

Institutional Handbook of Operating Procedures
Policy 07.01.03

Section: Student	Responsible Vice President: EVP & Provost, Dean of Medicine
Subject: Student Policies	Responsible Entity: Student Affairs

I. Title

Student Conduct and Discipline

II. Policy

- A. All University of Texas Medical Branch (UTMB) [students](#) are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations (Regents' Rules), with The University of Texas System (U.T. System) and UTMB rules and regulations, with directives issued by an administrative official of the U. T. System or UTMB in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.
- B. Any student who engages in conduct that violates the Regents' Rules, the U. T. System or UTMB rules and regulations, specific instructions issued by an administrative official of UTMB or the U. T. System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct that occurs on or off [campus](#), including but not limited to UTMB or U.T. System sponsored off-campus activities such as field trips, internships, rotations, or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct.
- C. This policy clearly defines the administration, regulations, and procedures related to student discipline that students must observe while at UTMB.
- D. Students should recognize that a violation of this student conduct and discipline policy may result in academic consequences. (See Regents' [Rules and Regulations](#), Series 50101). For example, as a disciplinary penalty, a student may be assessed a failing grade in a given course as the result of academic misconduct. The failing grade may, in turn, bring the student's overall level of academic performance or grade point average below the defined standard for retention in the school, thus resulting in the academic dismissal of the student.
- E. In the case of any conflict between this document, and any oral or written policies or statements made by any UTMB faculty or staff member, this document will prevail. In the case of conflict between this document and the Regents' *Rules*, the Regents' *Rules* will prevail.

III. General Responsibilities

- A. Each student is responsible for compliance with the provisions of this policy, and any student who engages in prohibited conduct that occurs on or off campus, including but not limited to UTMB or U.T. System sponsored off-campus activities such as field trips, internships, rotations or clinical assignments, is subject to discipline, regardless of whether civil or criminal penalties are also imposed for such conduct.

- B. Students, faculty, and staff with reason to believe that a student has engaged in prohibited conduct, as described in this policy, should notify the [Student Affairs Officer](#) of the respective school in which the suspected student is enrolled. After receiving an allegation of misconduct, the Student Affairs Officer of the accused student's respective school will determine, as soon as reasonably possible, whether the alleged violation is academic misconduct as defined by [Section VI](#) below or non-academic misconduct as defined by [Section VII](#) below in nature.
- C. The Dean of each UTMB School has designated a Student Affairs Officer with the responsibility for investigation and administration of academic misconduct violations, as defined herein. Academic misconduct allegations are investigated by the Student Affairs Officer for the respective school in which the student alleged to have committed the violation is enrolled, notwithstanding any action taken by other authorities.
- D. Non-academic conduct and discipline violations, as defined herein, will be referred by the Student Affairs Officer to the [Student Conduct and Discipline Officer](#) ("Conduct and Discipline Officer") for investigation and administration, notwithstanding any action taken by other authorities.
- E. The Student Affairs Officer of each school and the Conduct and Discipline Officer will submit quarterly reports to the Council of Deans summarizing all conduct and discipline matters under investigation or resolved. These reports will not include any identifying information but will only list a brief description of the violation (or allegation, if still pending) and any sanctions assessed.

IV. Jurisdiction

- A. If the alleged misconduct is primarily academic misconduct, as defined in Section VI below, the Student Affairs Officer will notify the student in writing (using the student's official UTMB email address) that an allegation was received and that the matter will be investigated and administered by the Student Affairs Officer.
- B. If the alleged misconduct is primarily non-academic, as defined in section VII below, the Student Affairs Officer will refer the matter to the [Conduct and Discipline Officer](#) and notify the student in writing (using student's official UTMB email address) that an allegation was received and the matter has been referred to the Conduct and Discipline Officer for investigation and administration.

V. Interim Disciplinary Action

Pending a hearing or other disposition of allegations against a student, the Student Affairs Officer or Student Conduct and Discipline Officer may take such immediate interim disciplinary action as is appropriate to the circumstances and in the best interest of the institution. This includes, but is not limited to, suspension and bar from the campus when it reasonably appears, from the circumstances, that the continuing presence of the student poses a potential danger to persons, property, or a potential threat for disrupting any activity authorized by the institution. In the event interim disciplinary action is taken, an accelerated hearing will be offered in accordance with [Section IX](#) below.

VI. Academic Misconduct

- A. Academic misconduct includes all fraudulent and deceitful acts designed to have or actually have the effect of interfering with the academic process, including the admissions process. Any act of academic misconduct is a breach of student responsibility and any such violation may result in

disciplinary proceedings as set out in this policy. Examples of academic misconduct include, but are not limited to:

1. Cheating

This includes but is not limited to:

- copying from another student's test paper or similar material;
- using materials not authorized by the person giving the test;
- substituting for another person or permitting another person to substitute for one's self to take a test;
- failing to comply with instructions given by the person administering a test;
- utilizing in whole or in part information the student knows to be false (e.g., patient data, encounters);
- possessing materials during a test which are not authorized by the person giving the test, such as class notes, specifically-designed "crib notes", or textbooks (if prohibited by the person administering the test);
- using, buying, stealing, transporting, or soliciting, in whole or in part, the contents of an un-administered test, test key, homework solution, or computer program;
- collaborating with or seeking aid from another student without the instructor's permission during a test or other assignment;
- discussing the contents of an examination with another student who will take the examination at another time;
- divulging the contents of an examination when the instructor has designated that the examination is not to be removed from the examination room or not to be returned to the student;
- removing any exam materials in a form (written, printed, recorded or any other type including memorization) from the exam area; writing down exam questions or answers; attempting in any form to recreate the exam;
- paying or offering money or other valuable things, or coercing, another person to obtain an un-administered test, test key, homework solution, computer program, or information about an un-administered test, test key, homework solution, or computer program;
- falsifying research data, laboratory reports, or other academic work offered for credit;
- taking, keeping, misplacing, or damaging the property of UTMB or another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; and
- misrepresenting facts, including providing false grades or resumes.

2. Plagiarism

Which includes but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another person's work and the submission for credit without appropriate citation of any work or materials that are attributable in whole or in part to another person.

3. Collusion

Which includes but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit, or collaboration with another person to commit an act of academic misconduct.

4. Altering Official Documents

Any student who alters or assists in the altering or falsifying of any official record of UTMB or

the U.T. System or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of UTMB or the U.T. System is subject to discipline. A former student who engaged in such conduct is subject to bar against readmission, revocation of degree, and withdrawal of diploma.

B. Investigation

1. The Student Affairs Officer of the school in which the accused student is enrolled will conduct investigations of alleged academic misconduct.
2. If there is an apparent conflict of interest with the Student Affairs Officer conducting the investigation, the Provost will appoint another appropriate individual to conduct the investigation.
3. The Student Affairs Officer may summon the student for purposes of the investigation and to discuss the allegation. The summons will be in writing and sent by regular mail, email, or hand delivered. The summons will include a date, time, and location for the meeting. If the request is sent regular mail, the meeting date will be at least three (3) calendar [days](#) after the date the summons is sent. If the request is sent by email or hand delivered the meeting date will be at least two (2) calendar days after the request is sent. For distance students, the meeting date shall be scheduled far enough in advance or in a manner, which accommodates the student's needs.
4. The summons may be mailed to the address in the registrar's records, emailed to the email address on record with UTMB, or hand delivered to a student.
5. Refusal of a student to accept delivery of the notice, failure to maintain a current address with the registrar, or the failure to read mail or email is not good cause for the failure to respond to a summons.
6. If a student fails to appear without good cause, as determined by the Student Affairs Officer, the Student Affairs Officer may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons. If the student failing to appear as directed in a summons is the student against whom charges are being reviewed, in addition to the above, the Student Affairs Officer may proceed with disciplinary action based upon other information available using the disciplinary procedures below.
7. In addition to interviewing the student, the investigation will include a thorough examination and evaluation of all available relevant evidence to determine if academic misconduct has occurred. The investigation will include, but is not limited to:
 - i. Examining all relevant evidence; and
 - ii. Conducting interviews with relevant individuals.
8. Searches of student occupied premises or of a student's personal possessions will be conducted in accordance with the law.
9. The Student Affairs Officer may seek assistance from other relevant individuals in the investigative process, as long as none of these individuals has a real or apparent conflict of interest.

C. Reviewing Evidence and Determining Sanctions

The Student Affairs Officer will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Student Affairs Officer will offer the student the opportunity to meet and provide a response to the charges and, upon request, review the available evidence supporting the charges. The

standard of proof used to determine whether there has been a policy violation is the preponderance of evidence (“more likely than not”).

D. Final Report

1. At the conclusion of the investigation, the Student Affairs Officer will produce a written report which includes:
 - i. A description of the policies and procedures under which the investigation was conducted;
 - ii. A summary of the evidence reviewed and interviews conducted;
 - iii. The actual text or an accurate summary of the views of any individual(s) found to have engaged in academic misconduct;
 - iv. The findings regarding academic misconduct and the basis for these findings;
 - v. The recommended administrative actions to repair any damage the misconduct may have caused; and
 - vi. The recommended disciplinary actions ranging from reprimand to expulsion.
2. If there is no evidence to support the allegation, the final report will explicitly state that there was no finding of academic misconduct and the matter will be dismissed.
3. The final report will be provided to the accused student within ten (10) days from the conclusion of the investigation.
4. If the investigation establishes a reasonable belief that academic misconduct has been committed, the final report will include the options available to the student. The options include:
 - i. Administration Disposition: If the student does not dispute the facts upon which the charges are based and agrees to the sanctions assessed by the Student Affairs Officer, the student may execute a written waiver of their right to a hearing and appeal within seven (7) calendar days of receipt of the final report. [Administrative Dispositions](#) are final and no subsequent proceedings on the charges will be held.
 - ii. Appeal of the Sanctions: A student who does not dispute the facts, may elect to sign an administrative disposition within seven (7) calendar days of receipt of the final report waiving the right to the hearing on the facts under Section VIII but reserving the right to appeal the sanction. Such an appeal regarding the sanction will be to the Provost or his/her designee in accordance with [Section X](#) of this policy.
Hearing on the Facts: If the student disputes the factual findings of the investigation, the student may elect, in writing within seven (7) calendar days of receipt of the final report, to have the complaint heard by a [hearing panel](#) in accordance with [Section IX](#) below.
5. In those cases in which the Student Affairs Officer proposes suspension, including suspension of rights and privileges, academic sanctions, or expulsion as a sanction, the charges will be heard and determined by a fair and impartial Hearing Panel in accordance with Section IX below.

VII. Non-Academic Misconduct

The Student Conduct and Discipline Officer is responsible for overseeing the investigation of non-academic misconduct allegations or submitting such allegations to the appropriate official for investigation. The Student Affairs Officer will refer non-academic conduct and discipline violations to the Conduct and Discipline Officer for investigation and administration, notwithstanding any action

taken by other authorities. In Sexual Misconduct cases, the Title IX Coordinator is responsible for overseeing the investigation process consistent with [IHOP Policy 03.02.04 Sexual Misconduct](#).

A. Prohibited Conduct:

1. Drugs

Any student who is found responsible for the illegal use, possession, or sale of a drug or narcotic is subject to discipline.

2. Health or Safety

Any student who engages in conduct that endangers the health or safety of any person may be subject to discipline.

3. Sexual Misconduct Any student whose conduct meets the definition of Sexual Misconduct under applicable federal and state law and [UTMB IHOP Policy 3.2.4 Sexual Misconduct](#) may be subject to discipline. Sexual Misconduct includes, but is not limited to:

sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, stalking, and Other Inappropriate Sexual Conduct.

4. Disruptions

Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the U. T. System or UTMB is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.

5. Inciting Lawless Action

Any student who engages in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action, is subject to discipline.

6. Unauthorized Use of Property

Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the U. T. System or UTMB is subject to discipline.

7. Hazing

Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (*Texas Education Code* [Section 51.936](#) and [Sections 37.151-37.157](#)). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, degrading, or coercive to the student and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

“Hazing” means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act:

IHOP Policy 07.01.03

1. is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
2. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar 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;
3. 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;
4. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation law; or
5. 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 institution rather than submit to acts described in this subsection.

Knowingly failing to report hazing can subject one to discipline. However, in an effort to encourage reporting of hazing, UTMB may grant immunity from student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

8. Bullying.

An intentional course of conduct, whether an individual act or series of acts intended to impose one's will or desire and causes mental, emotional, or physical harm to others. Such acts include verbal or non-verbal threats, assault, stalking, or other methods of attempted coercion, such as manipulation, blackmail, or extortion (including, but not limited to, offending conduct that is undertaken or affected in whole or in part using electronic messaging services, commercial mobile services, electronic communications, social media, or other technology). In addition, bullying includes, but is not limited to, unwanted or uninvited aggressive behavior that intends to harm, threaten, frighten, or intimidate another person and may involve a pattern of behavior that is repeated over time where an imbalance of power exists between the two parties.

9. Vandalism.

Any student, who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by UTMB or the U. T. System is subject to discipline.

10. Use of Explosives, Weapons, or Hazardous Chemicals.

Unless authorized by Federal, state, or local laws, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, while on campus or on any property or in any building or facility owned or controlled by the U. T. System or UTMB, is subject to discipline. The University has a Campus Carry Policy and any violation of that

Policy by a student will be handled according to the procedures in this Policy unless that Policy explicitly states otherwise.

11. Prohibited Conduct During Suspension.

A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension.

12. Theft

Any student who commits theft, steals, or takes unauthorized possession of any personal property of any community member or University property within the buildings or facilities owned or controlled by the University or the U.T. System is subject to discipline.

13. Retaliation

Any student who retaliates in any way against an individual who has brought a complaint under this Policy (or other University policy) or participated in an investigation or disciplinary process of such complaint.

14. Engaging in Gambling or Dishonesty

Any student who engages in gambling on property, buildings, or facilities owned or controlled by the institution is subject to discipline.

15. Information Resources Systems Usage Violations

Students using University information resources or connecting to University information resources with a personal or non-University owned system will be held responsible for adhering to all University policies and procedures regarding Information Resource Usage as well as state and federal rules and regulations. Information Resources System usage violations include, but are not limited to, unauthorized system/network activity and unauthorized distribution or altering of programs and/or data.

16. Sale or Use of Alcoholic Beverages

The University enforces all state and federal laws or regulations which regulate and control the sale or use of alcohol on campus, including those pertaining to the possession of alcohol by minors. University regulations prohibit the possession and/or consumption of alcoholic beverages on University property without prior written authorization by appropriate administrative officials. Customers of legal age under state law may purchase and consume alcoholic beverages in areas on the campus specifically designated for the public sale and consumption of beer and wine, and residents of University Housing are authorized to possess and consume beer and wine in the privacy of their living quarters, if they are of legal age under state law.

The University, however, in accordance with the Texas Alcoholic Beverage Commission's amnesty policy, affords amnesty to a minor seeking aid in a medical emergency if the minor (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance under Subdivision (1); and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel, if applicable.

17. Knowingly Submitting False Information

A student who knowingly provides false information to University officials is subject to discipline. This prohibition includes a student who knowingly files a false report related to another student's alleged violation of the Student Code of Conduct.

B. Investigation

1. The Student Conduct and Discipline Officer will oversee investigations of alleged non-academic misconduct. The Student Conduct and Discipline Officer will either conduct the investigation or assign the investigation to an investigator within the Department of Internal Investigations.
2. If there is an apparent conflict of interest with the Student Conduct and Discipline Officer, the Student Conduct and Discipline Officer must not personally conduct or oversee the investigation and the Provost will appoint appropriate individual(s) to conduct and oversee the investigation.
3. The Student Conduct and Discipline Officer or investigator, may summon the student for purposes of the investigation and to discuss the allegation. The summons will be in writing and sent by regular mail, by email, or hand delivered. The summons will include a date, time, and location for the meeting. If the request is sent regular mail, the meeting date will be at least three (3) calendar days after the summons is sent. If the request is sent by email or hand delivered, the meeting date will be at least two (2) calendar days after the request is sent. For distance students, the meeting date is scheduled far enough in advance or in a manner, which accommodates the student's needs.
4. The summons may be mailed to the address in the registrar's records, emailed to the email address on record with UTMB, or hand delivered to a student.
5. Refusal of a student to accept delivery of the notice, failure to maintain a current address with the registrar, or the failure to read mail or email is not good cause for the failure to respond to a summons.
6. If a student fails to appear without good cause, the Student Conduct and Discipline Officer may, upon consultation with the [Dean](#) of the school in which the student is enrolled, bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons. If the student failing to appear as directed in a summons is the student against whom charges are being reviewed, in addition to the above, the Student Conduct and Discipline Officer may proceed with disciplinary action based upon other information available using the disciplinary procedures below.
7. In addition to interviewing the student, the investigation will include a thorough examination and evaluation of all available relevant evidence to determine if non-academic misconduct has occurred. The investigation will include, but not limited to:
 - a) Examining all relevant evidence; and
 - b) Conducting interviews with relevant individuals.
8. Searches of student occupied premises or of a student's personal possessions will be conducted in accordance with the law.
9. The Student Conduct and Discipline Officer or investigator, may seek assistance from other relevant individuals in the investigative process, as long as none of these individuals has a real or apparent conflict of interest.

C. Reviewing Evidence and Determining Sanctions

The Student Conduct and Discipline Officer or investigator, will review the evidence, determine whether

to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Student Conduct and Discipline Officer or investigator, will offer the student the opportunity to meet and provide a response to the charges and, upon request, review the available evidence supporting the charges. The standard of proof used to determine whether there has been a policy violation is the preponderance of evidence (“more likely than not”).

D. Final Report

1. At the conclusion of the investigation, the Student Conduct and Discipline Officer or investigator will produce a written report which includes:
 - a) A description of the policies and procedures under which the investigation was conducted;
 - b) A summary of the evidence reviewed and interviews conducted;
 - c) The actual text or an accurate summary of the views of any individual(s) found to have engaged in non-academic misconduct;
 - d) The findings regarding non-academic misconduct and the basis for these findings;
 - e) The recommended administrative actions to repair any damage the misconduct may have caused; and
 - f) The recommended disciplinary actions ranging from reprimand to expulsion.
2. The final report will be provided to the accused student within ten (10) days.
3. If the investigation establishes a reason to believe that misconduct has been committed, the final report will include the options available to the accused student, including administrative disposition, a hearing on the sanctions, and a hearing on the facts in accordance with [Section IX](#) below.

E. Allegations of Student on Student Sexual Misconduct Offenses

1. UTMB’s Title IX Coordinator is responsible for overseeing the investigation of allegations of sexual offenses committed by UTMB students.
2. A Student Affairs Officer receiving a complaint related to allegations of sexual offenses should immediately contact the Department of Internal Investigations.
3. Students may directly contact the Department of Internal Investigations to report allegations of sexual offenses.
4. Formal Complaints of Sexual Harassment will be investigated and dispositioned in accordance with the procedures set out in [IHOP Policy 3.2.4 Sexual Misconduct](#). An Alternative Grievance Process listed below applies in instances where the conduct alleged does not meet the criteria for Formal Complaints of Sexual Harassment under [IHOP Policy 3.2.4 Sexual Misconduct](#).
 - a) Alternative Grievance Process for Formal Complaints
 - i. After an investigator is assigned, the student will be provided notice of the complaint and be allowed a reasonable time to respond in writing.
 - ii. The parties may present any document or information that is believed to be relevant to the complaint, including the names of witnesses who may provide relevant information.
 - iii. The investigators will interview relevant and available witnesses. Neither the

Complainant nor the Respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.

- iv. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. The parties should be provided updates on the progress of the investigation.
- v. After the investigation is complete, a written summary report¹ will be issued to the Title IX Coordinator. The summary report will include factual findings and a preliminary conclusion of whether a policy violation occurred (based on a “preponderance of the evidence” standard). The initial findings from the report will also be shared with the appropriate administrator in a letter. The appropriate administrator will depend on the status of the respondent (i.e., student, faculty or employee).
- vi. After the written summary report is completed and reviewed by the Title IX Coordinator, the parties will receive notification of the outcome of the investigation in writing via email. The initial findings letter will summarize the findings of the investigation in compliance with FERPA and Texas Education Code, Section 51.971. The letter will contain enough detail to allow the parties to comment on the adequacy of the investigation or the findings. However, all parties will be allowed to inspect the summary report and will have reasonable and equitable access to the evidence relevant to the alleged violation(s) in UTMB’s possession prior to the conclusion of the comment period in compliance with FERPA and Texas Education Code, Section 51.971. Each party will have seven (7) business days from the date the email was sent to review the summary report and relevant evidence and submit written comments regarding the investigation to the Title IX Coordinator.
- vii. Within seven (7) business days after the deadline for receipt of comments from the parties, the Title IX Coordinator (or designee) will:
 - (1) Request further investigation into the complaint;
 - (2) Dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or
 - (3) Find that the Policy was violated.
- viii. If it is determined that the Policy was violated, the matter will advance to Section VIII.
- ix. The Complainant and the Respondent will be informed concurrently in writing of the decision.
- x. The appropriate administrator will impose disciplinary action or sanction(s) in accordance with the applicable policies and procedures.

VIII. Administrative Disposition

- A. In any case, except in a case of a Formal Complaint of Sexual Harassment under IHOP Policy 3.2.4 Sexual Misconduct, where the Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the Student Conduct and Discipline Officer assesses, the student may execute a

¹ Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971.

written waiver of the hearing procedures and waiver of any appeals under the policy. This Administrative Disposition is final and there will be no subsequent proceedings regarding the charges.

B. Administrative Disposition in Cases involving the Alternative Grievance Process for Formal Complaints of Sexual Harassment

1. Administrative Disposition. Cases involving the Alternative Grievance Process for Formal Complaints under IHOP Policy 3.2.4 Sexual Misconduct, will proceed to a hearing under Section IX of this Policy unless both the accused and the accuser agree to the terms of the Administrative Disposition and thus waive the hearing and appeals.
2. Appeal of the Sanctions: A student who does not dispute the facts, may elect to sign an Administrative Disposition waiving the right to the hearing under Section VIII, but reserving the right to appeal the sanction. Such an appeal regarding the sanction will be to the Provost or his or her designee, in accordance with Section X of this policy.
 - Cases in which Proposed Sanction involves Suspension, Academic Sanctions or Expulsion: In those cases in which the Student Conduct and Discipline Officer proposes suspension, including suspension of rights and privileges, academic sanctions, or expulsion as a sanction, the charges must be heard and determined by a fair and impartial Hearing Panel in accordance with Section IX of this Policy.
3. Hearing on the Facts: If the student disputes the factual findings of the investigation, the student may elect, in writing within seven (7) calendar days of receipt of the final report, to have the complaint heard by a hearing panel in accordance with Section IX below.

IX. Hearing Procedures

- A. The procedures provided in this section apply to both academic and non-academic misconduct hearings. Variations on this process may be required for hearings on allegations of Sexual Misconduct.
- B. Hearing Panel
 1. In those cases in which the Respondent disputes the facts upon which the charges are based the student's dispute will be heard and determined by a fair and impartial Hearing Panel of three faculty members, two faculty members from the student's school and one member from an alternate school, selected by the Provost or the Provost's delegate from a predetermined pool.
 2. Hearing Panel Pool
The Provost or the Provost's delegate will select faculty members to be included in the pool of potential hearing panel members. Faculty members selected by the Provost or delegate will undergo training on hearing procedures by the Department of Internal Investigations or the Office of General Counsel, as appropriate. The membership of the panel pool will be reviewed periodically to ensure adequate representation from each of the schools.

C. Interim Disciplinary Action - Accelerated Hearing

When Interim Disciplinary Action has been taken by the Student Affairs Officer or the Student Conduct and Discipline Officer under [Section V. above](#), and remains in place following the opportunity for the student to address the allegations and/or potential threat, the student will be given the opportunity to have a hearing on the charges in accordance with the procedures specified in this Policy within 10 days after the interim disciplinary action was taken; however, if the Chair of the Hearing Panel determines that there is good cause, the 10-day period may be extended for a reasonable period.

D. Impartiality of the Hearing Panel

1. The Respondent may challenge the impartiality of any of the members of the Hearing Panel by submitting a challenge in writing no later than seven (7) days prior to the date of the hearing.
2. Challenges must be made in writing to the Chair of the Hearing Panel and state the reasons for the challenge. The Chair will determine whether the challenged panel member can serve as an impartial member of the panel.

E. Duties of Hearing Panel

1. The Student Affairs Officer of the school in which the student is enrolled shall not serve as a member the Hearing Panel to prevent any possible conflict.
2. The Hearing Panel Chair is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing.
3. The Hearing Panel Chair will rule on all procedural matters and on objections regarding exhibits and testimony of witnesses. All members of the Panel may question witnesses.
4. The Hearing Panel is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the University of Texas System.
5. Within 14 days of the hearing, the Hearing Panel will render and send to the Student Affairs Officer or Student Conduct and Discipline Officer and the Respondent a written decision that contains findings of fact and a conclusion as to whether the Respondent is responsible for the violations as charged. Upon a finding of responsibility, using the preponderance of evidence standard of proof, the Hearing Panel will assess a sanction or sanctions specified in Section H below of this Policy..

F. Notice of Hearing

1. Except in those cases where immediate interim disciplinary action is taken, the Respondent is given at least ten (10) days written notice of the date, time, and place for such hearing, and the names of the Hearing Panel Members.
2. The notice will include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least 10 days prior to the hearing, UTMB will provide the Respondent all evidence obtained related to the allegation(s). The notice will be delivered in person to the student, mailed to the student at the address appearing in the registrar's records, or emailed to the student's email address on record with the registrar. A notice sent by mail will be considered to have been received on the third day after the date of mailing.. A notice sent via email will be considered to have been received on the day sent. The date for a hearing may be

postponed by the Chair of the Hearing Panel for good cause or by agreement between the student and the Student Affairs Officer or Student Conduct and Discipline Officer. If the student fails to appear, the Hearing will proceed without the benefit of the student's presence.

G. Rights of the Parties

1. The accused student has the right to:

- a) have a private hearing;
- b) appear in person and to have an advisor of his or her choice including an attorney at all phases of the disciplinary process including interviews, meetings, hearings and appeals (the advisor may not actively participate in the interviews, meetings, hearings, and appeals). If the Respondent's advisor is an attorney, the Student Conduct and Discipline Officer's advisor may be an attorney from the Office of General Counsel or the U.T. System;
- c) make an opening and closing statement;
- d) know the name of the person appointed to act as the chair of the panel and the names of the hearing panel appointed to hear the matter;
- e) challenge the chair of the panel or the hearing panel members designated to hear the charges;
- f) know the identity of each witness who will testify against him or her;
- g) a list of documentary and other evidence that will be offered against the accused student with at least three (3) days notice;
- h) present testimony of witnesses, present documentary and other evidence, and to argue in his or her own behalf. Notice of this evidence must be given to the panel at least three (3) days prior to the hearing;
- i) a copy of the final report, which outlines the alleged violation(s);
- j) cross-examine each witness who testifies against him or her; and
- k) appeal.

2. Allegations of Sexual Misconduct

In any case involving a violation of the Sexual Misconduct Policy, the accuser will be provided the same rights and responsibilities outlined in this section as the accused including the right to have notice of the hearing. The accuser has the right to:

- a) participate in the hearing;
- b) have past sexual history with third parties excluded from evidence;
- c) provide testimony at the hearing in a manner that does not require the accuser to directly question or to be directly questioned by the accused student while still preserving the accused student's right to challenge such testimony;
- d) receive notice of the hearing decision;
- e) appeal the hearing decision;
- f) submit a response to the accused student's appeal; and
- g) Have an advisor of choice, who may be an attorney, throughout the disciplinary process. During the disciplinary process, an advisor may assist the accuser; however, the advisor may not actively participate in meetings, interviews, or hearings and appeals.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing

virtually.

The hearing will be recorded. If either party desires to appeal the decision of the Hearing Panel in accordance with Section X of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Hearing Panel. The recording will be made available to the parties upon request within 3 days of the hearing date.

H. Sanctions

In making the sanctioning decision, the Hearing Panel will take into consideration any mitigating or aggravating factors. The following sanctions, either singularly or in any combination, may be assessed by the Student Affairs Officer, Student Conduct and Discipline Officer, Dean, or by the Hearing Panel as applicable, in accordance with these procedures:

1. Disciplinary probation.
2. Withholding of grades, official transcript, and/or degree.
3. Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from the institution.
4. Restitution or reimbursement for damage to or misappropriation of institutional or U. T. System property.
5. Suspension of rights and privileges, including participation in athletic or extracurricular activities.
6. An academic sanction, including a failing grade or reduction of a grade for an examination, assignment, or for a course.
7. Denial of degree.
8. Suspension from the institution for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript. The notation can be removed upon the request of the student when all conditions of the suspension are met.
9. Expulsion (permanent separation from the institution) Expulsion creates a permanent notation on the student's academic transcript.
10. Revocation of degree and withdrawal of diploma.
11. Other sanction as deemed appropriate under the circumstances.

X. Appeals from a Decision of the Hearing Panel

A. The Respondent, Student Affairs Officer, or Student Conduct and Discipline Officer may appeal the factual findings or sanctions assessed by the Hearing Panel. The appeals procedures for Sexual Misconduct cases may be made in accordance with IHOP Policy 3.2.4 Sexual Misconduct.

B. Bases for Appeal.

A Respondent (and the Dean, where applicable) may appeal on any of the following grounds:

- The sanctions imposed are inappropriate and/or not commensurate with the circumstances (Note: this is the only appeal option available for Administrative Dispositions under Section VIII(A)(2);
- A procedural irregularity affected the outcome of the matter;

- There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter; or
- The Dean, investigator(s), or hearing panel member had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.

C. Appeal Procedures

1. The appealing party must submit a written appeal stating the specific reasons for appeal and any argument in favor to the Provost within fourteen (14) days of when the parties are notified of the hearing panel's decision. A copy of the appeal should be submitted to the other party. If the notice of sanction assessed by the Dean or the decision of the Hearing Panel is sent by mail, the date the notice or decision is mailed initiates the 14-day period for the appeal.
2. An appeal on the sanctions in cases of administrative disposition, the decision will be made based solely on the written argument of the student and either the Student Affairs Officer or the Student Conduct and Discipline Officer.
3. An appeal of the decision of the Hearing Panel will be reviewed solely based on the record from the hearing. The Chair of the Hearing Panel will submit the record from the hearing to the Provost as soon as possible after being notified by the Provost of the appeal.
4. In an appeal from the decision of the Hearing Panel, the Provost may, at his or her discretion, entertain oral arguments in an appeal from the decision of the Hearing Panel.
5. Communication of Decision: The Provost's decision will be communicated in writing to the Respondent and either the Student Affairs Officer or the Student Conduct and Discipline Officer within thirty (30) days after receiving the appeal and official record.
6. The decision of the Provost is final.

XI. Disciplinary Record.

- A. The academic transcript of a student suspended or expelled for disciplinary reasons (not academic or financial) will be marked with "Disciplinary Suspension" or "Disciplinary Expulsion" as appropriate. The academic transcript of a student suspended or expelled for disciplinary reasons (not academic or financial) will be marked with "Disciplinary Suspension" or "Disciplinary Expulsion" as appropriate. A notation should state whether the student is eligible to reenroll. If the student becomes eligible to reenroll in the institution or the institution determines that good cause exists to remove the notation, the notation can be removed upon the request of the student.
- B. UTMB maintains a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial, or revocation of degree, or withdrawal of diploma.
- C. A record of academic misconduct is maintained for at least five years or longer at the discretion of the institution, and disciplinary records required by law to be maintained for a certain period of time, i.e. Clery violations, will be maintained for at least the time specified in the applicable law, unless the record is permanent in conjunction with the above stated sanctions. A disciplinary record will reflect the

nature of the charge, the disposition of the charge, the sanction assessed, and any other pertinent information.

- D. The Dean of the school in which the student is or was enrolled maintains disciplinary actions. Student disciplinary records are treated as confidential and will not be accessible to anyone other than the Dean or university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

XII. Relevant Federal and State Statutes

[Title IX, Education Amendments of 1972](#) (Title 20 U.S.C. Sections 1681-1688)

XIII. Relevant System Policies and Procedures

[Board of Regents’ Rule 30105](#) Sexual Harassment, Sexual Misconduct, and Consensual Relationships
[Board of Regents’ Rule 50101](#) Student Conduct and Discipline

XIV. Related UTMB Policies and Procedures

[IHOP - 03.02.04 - Sexual Misconduct](#)

XV. Dates Approved or Amended

<i>Originated: 09/15/1995</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
03/02/2009	09/09/1997
04/29/2016	02/27/2020
10/18/2017	
01/29/2020	

XVI. Contact Information

Academic Grievances

Graduate School of Biomedical Sciences – (409) 772-2665
 School of Health Professions - (409) 772-9411
 School of Medicine - (409) 772-1442
 School of Nursing - (409) 772-8271

Non-Academic Grievances

Department of Internal Investigations – (409) 772-2112