

DIVISION OF STUDENT AFFAIRS

**OFFICE OF THE VICE
PRESIDENT FOR STUDENT
AFFAIRS**

Dr. Anne Reber
Dean of Student Life



MEMORANDUM

DATE: March 2, 2018

TO: Dr. Angie Hill
Price Speaker,
Faculty Senate

FROM: Dr. Anne Reber
Chair, Rules and Regulations Committee

SUBJECT: Proposed Revisions to the Texas A&M Student Rules

Attached please find proposed revisions to the Texas A&M University Student Rules as approved by the Rules and Regulations Committee. These changes are for the following section:

Change to **Rule 28**

Approved by the Student Rules & Regulations Committee on March 2, 2018.

Approved by the Faculty Senate on May 14, 2018

Approved by the President on June 7, 2018.

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PROPOSAL

Please see attached rule for extensive changes.

JUSTIFICATION

Changes to the second paragraph of this rule were needed for several reasons:

- To accurately reflect what we are already doing to comply with Federal guidance on our requirements under Title IX and Violence Against Women Act.
- To make language consistent with the rest of the Student Rules regarding the use and meaning of “complainant” rather than “survivor.”
- Files are developed to facilitate the participation of any complainant (as defined under 24.1.4.), regardless of whether they are a Texas A&M University student.

Addition of language to the expungement paragraph would provide clearer direction to students on when they can request an expungement. This would prevent expungements when a student still has an unresolved case or open sanctions that would need to be completed or that we would need to keep track of (such as a permanent contact restriction or a conduct probation/review that extends through graduation). Additionally changing the “present demeanor of the student” language to “the student’s understanding of their behavior and it’s impact” clarifies what information is being reviewed in an expungement request and more accurately reflects the questions students must answer on their expungement request.

PROPOSED BY:

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Present Rule 28 with additions in **bold red font** and deletions ~~struck~~

28. Student Conduct Files and Records

(Revised: 2013 **2018**)

Complaints 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 no less than five years from the date of the student's graduation or from the last day of the last semester the student is enrolled. Student conduct records may be retained for as long as administratively valuable ~~or~~. **The records may be retained** permanently if the student was expelled, suspended, or blocked from reenrollment and/or in situations that may result in future litigation.

Complaints of sexual harassment, ~~or~~ sexual misconduct, **dating violence, domestic violence, stalking, or related retaliation** may result in the development of a file in the ~~survivor's~~ **complainant's** name. This file shall be retained for no less than five years from the ~~survivor's~~ **complainant's** graduation date or from the last day of the last semester the ~~student~~ **complainant** is enrolled. These files may be retained for as long as administratively valuable.

Some student conduct records may be expunged for good cause by the Dean of Student Life and/or designee upon receipt of a written request by the student. ~~Expulsions, and suspensions, a student conduct record with an unresolved case and student conduct records with open sanctions will not be eligible for expungement.~~ **A student conduct record with an expulsion, suspension, an unresolved case, or any open sanction will not be eligible for expungement.** Factors to be considered in review of such petitions shall include, but are not limited to:

- the ~~present demeanor of the student~~ **student's level of understanding of their behavior and its impact;**
- the conduct of the student subsequent to the violation; and
- the nature of the violation and the severity of any damage, injury or harm resulting from it.

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