

EXISTING RULE:

25. Student Conduct Code Procedures (System)

(Revised: 2006)

The university views the student conduct system as an educational experience that can result in growth in personal understanding of one's responsibilities and privileges in the university community. Acceptable standards of conduct have been established to protect the rights of others and the orderly operation of the university. Individuals are encouraged to discuss their concerns at the lowest level possible for effective resolution of the situation. Should such attempts prove ineffective, the student conduct system provides a student conduct process to resolve the matter. The focus of student conduct proceedings is to determine whether the university's standards of conduct have been violated, and not criminal guilt. To this end, student conduct proceedings attempt to balance an understanding and knowledge of the students with the needs of the university community.

25.1 Reporting. Any member of the university community may initiate a complaint against a student for an alleged violation of *University Student Rules*. Such complaints are generally submitted in writing to [Student Conflict Resolution Services](#), the Office of the Commandant or the [Department of Residence Life](#).

25.2 Mediation Services. Matters involving a personal dispute between two or more students may be referred to [Mediation Services in the Department of Student Life](#) to mediate the dispute. Students involved in incidents referred to Mediation Services are required to attend a mediation session and to proceed in a good faith effort to resolve the dispute on a basis that is fair and just for all parties. The mediator is authorized to inform the administrative hearing officer only that the case did or did not settle.

25.3 Notice. If circumstances surrounding the complaint indicate that a violation of the Student Conduct Code may have occurred, disciplinary charges may be issued. Students are notified of disciplinary charges in writing. A letter of charges is issued to the student's address of record (See 1.2,). Disciplinary action may be taken against a student for failure to appear after proper notice.

25.4 Hearing. A disciplinary hearing may be conducted in one of the following forms, depending on the nature of the violation:

25.4.1 Administrative Hearing—The student meets with one or more administrative hearing officers to discuss the charges, the student's involvement in the incident or lack thereof and any other information relevant to the charges. Based on the information presented and discussed in the hearing, the administrative hearing officer(s) will determine whether a violation has occurred and issue sanctions accordingly.

25.4.2 Residence Life Student Accountability Board—The student Accountability Board functions in certain cases of minor disciplinary infractions by on-campus residents. The student Accountability board is comprised of on-campus students and Department of Residence Life staff who make decisions in the matters presented before them and issue sanctions if the finding is that a violation has occurred. A referral to Student Conflict Resolution Services (SCRS) shall be required when the student Accountability board is not in session.

25.4.3 Cadet Honor Board—The Cadet Honor Board shall have the power to hear cases referred to it under the guidelines set up in [The Standard of the Corps of Cadets](#).

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RULE CHANGES:

<http://student-rules.tamu.edu/rule25>

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.

Submitted by:

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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