

| Institutional Handbook of Operating Procedures Policy 07.01.03 | |
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| 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 and Regulations, the U. T. System or UTMB rules and regulations, specific instructions issued by an administrative official of the institution 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 institution 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 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 the notice of and 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 UT 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 or non-academic in nature.
- C. 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 or non-academic in nature.
- D. 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.
- E. Non-academic conduct and discipline violations, as defined herein, will be referred by the Student Affairs Officer to the Conduct and Discipline Officer for investigation and administration, notwithstanding any action taken by other authorities.
- F. 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 Student 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 expedited hearing will be offered in accordance with Section VIII 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;
- 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 UT 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 UT System is subject to discipline. A former student who engages 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 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, 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.
 4. If the investigation establishes a reasonable to 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. Administrative dispositions are final and no subsequent proceedings on the charges will be held.
 - ii. Hearing on the Sanctions: A student who does not dispute the facts, may elect to sign an administrative disposition waiving the right to the hearing on the facts under Section VII 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 IX of this policy.
 - iii. 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 VIII 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 VIII 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 to the Conduct and Discipline Officer will refer non-academic conduct and discipline violations, as defined herein, for investigation and administration, notwithstanding any action taken by other authorities. In Sexual Harassment and Sexual Misconduct cases, the Title IX Coordinator is responsible for overseeing the investigation process consistent with [IHOP Policy 3.2.4 Sexual Harassment and 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. If a student is found responsible for the illegal use, possession, or sale of a drug or narcotic on campus, the minimum sanction assessed is suspension from the institution for a specified period and/or suspension of rights and privileges.

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 Harassment and Sexual Misconduct Any student whose conduct meets the definition of sexual harassment or sexual misconduct under applicable federal and state law and [UTMB IHOP Policy 3.2.4 Sexual Harassment and Sexual Misconduct](#) may be subject to discipline. Sexual harassment includes:

- a) Sexual violence, sexual assault, stalking, domestic violence, and dating violence as defined herein.
- b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
 - i. Unwelcome intentional touching; or
 - ii. Deliberate physical interference with or restriction of movement.
- c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
 - i. Explicit or implicit propositions to engage in sexual activity;
 - ii. Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
 - iii. Gratuitous remarks about sexual activities or speculation about sexual experiences;
 - iv. Persistent, unwanted sexual or romantic attention;
 - v. Subtle or overt pressure for sexual favors;
 - vi. Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
 - vii. Deliberate, repeated humiliation or intimidation based upon sex.

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. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

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.

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.

VIII. Investigation

- A.** 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** 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.
- F.** 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.

- G. 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:
 1. Examining all relevant evidence; and
 2. Conducting interviews with relevant individuals.
- H. Searches of student occupied premises or of a student's personal possessions will be conducted in accordance with the law.
- I. 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.

IX. 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").

X. Final Report

- A. At the conclusion of the investigation, the Student Conduct and Discipline Officer or investigator will produce a written report which includes:
 1. A description of the policies and procedures under which the investigation was conducted;
 2. A summary of the evidence reviewed and interviews conducted;
 3. The actual text or an accurate summary of the views of any individual(s) found to have engaged in non-academic misconduct;
 4. The findings regarding non-academic misconduct and the basis for these findings;
 5. The recommended administrative actions to repair any damage the misconduct may have caused; and
 6. The recommended disciplinary actions ranging from reprimand to expulsion.
- B. The final report will be provided to the accused student.
- C. 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 subsection I. below.

XI. Allegations of Student on Student Sexual Misconduct Offenses

- A. UTMB's Title IX Coordinator is responsible for overseeing the investigation of allegations of sexual offenses committed by UTMB students.

- B. A Student Affairs Officer receiving a complaint related to allegations of sexual offenses should immediately contact the Department of Internal Investigations.
- C. Students may directly contact the Department of Internal Investigations to report allegations of sexual offenses.
- D. Allegations of student on student sexual harassment and misconduct will be investigated and dispositioned in accordance with the procedures set out in [IHOP Policy 3.2.4 Sexual Harassment and Misconduct](#).

VIII. Administrative Disposition

- A. In any case, except in a case finding a violation of IHOP Policy 3.2.4 Sexual Harassment and Sexual Misconduct Policy, where the accused student elects not to dispute the facts upon which the charges are based and agrees to the sanctions the Student Conduct and Discipline Officer, the student may execute a 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 of Sexual Harassment or Sexual Misconduct. In any case alleging a violation of IHOP Policy 3.2.4 Sexual Harassment and Sexual Misconduct Policy, the case will proceed to a hearing under Section XII 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.
 1. Hearing on 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 IX of this policy.
 2. 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 VII below. However, a student not found in violation of the Sexual Harassment/Sexual Misconduct Policy may elect to sign an administrative disposition waiving the right to the hearing under Section VII, but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the Provost. In cases where a student is found in violation of the Sexual Harassment/Sexual Misconduct Policy, the case will proceed before a Hearing Panel unless both the accused and the accuser agree to the waiver of the hearing procedures.
 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 VIII below.

XII. 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 harassment and sexual misconduct.

B. Hearing Panel

1. In those cases in which the accused student 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 selected by the Provost from a predetermined pool of faculty members.

2. Hearing Panel Pool

The Dean of each school will select faculty members to be included in the pool of potential hearing panel members. Faculty members selected by the Dean will undergo training on hearing procedures by the Department of Internal Investigations and the Student Affairs Officers, as appropriate.

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](#), the student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified below 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 accused student may challenge the impartiality 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 will serve as the Chair of the Hearing Panel.
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. The Hearing Panel will render and send to the Student Affairs Officer or Student Conduct and Discipline Officer and the accused student a written decision that contains findings of fact and a conclusion as to whether the accused student 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. When an accused student is found responsible for the illegal use, possession, or sale of a drug or narcotic on campus, the assessment of a minimum sanction provided in Section VII.B.a. above is required.

F. Notice of Hearing

1. Except in those cases where immediate interim disciplinary action is taken, the accused student is given at least 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). 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, excluding any intervening Sunday.

3. The date for a hearing may be postponed by the Chair of the Hearing Panel for good cause or by agreement of the student and the Student Affairs Officer or Student Conduct and Discipline Officer.

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);
 - c) know the name of the person appointed to act as hearing officer or the names of the hearing panel appointed to hear the matter;
 - d) challenge the hearing officer or the members of the hearing panel designated to hear the charges;
 - e) know the identity of each witness who will testify against him or her;
 - f) a list of documentary and other evidence that will be offered against the accused student;
 - g) present testimony of witnesses, present documentary and other evidence, and to argue in his or her own behalf;
 - h) a copy of the investigation report, which outlines the alleged violation(s);
 - i) cross-examine each witness who testifies against him or her; and
 - j) appeal.

2. Allegations of Sexual Harassment or Sexual Misconduct

In any case involving a violation of the Sexual Harassment/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 confront or to be directly questioned by the accused student while still preserving the accused student's right to challenge such testimony, including but not limited to testimony provided by the Department of Internal Investigations on the accused student's behalf;
- 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.

H. Sanctions

The following sanctions 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.

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. 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.

XIII. Appeals from a Decision of the Hearing Panel

- A. The student, 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 harassment and sexual misconduct cases may be made in accordance with IHOP Policy 3.2.4 Sexual Harassment and Misconduct.
- B. 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 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 Officer(s) 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 action of the Provost will be communicated in writing to the student and either the Student Affairs Officer or the Student Conduct and Discipline Officer within 30 days after the appeal and related documents have been received.
 6. The decision of the Provost is final.

XIV. Disciplinary Record.

- A. The academic transcript of a student suspended or expelled for disciplinary reasons will be marked with "Disciplinary Suspension" or "Expulsion" as appropriate. 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.

- B. 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.
- C. 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.

XV. Definitions

Appeal Official: The Provost of UTMB, or his/her designee.

Administrative Disposition: A document signed by the student and the Investigating Official which includes a statement of the disciplinary charges, findings, sanctions, waiver of the hearing process (and possibly a waiver of appeals), and institutional policies and rules regarding student discipline.

Business Day: Monday through Friday, excluding any day that is an official UTMB holiday or when regularly scheduled classes are suspended due to emergent situations.

Campus: Consists of all real property, buildings, or facilities owned or controlled by UTMB

Chief Student Affairs Officer: The Provost of UTMB, who is the administrative officer primarily responsible for the development, implementation, and administration of policies and services relating to students, for the development and implementation of services to students.

Student Conduct and Discipline Officer: The administrative officer designated by the Chief Student Affairs Officer to investigate and administer non-academic conduct and discipline cases under this policy.

Day: A calendar day, except for any day that is an official holiday of the institution or when regularly scheduled classes are suspended due to emergent situations.

Dean: Refers to the Dean of the respective UTMB schools. Each Dean shall designate a faculty member to serve as the school's Student Affairs Officer to investigate and administer academic conduct and discipline cases under this policy.

Hearing Panel: A panel of three faculty members, composed of one faculty member from the accused student's school and two faculty members from the other UTMB schools, appointed by the Investigating Official to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s).

Investigating Official: Refers to the UTMB individual responsible for investigating and administering a conduct and discipline case under this policy (i.e., the Student Affairs Officer for academic conduct and discipline violations, or the Conduct and Discipline Officer for non-academic conduct and discipline violations).

Student: As used in this policy, includes: (1) a person currently enrolled at UTMB; (2) a person accepted for admission or readmission to UTMB; (3) a person who has been enrolled at UTMB in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows; and (4) a person who engaged in prohibited conduct at a time when he or she met the criteria of 1, 2, or 3 above (e.g., because the facts were not known while the student was enrolled, or an investigation or hearing process was initiated but not completed while the student was enrolled). Once a proceeding or investigation has been initiated, a student’s rights and obligations are not affected in any way if he or she ceases to be enrolled as a student. If a student withdraws while an investigation is in progress, the withdrawal may be reflected on the transcript.

Student Affairs Officer: The faculty member designated by the Dean to investigate and administer academic conduct and discipline cases under this policy for their respective school. The following titles have been assigned to this position among the four schools:

- School of Health Professions (SHP) – Associate Dean for Academic and Student Affairs
- School of Medicine (SOM) – Associate Dean for Admissions and Student Affairs
- School of Nursing (SON) – Associate Dean for Student Affairs and Admissions
- Graduate School of Biomedical Sciences (GSBS) – Senior Associate Dean for Student Affairs

XVI. Relevant Federal and State Statutes

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

XVII. 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

XVIII. Related UTMB Policies and Procedures

[IHOP - 03.02.04 - Sexual Harassment and Sexual Misconduct](#)

XIX. Dates Approved or Amended

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|-------------------------------|---------------------------------|
| <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 | |

XX. 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