Article III. Violations of the SCoC
The following acts or omissions to act may constitute violations of the SCoC. 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 SCoC may be charged under the code accordingly.

Student Conduct in Relation to Federal, State and Local Law
Student Conduct & Community Standards may issue SCoC charges against a student charged with a violation of a law. (For example, one incident may result in a student being held liable in both a criminal and student conduct process/proceeding.) Proceedings under this SCoC 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 their status as a student. However, if the alleged offense is also the subject of a SCoC proceeding the University may advise off-campus authorities of the existence of the SCoC 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 SCoC. 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 SCoC.

Specific violations of the SCoC 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 SCoC 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. The following charges are specific violations of Academic Misconduct under the SCoC:

   a. Cheating: using, attempting to use, or acquiring 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 assignments or 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, or reusing your own work without citation. An exception exists for 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 the same work (including oral reports) for credit more than once without authorization from the current instructor for which the student submits the work.

*Examples:*
- Submitting the same paper for credit in two courses without current 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 other academic 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. Negligent, unintentional, or indirect 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:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   a. fear for the person's safety or the safety of others; or
   b. suffer substantial emotional distress.

For the purposes of this definition:
   a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
   b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
   c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)]

Note: Stalking is also explicitly prohibited under the TAMUS 08.01.01 regulation. Aiding another in the commission of stalking is also prohibited and may result in that student being charged separately. Stalking based on sex is a form of sexual harassment or sex-based misconduct.

6. **Use of Force (physical or non-physical):** Behaviors used to obtain a desired outcome or behavior from another individual and/or group. May include, but are not limited to: 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, investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.
Retaliation may include, but is not limited to, intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations.

**Note:** Retaliation is also explicitly prohibited under the TAMUS 08.01.01 regulation. Aiding another in the commission of retaliation is also prohibited and may result in that student being charged separately.

### 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. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*For the purposes of this definition:*

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

2. Dating violence does not include acts covered under the definition of domestic violence. [34 U.S.C. 12291(a)(10)]

**Note:** Dating violence is also explicitly prohibited under the TAMUS 08.01.01 regulation. Aiding another in the commission of dating violence is also prohibited and may result in that student being charged separately. Dating violence is a form of sexual harassment or sex-based misconduct.

### 9. Domestic Violence:

The willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. [34 U.S.C. 12291(a)(8)]

**Note:** Domestic violence is explicitly prohibited under the TAMUS 08.01.01. Aiding another in the commission of domestic violence is also prohibited and may result in that student being charged separately. Domestic violence is a form of sexual harassment or sex-based misconduct.

### 10. Sexual Harassment:

A form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member’s education program or activity; or sexual assault or dating violence, domestic violence, or stalking based on sex.
11. **Sex-based Misconduct**: unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating abusive, or offensive. Sex-based misconduct is explicitly prohibited under the SCoC and TAMUS 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited under this regulation. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Behavior and/or action that includes but is not limited to:

a. **Non-Consensual Sexual Intercourse/Sexual Assault**: any sexual act, however slight, directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent. These offenses are defined as:

1. **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent.
5. **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.

Note: Sexual assault is also explicitly prohibited under the TAMUS 08.01.01. Aiding another in the commission of sexual assault is also prohibited and may result in that student being charged separately. Sexual assault is a form of sexual harassment or sex-based misconduct.

b. **Sexual Exploitation**: Taking non-consensual sexual advantage of another individual 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 exposing someone to 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, a situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include, but are not limited to, the following actions:

- invasion of sexual privacy, regardless of medium,
- electronically recording and/or transmitting images or sound of another person or person(s) engaging in sexual activity without knowledge or consent,
• taking, possesing, and/or transmitting non-consensual photography or images,
• engaging in voyeurism,
• sexually-based stalking and/or bullying,
• prostituting another individual,
• exposing one’s genitals or causing another to expose one’s genitals,
• and/or knowingly exposing another person to a sexually transmitted infection or disease.

Note: Sexual exploitation is also explicitly prohibited under the TAMUS 08.01.01. Sexual exploitation is a form of sex-based misconduct.

12. Hazing: Any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, 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. Involves 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. Involves 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 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 or involves coercing as defined by Texas Penal Code 1.07, the student to consume
      i. a drug; or
      ii. an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Texas Penal Code Section 49.01.

• 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. For further information regarding Texas State Law on hazing, visit www.stophazing.org/texas/. 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 their 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.
13. **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.

14. **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.

15. **Fire and Safety:**
   a. Improper use or possession of hazardous substances.
   b. Knowingly, recklessly, or negligently setting or attempting to set an unauthorized 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.

16. **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.

17. **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 a 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.

**Note 1:** 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.

**Note 2:** For information regarding the 911 Lifeline Law please see Article VI.

18. Tobacco and Vaping Products:
   a. Any of the following: possession, purchase, use, manufacture, sale, and/or distribution, of cigarettes or tobacco related products by anyone under 21 years of age*
   b. Possession of any paraphernalia associated with the use and/or possession of any tobacco products by anyone under 21 years of age*
   c. Any of the following: possession, use, manufacture, sale, and/or distribution, being in the proximity of vape devices, e-cigarettes or related devices and/or paraphernalia.

**Note 1:** 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.

*Note 2:* Any individual aged 18 and above with a valid active military identification card from the U.S. or state military forces is exempt from sections a. and b. above.

19. 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.

20. 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 facility 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.

21. 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.

22. 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 SCoC, University rule or procedure, or law.

23. 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.

24. **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.
   c. Failure to comply with any published University rules or procedures not otherwise addressed in the *SCoC*.

25. **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.
   c. **Expressive Activity:** Any action that unduly interferes with an individual or organization’s right to engage in expressive activities.

26. **Accessory Responsibility:**
   a. **Accessory to a Violation:** Aiding or abetting another individual in the commission of an offense as defined by the *SCoC*. 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. Students should accompany their guests at all times.

   **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.

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

28. **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 student involved in a conduct proceeding.
29. **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.

30. **Other violations:**
   a. Arrest or citation for violation of federal, state or local law, occurring on or off campus.