

EXISTING RULE:

51. Student Conduct Separation and Appeal

(Revised: 2004)

The decision as to which procedure to utilize for a grievance filed by a student shall be made solely by the university and shall be based on the fact pattern of each particular case. Each grievance shall be directed to a specific procedure and shall be accorded only one opportunity to be adjudicated unless the appeal body remands for further review.

Rules

Rules regarding the University Discipline Code and related actions are listed in [Part II, Student Life Rules](#).

Grievance Procedures

51.1 A student who has been assessed a disciplinary sanction of expulsion, dismissal, suspension or deferred suspension from the university by the Department of Student Life or the Office of the Commandant may file an appeal with the chair of the [University Disciplinary Appeals Panel](#). Following the notification of intent to appeal and pending the hearing, the disciplinary action taken by the university shall be stayed unless the university disciplinary officer has determined in a case involving suspension, dismissal or expulsion that the continued presence on campus of the charged student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.

51.2 A student who has been assessed a disciplinary action other than those listed above may file an appeal within five working days of the delivery of that decision with the Department of Student Life or the Office of the Commandant, dependent upon which office imposed the sanction. The appeal will be heard administratively by the appropriate official or panel.

RULE CHANGES:

<http://student-rules.tamu.edu/rule51>

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).

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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