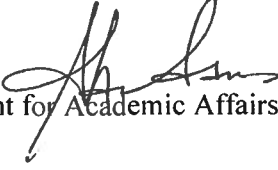






**MEMORANDUM**

**DATE:** September 13, 2024

**TO:** General (Ret.) Mark A. Welsh III  
President

**THROUGH:** Alan Sams, Ph.D.  
Provost, Executive Vice President for Academic Affairs  
Chief Academic Officer 

**THROUGH:** BG Joe E. Ramirez, Jr., United States Army (Retired)  
Vice President for Student Affairs 

**FROM:** Kristen Harrell, Ph.D.   
Assistant Vice President for Student Affairs  
Chair, Rules and Regulations Committee

**RE:** Student Rules on Organization Affiliation Misconduct and Conduct Probation

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On August 26, 2024, a memorandum was routed regarding student rules 24.4.5. Hazing and 27.1.3. & 27.1.4. Conduct Probation. A copy of that memorandum is included below. When the memorandum was received by the Office of the President, requests were made to make further revisions to the Hazing language in order to be in greater alignment with the Texas State Education Code where it comes to labels for the prohibited conduct outlined in 24.4.5.

Discussion was conducted between BG Joe E. Ramirez, Jr, Vice President for Student Affairs, Dr. Douglas Bell, Director Student Community Standards, Deena McConnell, Chief Policy Officer, and I to modify the applicable language.

Attached are three documents. The first is a copy of the original memo routed on August 26, 2024. The second is the final updated draft of 24.4.5., now called Organization Affiliation Misconduct. The third is a red-line copy of 27.1.3. Conduct Probation – Not in Good Standing & 27.1.4. Conduct Probation – In Good Standing.



**MEMORANDUM**

**DATE:** August 26, 2024

**TO:** General (Ret.) Mark A. Welsh III  
President

**THROUGH:** Alan Sams, Ph.D.  
Provost, Executive Vice President for Academic Affairs  
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Vice President for Student Affairs

**FROM:** Kristen Harrell, Ph.D.  
Assistant Vice President for Student Affairs  
Chair, Rules and Regulations Committee

**RE:** Student Rules on Hazing and Conduct Probation

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On August 5, 2024, representatives from the Division of Student Affairs met with you, President Welsh, and other senior leaders regarding numerous elements of the student conduct process. Two items discussed during this meeting related to the definition for *Hazing* and the names of two sanctions: *Conduct Probation* and *Conduct Review*.

During this meeting, it was agreed that the hazing rule would be separated into two levels of hazing: *Hazing Level 1* and *Hazing Level 2*. *Hazing Level 1* would fall in direct alignment with the Texas State Education Code for Hazing. *Hazing Level 2* would address behaviors that are widely recognized as hazing in higher education nationally, but do not reach the threshold of the state hazing law. Since that time, Dr. Douglas Bell, Director Student Community Standards, Deena McConnell, Chief Policy Officer, and I have met to refine the new definition.

It was additionally agreed that *Conduct Probation* would be renamed *Conduct Probation – Not in Good Standing*, and *Conduct Review* would be renamed *Conduct Probation – In Good Standing*. This change assists in alleviating confusion expressed by members of the Texas A&M University community regarding the meaning of *Conduct Review*. This change is different from an earlier revision proposal that would have added an additional sanction between *Conduct Probation* and *Conduct Review*.

Attached are two documents. The first is the final draft of the proposed hazing rule. The second is a redline copy of Section 27 of the student rules pertaining to the sanction name changes referenced above.

**Student Conduct Code**  
**Possible Revision**

**24.4.5. Organization Affiliation Misconduct** means any intentional, knowing, or reckless act, occurring on or off any campus of Texas A&M University, by one person alone or acting with others, directed against an individual for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization; or as part of any activity of a recognized student organization, student group, Corps of Cadets, Corps outfit, Corps unit, Corps Special Activities, or Athletics that meets the criteria of: 24.4.5.1. Hazing; and/or 24.4.5.2. Organization-Related Intimidation and/or Abuse.

A student is responsible for Organization Affiliation Misconduct if the student:

- a) engages in Organization Affiliation Misconduct;
- b) solicits, encourages, directs, aids, or attempts to aid another in engaging in Organization Affiliation Misconduct;
- c) recklessly permits Organization Affiliation Misconduct to occur; or
- d) has firsthand knowledge of the planning of a specific Organization Affiliation Misconduct incident involving a student or has firsthand knowledge that a specific Organization Affiliation Misconduct incident has occurred, and knowingly fails to report that knowledge to the Vice President for Student Affairs or other appropriate official of the institution, a peace officer, or a law enforcement agency.

There are two types of Organization Affiliation Misconduct, based on the conduct and potential resulting harm:

**24.4.5.1. Hazing** is Organization Affiliation Misconduct that includes:

- 24.4.5.1.1. any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- 24.4.5.1.2. sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the individual to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the individual;
- 24.4.5.1.3. consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by 24.4.5.1.5., that subjects the individual to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the individual;
- 24.4.5.1.4. any activity that induces, causes, or requires the individual to perform a duty or task that involves a violation of a criminal law or university rule that implicates a criminal law; or
- 24.4.5.1.5. coercion of the individual to consume:
  - a. a drug; or
  - b. an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the individual is intoxicated.

“Coercion” means a threat, however communicated, to commit a violation of a criminal law or university rule that implicates a criminal law; inflict bodily injury in the future on the person threatened or another; accuse a person of any criminal offense or violation of university rule; expose a person to hatred, contempt, or ridicule; harm the credit or professional repute of any person; or take or withhold action as a public servant, or to cause a public servant to take or withhold action.

Conduct constituting Hazing may also be a violation of Texas state law (see Tex. Educ. Code §37.151 and §51.936).

**24.4.5.2. Organization-Related Intimidation and/or Abuse** is Organization Affiliation Misconduct that does not rise to the level of Hazing and includes, but is not limited to:

- 24.4.5.2.1. conduct that endangers the mental or physical health or safety of the individual
- 24.4.5.2.2. behavior that is severe and/or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, verbal abuse, deceit, threats, intimidation, and unreasonable requirements for new and continued membership of an organization;
- 24.4.5.2.3. confining a person or exposing participants to uncomfortable elements such as environments that are too hot, cold, noisy, small, or intimidating;
- 24.4.5.2.4. parading individuals in public areas, transporting individuals in a motor vehicle while wearing a visual obstruction, or privately conducting visually obstructed activities that serve no constructive purpose;
- 24.4.5.2.5. encouraging or requiring a person to publicly carry objects or wear apparel that is abnormal, not normally in good taste, conspicuous, and/or indecent;
- 24.4.5.2.6. destroying or removing public or private property;
- 24.4.5.2.7. any activity that induces, causes, or requires the individual to perform a duty or task that involves a violation of a university rule that does not implicate a criminal law;
- 24.4.5.2.8. soliciting, encouraging, directing, aiding, or attempting to aid another in engaging in intimidation or harassment; or
- 24.4.5.2.9. assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment.

Previously practiced “traditions” (including Corps of Cadets, fraternity/sorority, or any other group or organization activity, practice or tradition) or coercion by current or former members or student leaders of the involved organization, will not suffice as a justifiable reason for participation in Organization Affiliation Misconduct. It is not a defense that the person (or group) against whom the Organization Affiliation Misconduct was directed consented or acquiesced to the behavior in question.

Students who are recipients and/or victims of Organization Affiliation Misconduct and who have not perpetrated Organization Affiliation Misconduct on others involved in the fact pattern for which they are reporting, and who report the activities to the Vice President for Student Affairs or designee responsible for oversight of the student conduct processes and/or the University Police Department, will not be charged with a violation of the Organization Affiliation Misconduct rule.

The Organization Affiliation Misconduct rule is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

## 27. Sanctions

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27.1.3. *Conduct Probation – Not in Good Standing*: An official warning that the student's conduct is in violation of Texas A&M University Student Rules, but is not sufficiently serious to warrant expulsion or suspension. A student on this conduct probation is deemed "not in good standing" with the University. If there is a finding of responsibility for subsequent violations of the student rules during this period of time, more severe sanctions may be administered.

27.1.4. *Conduct Probation – In Good Standing Review*: An official warning that the student's conduct is in violation of Texas A&M University Student Rules, but is not sufficiently serious to warrant expulsion, suspension, or conduct probation – not in good standing or conduct probation. A student on conduct probation - in good standing review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain in good standing with the University. If there is a finding of responsibility for subsequent violations of the Student Rules during this period of time, more severe sanctions may be administered.