

**EXISTING RULE:**

**Preface**

The following statement of students' rights and responsibilities is intended to reflect the philosophical base upon which University Student Rules are built. This philosophy acknowledges the existence of both rights and responsibilities, which is inherent to an individual not only as a student at Texas A&M University but also as a citizen of this country.

**Students' Rights**

*Article I*

A student shall have the right to participate in a free exchange of ideas, and there shall be no university rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution.

*Article II*

Each student shall have the right to participate in all areas and activities of the university, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.

*Article III*

A student has the right to personal privacy except as otherwise provided by law, and this will be observed by students and university authorities alike.

*Article IV*

Each student shall be free from disciplinary action by university officials for violations of civil and criminal law off campus, except when such a violation is determined also to be a violation of the provision regarding off-campus conduct in the [Student Conduct Code](#) of the University Student Rules.

*Article V*

Each student subject to disciplinary action arising from violations of university student rules shall be assured a fundamentally fair process. At all student conduct hearings, an accused student shall be assumed not responsible until proven responsible, and, in initial student conduct hearings, the burden of proof shall rest with those bringing the charges. In all proceedings, the student shall be guaranteed a fundamentally fair process.

**Students' Responsibilities**

*Article I*

A student has the responsibility to respect the rights and property of others, including other students, the faculty and the administration.

*Article II*

A student has the responsibility to be fully acquainted with the published University Student Rules and to comply with them and the laws of the land.

*Article III*

A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire university community.

*Article IV*

A student has the responsibility to recognize the university's obligation to provide an environment for learning.

**RULE CHANGES:**

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

**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 *21<sup>st</sup> 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**