

EXISTING RULE:

28. Student Conduct Files and Records

(Revised: 2004)

Case referrals may result in the development of a student conduct file in the name of the accused student. The student conduct file of the accused shall be destroyed should it be found that no violation of university rules occurred. The file of a student found to have violated university rules shall be retained as a student conduct record for five years from the date of the student's graduation. Student conduct records may be retained for as long as administratively valuable or permanently if the student was expelled, dismissed, suspended or blocked from reenrollment and in situations that may result in future litigation.

Student conduct records may be voided for good cause by the [Dean of Student Life](#) or the [Commandant of the Corps of Cadets](#), dependent upon which office imposed the sanction, upon receipt of a written request by the student. Factors to be considered in review of such petitions shall include:

28.1 the present demeanor of the student;

28.2 the conduct of the student subsequent to the violation; and

28.3 the nature of the violation and the severity of any damage, injury or harm resulting from it.

RULE CHANGES:

<http://student-rules.tamu.edu/rule28>

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

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