

EXISTING RULE:

24. Student Conduct Code

(Revised: 2006)

Conduct standards at the university are set forth in writing in order to give students general notice of prohibited conduct. These rules should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

24.1 Definitions. When used in this code:

24.1.1 the term “university” or “institution” means Texas A&M University.

24.1.2 the term “student” means any person admitted to the university, pursuing undergraduate, graduate or professional studies, whether full-time or part-time, and who is either currently enrolled or was enrolled the previous semester and registered for a future semester.

24.1.3 the term “university official” means any administrator, instructor, staff member and other authorized individuals of the university.

24.1.4 the term “university premises” means buildings or grounds owned, leased, operated, controlled or supervised by the university.

24.1.5 the term “university-affiliated activity” means any activity on or off campus that is initiated, aided, authorized or supervised by the university or by a recognized student organization of the university.

24.2 Violations of the *University Student Rules* may result in disciplinary sanctions as defined in [section 27](#) of this publication. Any disciplinary sanction imposed by the university may precede and shall be in addition to any penalty that might be imposed by any off-campus authority.

24.3 The following are examples of prohibited conduct. This list is not designed to be all-inclusive or exhaustive.

24.3.1 **Physical abuse.** Any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person (or group) against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.

The physical abuse rule is not intended to prohibit the following conduct:

- a. Customary public athletic events, contests, or competitions that are sponsored by the university or the organized and supervised practices associated with such events; or
- b. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the university.

24.3.2 **Sexual Misconduct.**

24.3.2.1 **Sexual Assault/Rape.** Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim’s will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual’s ability to appraise the situation through the administering of any substance, or threat of harm to the victim. (see [Sexual Violence Response Protocol. Offices of the Dean of Student Life](#)).

24.3.2.2 **Sexual abuse.** Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, against the person’s will, or in circumstances where the person is physically, mentally or legally unable to give consent.

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24.3.3 Hazing. Prohibited acts committed for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; or as part of any activity of a recognized student organization, student group, Corps of Cadets, Corps outfit, Corps unit, or Corps Special Activities. Prohibited behavior includes any act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment; and/or engaging in conduct which tends to bring the reputation of the organization, group, or university into disrepute. Previously relied upon "traditions," (including Corps, fraternity/sorority, or any other group or organization activity, practice or tradition) intent of such acts, or coercion by current or former student leaders of such groups, or former students will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

Examples of such behavior include but are not limited to:

- Misuse of authority by virtue of one's class rank or leadership position
- Striking another student by hand or with any instrument
- Any form of physical bondage of a student
- Taking of a student to an outlying area and dropping him/her off
- Forcing a student into a violation of the law or a university rule such as indecent exposure, trespassing, violation of visitation, etc.
- Any form of "quadding"
- Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate university officials (The Dean of Student Life and/or the University Police Department) is also a violation under this section.

Students who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Dean of Student Life and/or the University Police Department, will not be charged with a violation of the hazing rule.

The hazing rule is not intended to prohibit the following conduct:

- a. Customary public athletic events, contests, or competitions that are sponsored by the university or the organized and supervised practices associated with such events; or
- b. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the university.

Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 and/or [Appendix VI of the Student Rules](#).

24.3.4 Harassment. Conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the university.

24.3.4.1 Sexual Harassment. (See [Texas A&M University Policy on Sexual Harassment, Sec. 47](#))

24.3.4.2 Racial and Ethnic Harassment. (See [Racial and Ethnic Harassment, Sec. 31](#))

24.3.4.3 Stalking. Any repeated conduct directed specifically at another person that causes that person [or a member of that person's family or household] to fear his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property.

24.3.4.4 **Retaliation.** Harassment of complainant or other person alleging misconduct, including but not limited to intimidation and threats.

24.3.5 **Breaching campus safety or security.** This includes but is not limited to:

- Unauthorized access to university facilities; intentionally damaging door locks; unauthorized possession of university keys or access cards; duplicating university keys or access cards; or propping open of exterior residence hall doors;
- Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;
- Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

24.3.6 **Weapons and explosives.** Unauthorized use, possession or storage of any weapon, fireworks or explosive on university premises or at any university-sponsored activity. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Weapons may include, but are not limited to, all firearms, pellet guns, slingshots, martial arts devices, switchblade knives and clubs.

24.3.7 **Illegal drugs and controlled substances.** Manufacturing, possessing, having under control, selling, transmitting, using or being party thereto any dangerous drug, controlled substance or drug paraphernalia on university premises or at university-sponsored activities. (See [Appendix VII, Texas A&M University Drug Rules](#))

24.3.8 **Alcohol.** Drinking or having in possession any alcoholic beverage in public areas of university premises not approved for such activity; and possession and/or consumption by a minor; and public intoxication; and driving while intoxicated. (See [Appendix VIII, Texas A&M University Alcohol Rules](#))

24.3.9 **Theft.** Unauthorized removal or stealing of public or private property or unauthorized use or acquisition of services on university premises or at university-sponsored activities. This includes knowingly possessing such stolen property.

24.3.10 **Destroying, damaging or littering of any property.** Behavior that destroys, damages, or litters any property of the university, of another institution, or of another person, on university premises or at university-sponsored activities.

24.3.11 **Disorderly conduct.** Conduct that is disorderly, lewd, indecent or a breach of peace on university premises or at university-sponsored activities.

24.3.12 **Disruptive activity.** Participation in disruptive activity that interferes with teaching, research, administration, disciplinary proceedings, other University missions, processes, or functions including public-service functions, or other university activities. Such activities may include, but are not limited to:

- Leading or inciting others to disrupt scheduled and/or normal activities on university premises.
- Classroom behavior that seriously interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to profit from the instructional program. (See Texas A&M University Rule on [Classroom Behavior, section 21](#) of this publication.)
- Any behavior in class or out of class, which for any reason materially disrupts the class work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the University.
- Activity or conduct that violates the Texas A&M University Rules on Freedom of Expression (See [Appendix XI](#)).

24.3.13 **Misuse of Computing Resources.** 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. Failure to protect your password or use of your account. Breach of computer security, harmful access or invasion of privacy. (See [Appendix V, Individual Responsibility for Use of Computing Resources](#))

24.3.14 Furnishing false information and/or withholding information. Forgery, unauthorized alteration or misuse of any document, record or instrument of identification. Also includes withholding material information from the university, misrepresenting the truth before a hearing of the university and making false statements to any university official. The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.

24.3.15 Failure to comply. Action or conduct that fails to comply with proper and lawful direction of a university official.

24.3.16 Failure to present identification. Failing to present identification upon the request of a university official.

24.3.17 False reporting. Intentionally initiating or causing to be initiated any false report, warning, threat of fire, explosion or other emergency concerning the university and university-sponsored activities.

24.3.18 Hindering, obstructing or interfering. Action or conduct that hinders, obstructs or otherwise interferes with the implementation of this Discipline Code.

24.3.19 Failure to appear. Failure to appear for a university disciplinary proceeding to respond to allegations or to appear as a witness when reasonably notified to do so. This includes disciplinary hearings, university investigations, and appeals hearings.

24.3.20 Violating terms of any disciplinary sanctions. Knowingly violating the terms of any disciplinary sanction (including failing to meet deadlines and/or committing a violation of university rules while serving a probationary sanction) imposed in accordance with university rules.

24.3.21 Violation of published university rules. Such rules include Department of Residence Life contracts and rules, Corps of Cadets rules, university motor vehicle rules, rules relating to the use of student identification cards, entry and use of university facilities and dining hall conduct.

24.3.22 Violation of NCAA Regulations.

24.3.23 Violation of law. Violation of any law of the United States, law of the State of Texas or municipal ordinance.

24.3.24 Complicity. Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to the same extent as completed violations.

24.4 Bias-Related Violations—Violations of [24.3](#) of this Student Conduct Code that are motivated by prejudice toward a person or group because of factors such as race, religion, ethnicity, disability, national origin, age, gender or sexual orientation may be assessed an enhanced sanction as prescribed in [section 27](#) of this publication.

24.5 Off-Campus Conduct. When a student is alleged to have violated [24.3](#) of this Student Conduct Code by an offense committed off of university premises, the university reserves the right to investigate and adjudicate. The University may take action in situations occurring off university premises involving: student misconduct demonstrating flagrant disregard for any person or persons; or when a student's or student organization's behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its objectives. This action may be taken for either affiliated or non-affiliated activities.

If the vice president for student affairs determines that the offense affects the university as stated above, then Student Conflict Resolution Services in the Department of Student Life, or if the student is a member of the Corps of Cadets, the Office of the Commandant, shall hold an administrative hearing to consider whether the offense is of such nature as set out above, whether or not the student committed the offense, and take appropriate action. The action of the university administrative hearing officer shall be made independent of any off-campus authority.

RULE CHANGES:

<http://student-rules.tamu.edu/rule24>

JUSTIFICATION FOR PROPOSED CHANGE:

1. The changes to content of the Student Rules being proposed are a reflection of national best practices, most notably referencing the *21st Century Model Student Conduct Code* (Stoner, E. & Lowery, J., 2004) and the *General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of*

Higher Education (45 F.R.D. 133). This General order is recommended reading to anyone seeking to understand the relationship between judicial systems and campus systems regulating student conduct

2. Texas A&M University was involved in litigation over the University's Student Rules in one particular case until appeals were exhausted at the Supreme Court level in spring 2010. The Student Rules were not to be altered in any way until this litigation was resolved.
3. The U.S. Department of Education, through its Office of Civil Rights, issued a "Dear Colleague Letter" on April 4, 2011 providing guidance in procedures in dealing with cases of sexual harassment and sexual violence throughout institutions of education (this includes K-12).
4. There were a number of grammatical and punctuation changes made as well as changes made for consistency of language used in higher education conduct proceedings versus legal system language.

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Approved by Student Rules and Regulations Committee: 4/20/12

Approved by Faculty Senate: 11/12/12

Approved by President: 12/21/12