

### **Article III. Violations of the *Student Code of Conduct***

The following acts or omissions to act may constitute violations of the *Student Code of Conduct*. These sections are not inclusive, and students are subject to additional rules and regulations of Texas A&M University-Corpus Christi. Students who attempt to undermine or exploit the *Student Code of Conduct* may be charged under the code accordingly.

#### **Student Conduct in Relation to Federal, State and Local Law**

The Student Conduct & Community Standards may issue *Student Code of Conduct* charges against a student charged with a violation of a law. (For example, if both violations result from the same factual situation) Proceedings under this *Student Code of Conduct* may be carried out prior to, simultaneously with or following civil or criminal proceedings.

When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. However, if the alleged offense is also the subject of a *Student Code of Conduct* proceeding the University may advise off-campus authorities of the existence of the *Student Code of Conduct* process and of how such matters will be handled by the University. The University will cooperate with law enforcement and other agencies in the enforcement of civil and criminal law on campus. Individual students, staff and faculty members, acting in their personal capacities, may cooperate with governmental agencies representatives as they deem appropriate.

#### **Prohibited Conduct**

The following actions, or the aiding, abetting, inciting of, or attempt to commit these actions, may constitute violations of the *Student Code of Conduct*. Any student found to have committed or to have attempted to commit the following prohibited conduct is subject to the conduct sanction(s) outlined in Article VIII of the *Student Code of Conduct*.

Specific violations of the *Student Code of Conduct* include, but are not limited to:

1. **Academic Misconduct:** engaging in an act that violates the standards of the academic integrity policy as described in the *Student Code of Conduct* and *Student Academic Misconduct Cases*. Any behavior specifically prohibited by a faculty member in the course syllabus or class discussion may be considered as academic misconduct. Additionally, possessing, using, buying, stealing, transporting, selling or soliciting in whole or in part items including, but not limited to the contents of an unadministered test, test key, homework solutions or possession at any time of current or previous test materials without the instructor's permission will be considered academic misconduct.
  - a. **Cheating:** using or attempting to use unauthorized materials, information, notes, study aids or other devices or materials in any academic exercise.

*Examples:*

    - Copying from another student's paper or receiving unauthorized assistance during a quiz, test or examination.
    - Using books, notes or other devices (e.g. calculators, cell phones, or computers) when these are not authorized.
    - The acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff.

- Unauthorized collaboration on exams.
  - Selling, giving or exchanging completed exams to a student who has not yet taken the test.
- b. Plagiarism:** presenting the work of another as one's own without proper acknowledgement of the source, with the exception of information that is generally accepted as common knowledge.
- Examples:*
- Using another's work from print, web or other sources without acknowledging the source.
  - Quoting from a source without citation.
  - Using facts, figures, graphs, charts or information without acknowledgement of the source.
  - Using a past assignment(s) the student has completed as a portion of a new assignment(s), without providing citation. Please note that without instructor permission this is also considered a multiple submission violation.
- c. Multiple Submissions:** submission of substantial portions of the same work (including oral reports) for credit more than once without authorization from the instructors for which the student submits the work.
- Examples:*
- Submitting the same paper for credit in two courses without instructor permission.
  - Making minor revisions in a credited paper or report (including oral presentations) and submitting it again as if it were new work.
- d. Collusion:** Helping or attempting to help another to commit an act of academic dishonesty. This includes, but is not limited to, the unauthorized collaboration with another individual in progressing forward on academic assignments.
- Examples:*
- Knowingly allowing another to copy from one's paper during an examination or test.
  - Distributing test questions or substantive information about the material to be tested before a scheduled exercise.
  - Deliberately furnishing false information in regards to an academic integrity investigation.
  - Working with another student on a take home test or homework assignments without permission from the instructor.
  - Discussing the contents of a completed exam or other assignments with a student who will take the exam or complete the assignment in the future.
- e. Fabrication, Falsification, or Misrepresentation:** Altering or inventing of any information or citation that is used in assessing academic work.
- Examples:*
- Inventing, counterfeiting or omitting data and/or results such that the research is not accurately represented in the research record.
  - Falsely citing the source of information.

- Altering the record of or reporting false information about the practicum or clinical experiences.
- Altering grade reports or other academic records.

**2. Endangerment:**

- a. Committing or threatening to commit any act of violence or bodily harm.
- b. Action(s) that endanger the health, safety, or well-being of one's self or others.

**3. Brawling:** Individuals willfully participating in, or contributing to, an incident of physical attack.

**4. Harassment:** Conduct including, but not limited to, physical, verbal, graphic, written, or electronic behavior that is sufficiently severe, pervasive or persistent so as to unreasonably interfere with, deny or limit someone's ability to participate in or benefit from the University's educational programs, services and/or activities. This includes, but is not limited to, behavior that is aggressive in nature and intended to hurt and/or control another individual (see University Rules and Procedures 34.01.99.C1).

**5. Stalking:** Behavior in which an individual willingly, maliciously and repeatedly engages in a knowing course of conduct directed at a specific person and/or group which reasonably and seriously alarms, torments, or terrorizes the person(s). This conduct makes the victim fear:

- a. Bodily injury or death of self.
- b. Bodily injury or death of another individual.
- c. That an offense will be committed against their property.

**6. Use of Force (physical or non-physical):** Any of the following, but not limited to, behaviors used to obtain a desired outcome or behavior from another individual and/or group: physical violence, the threat of violence, intimidation, implied threats, coercion and/or blackmail.

**7. Retaliation:** Any behavior and/or adverse action taken against a person and/or group because of participation or perceived participation in a report, complaint or investigation.

**8. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**9. Domestic Violence:** The willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior perpetrated by a person with whom: the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or by a person similarly situated to a spouse of the victim.

**10. Sexual Misconduct:** Behavior and/or action that includes but is not limited to:

- a. **Sexual Harassment:** Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the University's education program, services and/or activities.
- b. **Non-Consensual Sexual Contact:** Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force.

- c. **Non-Consensual Sexual Intercourse/Sexual Assault:** Any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force.
- d. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another individual for advantage or benefit, or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Behaviors which may be included in this category include, but are not limited to: invasion of sexual privacy regardless of medium, prostituting another individual, non-consensual photography, video or audio-taping of sexual activity, going beyond the boundaries of consent, engaging in voyeurism, knowingly transmitting an STI or HIV to another person, exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals, sexually-based stalking and/or bullying.

**Note:** *For the purpose of this process consent must be freely and actively given through mutually understood terms of actions. Silence, or the absence of yes, in and of itself, cannot be interpreted as consent. Previous relationships or prior consent cannot imply consent to future sexual acts. A person is deemed incapable of giving consent when the person is: 1. a minor, 2. coerced, 3. physically helpless, 4. has a developmental disability, 5. under the influence of alcohol or drugs to the point of being unable to make a rational decision, 6. unconscious or 7. asleep. This list serves as an example and is not inclusive of all situations.*

*A person always retains the right to revoke consent through clear and direct verbal or non-verbal communication at any time during a sexual act. An individual who is physically or mentally incapacitated, blacked out, unconscious, or unaware that the sexual misconduct is occurring is considered unable to give consent.*

- 11. **Hazing:** Any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with other, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes, but is not limited to:
  - a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
  - b. Any type of physical activity, such as sleep deprivation, exposure to the elements, and confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institutions rather than submit to acts described in this subdivision.
  - e. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Texas Education Code Sec. 37.152 and 37.153.

- The intent of the act or the consent or cooperation of the hazing recipient will not constitute a defense. The University may charge an individual and/or the officers of a recognized organization with responsibility for the hazing act(s) both on or off-campus. Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 at [www.stophazing.org/laws/tx\\_law.htm](http://www.stophazing.org/laws/tx_law.htm). A person may be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report in writing his/her knowledge to the Dean of Students or other appropriate institutional official.

**Note:** *Texas law provides any person reporting a specific hazing incident to the Dean of Students, University Police Department or other appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious.* Reports can also be filed online at [studentconduct.tamucc.edu](http://studentconduct.tamucc.edu)

- 12. Concealed Handguns:** Any violation of University Rule 34.06.03.C1 regarding carrying concealed handguns on campus, including, but not limited to, display of the handgun, carrying in a prohibited area, leaving the handgun unattended and/or possession of the handgun when its placement is not on your person.
- 13. Unauthorized Firearms, Weapons and Explosives:** Intentionally, knowingly, or recklessly possessing an unauthorized firearm, illegal knife or prohibited weapon on the physical premises of the University, to include any buildings or passenger transportation vehicles under the direct control of the University. Prohibited weapons include, but are not limited to, unauthorized firearms and fireworks, pellet guns, bb guns, air-soft guns, tasers, pepper spray/mace, stun guns, slingshots, martial arts devices, illegal knives and clubs.
- 14. Fire and Safety:**
  - a. Improper use or possession of hazardous substances.
  - b. Knowingly, recklessly, or negligently setting or attempting to set a fire on University property.
  - c. Creating a fire hazard or endangering the safety of persons or property.
  - d. False reporting of a fire.
  - e. Intentionally activating a fire alarm when no emergency exists.
  - f. Interfering with the response of University or city officials to emergency calls.
  - g. Misuse or removal of, damage to or tampering with fire prevention or other emergency equipment and/or signage.
  - h. Use or possession of any electrical appliance which is not authorized.
  - i. Refusing to comply with fire alarm and fire drill procedures.
- 15. Drugs:**
  - a. Any of the following: possession, purchase, use, manufacture, sale, distribution, being in the proximity or being under the influence of any illegal drug(s).
  - b. Improper or illegal use, possession, distribution, sale, transfer, or manufacture of controlled substances; to include, but not limited to, prescription drugs.
  - c. Possession or being in the proximity of any paraphernalia associated with the use and/or possession of any illegal drug(s).

**Note:** *The presence of any prohibited item in a location which is under your control, such as an apartment, residence hall space, backpack, purse or vehicle is also defined as possession.*

**16. Alcohol:**

- a. Any of the following: possession, purchase, use, consumption, manufacture, sale, distribution, being under the influence or in the proximity of alcohol and/or empty alcohol containers by anyone under 21 years of age.
- b. Providing alcoholic beverages to an individual who is under the age of 21.
- c. Unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol in any building, facility, or property under University control or in violation of any applicable law and/or University policy or procedure.
- d. Any use or possession of alcohol and/or empty alcohol containers in a common area of on-campus housing if the student, roommate, or any guests are under 21 years of age.
- e. Behavior that may pose or health or safety risk or that causes a public or private disturbance. Indicators of this may include slurred speech, loud and/or inappropriate behavior, loss of coordination, and/or glassy or bloodshot eyes.
- f. Unauthorized possession of keg(s) in any building, facility or property under University control.

**Note1:** *The presence of any prohibited item in a location which is under your control, such as an apartment, residence hall space, backpack, purse or vehicle is also defined as possession.*

**Note2:** *For information regarding the 911 Lifeline Law please see Article VI.*

**17. Throwing Objects:** throwing objects out of windows, roofs, stairwells, balconies, etc. of any building on University property where there is a reasonable threat of injury involved.

**18. Property:**

- a. Unauthorized use, possession or removal of property from a designated area under the control of the University and/or its community members, guests or vendors.
- b. Unauthorized entry to property under University control. Additionally, no student shall remain in a University building beyond its normal operating hours unless duly authorized by a University official.
- c. Damage, destruction, or defacement of property, including unauthorized painting or staining, that is under the control of the University, residences and/or any of its community members, guests or vendors.
- d. Unauthorized possession, duplication of or use of key, student ID cards, parking permits, etc.
- e. Posting of announcements which do not comply with University rules, procedures, or guidelines.
- f. Unauthorized use of University property, facilities (including on campus housing), and resources to conduct business.

**Note:** *The maintenance and preservation of the resources of the University, including its grounds, academic buildings, residences, dining facilities, and other structures are obligations of all members of the Texas A&M University-Corpus Christi community.*

## 19. Theft

- a. Failure to provide payment for services, products and/or food.
- b. Removal or possession of property without permission or keeping items beyond permitted timelines.

## 20. Technology Misuse:

- a. Unauthorized access or use, misuse and/or abuse of computer equipment, technology, programs or data belonging to, or under the control of the University or any of its members or guests.
- b. Any attempted or successful transport, access or copy of programs, records and/or data belonging to, or under the control of the University or any of its members or guests without authorization.
- c. Any attempted or successful breach of the security of an account belonging to, or under the control of the University or any of its members or guests or to deprive anyone of authorized access to the University's computing resources.
- d. Using the University's computer resources for personal or financial gain.
- e. Any unauthorized attempted or successful destruction or modification of programs, records and/or data belonging to, or under the control of the University or any of its members or guests.
- f. Copy, installation and/or use of any copyright material (e.g., books, software or data files) in violation of applicable copyrights or license agreements including, but not limited to, downloading and/or distributing music, movies, or any media using the University's information resources.
- g. Use of any University information resources that constitutes or results in a violation of the *Student Code of Conduct, University rule or procedure, or law*.

## 21. Information and Identification:

- a. **Personal Misrepresentation:** Representing oneself and/or another in person, verbally, in writing or through means of electronic communication, to obtain a benefit, to injure, or defraud.
- b. **Unauthorized Representation:** Alleging to represent the University or any of its organizations without specific prior consent of the respective officials to obtain a benefit or to injure or defraud.
- c. **Inaccuracy of Records and Information:** Falsifying, altering, forging, or misusing any University record or official document or knowingly supplying false or misleading information to University officials.
- d. **Registration Tampering:** Tampering with the registration or records of another student or one's own including, but not limited to, dropping and/or adding courses.
- e. **Election and Referendum Tampering:** *Altering election or referendum information by tampering with the process or data conducted and/or collected by any University entity or recognized student organization.*
- f. **Fabrication, Falsification or Misrepresentation Before a University Official:** Intentionally misleading a University Official regarding the nature of events, information and/or the identity of any individual.
- g. **False reports:** Falsely reporting a crime, a conduct violation, and/or safety threat.

## 22. Failure to Comply:

- a. Failure to follow the reasonable instructions given by any properly identified University official including residence life personnel and other partners of the University.
- b. Failure to present a student ID, state ID or other official photo identification to a properly identified University official including residence life personnel upon request.

**23. Breach of Peace:**

- a. **Disruptive Behavior:** Any action that impacts and/or interferes with operations, processes and/or functions of the University or any of its members. This may include, but not limited to, disruption of learning, instruction, study, sleep or work.
- b. **Obstruction of University Activities:** Obstructing classes, research, administration, conduct proceedings, or authorized activities under the control of the University or inciting others to do the same.

**24. Accessory Responsibility:**

- a. **Accessory to a Violation:** Aiding or abetting another individual in the commission of an offense as defined by the *Student Code of Conduct*. A person may be charged under this section even if the individual originally accused is not charged or is found 'not in violation'.
- b. **Guest Responsibility:** Failure to ensure that a student's guest(s) know and behave consistently with this Code while on campus.

**Note:** *Students are also responsible for the activities that occur in their rooms and the shared living space in their on-campus housing. Students are expected to properly secure their living area(s) at all times. All assigned occupants of a room or suite may be subject to the same sanctions under this Code as the actual violators.*

- 25. Traffic Obstruction:** Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised activities.

**26. Abuse of Student Conduct Proceedings:**

- a. Falsification, distortion and/or misrepresentation of information before a Hearing Body.
- b. Disruption or interference with the orderly conduct of any student conduct proceeding.
- c. Attempting to discourage or influence an individual's proper participation in, or use of, reporting options and/or conduct proceedings.
- d. Attempting to influence the impartiality of a member of a Hearing Body.
- e. Harassment and/or intimidation of a member of a Hearing Body.
- f. Breaching the FERPA rights of any person involved in a conduct proceeding.

**27. On-Campus Housing Violations:**

- a. **Restricted Behavior:** Behavior that is prohibited in the Miramar or Momentum Village Lease Contract.
- b. **Restricted Possession:** Possession of an item that is prohibited in the Miramar or Momentum Village Lease Contract.
- c. **Violation of Agreement:** Failure to adhere to the Miramar or Momentum Village Lease Contract which includes but is not limited to violating the substance-free housing addendum.

**28. Other violations:**



- a.** Violation of published University rules not otherwise addressed in the *Student Code of Conduct*.
- b.** Arrest or citation for violation of federal, state or local law, occurring on or off campus.