** - Conduct including sexual harassment, sexual exploitation, and/or sexual violence.
- X. **Sexual Violence** - Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent due to the victim's use of drugs or alcohol or other disability, including age. Sexual violence includes but is not limited to rape, sexual assault, sexual battery or sexual coercion.
- Y. **Sexual Coercion** - The use of manipulation or threat to force someone to have sex.
- Z. **Stalking**- Engaging in a course of conduct directed at a specific person that would

cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

- AA. **Student** - An individual taking courses at the University, either full or part-time and pursuing either graduate or undergraduate studies, including individuals who withdraw from the University during the conduct process; those who are not currently enrolled in courses but who have a continuing academic relationship with the University, and those who have been admitted to the University.
- BB. **Title IX Coordinator** - University official responsible for monitoring the University's implementation of Title IX, coordinating compliance and investigating complaints of sex discrimination.
- CC. **University** - The University of North Texas at Dallas.
- DD. **University Community** - The collective group of students, faculty, staff, University officials and any other person employed by or contributing to the University.
- EE. **University Premises** - All buildings, facilities, land and other property that is owned, used or controlled by the University.
- FF. **University Privilege** - A special benefit that is granted by the University or enjoyed by students, including but not limited to, participating in social events or University sponsored activities, election to student leadership positions, membership in fraternities or sororities, and registration as a University sponsored organization.
- GG. **University Sponsored Activity** - An activity that is conducted under the authority of, or with the support of, the University.
- HH. **University Student Group ("Student Group")** - A group of students who share a common interest and who are registered as a recognized student group with the Office of Campus Activities and Student Organizations.

### III. **Application**

The Code of Student Conduct ("the Code") was adopted as a University policy by the president of the University in accordance with authority delegated by the Board of Regents of the University of North Texas System. The Code is implemented and enforced under the direction of the Vice Provost through UNTDSA. The Director of Student Affairs will develop procedures and guidelines to further assist in the administration of the conduct process that are entirely consistent with the provisions of the Code.

The Code establishes a standard of conduct for all University students. References to "students" throughout the Code should be interpreted to include "University student

groups” unless otherwise specified.

The Code applies to conduct that occurs on University premises, at University activities and also to conduct that may occur off campus that could adversely affect the University community and/or pursuit of the University’s educational mission or that could create a hostile environment for a student on campus. UNTDSA will decide whether the Code will apply to student off-campus conduct on a case-by-case basis.

Each student is responsible for his or her conduct from the time of application for admission to the University through the award of a degree, or such other time as there is a formal termination of the student relationship with the University.

Each student is responsible for conduct occurring before classes begin and after classes end, as well as during the academic year and during periods between terms of enrollment. The Code continues to apply to student conduct even if a student withdraws from the University during the conduct process. In addition, applicants and students who wish to enroll are also responsible for their conduct prior to admission or re-enrollment.

#### IV. **Academic Integrity**

Matters of academic integrity are reviewed and enforced under the exclusive direction of the Provost and Vice Provost. Students engaged in acts which may constitute both academic dishonesty, as well as misconduct as defined by the Code may be subject to sanction under both authorities.

#### V. **Violations of Law and the Code of Student Conduct**

Students may be accountable to criminal or civil authorities for conduct which may also establish a violation of the Code. The University conduct process will normally proceed during the pendency of any related criminal or civil proceedings and will not be subject to reconsideration even if related criminal charges may be dismissed or otherwise resolved.

#### VI. **Admissions and Enrollment**

##### A. Conduct review of applicants

1. Applicants to the University and former students seeking re-enrollment, may be referred to the Security Clearance Committee to consider alleged misconduct that could violate the Code and therefore impact admission or re-enrollment, including falsification of admissions documents. In such cases, Security Clearance Committee will review the student’s alleged misconduct to consider the individual’s potential to benefit from University attendance as well as the welfare and safety of the University community.
2. Security Clearance Committee may determine not to clear an applicant for admission or a former student for re-enrollment, or place the appropriate

sanction(s) as conditions for enrollment upon an applicant or former student when evidence indicates that the applicant or former student has:

- a. Engaged in acts that were disruptive to the normal operations of an educational institution.
  - b. Falsified the enrollment application or other admissions forms.
  - c. Engaged in conduct that violates one or more categories of misconduct as prohibited by the Code.
  - d. Been formally charged with commission of a criminal act.
  - e. Been convicted of a criminal act and still subject to criminal penalty, including but not limited to imprisonment, parole and/or probation.
3. A student may request a meeting to discuss the admissions decision with the Director.
  4. The decision of the Security Clearance Committee relating to admission or re-enrollment based on the conduct process is final.

#### VII. **Student Group Responsibility**

University student groups (“Student Groups”) are expected to conduct themselves in a manner consistent with the University’s function as an educational institution. Student groups must observe all international, federal, state and local laws and University policies, including the Code, both on and off campus. A student group will be responsible for the actions and conduct of its members, when one or more of its members, acting in the capacity of their membership, commit a violation of the Code. Student groups found in violation of the Code will be subject to conduct procedures and sanctions in the same manner as individual students, except that student groups cannot be permanently removed from the University.

Any Notice of Complaint regarding alleged misconduct involving a student group will be delivered to the student group’s local address that is on file with the University. A Notice of Complaint will be sent to the attention of the president or other leader of the student group with a copy to the on campus advisor and/or other advisors as appropriate. Student groups are responsible for responding to all Notices of Complaint and failure to respond may result in resolution of the matter in the absence of any representative of the student group.

A complaint filed against a student group does not preclude the possibility of complaints being filed individually against any or all individual students involved in alleged misconduct.

#### VIII. **Records**

Documents that are created and maintained as part of the conduct process are subject to the protections of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C § 1232g. FERPA provides specific exceptions for disclosure of disciplinary records in certain circumstances, including disclosure of the final results of any disciplinary action to consider misconduct involving an alleged crime of violence or non-forcible sex offense to the victim of the alleged misconduct regardless of whether the UNTDSA concluded a violation was committed.

Conduct records are maintained by UNTDSA in accordance with the University records retention policy.

A student may request that their permanent conduct record be destroyed by submitting a written request to UNTDSA including the specific basis for the request. The UNTDSA Representative will evaluate request on a case-by-case basis and will typically provide written notice of the decision within ten (10) days of the request. The decision of the UNTDSA Representative is final.

#### IX. **Categories of Misconduct**

Students or student groups may be disciplined for the misconduct listed below.

- A. Acts of Dishonesty, including but not limited to –
  - 1. Intentionally furnishing false or misleading information to the University or University official.
  - 2. Forging, altering or misusing any University document or instrument of identification.
  - 3. Intentionally interfering with any election process.
  - 4. Failure to fulfill financial obligation(s) to the University.
  - 5. Misrepresenting oneself as a University official.
  
- B. Acts Affecting the University Community; including but not limited to –
  - 1. Interfering with University or University-sponsored activities including, teaching, learning and/or research including international travel.
  - 2. Interfering with any University emergency or public safety function, such as fire, police or emergency services.
  - 3. Engaging in disorderly or obscene conduct including recording another's image in violation of their reasonable expectation of privacy and without effective consent.
  - 4. Breaching the peace, or aiding, abetting or inciting another to breach the peace.
  - 5. Failing to comply with a reasonable directive of a University official, including campus police and UNTDSA officials acting in performance

- of their official duties.
6. Engaging in disruptive activity, including but not limited to such acts as defined in the Texas Education Code.
- C. Acts Affecting Property or Services; including but not limited to –
1. Theft or attempted theft of property or services and knowingly possessing stolen property
  2. Intentional or reckless destruction or damage to University property, or the property of others.
  3. Unauthorized possession, duplication, or use of access devices to University property.
  4. Unauthorized entry onto or use of University premises.
- D. Acts Affecting Intellectual Property; including but not limited to –
1. The use or distribution of the original work of another (whether copyrighted or not copyrighted) without the express consent of the owner, including but not limited to the unauthorized downloading of copyrighted music and the distribution for commercial or personal purposes or creation of derivative works from written materials created by faculty or staff, without expressed written permission of the originator.
  2. The use or distribution of a trademark, including the University trademark, without the expressed written consent of the owner.
- E. Acts Affecting Computing Resources or Technology; including but not limited to –
1. Unauthorized access, use or misuse of University computing resources, systems or data.
  2. Disrupting University computer operations, or the availability of computing resources.
  3. Using another individual's identification, password, or other credentials to access University computing resources.
  4. Unauthorized sharing of copyrighted materials through electronic means.
  5. Initiating or contributing to attacks against external networks or University systems.
- F. Acts Affecting Health, Safety or Welfare; including but not limited to –
1. Engaging in physical, and/or verbal abuse, fighting, domestic violence, dating violence, threats, intimidation, harassment, coercion, physical or electronic stalking or any other conduct which threatens or endangers the health, safety or welfare of any person. Speech protected by the First Amendment of the U.S. Constitution is



not a violation of this provision, though fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech.

2. Hazing, (as defined in the Texas Education Code), including engaging in, soliciting, encouraging, direction, aiding or intentionally, knowingly or recklessly permitting behavior such as physical brutality, risk of harm to mental or physical health or safety, intimidation, threat or ostracism, mental stress, humiliation, or other behaviors adverse to health or human dignity in association with pledging, initiation, affiliation with, holding office in, or maintain membership in a student group; or having firsthand knowledge of the planning of hazing or of its occurrence and failing to report it to school authorities
  3. Arson or unauthorized use or possession of ammunition, firearms, explosives, or other objects that are dangerous or flammable or that could cause damage by fire or explosion to persons or property.
  4. Illegal use, possession, sale, manufacture, distribution or effective control of chemical precursors, controlled substances, controlled substance analogues, or dangerous or illegal drugs; misuse or possession of a legal drug or other substance which could cause harm to the user; possession of drug paraphernalia; or encouraging, being a party to any of the above or facilitating any of the above.
  5. Public intoxication; driving under the influence, driving while intoxicated, use, possession or distribution of alcoholic beverages, except as expressly permitted by law and University policy or regulation.
  6. Tampering with or misuse of security or safety equipment.
  7. Reporting a false emergency or threat.
  8. Engaging in acts of sexual misconduct, sexual assault, sexual abuse, sexual harassment, sexual exploitation, sexual violence or sexual coercion as defined by state, international and federal law and University policy.
- G. Violations of International, Federal, State or Local laws (whether convicted or not) or other University Policies.
- H. Interfering with the Conduct Process; including but not limited to –
1. Failing to comply with a request to attend a conference with a UNTDSA Representative.
  2. Failing to comply with sanction(s) imposed under the Code or sanction(s) otherwise imposed by the University, including failing to comply with any “no-contact” order.
  3. Falsifying or misrepresenting information at any stage of the conduct process; or knowingly initiating a false complaint to

- 4. Attempting to discourage a person's participation in, or use of the conduct process.
  - 5. Retaliating or engaging in any threatening behavior against a Complainant.
  - 6. Harassing or intimidating a University official, member of the Committee on Student Conduct, or a peer advocate.
- I. Facilitating Acts of Misconduct; including but not limited to –
    - 1. Planning or facilitating an act of misconduct.
    - 2. Being present during the commission of an act of misconduct and supporting or encouraging the act.

## X. **SANCTIONS FOR MISCONDUCT**

Any student found to have engaged in conduct in violation of the Code may be subject to one or more of the following sanctions. Repeated misconduct may result in assignment of more serious sanctions, including but not limited to suspension or expulsion.

- A. **Warning –**
  - 1. A verbal or written notice to a student that they have violated the Code and must not engage in violations in the future.
  - 2. No impact on good conduct standing.
  - 3. Not subject to review by the Committee.
- B. **Educational Sanction –**
  - 1. An assignment designed to educate a student about the potential impact of misconduct and to prevent reoccurrence, may include referral to the Substance Abuse Resource Center, education workshops or assignment of reflection papers.
  - 2. No impact on good conduct standing.
  - 3. Not subject to review by the Committee.
  - 4. Failure to comply with the assignment may result in further discipline.
- C. **University Restrictions –**
  - 1. A temporary or permanent restriction of University privileges, including but not limited to, the ability to participate in an organizational intake process or hold a leadership position in a student group, to participate in study abroad programs, to register as a student group, or to participate in social or extracurricular events; may also result in withholding of an official transcript or blocking enrollment for a specified period of time.
  - 2. No impact on good conduct standing.
  - 3. Not subject to review by the Committee unless loss of privileges is related to another reviewable sanction.

4. Student groups may request reconsideration of a restriction no sooner than one (1) year after the date that the sanction was imposed. Reconsideration will be at the discretion of the UNTDSA Representative. The decision of the UNTDSA Representative is final and the Student Group may not request reconsideration again until date specified by the UNTDSA Representative.

D. **Level I Conduct Probation –**

1. A written reprimand that expires automatically after a specified time but includes the probability of a more severe sanction if a student violates the Code again during the probationary period.
2. No impact on good conduct standing.
3. Not a permanent conduct record.
4. Not subject to review by the Committee.

F. **Level II Conduct Probation –**

1. A written reprimand that expires automatically after a specified time but includes the probability of a more severe sanction if a student violates the Code again during the probationary period.
2. Good conduct standing is removed during the specified period.
3. Not a permanent conduct record.
4. Not subject to review by the Committee.

G. **Level III Conduct Probation –**

1. A written reprimand that remains in effect that during the remainder of the student's academic career (including future enrollments) and includes the probability of more severe sanction if s student violates the Code again.
2. Good conduct standing is removed for the remainder of a student's academic career at the University.
3. Becomes a permanent conduct record.
4. May be reviewed by the Committee.
5. Sanction cannot be applied to student groups.

H. **Student Suspension –**

1. Removal from the University for a specified period of time. A suspended student will be removed from enrollment, prohibited from entering University premises and blocked from future registration until reviewed and approved by UNTSDA.
2. Good conduct standing is removed.
3. Becomes a permanent conduct record.
4. May be reviewed by the Committee.
5. Must meet with a UNTDSA Representative after suspension term is over to be re-instated to the University.

I. **Student Group Suspension –**

1. Removal of privileges and recognitions accorded to student groups for a specified period of time as defined by the UNTDSA Representative.
2. Student group will not be permitted to participate as a recognized student group in University activities or functions, or to sponsor any activities representing the University.
3. Student groups may submit a request the UNTDSA Representative for reinstatement after the expiration of the specified period of time.
4. May be reviewed by the Committee.

J. **Expulsion –**

1. Permanent removal from the University. An expelled student will be permanently removed from enrollment and permanently prohibited from entering any University premises.
2. Good conduct standing is permanently removed.
3. Becomes a permanent conduct record.
4. May be reviewed by the Committee.
5. Sanction cannot be applied to student groups.

K. **University Withdrawal –** A student may be administratively withdrawn from a class, a course, or all courses. A withdrawn student may also be prohibited from entering University premises and barred from re-enrollment until specific conditions are met. Reasons for University withdrawal include, but are not limited to:

1. To prevent the disruption of the education process.
2. The student failed to respond to an official summons from a University official.
3. The student has been suspended or expelled from the University.

L. **Immediate Suspension –** Immediate removal from all or part of the University premises while the conduct process is pending when a violation reasonably indicates that the student's continued presence poses a substantial or immediate danger to the health, safety or welfare of any member of the University community or to the University premises.

M. **Immediate Suspension of Student Group –** The group will cease all activities, meetings, programs and representation as a group while an investigation is in progress by UNTDSA. A student group can be immediately suspended for posing a substantial or immediate danger to the health, safety or welfare of any member of the University community or to the University premises.

- N. **No-Contact Order** – The Director of Student Affairs may impose a limited or campus-wide No Contact Order between parties involved in a conduct matter when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining expected behavior including face-to-face contact, correspondence, email, social media or telephone. Friends, relatives and other acquaintances are also prohibited from contact on behalf of either party.

XI. **Conduct Procedures**

A. **UNTDSA**

1. **Review of Alleged Misconduct –**

- a. UNTDSA will investigate all suspected and reported violations of the Code whether referred by student, faculty, staff, law enforcement, or any other credible third-party source of information, without regard to any related criminal arrest, prosecution or pending criminal or civil litigation. Complaints regarding alleged misconduct should be submitted to UNTDSA as soon as possible after the alleged misconduct occurs.
- b. In matters of sexual misconduct, domestic violence, dating violence, stalking,
  - i.) Prior to initiating an investigation, UNTDSA will review issues related to confidentiality with the Complainant. If the Complainant requests confidentiality or requests that the complaint not be pursued, UNTDSA will take all reasonable steps to investigate the complaint and respond consistent with the Complainant's request as long as doing so does not prevent the University from responding effectively to sexual misconduct, domestic violence, dating violence or stalking, UNTDSA will inform the Complainant that confidentiality in the conduct process cannot be assured.
  - ii.) If a Complainant insists that they remain anonymous in the investigation, UNTDSA will inform the Complainant that such a request will limit the University's ability to respond to the complaint. UNTDSA will evaluate Complainant's request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students.
  - iii.) UNTDSA will inform Complainants and Respondent

that retaliation will not be permitted and that steps, such as a No-Contact Order may be taken to prevent retaliation and that strong action will be taken if retaliation occurs.

- iv.) UNTDSA will complete an investigation of allegations within sixty (60) calendar days of receiving notice except in exceptional circumstances as determined based on the availability of witnesses, the number of witnesses or the volume of documents to be collected and/or reviewed. UNTDSA will regularly update the Complainant and if appropriate the Responsible Student on the status of the investigation.
  - v.) UNTDSA will notify the Complainant about their right to file a criminal complaint with appropriate law enforcement officials; however a criminal complaint will not preclude UNTDSA from proceeding with its investigation. Students who have not already contacted the Title IX Coordinator for cases involving sexual misconduct, domestic violence, dating violence or stalking will also be informed of the right to file a complaint with the Title IX Coordinator.
  - vi.) UNTDSA will notify the Title IX Coordinator upon receipt of a complaint of sexual misconduct subject to the requests for confidentiality communicated by the complainant. UNTDSA will coordinate with the Title IX Coordinator throughout the investigation as set forth in UNT Policy and will similarly coordinate with campus law enforcement as appropriate.
2. **Notice of Complaint** – If the UNTDSA finds likelihood that a student has violated the Code, the UNTDSA will deliver a Notice of Complaint to the student that includes:
- a. A summary of the alleged misconduct.
  - b. The specific section of the Code that may have been violated and that, as a result, sanctions are possible
  - c. A date by which a student must schedule a conference with a UNTDSA Representative to discuss the alleged misconduct and to respond to the alleged violation of the Code.
  - d. UNTDSA will either hand-deliver, email or mail of the Notice of Complaint to the current address on file with the University. Students are responsible for maintaining a current, accurate address with the University registrar.
3. **Conference with a UNTDSA Representative** –
- a. A UNTDSA Representative will hold an informal conference

with the student to review the alleged misconduct and to provide an opportunity for the student to respond directly to the alleged violation and to offer a response. The conference is an educational forum designed to enable the UNTDSA Representative to determine whether there has been a violation of the Code, and if so, what sanctions are appropriate. The student may present relevant information regarding the alleged misconduct including witness information, documents, or any other information that would assist the UNTDSA Representative in reviewing the alleged misconduct. A student may be accompanied by an advisor, but the student must represent herself or himself at the conference. If a student intends to be accompanied by an attorney, the student must notify the UNTDSA Representative at least two (2) days prior to the conference so that the University can have a representative from the Office of General Counsel present at the conference.

- b. In matters of alleged sexual misconduct, domestic violence, dating violence, or stalking, the informal conference with the student must be scheduled no fewer than ten (10) and no more than twenty (20) days from the date of the Notice of Complaint. Dates may be extended at the discretion of UNTDSA in the interest of fairness. The UNTDSA Representative will also hold an informal conference with the Complainant within the same timeframe for the Complainant to review the alleged misconduct and to present relevant information including witness information, documents or other information that would assist the UNTDSA Representative in reviewing the alleged misconduct. The Complainant may be accompanied by an advisor, but the Complainant must represent herself or himself during the conference. If a Complainant intends to be accompanied by an attorney, the Complainant must notify the UNTDSA Representative at least two (2) days prior to the conference so that the University can have a representative from the Office of General Counsel present for the conference.
- c. In the informal conference phase and all subsequent phases of the conduct process, the past sexual history of the Complainant and the allegedly Responsible Student will not be considered in a matter of sexual misconduct except as the history may directly relate to the incident in the complaint. Additionally, the alcohol or drug use of the allegedly Responsible Student at the time of the incident will not be considered a mitigating circumstance.

4. **Notice of Conduct Findings –**

- a. If a UNTDSA Representative determines through a thorough investigation that the preponderance of evidence indicates that a student engaged in misconduct in violation of the Code, the UNTDSA Representative will deliver a Notice of Conduct Findings to the student no later than seven (7) days after the conference informing the student of the violation(s) and the assigned sanction(s). The UNTDSA Representative will also notify the student about any process for review, if applicable. If the UNTDSA Representative determines that a student has not violated the Code, the UNTDSA Representative will notify the student of this finding and no further action will be taken.
- b. In matters of alleged sexual misconduct, domestic violence, dating violence, stalking the Notice of Conduct Findings will be delivered concurrently to the Complainant and Responsible Student. All notices will be compliant with the requirements of the Family Education Rights and Privacy Act.

5. **Request for Reconsideration –**

If new information regarding misconduct or the reasonableness of an assigned sanction is made available within three (3) days after the UNTDSA Representative issues a Notice of Conduct Findings, a student, or in cases of sexual misconduct, domestic violence, dating violence or stalking the Complainant, may request reconsideration by the UNTDSA Representative. The time frame may be extended by the UNTDSA Representative in the interest of fairness. All levels of sanctions can be reconsidered, but only if new information is available.

6. **Effective Date of Conduct Sanction –**

Unless a student has been immediately suspended, the sanction imposed by a UNTDSA Representative will not take effect until the conduct process is complete.

B. **Committee on Student Conduct**

1. Authority of the Committee - The Committee on Student Conduct will be assembled as the request of a student, or in the case of sexual misconduct, domestic violence, dating violence or stalking by the Complainant, to review a UNTDSA Representative's findings of misconduct and/or assigned sanctions at the levels of:
  - a. Level III Conduct Probation
  - b. Suspension



- c. Expulsion
- 2. **Composition of the Committee** – A Chairperson will be appointed to preside of the Committee which will include two (2) other members including one (1) representative from the faculty, the student body and the staff from UNT Dallas. The Chairperson will direct the procedures of the Committee and will participate fully in all reviews, but will offer a vote only in the event of a tie. The student, or in the case of sexual misconduct, domestic violence, dating violence or stalking the Complainant, may object the presence of any Committee member prior to the start of the review based on a concern for the Committee member’s capacity to make a fair and objective decision. Requests to remove a Committee member will be considered and decided by the Committee Chairperson. If an objection is raised regarding the presence of the Chairperson, the objection will be reviewed by the Vice Provost.
- 3. **Request for Review** –
  - a. A student who has been assigned Level III Conduct Probation, Suspension or Expulsion (“Responsible Student”) may request review before the Committee on Student Conduct by submitting a Request for Review to the Chairperson of the Committee within three (3) days after the Notice of Conduct Findings.
  - b. In a matter of sexual misconduct, domestic violence, dating violence or stalking a Complainant may request review before the Committee on Student Conduct if the Responsible Student was assigned a sanction of Level III Conduct Probation, Suspension or Expulsion. The Complainant must submit a Request for Review to the Chairperson of the Committee within (3) days after the Notice of Conduct Findings.
- 4. **Schedule Notice** – Upon receiving a Request for Review, the Chairperson of the Committee will schedule a date for the requested review and notify the student. In matters of sexual misconduct, domestic violence, dating violence or stalking, notice will be provided to both the Responsible Student and the Complainant. The date for the review will typically not be more than (10) days after the request was submitted. Time frames may be adjusted at the discretion of the Committee chairperson in the interest of fairness. .
- 5. **Procedures for Review before Committee** –
  - a. Advance summary of positions – No fewer than five (5) days

prior to the scheduled Committee Review, both the student requesting the review and the UNTDSA Representative, and the Complainant or Responsible Student in a matter of sexual misconduct, domestic violence, dating violence or stalking must submit the following information to the Committee Chairperson:

- i. A written summary of their position.
  - ii. A list of individuals who will speak to the behavior in question on their behalf as witnesses.
  - iii. A list of all documents that will be presented to the Committee.
- b. The Committee Chairperson will exchange the information between the parties no fewer than three (3) days prior to the scheduled review. Information will not be provided to Committee members in advance of the review.
  - c. Authority of the Chairperson – The Chairperson will preside over the Committee review and make all decisions regarding review procedures. The Chairperson may adjust review procedures and time frames in the interest of fairness.

**6. Committee Review Process –**

- a. Reviews are informal proceedings and traditional rules of courtroom evidence do not apply. Each party will have forty-five (45) minutes to present their issues to the Committee, including personal statements and any witness presentations. Documents and written witness statements may be submitted to the Committee to supplement an oral presentation. The parties may ask questions of any individual making a presentation during the review; however in the case of a matter involving sexual misconduct, domestic violence, dating violence or stalking, all questions must be directed through the Chairperson. Both the student and the UNTDSA Representative will have the opportunity to give a summation of their case.
- b. In matters of sexual misconduct, domestic violence, dating violence or stalking the Complainant has the option to make a presentation by alternate means at the discretion of the Chair. Alternate means may include appearance by telephone or closed circuit technology or presentation from behind a screen to avoid contact with the Responsible Student.
- c. Reviews are not open to the public unless a party makes a specific request for an open review at the time of the initial Request for Review. Individual witnesses may specifically

request that their presentation be provided in a closed setting. The Chairperson will make all decisions regarding closed hearings.

- d. Students, and in matters of sexual misconduct, domestic violence, dating violence or stalking a Responsible Student or Complainant, requesting a review are expected to attend in person. Students, and in matters of sexual misconduct, domestic violence, dating violence or stalking a Responsible Student, or Complainant requesting a review, are expected to attend in person. Except in emergency circumstances, if a requesting party fails to attend the hearing, the review may be dismissed and the decision of the UNTDSA Representative will be final. The UNTDSA Representative is also expected to attend in person.
  - e. A party requesting a review must present to the Committee on their own behalf. A party requesting a review may be assisted by one advisor, including an attorney, of their choosing, but only the parties may speak to the Committee or ask questions. Attorneys will not be permitted to present evidence or argument before the Committee. Should a party be accompanied by an attorney, the University will also have representative of the Office of General Counsel present.
  - f. The UNTDSA Representative must show, by the preponderance of the evidence, that the student engaged in conduct in violation of the Code, and/or that the conduct sanction imposed by the UNTDSA Representative was reasonable based on the circumstance. In light of this burden, the UNTDSA Representative must begin the presentation before the Committee and be the concluding presentation as well.
  - g. Reviews will be recorded and recordings will be the property of the University. Copies of recordings may be provided at the requestor's expense. Recordings will be maintained according to the University records retention policy.
  - h. If the student requesting the review does not show up for the scheduled review, the decision of the UNTDSA Representative will be upheld.
7. **Committee Findings and Conclusions** – No more than seven (7) days after the review, the Chairperson will provide the student, and in matters of sexual misconduct the Responsible student and the Complainant with a summary of the Committee's findings and conclusions. Notice related to matters of sexual misconduct, domestic violence, dating violence or stalking will be prepared in compliance with the requirements of the Family

Education Rights and Privacy Act. The Committee may uphold, modify or reject the decision of the UNTDSA Representative. A copy of the summary will be provided to UNTDSA. UNTDSA will take action as appropriate based on the findings of the Committee. The findings and conclusions of the Committee are final, subject to review by the Vice Provost.

**C. Review by Vice Provost –**

Within three (3) days of the Committee on Student Conduct's decision, either the student or the UNTDSA Representative, or in matters of sexual misconduct, domestic violence, dating violence or stalking the Responsible Student, the Complainant or the UNTDSA Representative may request, in writing, a review by the Vice Provost if it is a sanction that is able to be reviewed. The reason(s) for the review should be outlined in the request. The Vice Provost may request additional information from any person as needed to make a decision. The Vice Provost may uphold, modify or reject the decision of the Committee on Student Conduct and this decision is final. In matters of sexual misconduct, domestic violence, dating violence or stalking the final decision will be prepared in accordance with the Family Education Rights and Privacy Act and delivered to both the Complainant and the Responsible Student.

**D. Immediate Suspension –** A student may be immediately suspended from all or part of the University premises, when alleged misconduct reasonably indicates that the presence of the student on the University premises poses substantial or immediate danger to the health, safety or welfare of any member of the University community or University property.

1. Conference regarding immediate suspension - A student who is immediately suspended must contact the UNTDSA Representative within two (2) days of receiving a Notice of Immediate Suspension to schedule a conference to discuss: (1) the reliability of evidence supporting the alleged misconduct; and (2) whether the continued presence of the student on University premises reasonably indicates a substantial or immediate danger to the health, safety or welfare of any member of the University community or University property. Failure to make a timely request for a conference or to appear at a requested conference will cause the immediate suspension to remain in effect until the conduct process is complete.
2. Findings and Conclusions regarding immediate suspension – If the UNTDSA Representative determines that immediate suspension is appropriate under the circumstances, the UNTDSA Representative will issue findings and conclusions and the student will be immediately suspended from the University premises, including all events and activities. Immediately suspended student groups will be immediately precluded from engaging in any activities, programs, or events, including, but not limited to recruitment, philanthropy or community service. The immediate suspension remains in effect until the conduct process is complete or until

otherwise altered by the UNTDSA Representative. If the UNTDSA Representative determines that immediate suspension is no longer appropriate, the UNTDSA Representative may permit the student to return to University premises while the conduct process continues. An immediate suspension cannot be reviewed by the Committee.

3. In matters of sexual misconduct, domestic violence, dating violence or stalking a Complainant may be provided notice regarding the findings and conclusions regarding immediate suspension in accordance with the Family Education Rights and Privacy Act.

E. **Timeframes –**

1. The timeframes set forth in this policy are goals and the University's inability to meet a timeframe will not render the procedures invalid so long as no student rights are violated.
2. Timeframes may be extended by mutual written agreement of decision makers and the student, Responsible Student and/or the Complainant or by approval of the Director.
3. The timeframe for investigation of a matter of sexual misconduct, domestic violence, dating violence or stalking may be extended by the Vice Provost based on the anticipated complexity of the investigation and the severity and extent of the alleged conduct. An extension of the stated timeframe for investigation will be communicated upon approval to the Complainant and to the allegedly Responsible Student.
4. In the matters of sexual misconduct, domestic violence, dating violence or stalking, UNTDSA will deliver investigation status updates to a Complainant and a Responsible Students no less than weekly during an investigation.

XII. **Interpretation and Revision**

- A. Interpretation – Questions of interpretation or application of the Code will be referred to the Director of Student Affairs, Vice Provost, or a designee, for final determination following consultation with the Office of General Counsel.
- B. Revision – The code will be reviewed every three (3) years under the direction of the Vice Provost.

**Sanctions at a Glance**

<b>Sanction</b>	<b>Impact on Conduct Standing</b>	<b>Permanent Record</b>	<b>Reviewable by Committee</b>
<b>Warning</b>	No Impact	No	No
<b>Educational Sanctions</b>	No Impact	No	If in conjunction with a reviewable sanction
<b>Loss of Privileges</b>	No Impact	No	If in conjunction with a reviewable sanction
<b>Level I Conduct Probation</b>	No Impact	No	No
<b>Level II Conduct Probation</b>	Temporary removal from Good Conduct Standing	No	No
<b>Level III Conduct Probation</b>	Permanent removal from Good Conduct Standing	Yes	Yes
<b>Student Suspension</b>	Permanent removal from Good Conduct Standing	Yes	Yes
<b>Student Group Suspension</b>	No Impact	No	Yes
<b>Expulsion</b>	Permanent removal from Good Conduct Standing	Yes	Yes
<b>University Withdrawal</b>	Removal from Good Conduct Standing	Yes	Yes
<b>Immediate Suspension</b>	Depends on final Sanctions	Only if final sanction is permanent	No

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