

Article VII. Student Conduct Proceedings

Unless stated otherwise, the student conduct proceedings will govern alleged violations of the *Student Code of Conduct*. If the alleged Code violations include conduct under the University's *Student Sexual Misconduct Process*, the student conduct proceedings will defer to the *Student Sexual Misconduct Process*, as necessary and appropriate. Additionally, allegations of academic misconduct will be adjudicated through the proceedings described in University Procedure 13.02.99.C0.04: Procedure for *Student Academic Misconduct Cases*. The *Student Sexual Misconduct Process* and the procedure for *Student Academic Misconduct Cases*, as well as flow charts for all student conduct processes, can be found online at studentconduct.tamucc.edu.

1. Process:

Below is a summary of the steps contained within the Student Conduct Process

- a. Alleged incident occurs
- b. Report is submitted to Student Conduct & Community Standards
- c. Charges may be issued
- d. Informal resolution meeting
- e. Notification of finding and if applicable, sanctions are assigned
- f. Student accepts or declines informal resolution outcome
- g. Formal hearing, if needed
- h. Notification of finding and if applicable, sanctions are assigned
- i. Student may choose to appeal formal outcome
- j. Notification of appeal finding and if applicable, sanctions

2. Charges:

- a. Any individual may submit an incident report to the Student Conduct Officer regarding alleged student misconduct. Incident reports should be submitted as soon as the reporter is aware of the alleged violation. For incidents which may be adjudicated under the *Student Sexual Misconduct Process* or the Procedure for *Student Academic Misconduct Cases*, additional information on specific timelines can be found online at studentconduct.tamucc.edu.
- b. The Student Conduct officer may conduct an investigation to determine if the incident report merits further review and/or if the matter can be resolved administratively by mutual consent of the parties in a manner acceptable to the Student Conduct Officer. Such resolution shall be final with no subsequent proceedings. If the incident report cannot be resolved by mutual consent, the Student Conduct Officer may later serve in the same matter as the Hearing Body or member thereof.
- c. If the incident report contains sufficient information, written charges will be presented to the accused student (hard copy or electronic). A time shall be set for an informal resolution meeting, not less than one but not more than fifteen business days after the notification has been provided. Time limits for scheduling of meetings may be extended at the discretion of the Student Conduct Officer.

3. **Informal Resolution:** Prior to a formal conduct hearing, the accused student will have the opportunity to meet with a Student Conduct Officer in an informal resolution meeting to review a summary of the student's rights. The Student Conduct Officer may use this meeting to conduct further investigation of the alleged conduct violations. During this meeting the student will be afforded the opportunity to respond to all charges and may participate in an informal resolution. Informal resolution may not be available for all cases. If the option of an informal resolution is

available, the Student Conduct Officer will serve as the hearing body and will discuss the events of the alleged incident with the student to make a determination regarding the outcome of the case. The student will be sent an outcome letter within five business days. The student may accept the outcome of the informal resolution process and comply with the assigned sanction(s). Alternatively, the student may deny the outcome and complete the necessary paperwork attached to the letter and request a formal hearing. Students will have five business days from the date of the outcome notification to deny the outcome of the informal resolution meeting. For students who do not attend the Informal Resolution Meeting a decision will be made in their absence. The student will still have the option of denying the outcome of the informal resolution meeting. When a formal hearing is scheduled, the hearing will occur not less than three days, but not more than 15 business days after hearing notification has been sent to the student. The OADS presumes that students are receiving all communications sent to their official University email address and/or other means of communication provided to OADS by the student. Students may request to waive the three-day waiting period for formal hearing, when available, at the discretion of the Student Conduct Officer. Time limits for scheduling of hearings and outcome notifications may be extended at the discretion of the Student Conduct Officer.

4. **Formal Hearing:** Every student in the Texas A&M University-Corpus Christi community has the right to a hearing. Sanctions may not be imposed upon any student without an informal resolution meeting or a hearing. Hearings shall be conducted by a Hearing Body according to the following guidelines:
 - a. Hearings are conducted in a closed setting and admission of any person to the hearing shall be at the discretion of the Student Conduct Officer.
 - b. In hearings involving more than one accused student, generally all students may participate in one hearing together. In special circumstances, upon request by the involved parties, the Student Conduct Officer may choose to schedule the hearings concerning each student separately.
 - c. The accused student(s) is responsible for presenting his or her own case. However, accused students, reporting parties, witnesses and victims all have the right to be assisted by an advisor of their choice and at their own expense. The advisor:
 - i. May be an attorney, friend, family member, faculty member, etc.
 - ii. Is restricted to an advisory role and is not permitted to participate directly in any hearing. Advisors may speak ONLY to the student they are assisting.
 - iii. Is required to maintain privacy regarding information provided at the conduct proceedings.
 - iv. Cannot be an involved party to the incident in question.
 - d. The Student Conduct Officer, the victim, the accused student and the Hearing Body may request witnesses and have the right to communicate questions to one another, if present, only through the Chair of the Hearing Body. It is the responsibility of the individual requesting the witness(es) to notify the individual(s) of the hearing date, location and time.
 - e. Relevant documentary information may be accepted as evidence for consideration by a Hearing Body at the discretion of the chair of the hearing body.
 - f. All procedural questions are subject to the final decision of the Student Conduct Officer.
 - g. A hearing packet will be available at least three business days prior to the hearing, for any case including alleged violation(s) which could lead to suspension or expulsion. A notice will be sent by certified letter and/or email to the hearing board members and the accused student, notifying them of when they may view information that will be

presented at the hearing. The hearing packet can only be reviewed at the designated viewing area. Copying of the hearing packet is expressly prohibited. Relevant information, not known and/or not available at the time the hearing packet was prepared, may be presented at the hearing. In cases that are unlikely to result in suspension or expulsion, the student may request a packet to review, but one will not automatically be generated. This request should be made to the Student Conduct Officer no less than five business days prior to the scheduled hearing.

- h.** The Hearing Body shall determine (by majority vote if the Hearing Body consists of more than one person) whether the student has violated the *Student Code of Conduct*. The accused student will typically be sent notification of the hearing outcome within 5 business days, unless extenuating circumstances require additional time for notification.
- i.** The Hearing Body's determination shall be made on the basis of "preponderance of information". A determination as to "in violation" or "not in violation" of the alleged offense will be based upon the information presented at the hearing. If one or more violations is found, sanctions may be assigned.
- j.** A confidential record will be kept of all hearings adjudicated by the Office of the Associate Dean of Students. Hearings may be recorded by the University, at the discretion of the Student Conduct Officer. Any and all recordings are the property of Texas A&M University-Corpus Christi.
- k.** If a student fails to appear for a hearing, information regarding the charges may be presented, considered and a decision may be rendered in the student's absence.