STUDENT AFFAIRS | Dean of Students

CODE OF STUDENT CONDUCT
2022-2023

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PHILOSOPHY AND PURPOSE:

Texas Christian University (TCU) is an institution dedicated to developing ethical leaders and responsible, global citizens. To accomplish this mission, the University endeavors to foster a campus environment:

1. Conducive to academic inquiry;
2. To promote a climate of mutual respect;
3. To nurture open dialogue that stimulates learning and understanding;
4. To encourage individual well-being and personal development; and
5. To advocate for the application of ethical decision-making in the daily life of TCU students.

The University is also committed to protecting the campus community from the influence of those who do not embody these values in their conduct. At TCU, students are expected to fulfill certain responsibilities and obligations and to uphold and abide by certain standards of conduct, including academic performance and social behavior consistent with the mission, philosophy, and core values of TCU. Therefore, the TCU community exists on the basis of shared values and principles.

Student conduct is not considered in isolation within the University community, but is an integral part of the education process. Thus, academic and many forms of non-academic conduct are appropriate areas of regulation and interest by the University community. The guiding principle of the University's regulation of student conduct is cultivating the responsible exercise of student freedoms, rights, and privileges. Students are granted the greatest degree of self-determination possible while requiring students to take full responsibility for their conduct and the consequences of their actions.

This Code of Student Conduct (Code) outlines student behaviors specifically prohibited at TCU, but it is not exhaustive. Any conduct that substantially undermines or interferes with the University's mission, vision, or core values may be considered inappropriate and prohibited. Members of the TCU community must be committed to personal and academic integrity, respect, honesty, responsibility, compassion, and recognizing the inherent worth and dignity of all persons. TCU does not tolerate behavior that contradicts these values. All students are expected to know and abide by this Code, and to engage in responsible social conduct that reflects credit upon the TCU community and which models good citizenship to the broader local community.

Because TCU is an institution of learning, this Code has education and correction as its primary objectives, but may be punitive when deemed necessary. However, it does not serve as a substitute for the law. The conduct process is intended to articulate the limits of acceptable behavior and to give those students found in violation of the Code an opportunity to gain a deeper understanding of what it means to live in community. Outcomes are intended to challenge students' moral and ethical decision-making, and to help them bring their behavior in accord with TCU community expectations and repair the harm caused by the misconduct. When a student is unable to conform their behavior to community expectations, the conduct process may determine that the student should no longer share in the privilege of participating in the TCU community.

CODE OF STUDENT CONDUCT LEARNING OBJECTIVES:

1. To maintain and strengthen the ethical climate of TCU by fostering and empowering student self-discipline, integrity, and moral development.
2. To create a collaborative conduct process to help students understand the perspectives of others; the consequences of, and harm caused by, their actions; and the importance of living in community.
3. To ensure equitable consistency while creating an environment of caring confrontation and educational dialogue regarding student conduct.
4. To provide a forum for students to share their concerns, experiences, and personal narrative.
5. To guide student self-reflection and critical analysis to develop greater situational understanding and community consideration.
6. To help students accept responsibility for, and confront the consequences of, their actions. To provide students with educational opportunities for personal growth and constructive behavior change.

1. DEFINITIONS

1.1 "May" is used to indicate the permissive sense in this Code.

1.2 "Shall," "will," and "must" are used to indicate the imperative sense in this Code.

1.3 "They," "their," and "them" will be used to indicate both the singular and plural gender-neutral pronoun.

1.4 *University* "University" means Texas Christian University in this Code of Student Conduct.

1.5 *Code of Student Conduct ("Code")*

The Code of Student Conduct is the rule structure that outlines the rights and responsibilities of TCU students. It also contains the procedures for reporting student misconduct, the conduct process for alleged student misconduct, and possible consequences for student misconduct.

1.6 *Policy*

"Policy" means the written regulations of the University, as found in, but not limited to, this Code; the AcademicConduct Policy Details; University Community Standards and Safety Policy; Alcohol Use Policy; Drug Use Policy; Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.008); Responding to Reports of Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.009); and all other rules and regulations found at https://deanofstudents.tcu.edu/student-handbook/university-regulations and in the Undergraduate and Graduate Catalogs.

1.7 *Student*

All students are subject to the terms and conditions outlined in the Code, including the procedures and conduct measures set forth herein. The term "student" includes all persons who:

a. Are registered for and/or taking one or more courses, either credit or non-credit, full-time or part-time at TCU;
b. Withdraw, transfer, or graduate after an alleged violation of the Code, even if the conduct

process is not complete;

c. Have a continuing relationship with the University;
d. Are living in university housing; or
e. Have been notified of their acceptance for admission, or after a period of non-attendance, approval for re-enrollment.

1.8 Faculty member

Faculty member includes any person who is employed by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

1.9 University official

University official includes any person employed by the University, performing assigned administrative or professional responsibilities.

1.10 University community

The University community includes anyone who has a legitimate role on campus including students, faculty members, University officials, and family members of the aforementioned people. The university community also includes vendors, contractors, and members of the surrounding community who are on campus to participate in educational, cultural, or athletic events sponsored by the University and open to the public.

1.11 University premises

The university premises includes all land, buildings, facilities, and other property in the possession of, or owned, used routinely, or controlled by, the University, including all adjacent streets and sidewalks.

1.12 Reporting Party

Reporting Party means a student, faculty member, or university official who submits a Report alleging that a student violated the Code. The Reporting Party may include the University, acting by and through a University official or faculty member, or a University official or faculty member, acting individually. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights and status under this Code as are provided to the Reporting Party, even if 1) another member of the University community submitted the Report itself or 2) the University serves as the Reporting Party when resolving a Report of prohibited conduct. Individuals who are not students, faculty members, or University officials may report alleged Code violations, however these external individuals are not afforded the rights and status of a Reporting Party under the Code.

1.13 Responding Student

Responding Student means any student against whom an allegation of violating the Code is made.

1.14 Complainant

Complainant refers to 1) any student, faculty member, university official, or other individual who may, but is not required to also be the Reporting Party, and who is participating in or attempting to participate in a University-related education program or activity within the United States, and believes they may have been the target of conduct that may have violated the University's Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.008), or 2) the University

Title IX Coordinator, who signs or files a formal Complaint, which includes allegations of sexual violence, harassment, and discrimination; dating or domestic violence; stalking; or retaliation under section 3.2.16, as defined by federal Title IX law, against a Responding Student.

1.15 *University Conduct Officer*

A University Conduct Officer is a Student Affairs staff member empowered to provide overall direction for the University student conduct system. University Conduct Officers are also empowered to receive and determine whether a student has violated the non-academic prohibited conduct provisions of the Code as a Student Conduct Administrator.

1.16 *Student Conduct Administrator*

A Student Affairs staff member empowered to receive and determine whether a student has violated non- academic prohibited conduct provisions of the Code including and under the general direction of the University Conduct Officers. This may include, but is not limited to, the Dean of Students, University Housing and Residence Life, and Fraternity and Sorority Life staff.

1.17 *Mediator*

A trained faculty member, University official, or student empowered by a University Conduct Officer to negotiate the resolution of student-to-student conflict which may arise from allegations of non-academic prohibited conduct, as defined by the Code, through mediation as outlined in section 5.6.

1.18 *Restorative Justice Conference (RJC) Facilitator*

A trained faculty member, University official, or student empowered by a University Conduct Officer to facilitate the resolution of student-to-student conflict which may arise from allegations of non-academic prohibited conduct, as defined by the Code, through a RJC as outlined in section 5.6.

1.19 *Conduct Panel*

A group composed of three (3) to five (5) trained faculty members and University officials, including one Conduct Panel chair, and when available, at least one (1) trained student, operating under the auspices of the Student Conduct and Grievance Committee, empowered by the University Conduct Officers to receive and determine whether a student has violated non-academic prohibited conduct provisions of the Code, including an outcome determination, or an appeal of a decision made by a Student Conduct Administrator, a University Conduct Officer, or their designee. The Responding Student reserves the right to request that no student serve on the Conduct Panel hearing their alleged Code violation or appeal of a prior misconduct determination. Conduct Panels in Title IX conduct cases will not include a student panelist and may include an appointed panel chair and/or panelists who are not members of the TCU community.

1.20 *Procedural Chair*

A non-participating and non-voting Dean of Students staff member who facilitates Conduct Panels. For some Title IX cases, more than one Procedural Chair may be present to assist with the hearing process. The Procedural Chair will serve as the designated Campus Security Authority during all panel hearings. Therefore, should any reportable information be shared during a Conduct Panel, the Procedural Chair will notify the Office of Institutional Equity at the conclusion of the hearing on behalf of all TCU employees

present. For any information shared pertaining to a Clery reportable crime, the Procedural Chair will report the information directly to the TCU Police Department on behalf of all TCU employees present.

1.21 Conduct Discussion

An informal conference composed of a University Conduct Officer, a Student Conduct Administrator, or their designee and the Responding Student to receive information related to the reported misconduct and determine whether the student violated non-academic prohibited conduct provisions of the Code. This informal conference is provided to encourage intentional and educational dialogue with the Responding Student and as an alternative to a Peer Conduct board or Conduct Panel.

1.22 Peer Conduct Board (PCB)

A conduct board composed of fifteen (15) to thirty (30) students and at least one (1) Student Conduct Administrator, who is a member of the University Housing and Residence Life or Fraternity and Sorority Life staff, which sits in panels of at least three (3) members, including one student PCB chair, and is empowered to determine:

a. Alleged alcohol violations not issued by TCU Police, as provided in the Alcohol Use Policy and/or listed in section 3.2.11,
b. University Facility Standards violations listed in section 3.3, as applicable, issued within on-campus University housing facilities, and
c. Appeals of alleged alcohol violations not issued by TCU Police and University Facility Standards violations, as applicable, issued within on-campus University housing facilities initially determined by Student Conduct Administrator, who is a member of the University Housing and Residence Life or Fraternity and Sorority Life staff.

PCB members are selected through an application process by University Housing and Residence Life or Fraternity and Sorority Life staff and serve a term of one (1) year. Students may be selected to serve on the PCB for more than one term.

Additionally, members of PCB may serve 1) as a mediator, as provided in section 1.17; 2) as an RJC facilitator, as provided in section 1.18; 3) as a as a trained student member of a formal Conduct Panel, as provided in section 1.19; and 4) as an advisor to a student during the investigation and resolution and/or outcome phase of the conduct process. PCB members may serve in these additional roles as long as their involvement presents no bias-related concerns for the resolution of the conduct matter and there is no objection by the involved parties.

1.23 Student Conduct and Grievance Committee

Committee composed of three (3) faculty members, one (1) University official, and five (5) students that considers matters of policy on problems referred by Student Affairs officials and investigates problems called to its attention by faculty members, University officials, and others in areas of student conduct, other than academic, as specified in the TCU Faculty and Staff Handbook. Faculty and University official committee members are appointed by the University Faculty Senate and Staff Assembly, respectively, and are approved by the University Chancellor for a term of three (3) years. Student committee members are appointed by the University Student Government Association, and are approved by the University Chancellor for a term of one (1) year.

1.24 Day

Day means any regular academic day when the University is open. Except in Title IX conduct cases, the conduct process may be placed on hold during the winter break or summer months

until the next regular, long academic term, at the discretion of a University Conduct Officer or their designee, unless the Responding Student is enrolled in the winter intersession or summer courses.

1.25 Report

Report means making a claim of student behavior or actions, including police and hall reports, which allegedly violates the Code, to a University official or faculty member.

1.26 Complaint

Complaint means a formal allegation of a Code violation against a Responding Student by a University Conduct Officer, the Office of Institutional Equity, the Title IX Coordinator, or their designee.

1.27 Outcome

Outcome means a disciplinary and/or educational penalty imposed on a Responding Student for violating the Code.

1.28 Interim Measures

Interim measures are conditions, supportive measures, restrictions, and/or requirement provided to restore and/or preserve equal educational access of all parties; protect all parties during an investigation; deter sexual harassment or other prohibited conduct; address safety and well-being concerns of all parties and for the broader TCU community and/or property; maintain the integrity of the investigation and/or resolution process; and deter retaliation until the reported misconduct is resolved through the conduct process and any resulting appeal, as prescribed in the Code.

1.29 Remedies

Remedies must be conditions, measures, restrictions, and/or requirements designed to restore and/or preserve a Complainant's equal educational access in Title IX conduct cases when a Responding Student is found responsible. Remedies may include supportive measures, but need not be non-disciplinary or non-punitive, and need not avoid burdening the Responding Student. Appropriate remedies are designed and monitored by the University Title IX Coordinator in collaboration with the Complainant, as provided in the University's Responding to Reports of Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.009).

1.30 Ineligible to Reenroll

A student is considered ineligible to reenroll at TCU when, as a result of violating the Code, the student is suspended or expelled, or when an enrollment hold is placed on a Responding Student's account. When suspended, the student remains ineligible to reenroll throughout the duration of the suspension.

2. CODE AUTHORITY

The University's Dean of Students will serve as or designate the University Conduct Officers and appoint all Student Conduct Administrators. A University Conduct Officer, Student Conduct Administrator, or their designee will determine the composition of the PCBs and Conduct Panels and which PCB, Student Conduct Administrator, and Conduct Panel shall be authorized to hear each matter.

The University Conduct Officers shall develop policies for the administration of the University student

conduct system and procedural rules to direct PCBs and Conduct Panels that are not inconsistent with provisions of this Code.

3. PROHIBITED CONDUCT

3.1 *Jurisdiction*

This Code applies to student conduct which occurs on University premises; at University sponsored activities; and to off-campus and online student conduct which, in TCU's judgment, involves or adversely affects TCU or members of the University Community and/or the pursuit of its objectives, or substantially affects TCU's interests. A substantial TCU interest is defined to include, but is not limited to:

a. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others;
b. Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder;
c. Any situation that is detrimental to the educational mission and/or interest of the University; and/or
d. Any situation or circumstance that violates the law.

A University Conduct Officer or their designee shall determine whether the Code applies to conduct occurring off-campus, on a case-by-case basis in their sole discretion.

This Code applies to all conduct by a student from the time the student is notified of their acceptance for admission or approval for re-enrollment after a period of non-attendance, through the actual awarding of a degree, even if the conduct occurs outside of an academic term or when the student is not otherwise enrolled at TCU. This Code also applies to the conduct of guests of University community members whose hosts may be held accountable for the prohibited conduct of their guests. In addition, TCU continues to have authority to administer the Code with respect to any conduct by a student, even if the student withdraws, transfers, takes leave, graduates, or is otherwise absent from TCU during or prior to completion of the conduct process, and even if TCU does not learn of such conduct until after the student withdraws, transfers, takes leave, graduates, or is otherwise absent from TCU.

All University students are responsible for knowing the information and procedures outlined in this Code. The University reserves the right to make changes to this Code as necessary, and once such changes are posted online, the changes are in effect. Substantive changes will be communicated to the students, faculty members, and University officials prior to posting online.

3.2 *General Rules and Regulations*

The following conduct is prohibited and subject to the outcomes outlined in section 5.8. This list is not exhaustive. Prohibited conduct also includes any behavior that is inconsistent with the mission, vision, or core values of TCU.

3.2.1 *Infliction of bodily or emotional harm*

Intentional, knowing, or reckless infliction or threat of infliction of bodily or emotional harm, including the threat of, or action taken in retaliation for reporting allegations of student misconduct. Examples of prohibited behavior under section 3.2.1 include, but are not limited to any form of assault or physical abuse, threats, harassment (unwelcome verbal or physical conduct that, if repeated, would unreasonably interfere with another's work place or another's ability to participate in or benefit from educational programs or activities), bullying, cyberbullying, harmful or bias conduct that does not rise

to the level of behavior prohibited by the University's Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.008) in section 3.2.16, and/or other conduct which threatens or endangers the health or safety of any person or is so extreme and outrageous that it exceeds the bounds of decency, causing severe emotional distress.

3.2.2 Hazing

Intentional, knowing, or reckless act occurring on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, developing group cohesion, training, or maintaining membership in any organization whose members are, or include, students at TCU. A person commits an offense if they engage in hazing; solicit, encourage, direct, aid, or attempt to aid another engaging in hazing; intentionally, knowingly, or recklessly permit hazing to occur; have first-hand knowledge of the planning of a specific hazing event or have firsthand knowledge that a specific hazing event has occurred and knowingly fail to report that knowledge to appropriate University officials. Acquiescence or consent by the student against whom the hazing was directed is not a defense for this prohibited conduct. Specific hazing examples include, but are not limited to:

a. Physical brutality such as paddling, whipping, beating, striking, branding, electrical shocking, placing of a harmful substance on the body, or similar activities;
b. Activities that put students at risk such as sleep deprivation, exposure to the elements, confinement in a small or darkened space, calisthenics, or other similar activity which may subject the student to an unreasonable risk of harm or that may adversely affect the mental or physical health or safety of the student;
c. Any act involving consumption, including coerced consumption, of a substance such as food, liquid, alcoholic beverages, liquor, drugs, or other substances that may subject the student to an unreasonable risk of harm, that may affect the student's mental or physical health or safety, or would lead a reasonable person to believe that the student is intoxicated;
d. Activities that intimidate or threaten a student with ostracism;
e. Activities that subject a student to extreme mental stress, shame, or humiliation;
f. Activities that affect the mental health or dignity of the student including, but not limited to, compelling a student to perform acts of personal servitude or to participate in treasure hunts, road trips, scavenger hunts, or other activities which purposefully single out, isolate, or distinguish another student from their peers;
g. Activities that jeopardize students' ability to fulfill academic requirements by requiring such things as late work sessions, depriving students of ample study time, or preventing class or study session attendance;
h. Activities that discourage the student from entering or remaining registered at the University, or that may reasonably be expected to cause a student to leave the organization or University rather than submit to the activities; and/or
i. Activities that induce, cause, or require a student to perform an act violating local, state, or federal laws or this Code.

3.2.3 Destruction of property

Actual or threatened damage to or destruction of the property of others, whether done intentionally, recklessly, or otherwise. This includes using sports equipment (including bicycles and roller skates/blades/boards) in unauthorized areas.

3.2.4 Weapons or dangerous devices

Use, storage, or possession of weapons or dangerous devices or substances, even if legally

possessed, including, but not limited to firearms, ammunition, martial arts devices, knives, sling shots, arrows, axes, machetes, air-powered guns, blow guns, paintball guns, stun guns, pellet guns, toy or replica guns, tasers, pepper spray, fireworks, bottle rockets, explosives or propelling devices, dangerous chemicals, or flammable liquid. Possession of a weapon or threat of use of a weapon may result in immediate expulsion in addition to the filing of criminal charges. Students who possess a current, valid concealed carry permit(recognized in Texas) and active duty military may only possess a concealed handgun on campus if it is properly stored in a locked motor vehicle according to Texas law. Such license holders or active military may not have such a weapon anywhere else on campus.

Students may bring unloaded firearms, other weapons and ammunition directly to the TCU Police Department to be checked in and stored in a locked gun vault. The full TCU policy is available through this link: TCU Firearms and Weapons Policy

3.2.5 Tampering with safety equipment and arson

Use of equipment designed for safety or security in a manner inconsistent with the intended use of the equipment or intentional or unintentional use of flame or heat in a dangerous manner. Violators of this Code may also face criminal charges. Tampering with safety equipment and arson includes, but is not limited to:

a. Tampering with, covering, activating, or deactivating a smoke detector in a non-emergency situation whether done intentionally, recklessly, or by failure to exercise reasonable care;
b. Discharging a fire extinguisher in a non-emergency situation;
c. Tampering with, covering, activating, or deactivating a building alarm in a nonemergency setting;
d. Setting fires inside a building and/or on campus;
e. Tampering with, covering, or deactivating security cameras; and/or
f. Non-emergency or prank use of emergency telephones.

3.2.6 Dishonest conduct

Dishonest conduct, including, but not limited to:

a. Knowingly reporting a false emergency, including improper use of emergency notification equipment;
b. Knowingly making a false Report of misconduct under the Code;
c. Misuse or falsification of any state, federal, or University documents, forms, records, identification cards, or funds by actions such as forgery, alteration, or improper transfer;
d. Unauthorized use (including misuse) of University organizational names, images, and/or logos;
e. Falsely attributing an activity to the University;
f. Representing oneself as the University in signing a contract or agreement;
g. Tampering with the election of any University-recognized student organization;
h. Submitting information to a University official or a local, state, or federal law enforcement officer or official known by the submitter to be false;
i. Possession of a false identification card or possession of another's identification card;

j. Authorizing the creation of a false identification card; and/or

k. Encouraging another student to engage in dishonest conduct.

3.2.7 Theft/unauthorized use of property

Theft or attempted theft, or the unauthorized use or possession of University property or services, or the property of others.

3.2.8 Unauthorized or abusive use of technology, computer equipment, programs, data, or resources

Use of technology, computer equipment, programs, data, or resources in a manner that violates the intended use of the equipment, the confidentiality of the information, or the integrity of the computer system's security including, but not limited to:

a. Unauthorized reproduction of software or use of illegally obtained software (individuals who violate U.S. copyright law and software licensing agreements may be subject to criminal action by law enforcement or civil action by the owner of the copyright);

b. Using technology, computing equipment, and/or resources in violation of copyright laws;

c. Unauthorized use of technology, computing equipment, and/or resources or use of technology, computing equipment, and/or resources for unauthorized purposes, including, but not limited to unauthorized entry into a file to use, read, or change the file contents, or for any other purpose, or the unauthorized transfer of a file;

d. Transporting copies of University technology, programs, records, or data to another person or computer site without written authorization;

e. Providing unauthorized security passwords to another person or using another's password, or attempting to breach the security of another user's account or to deprive another user of access to their University's computing resources;

f. Using the University's technology, computing equipment, and/or resources for personal or financial gain, including crypto currency mining;

g. Using technology, computing equipment, and/or resources to interfere with the work of another student, faculty member, or University official;

h. Using technology, computing resources, and/or resources to send obscene or abusive messages;

i. Using technology, computing equipment, and/or resources to interfere with the normal operation of the University computing system;

j. Attempting to destroy or modify technology, programs, records, or data belonging to the University or another user; and/or

k. Any violation of the University Network and Computing Policy.

3.2.9 Failure to comply with University authority

Failure to comply with directives of authorized University officials, identified as such, in the performance of their duties including, but not limited to, University Police officers (including other officers and security guards acting in the capacity of such) and University Hall staff, including professional, graduate, and undergraduate staff members. Failure to comply with directives includes, but is not limited to:

a. Failure to identify oneself when so requested;

b. Failure to abide by any signed contract, license, or agreement with the University not otherwise referred to in this Code;

c. Failure to observe any rules or regulations of other institutions of higher education, cooperative/internship assignments, student teaching assignments, and any other business or organization associated with the University with which the student has an official relationship; and/or

d. Failure to arrange and/or attend a meeting when so requested.

3.2.10 Drugs

Use, production, distribution, sale, possession, being under the influence of, or driving under the influence of drugs, including cannabis in any form, and/or prescription drugs in a manner prohibited under federal and/or Texas law, including failing to adhere to the Alcohol and Drug Policy - International Travel while participating in a TCU sponsored activity outside the U.S. Possession of drug paraphernalia is considered the same as possession of drugs. Being where drugs and/or drug paraphernalia are present may also be considered the same as possession of drugs. Any substance that tests positive for THC, regardless of how that substance was sold, shall be considered marijuana for purposes of this Code.

Growing and/or the use of cannabis is a federal crime and federal agencies can prosecute users and growers of cannabis regardless of state law. It is also a federal crime to use or possess cannabis on University premises. Cannabis use or possession includes, but is not limited to smoking, vaping, inhaling, or consumption through food, extracts, or concentrates.

Prohibited prescription drug use or possession includes, but is not limited to the use or possession of prescription drugs (i.e. Adderall™, Ritalin™, Xanax™, Vyvanse®, etc.) contrary to the prescription, and/or use or possession of prescription drugs issued to any other person, regardless of relationship, or without a prescription.

Prohibited drug-related outcomes include, but are not limited to:

a. First drug use and/or possession violation may result in at least one (1) year of conduct probation; writing a reflection paper, as assigned; completion of at least two (2) sessions with Substance Use and Recovery Services staff; following all Substance Use and Recovery Services staff recommendations; completion of an in- person or online educational workshop; meetings with the Dean of Students staff, as deemed appropriate; and random drug testing during the term of the probation at the student's expense. Additionally, residence hall eviction will be considered, especially if the incident occurred in a University facility or during a University sponsored event. Persistent drug use or possession while on conduct probation may subject the student to an off-campus assessment for and compliance with a higher level of care, and/or an extension of conduct probation;

b. Additional violations of the Drug Use Policy and/or section 3.2.10 may result in suspension for at least one (1) academic year. Readmission to the University will occur only after the suspended student provides proof of drug counseling and/or treatment from a licensed counselor or certified treatment program. Readmitted students may be subject to random drug testing during the first academic year after their return to the University at the student's expense;

c. Using drugs and/or alcohol to intentionally incapacitate another person will result in at least a one (1)year suspension; and/or

d. Production, sale, or distribution of drugs may result in immediate expulsion from the University.

Parents may be notified of any drug violation. Law enforcement may also be contacted for drug violations. The amount and type(s) of substance(s) found will be taken into consideration when determining outcomes, which may result in additional or modified outcomes.

For students who bring their own concerns of drug use, disorder, dependency, or addiction to the attention of University officials outside the threat of drug tests or conduct outcomes and seek assistance, a conduct Report will not be pursued. The student will be referred to Substance Use and Recovery Services for a meeting with staff and are expected to follow any recommendations made. If a student persists in their own drug use despite the risk of consequences and recommendations made by Substance Use and Recovery Services staff, the conduct process will be initiated.

3.2.11 Alcohol

Use, production, distribution, sale, or possession of alcohol in a manner prohibited under Texas law and includes any of the following conduct:

a. Use of alcohol by anyone under 21 years of age or providing alcohol to someone who is under 21 years of age;

b. Use or possession of alcohol anywhere on University premises other than in a residence hall room or other specifically designated area for use;

c. Abusive or dangerous use of alcohol on or off campus, regardless of age, including, but not limited to driving on or off campus while under the influence of alcohol; intoxication that results in impaired motor skills or balance, slurred speech, disorientation, memory loss, blacking-out, passing-out, vomiting, or other similar activity; and/or disruptive, disorderly, dangerous, or high-risk conduct related to alcohol consumption;

d. Being in the presence of alcohol in a University facility while underage, unless it is the student's own residence hall room/apartment and their roommate is 21 years of age, may be a violation of the Alcohol Use Policy;

e. Presence in a space where there is evidence of alcohol coupled with the playing of and/or simulation of a drinking game;

f. Possessing, furnishing, serving, or consuming alcoholic beverages, regardless of age or location, from common source containers or through the use of consumption devices (i.e. funnels, etc.), including, but not limited to kegs, beer balls, punch bowls, or similar bulk quantity containers. Individuals who bring a keg or similar prohibited container to the campus are subject to a $500 fine, removal from all University residence halls, and appropriate disciplinary action. Any organization that allows a keg or similar prohibited container, serves alcohol, or allows alcohol to be served at a University facility is subject to a

   $1000 fine;

g. Alcohol paraphernalia that evinces past or current underage alcohol use or misuse;

h. Driving under the influence of alcohol; and/or

i. Failing to adhere to the Alcohol and Drug Policy - International Policy while participating in a TCU sponsored activity outside the U.S.

The first alcohol violation will result in a $75 fine, completion of an online educational program, and follow up with a staff member in Substance Use and Recovery Services, Housing and Residence Life, or Fraternity and Sorority Life, as appropriate.

The second alcohol violation will result in a $100 fine, notification to student's parents or guardians, completion of an in-person or online educational workshop, completion of at least two (2) sessions with Substance Use and Recovery Services staff, and compliance with any recommendations made by Substance Use and Recovery Services staff.

The third alcohol violation will result in a $150 fine, a notification to students' parents or guardians, one (1) year of conduct probation, possible expulsion from University housing, attending additional sessions with Substance Use and Recovery Services staff, and compliance with any recommendations made by Substance Use and Recovery Services staff.

A University Conduct Officer, Student Conduct Administrator, formal Conduct Panel, or their designee may, at their discretion, include additional or adjusted outcomes for alcohol violations to those specified in section 3.2.11.

When alcohol violations are determined by the PCB or a Student Conduct Administrator, who is a member of the University Housing and Residence Life or Fraternity and Sorority Life staff, the PCB or Student Conduct Administrator will issue outcomes for first and second alcohol violations, as described in section 3.2.11. If a student is found in violation for a third or more alcohol violation, or a more severe outcome is warranted, the PCB or Student Conduct Administrator, who is a member of the University Housing and Residence Life or Fraternity and Sorority Life staff, shall refer the Responding Student to a University Conduct Officer, a Student Conduct Administrator from the Dean of Students staff, or their designee to determine an appropriate outcome.

For students who bring their own concerns of alcohol use, disorder, dependency, or addiction to the attention of University officials outside the threat of alcohol tests or conduct outcomes and seek assistance, a conduct Report will not be pursued. The student will be referred to meet with Substance Use and Recovery Services staff and are expected to follow any recommendations made. If a student persists in their own alcohol use despite the risk of consequences and recommendations made by Substance Use and Recovery Services staff, the conduct process will be initiated.

3.2.12 Unauthorized presence

Unauthorized entrance to or presence in or on University premises. This includes unauthorized possession, duplication, or use of a University key or I.D. card; misuse of access privileges to University premises; trespassing; unauthorized access to basements, utility rooms, attics, and roofs; or propping and/or unauthorized use of alarmed doors for entry into or exit from a University building.

3.2.13 Disorderly and/or disruptive conduct

Any conduct that substantially undermines or interferes with the University's mission. Disorderly or disruptive conduct includes breaching the peace or aiding, abetting, or procuring another person to

breach the peace on University premises or at functions sponsored by the University or by members of the University community or in which members of the University community participate, or conduct which materially or substantially disrupts the functioning of the University. Disorderly or disruptive conduct may include, but is not limited to the following:

a. Contemptuous or disrespectful behavior; lewd, indecent, or obscene conduct; public exposure; or public urination;

b. Use of a University restroom or locker room in an inappropriate manner;

c. Any unauthorized or attempted use of electronic or other devices to make a photographic, audio, or video record of any person without their consent that would be highly offensive to a reasonable person. This includes, but is not limited to, surreptitiously taking pictures or video of another person in an intimate area such as a gym, locker room, changing room, or restroom;

d. Obstructing or impeding teaching, research, educational, administrative, conduct proceedings, and other University activities, including public service functions on or off-campus, or of other authorized non- University activities when the conduct occurs on University premises;

e. Obstructing or impeding the living and/or learning environment inside or outside the classroom (i.e. substantially or repeatedly interrupting any other student's ability to learn or a faculty member's ability to teach);

f. Demanding persistent and/or unreasonable attention from faculty, University officials, and/or other students which disrupts the academic environment of the University community;

g. Interfering with the functioning of the University;

h. Infringing on the reasonable expectations of other members of the University community to receive and/or provide an education free from undue distraction;

i. Hindering or preventing faculty members and/or University officials from carrying out their professional responsibilities;

j. Posting about the University or University community which causes a significant on-campus or off-campus disruption;

k. Participating in a riot or activity that disrupts the normal operations of the University and/or infringes on the reasonable expectations of other members of the University community for peaceful University premises or activities;

l. Interfering with the ability of students, faculty members, and University officials to peaceably assemble and/or distribute written materials;

m. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; and/or

n. Obstructing the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

As members of the TCU community, students are required to take responsibility for the impact of their behavior on other members of the community.

Any student who witnesses or has knowledge of behaviors that violate the Code and/or federal, state,

or local law and fails to report the prohibited conduct to an appropriate University official, may be considered in violation of section 3.2.13.

3.2.14 *Violation of local, state, or federal law*
Violation of any federal, state, or municipal law.

3.2.15 *Violation of other published or announced University rules or regulations*
Violation of any University rules or regulations including, but not limited to rules governing student organizations, traffic/parking regulations, recreational activities, or athletic events.

3.2.16 *Violation of the University's Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy*
Any act that violates the University's Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation (Policy 1.008)

3.2.17 *Tobacco*
Use of tobacco or nicotine products and/or tobacco or nicotine paraphernalia including, but not limited to, e-cigarettes, JUULs, vapes, and pipes, on University premises violates the Tobacco-Free Campus Policy regardless of age.

3.2.18 *Abuse of the University conduct system*
Abuse of the University conduct system, including, but not limited to:

a. Failure to obey any notice from a University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, Title IX Conduct Panel, or other University official to appear for a meeting, hearing, or alternative dispute resolution as part of the University conduct system, unless the student is affirmatively exercising their right to remain silent;
b. Falsification, distortion, or misrepresentation of information before a University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, Title IX Conduct Panel, or designated mediator or RJC facilitator;
c. Disruption or interference with the orderly administration and completion of University conduct proceedings;
d. Institution of a University conduct proceeding in bad faith;
e. Attempting to discourage an individual's proper participation in, or use of, the University conduct system;
f. Attempting to influence the impartiality of a University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, Title IX Conduct Panel, or designated mediator or RJC facilitator prior to, and/or during the course of, a University conduct proceeding;
g. Harassment (verbal or physical) and/or intimidation of the conduct witnesses, University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, Title IX Conduct Panel, or designated mediator or RJC facilitator prior to, during, and/or after a University conduct proceeding;
h. Failure to comply with the outcome(s) imposed under the Code; and/or
i. Influencing or attempting to influence another person to commit an abuse of the University

conduct system.

3.3 University Facility Standards

In addition to the rules listed in section 3.2, the following rules listed in section 3.3, apply specifically to University facilities.

3.3.1 Building security

Activities that jeopardize building security for any member of the University community are strictly prohibited. These acts include, but are not limited to:

a. Failing to keep first floor windows closed and locked at all times;

b. Climbing in or out of University facility windows, as well as climbing around or tampering with the exterior of the building;

c. Propping doors at any time, including, but not limited to outside exit doors and doors designed as fire barriers;

d. Possessing a faculty member's, University official's, or another student's I.D. or key to a University facility, including, but not limited to a classroom, office, residence hall room, or Chapter facility;

e. Providing access to persons who are not authorized to be in University facilities;

f. Tampering with locks, doors, and lock boxes; and/or

g. Exiting emergency exits during non-emergencies.

3.3.2 University community standards and safety

Behaviors that endanger or interfere with the well-being of any member of the University community in University facilities are strictly prohibited. These include, but are not limited to:

a. Using, storing, or possessing fuel or gas-powered motorcycles, mopeds, scooters, and/or motorbikes;

b. Possessing weapons, guns, and ammunition;

c. Misuse of, or tampering with firefighting equipment, including the inappropriate sounding of fire or smoke alarms;

d. Failing to report a fire or someone involved in setting a fire;

e. Failing to evacuate a building during a fire alarm or emergency or L.E.S.S. (i.e., Lockdown, Evacuate, and Seek Shelter) drills;

f. Igniting a candle, oil lamp, incense, device with an open flame, or any other material, including smoking any substance;

g. Any other behavior that places University facilities at risk for fire or destruction;

h. Being in the presence of drugs and/or drug paraphernalia, or being in the presence of alcohol in a University facility, including a resident room/apartment, if a student is under 21 years of age, except as noted in section 3.2.11(d) or as provided in the Alcohol Use Policy;

i. Keeping or bringing pets or other animals (except fish in a tank no larger than ten (10)

gallons into University housing or approved emotional support or service animals in all University facilities as outlined in the Animals in TCU Facilities Policy);

j. Failing to maintain an emotional support or service animal in accordance with approved accommodations by Student Access and Accommodation, Housing and Residence Life, and/or Fraternity and Sorority Life;

k. Participating in sporting activities (i.e. golf, basketball, skate boarding, roller blading, etc.) in areas not designated for such use and using equipment intended for outdoor use in University facilities; and/or

l. Throwing or discharging any item, including water, from windows.

3.3.3 Residential living community standards and safety

Students are expected to adhere to a standard of behavior that allows others to live safely and comfortably in the University housing residential environment. In addition to the expectations listed in 3.3.2, the following behaviors, among others, are strictly prohibited in University housing:

a. Using or possessing any tobacco or nicotine products or paraphernalia, as provided by the Tobacco-Free Campus Policy, regardless of age;

b. Failing to register any social events or organization meeting with the Hall Director;

c. Causing excessive noise, especially during "Quiet hours" which are in effect from 10 p.m. to 10 a.m. Sunday through Thursday and midnight to 10 a.m. Saturday and Sunday;

d. Violating the University housing visitation policy;

e. Failing as a host to escort any guests;

f. Using any electric room decoration not approved by the Hall Director/Graduate Hall Director (refer to Housing and Residence Life website for an approved list);

g. Using an unapproved electrical appliance or electric blanket (refer to Housing and Residence Life website for an approved list);

h. Possessing any refrigerator that does not comply with the rules established by Housing and Residence Life and/or Fraternity and Sorority Life, or possessing more than one refrigerator in a room, unless approved by Student Access and Accommodations, Housing and Residence Life, and/or Fraternity and Sorority Life;

i. Placing wires or antennas outside of the resident room; and/or

j. Engaging in door-to-door solicitation for any purposes.

3.3.4 Facility damage

Acts that harm or otherwise negatively affect the appearance or structure of University facility exteriors, interiors, or furnishings, by failing to exercise reasonable care or in specific acts of vandalism, are prohibited. The following behaviors, among others, are prohibited:

a. Causing damage to University facilities. The cost of repair will be charged to the responsible party(ies).In University housing, if the individual(s) responsible cannot be identified, the charges may be prorated among all community members;

b. Moving public area furniture, decorations, and accessories to residential student rooms,

including, but not limited to tables, trash cans, and University facility signs;

c. Damaging, altering, or disassembling University furnishings;

d. Painting and/or using spray paint inside or on campus sidewalks. Students will be charged the actual cost of restoring damaged property to the proper condition;

e. Improperly disposing of trash or discarding trash in University facility hallways;

f. Posting signs and notices without approval by the appropriate University official, including, but not limited to the Hall Director, Housing and Residence Life, or Fraternity and Sorority Life in University housing or the Information Desk in Brown-Lupton University Union, or posting approved signs and notices in unauthorized areas; and/or

g. Mounting televisions or other items to the facility structure (refer to Housing and Residence Life website for list of unapproved items in University housing).

3.4 Academic misconduct

Any act that violates the academic integrity of the institution is considered academic misconduct. The definitions and procedures used to resolve suspected acts of academic misconduct are available in the offices of the Academic Deans and Dean of Students, and in the Academic Conduct Policy Details.

4. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

University conduct proceedings may be instituted against a student charged with a violation of a law which may also be a violation of this Code without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of a University Conduct Officer. Misconduct determinations made or outcomes imposed under this Code shall not be subject to change because civil causes of action or criminal charges, which arise out of the same facts that gave rise to a violation of University rules, are dismissed, reduced, settled, or resolved in favor of or against the civil or criminal law defendant. Any evidence in the possession of law enforcement which is not accessible by a University Conduct Officer, the Office of Institutional Equity, and/or their designee shall be excluded from consideration in all University conduct proceedings and the University shall not be imputed with knowledge of any such evidence.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Code, the University may advise off-campus authorities of the existence of the Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for rehabilitation of student violators (provided that the conditions do not conflict with campus rules or outcomes). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

5. NON-ACADEMIC FORUMS OF RESOLUTION

5.1. Reports and Notice

5.1.1 Reports of misconduct in violation of this Code may be made in writing and should be

submitted as soon as possible after the incident takes place and under most circumstances, should be submitted within one (1) calendar year. Failure to make a timely Report may hinder the University's ability to effectively investigate and take disciplinary action against the Responding Student.

a. Reports and appeals alleging University Facility Standards violations listed in section 3.3 occurring in on-campus University housing facilities may be handled by the PCB, a Student Conduct Administrator, or their designee, as provided in section 1.22 and section 5. Alleged University Facility Standards violations that do not occur in on-campus University housing facilities shall be handled by a University Conduct Officer, a Student Conduct Administrator from the Dean of Students staff, or their designee.

b. Reports alleging alcohol violations shall be handled as follows:

   i. Citations issued by TCU Police, regardless of location, shall be handled by a University Conduct Officer, Student Conduct Administrator from the Dean of Students staff, or their designee, who will notify the Responding Student of their right to discuss the alcohol violation citation. If the Responding Student fails to respond to this notification within three (3) days, the alcohol violation citation issued by TCU Police shall become a determinative Code violation finding against the Responding Student. Appeals of alcohol violation citations issued by TCU Police shall be handled by a University Conduct Officer, a Student Conduct Administrator from the Dean of Students staff, or their designee, as appropriate.

   ii. Alleged alcohol violations not issued by TCU Police, which occur in on-campus University housing facilities, may be handled by the PCB, a Student Conduct Administrator, who is a member of the University Housing and Residence Life or Fraternity and Sorority Life staff, or their designee based upon the Responding Student's choice of process, as outlined in section

   1.22 and section 5. Appeals of alleged alcohol violations issued in on-campus University housing facilities, but not by TCU Police, may be handled by the PCB, a University Conduct Officer, or their designee except as provided in section 5.11.1.

   iii. Alleged alcohol violations that do not occur in on-campus University housing or are not citations issued by TCU Police shall be handled by a University Conduct Officer, a Student Conduct Administrator from the Dean of Students staff, or their designee.

   Alcohol violation outcomes shall be imposed as outlined in section 3.2.11. When reports of alleged alcohol violations are made simultaneously with another reported Code violation, all reported misconduct may be handled comprehensively by a University Conduct Officer, Student Conduct Administrator, or their designee.

c. Reports alleging violations of the University's Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.008), as provided in section 3.2.16, by any student, including those enrolled in the TCU School of Medicine, shall be directed to the Office of Institutional Equity for an initial inquiry, the implementation of any appropriate interim measures, and when appropriate, an investigation, as provided in the University's Responding to Reports of Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy (Policy 1.009). Misconduct occurring on or before August 13, 2020, will be addressed using the Prior Policy. Reports by students may be made to any faculty member or University official, however, reporting directly to the Office of Institutional Equity is strongly encouraged. All

University employees, with the exception of confidential resources as defined in Policy 1.008, are mandatory reporters and must report such allegations directly to the University Title IX Coordinator, as mandated by law.

i. If no Complaint is submitted by the Complainant or the Office of Institutional Equity against the Responding Student as a result of an initial inquiry into reported misconduct under section

3.2.16 and Policy 1.008, the reported misconduct may be referred to the Dean of Students office for consideration of other violations of this Code.

ii. If an investigation into a Complaint regarding reported section 3.2.16 misconduct by the Office of Institutional Equity indicates that the facts material to the allegations against a Responding Student, even if true, would not violate Policy 1.008, the reported misconduct may be referred to the Dean of Students office for consideration of other violations of this Code. This referral to the Dean of Students office will be made only after both parties are given an opportunity to appeal the Complaint dismissal, as provided in Policy 1.009.

iii. If additional conduct that may violate this Code is discovered by the Office of Institutional Equity while completing an investigation, as provided in Policy 1.008, the Office of Institutional Equity will refer the matter to the Dean of Students office for consideration of other violations of this Code. Based on this referral, the Dean of Students may handle the potential violations of this Code as a separate conduct matter or include the potential violations to the pending case investigated by the Office of Institutional Equity. Should the Dean of Students add potential violations to a pending case, the investigation by the Office of Institutional Equity will serve as the investigation, as required under section 5.2.

iv. After the Office of Institutional Equity completes an investigation into a Complaint regarding reported section 3.2.16 misconduct according to Policy 1.009, the Office of Institutional Equity shall refer the Complaint to the Dean of Students office for determination of whether the Responding Student is in violation of this Code and appropriate outcomes and/or remedies. The Office of Institutional Equity will electronically provide the final Investigative Report, any written party responses, and all evidence to the Dean of Students office for consideration, according to the resolution process provided in section 5.

v. An investigation by the Office of Institutional Equity is considered closed when the matter is transferred to the Dean of Students to determine through a Title IX Conduct Panel if the Responding Student is in violation of this Code and assign outcomes and/or remedies, as appropriate, or other appropriate resolution provided in section 5.

d. Reports alleging academic misconduct shall be directed to the appropriate faculty member, department chair, or Academic Dean. Information regarding academic misconduct will be centrally maintained by the Dean of Students office.

e. Reports of alleged misconduct involving students enrolled in the TCU School of Medicine other than alleged violations of Policy 1.008 shall be directed to the Dean of Students office for resolution of any Code violations. Such Reports of misconduct regarding a TCU School of Medicine student shall also be reviewed by the School of Medicine Student Progress and Promotion Committee to determine and resolve any School of Medicine Honor Code violations

or breaches of professional ethics.

f. All other Reports of misconduct involving students, including when any confusion exists, should be directed to the Dean of Students office.

5.1.2 Notice to students under section 5, including notice advising of a Report and/or Complaint of misconduct, scheduling the resolution of a Report and/or Complaint, and notifying a Complainant (in Title IX conduct cases) and/or Responding Student of the conclusion of a Report, Complaint, or appeal and any outcomes imposed, if applicable, may be made in writing by email, regular mail, or hand-delivered letter. Email communication is an official communication for the University. The official Registrar's "local address" will be used for mailing purposes during the academic year, and both the "local address" and "home address" will be used during holidays, summers, or after a student is permanently absent from the University.

5.2. Investigations

5.2.1 Investigations and written notice of Reports of alleged behavior involving violations of Policy 1.008, as provided in section 3.2.16, shall be handled by the Office of Institutional Equity according to Policy 1.009. During the Office of Institutional Equity investigation, the Responding Student and Complainant will be given the opportunity to individually meet with the investigator, to identify witnesses for the investigator to interview, to provide the investigator information from those witnesses, and to provide other relevant information to the investigator, as provided in Policy 1.009. If the Office of Institutional Equity discover additional conduct that may violate this Code while completing an investigation, the Office of Institutional Equity will refer the matter to the Dean of Students office for consideration of other violations of the Code as specified in section 5.1.1.c.iii.

5.2.2 A Report brought to the attention of the University Housing and Residence Life, Fraternity and Sorority Life, or the Dean of Students staff alleging misconduct may be investigated by the respective office, except as provided in section 5.2.1. Allegations will be directed to the appropriate Student Conduct Administrator. Upon receipt of a Report, the assigned Student Conduct Administrator may initiate an investigation to determine if the Report has merit and/or if it can be resolved through alternative dispute resolution acceptable to a University Conduct Officer and with the mutual consent of the Student Conduct Administrator, Reporting Party/victim, and Responding Student.

5.2.3 Written notice of all Reports of alleged behavior in violation of the Code, except as provided in section 5.2.1, shall be given to the Responding Student within fourteen (14) days of the receipt of the Report by the assigned Student Conduct Administrator with a request to schedule an investigation interview with the Responding Student. Maximum time limits for notifying a Responding Student of reported behavior in violation of this Code may be extended at the discretion of the assigned Student Conduct Administrator. Should a Responding Student fail to reply to a request by a Student Conduct Administrator to schedule an investigation interview, or fail to attend a scheduled investigation interview, the Student Conduct Administrator may, at their discretion, take one or more of the following actions within five (5) days:

a. Request a University Conduct Officer or their designee place a "Dean of Students Office" hold on the student's academic records, which will prevent the student from adding, as well as pre-

registering for academic courses, pending their participation in the investigation; and/or

b. Schedule a Conduct Discussion with a Student Conduct Administrator, or a hearing with the PCB or a formal Conduct Panel, as appropriate.

The Student Conduct Administrator may take one or both of the actions listed above after attempting to communicate with the student at least two times, one of which must be in writing.

When the reported misconduct may result in the suspension or expulsion of the Responding Student, the assigned Student Conduct Administrator will schedule and complete an informal Conduct Discussion with a Student Conduct Administrator or a formal hearing with a Conduct Panel, even in the Responding Student's absence, as required by Texas law.

5.2.4 Investigations and resolution of Reports involving reported section 3.2.16 misconduct, as provided in Policy 1.008, will be handled in a prompt manner with an informal Conduct Discussion, a formal Conduct Panel hearing, Title IX Conduct Panel hearing, or alternative dispute resolution not more than ninety (90) days after the Responding Student has been notified in writing of the reported misconduct by either the Office of Institutional Equity or the Dean of Students. Investigations and resolution of all other reported misconduct in violation of the Code will be undertaken in a prompt manner; a date and time shall be set for an informal Conduct Discussion, PCB hearing, formal Conduct Panel hearing, or alternative dispute resolution process not more than thirty (30) days after the Responding Student has been notified of the Report. Maximum time limits for scheduling an informal Conduct Discussion, PCB hearing, formal Conduct Panel hearing, Title IX Conduct Panel hearing, or alternative dispute resolution process may be extended at the discretion of a University Conduct Officer, Student Conduct Administrator, the Office of Institutional Equity, and/or the Title IX Coordinator, or their designee, as appropriate.

5.2.5 Students are not permitted to record investigation interviews.

5.3. Conduct Resolution Procedures, Rights, and Duties

5.3.1 Responding Students who provide University Housing and Residence Life, Fraternity and Sorority Life, or the Dean of Students staff with a copy of their accommodations letter from the University's Student Access and Accommodation Office will be afforded any applicable accommodations to meet their individualized needs while participating in the conduct process.

5.3.2 The Responding Student may have a person present to advise them in all conduct interviews, meetings, hearings, and/or alternative dispute resolution processes, at their own expense. Complainants and Responding Students may have an advisor during Title IX Conduct Panel hearings. If a student selects an attorney as their advisor, the student must provide the assigned Student Conduct Administrator, or their designee, at least twenty-four (24) hours of notice before any conduct interview, meeting, hearing, and/or alternative dispute resolution process. Except during Title IX Conduct Panel hearings, as provided in section 5.7, the advisor may only counsel the student but cannot actively participate, speak, or represent the Responding Student in any way during the interview, meeting, hearing, or alternative dispute resolution process, unless clarification is needed, as determined by the Student Conduct Administrator, PCB or formal Conduct Panel chair, or designated mediator or RJC facilitator, as applicable. A student should select a person as an advisor

whose schedule allows attendance at the scheduled date and time for the interview, informal Conduct Discussion; PCB, formal Conduct Panel, or Title IX Conduct Panel hearing, or alternative dispute resolution process because delays will not normally be allowed due to the scheduling conflicts of an advisor, except during Title IX Conduct Panel hearings, as provided in section 5.7.8. Students are permitted to change advisors at any time by providing proper notice to the assigned Student Conduct Administrator. However, changing advisors will not alter the case timeline and/or deadlines, or provide justification to modify evidence in the record unless the student can document that such evidence was previously unavailable, except as provided in section 5.7.8.

5.3.3 At the discretion of the assigned Student Conduct Administrator, witnesses may also have one advisor present at a witness interview with the Student Conduct Administrator during the interview or a hearing, at their own expense. If a witness selects an attorney as their advisor, the witness must provide the assigned Student Conduct Administrator at least twenty-four (24) hours of notice before any witness interview. The advisor of the witness cannot actively participate or speak in the interview or hearing and may only speak to the witness. The witness should select a person as an advisor whose schedule allows attendance at the scheduled date and time for the witness interview or hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

5.3.4 Conduct investigation interviews and informal Conduct Discussions with a Student Conduct Administrator; hearings before a PCB, formal Conduct Panel, or a Title IX Conduct Panel; and mediations with a designated mediator are conducted in private and restricted to those directly involved in the proceeding. RJCs, as outlined in section 5.6, may include members of the TCU community, as determined by the designated RJC facilitator. Admission of any person to an investigation interview, discussion, hearing, and/or alternative dispute resolution process shall be at the discretion of the Student Conduct Administrator, PCB or formal Conduct Panel chair, and/or designated mediator or RJC facilitator, as applicable. The Student Conduct Administrator, PCB or formal Conduct Panel chair, and/or designated mediator or RJC facilitator may take reasonable measures to ensure an orderly process, including removal of persons who impede or disrupt proceedings. University officials and faculty members in training may attend interviews, discussions, hearings, or alternative dispute resolution processes at the discretion of the assigned Student Conduct Administrator.

5.3.5 Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Student Conduct Administrator, PCB, formal Conduct Panel, or designated mediator or RJC facilitator at their discretion, as applicable. Polygraph examinations and results are generally irrelevant and at no time admissible during any PCB or panel hearings. Only the materials gathered during the Office of Institutional Equity investigation, including materials and information obtained from the Responding Student and Complainant, and the written party responses submitted to the Dean of Students, as outlined in section 5.7.5 can be considered by the Title IX Conduct Panel.

5.3.6 All procedural questions are subject to the final decision of the Student Conduct Administrator, PCB or formal Conduct Panel chair, or designated mediator or RJC facilitator, as applicable.

5.3.7 Except as provided in section 5.7.20 for Title IX Conduct Panel hearings, the assigned Student Conduct Administrator will notify the Responding Student in writing of the outcome of an informal Conduct Discussion, PCB hearing, or formal Conduct Panel hearing, including a copy of the written outcome letter, PCB letter, or deliberation report, within five (5) days following either

the conclusion of the discussion or hearing. At the discretion of the assigned Student Conduct Administrator, PCB chair, or formal Conduct Panel chair, the student may be notified verbally of the discussion, PCB hearing, or formal Conduct Panel hearing outcome prior to the receipt of written notification.

5.3.8 The Responding Student retains the right to appeal regardless of which conduct process – informal or formal – the student selects. The Responding Student found to have violated the Code may appeal the outcome of any informal Conduct Discussion, PCB hearing, or formal Conduct Panel hearing under the terms and procedures to be followed for appeals, as set forth in section 5.11. Either the Complainant or Responding Student may appeal the outcome of a Title IX Conduct Panel hearing, as set forth in section5.11.

5.3.9 The determination of "in violation" or "not in violation" of the Code made by a Student Conduct Administrator, PCB, formal Conduct Panel, or Title IX Conduct Panel shall be determined based on the preponderance of the evidence standard, that is to say, whether it is more likely than not that the Responding Student violated the Code.

5.3.10 In all conduct proceedings, formal rules of process, procedure, and/or federal and/or state rules of evidence applicable in civil and criminal courts, shall not apply.

5.3.11 In all conduct cases, if a Report of misconduct may result in suspension or expulsion of the Responding Student, the information supporting the Report shall be presented and considered to determine whether the Responding Student violated the Code.

5.3.12 No Responding Student may be found to have violated the Code solely because the student, who received notice, failed to appear before a conduct body or exercised their right to remain silent throughout any conduct proceeding. However, in all cases, the information supporting the Report of misconduct may be presented and considered in the Responding Student's absence or silence to determine whether the Responding Student violated the Code. Information supporting a Report of misconduct that may result in suspension or expulsion shall be presented and considered in the Responding Student's absence to determine whether the Responding Student violated the Code, as required by Texas law.

5.3.13 In the event a student against whom a Report of misconduct in violation of the Code withdraws, transfers, takes leave, or is otherwise absent from the University while an investigation is pending, or before an informal Conduct Discussion or hearing has been conducted, notice may be sent to the Responding Student stating that a Report of misconduct in violation of the Code has been made against them, that an investigation has been or will be conducted, and that an informal Conduct Discussion or hearing may be held. When the Report of misconduct may result in the suspension or expulsion of the Responding Student, notice and a Complaint will be sent to the Responding Student of the reported misconduct; an investigation will be conducted; and an informal Conduct Discussion, a formal Conduct Panel, or Title IX Conduct Panel hearing shall be completed in the Responding Student's absence, as may be required by Texas law. When the reported misconduct or alleged violation of the Code is sexual harassment, sexual assault, dating violence, and stalking, as defined in Policy 1.008, notice will be sent to the Responding Student of the reported misconduct; an investigation will be conducted; and a Title IX Conduct Panel hearing shall proceed in due course, regardless of whether the student withdraws, transfers, takes leave, graduates, or is otherwise

absent from the University, as required by Texas law. Conduct proceedings for all other reported misconduct must be resolved before the Responding Student may re-enroll.

If it is determined that an informal Conduct Discussion or hearing will or must be held, the Responding Student will be provided notice of the time and place of the hearing and the conduct Complaint. The Responding Student may acknowledge the notice by: 1) giving notification of their intent to appear twenty-four (24) hours before the Conduct Discussion or hearing, 2) waiving the right to give testimony personally, thereby acknowledging that the Conduct Discussion or hearing may proceed in their absence, or 3) waiving the right to appear and sending a written, signed statement to be presented on their behalf at the hearing. In Title IX Conduct Panel hearings, the Responding Student may give notification of their intent to appear twenty-four (24) hours prior to the hearing or waive their right to appear, but is not permitted to send a written, signed statement for consideration by the panel, as provided in section 5.7 and required by federal Title IX law.

While an investigation is pending or prior to the time of a hearing, a hold may be placed on the student's University account instructing the Registrar to include a notation on the Responding Student's transcript referring to an attached memo stating that a conduct investigation and/or hearing is pending. A hold shall be placed on a Responding Student's University account instructing the Registrar to withhold the Responding Student's transcript until completion of a Title IX Conduct Panel hearing for allegations of sexual harassment, sexual assault, dating violence, and stalking, as defined in Policy 1.008, and provided by Texas law; this hold shall be removed from the Responding Student's University account when the matter is resolved through the Title IX Conduct Panel hearing and appeal process, if any, or other appropriate resolution.

5.3.14 A University Conduct Officer may approve deviations to a conduct proceeding, if it does not materially alter the reasonableness, impartiality, or equity of the conduct process and not does not violate applicable law.

5.4. Informal Conduct Process

5.4.1 The Responding Student has the right to a formal hearing before a PCB or Conduct Panel, as appropriate. However, at the discretion of the assigned Student Conduct Administrator, the Responding Student may opt to waive their right to a PCB or formal Conduct Panel hearing verbally, electronically, or in writing using the Conduct Panel Hearing Waiver Form and instead, have the matter decided by the assigned Student Conduct Administrator.

In such cases, the Responding Student waives the right to some procedural guarantees provided by the formal conduct process with a PCB or formal Conduct Panel hearing, including the right, as applicable, to:

a. Receive a Complaint formally notifying the student of the alleged misconduct;

b. Have questions asked of the Reporting Party and any witnesses by the PCB or formal Conduct Panel chair;

c. Complete a review of the hearing packet, including related conduct documentation and statements; and

d. Have a single verbatim audio and/or digital recording prepared of the student's conduct process.

In cases when the Complaint is investigated by the Office of Institutional Equity, the Responding Student waives the following procedural rights provided by the Title IX Conduct Panel process:

a. Have questions asked of the Complainant and any witnesses by the Title IX Conduct Panel; and

b. Have a single verbatim audio and/or digital recording prepared of the student's conduct process.

During the first investigation meeting with the Responding Student, if an informal Conduct Discussion is an option, the assigned Student Conduct Administrator will ask the student if they want to proceed with an informal Conduct Discussion or a formal conduct hearing with the PCB or formal Conduct Panel, as appropriate. If, at the discretion of the assigned Student Conduct Administrator, an informal Conduct Discussion is an option for a Complaint investigated by the Office of Institutional Equity, the assigned Student Conduct Administrator will ask if the Responding Student wants to proceed with an informal Conduct Discussion or Conduct Panel during the student's first meeting with the assigned Student Conduct Administrator at the conclusion of the investigation by the Office of Institutional Equity. For Title IX Complaints, an informal Conduct Discussion may only be used for resolution when both the Complainant and Responding Student mutually and voluntarily agree to this method of informal resolution.

Under appropriate circumstances, the assigned Student Conduct Administrator or their designee shall retain discretion to convene a formal Conduct Panel hearing without utilizing the PCB.

5.4.2 If the Responding Student elects the informal conduct process (and the Complainant agrees in Title IX cases), the assigned Student Conduct Administrator will complete the investigation interview or first meeting with the student, as appropriate.

a. If further investigation is not required to determine there is sufficient evidence to support reasonable cause to believe the Responding Student violated the Code, the assigned Student Conduct Administrator may transition the investigation interview or first meeting, as appropriate, into the informal Conduct Discussion, engaging the Responding Student in discussion about their behavior, actions, and decisions.

b. If additional investigation is still required or the Responding Student exercises their rights as outlined in5.4.3, the assigned Student Conduct Administrator will take any additional steps necessary to finish investigating the reported misconduct, including conducting additional investigation interviews with the Responding Student or other witnesses.

c. If through the additional investigation, there is sufficient evidence to support reasonable cause to believe that the Responding Student violated the Code, the assigned Student Conduct Administrator will schedule and conduct the informal Conduct Discussion with the student. If there is insufficient evidence through the additional investigation to support reasonable cause to believe the Responding Student violated the Code, the Report or Complaint investigated by the Office of Institutional Equity will be closed with no further action.

5.4.3 The Responding Student may speak on their own behalf, submit a written statement, submit related documentation and evidence, and/or ask witnesses to speak to the assigned Student Conduct Administrator on the Responding Student's behalf before the Student Conduct Administrator determines the outcome of the Report or the Complaint investigated by the Office of Institutional Equity.

5.4.4 Students are not permitted to record informal Conduct Discussions.

5.4.5 The assigned Student Conduct Administrator shall determine whether the student has violated each section of the Code in which an alleged Report or Complaint investigated by the Office of Institutional Equity is made against the student. Should the student be found in violation of one or more sections of the Code, the assigned Student Conduct Administrator will determine the appropriate educational, conduct outcome(s) to be imposed against the student.

5.4.6 Within three (3) days of the conclusion of the informal conduct process, the assigned Student Conduct Administrator will prepare a written outcome letter of the informal Conduct Discussion, which details the finding made by the Student Conduct Administrator, the information cited in support of their finding, any information excluded from their consideration and why, the outcome(s) to be imposed on the student, and the information cited in support of the imposed outcome(s). The written outcome letter shall be the property of the University and maintained as part of the University's disciplinary records.

5.5. Formal Conduct Process

5.5.1 Although procedural requirements in the conduct process are not as formal as those existing in a court of law, the procedures outlined in section 5.5 generally apply to all conduct cases not resolved through the informal conduct process or alternative dispute resolution with the exception of suspected acts of academic misconduct (for specifics regarding academic misconduct definitions and procedures, consult the University's Academic Conduct Policy Details) and Title IX Complaints, as defined by federal Title IX law, and other potential violations of this Code which are consolidated into a Title IX case, as permitted by 5.1.1.c.iii (for specifics regarding Title IX procedures and Complaint resolution, consult Policy 1.009 and section 5).

5.5.2 If, after completing an investigation, there is reasonable cause to believe that the Responding Student violated the Code, but the student does not waive their right to a PCB or formal Conduct Panel hearing, the assigned Student Conduct Administrator will prepare a Complaint against the Responding Student or proceed with a Complaint investigated by the Office of Institutional Equity. If there is insufficient evidence through the investigation to support reasonable cause, the Report or Complaint issued by the Office of Institutional will be closed with no further action.

5.5.3 The Responding Student shall be allowed to attend the entire portion of the PCB or formal Conduct Panel hearing at which information is received, excluding Panel deliberations, unless permitted under section 5.5.14.

5.5.4 In PCB or formal Conduct Panel hearings involving more than one Responding Student, the hearing will be conducted separately for each student.

5.5.5 In the formal conduct process, the Responding Student:

a. May speak on their own behalf;

b. May submit a written statement;

c. May invite witnesses to attend the formal hearing on their behalf;

d. May ask questions of witnesses called by themselves or others by submitting their questions to

the PCB or formal Conduct Panel chair, who will review and ask each question, as deemed appropriate in the chair's discretion; and

e. Will be notified of witnesses to be called and documents to be presented at least twenty-four (24) hours prior to the scheduled hearing.

5.5.6 Any questions between the Reporting Party and Responding Student must be submitted to the PCB or formal Conduct Panel chair, who will review and ask each question, as deemed appropriate in the chair's discretion. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.

5.5.7 The University, through the PCB or formal Conduct Panel, may present and question witnesses, as well as question those witnesses presented by the Responding Student.

5.5.8 Character witnesses and/or statements will not be permitted unless they have information directly related to the Code allegations under consideration.

5.5.9 University notification of the date, time, and location of a PCB or formal Conduct Panel hearing will be given to the Responding Student no less than seven (7) days prior to the hearing.

5.5.10 Three (3) days prior to the scheduled formal Conduct Panel hearing, at the discretion of the assigned Student Conduct Administrator, the Responding Student will be given electronic or in-person access to review the hearing packet, including related conduct documentation and statements. For Complaints investigated by the Office of Institutional Equity, a copy of the final Investigative Report from the Office of Institutional Equity, all related statements and documentation, and any written party responses to the investigation materials, including the preliminary Investigative Report, will be included as part of the hearing packet. No hearing packet or packet review is provided for PCB hearings.

5.5.11 To ensure the orderly administration of the hearing process, the assigned Student Conduct Administrator must be notified at least twenty-four (24) hours prior to a scheduled hearing of any documents to be introduced and/or witnesses who will attend the hearing on behalf of the Responding Student.

5.5.12 The PCB or formal Conduct Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Reporting Party, Responding Student, and/or other witnesses during the hearing by providing hearing participation while in separate facilities or locations through videophone, videoconferencing, or other digital means, as determined to be appropriate in the judgment of a University Conduct Officer or their designee.

5.5.13 After a hearing before the PCB or formal Conduct Panel has been completed and all pertinent information has been received, the PCB or formal Conduct Panel, in closed session, will deliberate and determine, by majority vote, whether the Responding Student has violated each section of the Code in which an allegation is made against the student. The PCB or formal Conduct Panel chair will only participate in the vote to determine whether the Responding Student is in violation of this Code to break a tie by the other panelists. The assigned Student Conduct Administrator will be available to act as a resource during all deliberations of the PCB or

formal Conduct Panel. The assigned Student Conduct Administrator has no decision-making authority in a PCB or formal Conduct Panel hearing.

5.5.14 The existence of past and/or current Code violations and/or outcomes will not be shared with the PCB or formal Conduct Panel until after a finding that the Responding Student is in violation of the Code has been made. After such a finding is made by the PCB or formal Conduct Panel, the assigned Student Conduct Administrator will provide the PCB or formal Conduct Panel with information regarding past and/or current Code violations and/or outcomes for consideration. The PCB or formal Conduct Panel will then deliberate and determine, by majority vote, an appropriate educational, conduct outcome(s) to be imposed against the Responding Student. The PCB or formal Conduct Panel chair will only participate in the vote to determine an appropriate educational, conduct outcome(s) to break a tie by the other panelists. When appropriate, the assigned Student Conduct Administrator may permit the participation of the Responding Student and the Reporting Party/victim of the misconduct in the panelists' outcome deliberations to enhance the educational opportunities of the conduct process and help repair the harm caused by the misconduct.

5.5.15 At the conclusion of all PCB hearings, the PCB chair will communicate the finding and any assigned outcome(s) to the assigned Student Conduct Administration, who will prepare a written PCB letter detailing the finding and outcome(s) determinations made by the PCB and the PCB's rationale for both determinations. The written PCB letter shall be the property of the University and maintained as part of the University's disciplinary records. It must be completed by the assigned Student Conduct Administrator within three (3) days of the end of PCB deliberations.

For all conduct hearings with a formal Conduct Panel, the formal Conduct Panel chair will prepare a written deliberation report and deliver it to the assigned Student Conduct Administrator, detailing the finding made by the panel, the information cited by the panel in support of its finding, and any information the panel excluded from its consideration and why. This deliberation report should conclude with the outcome(s) determination and information cited in support of the outcome(s). The deliberation report shall be the property of the University and maintained as part of the University's disciplinary records. It must be submitted to the assigned Student Conduct Administrator within three (3) days of the end of formal Conduct Panel deliberations.

5.5.16 The University shall audiotape and/or digitally record all PCB and formal Conduct Panel hearings; however, PCB or formal Conduct Panel deliberations will not be recorded. No other recordings of PCB or formal Conduct Panel hearings will be permitted. The tape and/or digital recording shall be the property of the University and maintained as part of the University's disciplinary records. The Responding Student may obtain access to review the audiotape and/or digital recording by submitting a written request to the assigned Student Conduct Administrator.

5.6. Alternative Dispute Resolution (ADR)

ADR is offered as an alternative to the traditional conduct process. ADR may be available to resolve student-to-student conflicts in many cases where the primary Code violation involves conflicts between the two parties (i.e., roommate and/or relational conflicts). ADR includes a continuum of options for conflict resolution designed to serve the needs of those involved in the conflict.

Neutral, third party mediation conducted by a mediator identified by a University Conduct Officer is one possible ADR option. Additionally, students may have the opportunity to participate in a Restorative Justice Conference. Restorative Justice Conferences involve a discussion between the Responding

Student and the Reporting Party/victim facilitated by a RJC facilitator identified by a University Conduct Officer, Student Conduct Administrator, or their designee. An RJC provides a venue for the both parties to dialogue about the harm caused by the misconduct and what is necessary to restore that harm. At the discretion of the designated RJC facilitator, RJCs may include other members of the TCU community capable of sharing the campus community perspective with the parties. Additional ADR options may be available based on the nature of conflict and the needs of those involved.

Participation in ADR requires the approval of the assigned Student Conduct Administrator or their designee. Both parties must voluntarily agree to participate in good faith for ADR to be a viable option. Either party has the right to end the ADR process at any time and begin the traditional conduct process. Agreements reached through ADR shall be final with no right to appeal. Failure to reach a mutually acceptable resolution or failure to participate in the ADR process in good faith may result in the case being returned to the assigned Student Conduct Administrator for resolution through the traditional conduct process.

5.7. Title IX Conduct Process

5.7.1 The Responding Student and Complainant shall be allowed to attend the entire portion of the Title IX Conduct Panel hearing at which information is received, excluding Panel deliberations.

5.7.2 In Title IX Conduct Panel hearings involving more than one Responding Student, hearings will be conducted separately for each Responding Student, even when the reported misconduct arises from the same facts or circumstances or involves multiple Complainants, unless the assigned Student Conduct Administrator authorizes consolidation of the cases into one hearing and obtains voluntary consent from all involved parties.

5.7.3 During the formal Title IX Conduct Panel hearing, the Responding Student and Complainant(s):

a. May speak on their own behalf and answer questions posed by their own advisor, the other party's advisor, or conduct panel members;

b. If the credibility of information presented to the panel is in question or dispute, will be given a meaningful opportunity to probe the credibility of the information (including documents, statements, or other information presented by a party or witness), as guided by the Title IX Conduct Panel chair;

c. Will be notified of witnesses to be called no less than five (5) days prior to the scheduled hearing; and

d. Are required to maintain and ensure the privacy of any information disclosed, determined, exposed, communicated, or otherwise revealed in the course and scope of their involvement in the Title IX panel hearing process.

5.7.4 The University will simultaneously notify the Complainant, Responding Student, and their respective advisors no less than ten (10) days prior to the hearing of the date, time, and location of a Title IX Conduct Panel hearing.

5.7.5 At the close of the investigation by the Office of Institutional Equity, upon completion of the Final Investigative Report, the Office of the Dean of Students shall provide the Complainant, Responding Student, and their respective advisors, if any, electronic access to the Final Investigative

Report, together with all information gathered or submitted by the parties throughout the course of the investigation. The Dean of Students shall provide such access no less than sixteen (16) days prior to the scheduled Title IX Conduct Panel hearing. The parties may submit written final responses to the Dean of Students no less than six (6) days prior to a scheduled hearing. The Dean of Students will provide the Complainant, Responding Student, and their respective advisors, if any, electronic access to the other party's written final responses no less than five (5) days prior to the scheduled hearing. The timeline for the resolution of Title IX Complaints, as outlined in this section, may be shortened if both parties mutually and voluntarily agree to the modification.

5.7.6 To ensure the orderly administration of the Title IX Conduct Panel hearing process, any witness who will attend the hearing must notify the assigned Student Conduct Administrator no less than six (6) days prior to the scheduled hearing in order to participate.

5.7.7 The Title IX Conduct Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Responding Student, and/or other witnesses during the hearing by providing hearing participation while in separate facilities or locations through videophone, video conferencing, or other digital means, as determined to be appropriate in the judgment of a University Conduct Officer or their designee. However, if provided, these accommodations must ensure that both parties are able to hear and see one another to facilitate direct and cross-examination in real time.

5.7.8 Both the Complainant and the Responding Student must have an advisor. If a party does not have an advisor on any day of a scheduled hearing, the University will pause the hearing and provide a trained advisor at no expense to the party before resuming the hearing process.

5.7.9 All evidence gathered and obtained during a Title IX investigation by the Office of Institutional Equity must be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

5.7.10 The panel chair will determine whether any information gathered or submitted, or question proposed or posed is admissible and may be considered by the conduct panel. For any information or question the panel chair determines is not admissible, the panel chair must provide an oral or written justification for that determination. Either party may challenge the panel chair's determination by timely noting the challenge in the digital recording of the Title IX Conduct Panel hearing. Any challenge timely noted may be considered on appeal, if any. Any challenge not timely noted is waived.

a. Only relevant and credible evidence will be admitted during a Title IX Conduct Panel hearing. Relevant evidence includes evidence that is probative of a material fact. Evidence which confuses the issues in the case, misleads the conduct panel, or is presented to cause undue delay will be excluded as irrelevant. Relevancy determinations will be made on the basis of logic and common sense, and lie within the discretion of the panel chair.
b. The following information or evidence will not be admitted for consideration at the hearing: 1) information that is protected by a legally recognized privilege; or 2) medical records unless offered with the voluntary, expressed consent of the subject of the medical records. All medical records of the subject offered with voluntary, expressed consent will be included with admitted evidence in a Title IX Conduct Panel hearing; the subject may only withdraw expressed consent for all submitted medical records in their entirety, not select portions of the records.

c. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are generally irrelevant to a Title IX Conduct Panel hearing. Questions or evidence about the Complainant's sexual predisposition or prior sexual behavior may be admissible, however, when offered: 1) to prove that someone other than the Responding Student committed the alleged misconduct; or 2) to prove the Complainant's consent through questions or evidence concerning specific incidents of the Complainant's sexual behavior with respect to or toward the Responding Student.

d. During the course of the hearing, the panel chair may rule on the admissibility of questions posed by panel members, the parties, or the parties' advisors. The chair may exclude or disallow a question, or require a party to rephrase a question, if the question is not relevant, if it has been asked and answered, or if it is argumentative, abusive, or harassing. The panel chair will not rule on the relevancy of a proposed question or line of questions before the hearing.

e. Before the hearing, the panel chair will determine the admissibility of any material or information gathered by or submitted to the Office of Institutional Equity during the investigation, as provided in Policy 1.009, or submitted by the parties to the Dean of Students. Admissibility determinations by the panel chair will be shared with the parties and their advisors by the Dean of Students no less than two (2) days before the hearing.

f. Ordinarily, the hearing panel will only consider written materials and information (other tangible evidence, documents, images, or recordings) gathered by or submitted to the Office of Institutional Equity during the investigation (before the completion of the Final Investigative Report). In extraordinary circumstances, the panel chair may admit new information submitted by the parties after the close of the investigation, if the information was not available to the offering party at the time of the investigation or for other good cause.

g. Panelists may not consider inadmissible evidence when determining if the Responding Student is in violation of this Code; however, such evidence may inform questions asked by the panel of both parties and witnesses during the hearing.

5.7.11 The Title IX Conduct Panel chair has the authority and discretion to maintain the decorum of the hearing to ensure it is respectful and not abusive or intimidating. This may include terminating or excluding a line of questioning that harasses a party or witness or that the panel chair deems to be repetitious or duplicative. The panel chair may also remove a party, witness, or advisor who fails to alter their behavior after receiving a warning from the panel chair from the hearing.

5.7.12 If the credibility of any evidence presented by any party or otherwise considered by the panel is at issue, the Title IX Panel chair will ensure the panel and the parties are afforded a meaningful opportunity to probe the credibility of such information.

5.7.13 The Title IX Conduct Panel must refrain from drawing an inference regarding a determination of in violation of this Code based solely on the absence of, or refusal to answer questions by, a party or witness, regardless of the reason for the absence or refusal. The faulty memory of a party or witness, or their inability to recount each specific detail of an incident in sequence, does not automatically imply that they are lying or making intentionally false statements. The Responding Student is presumed not to have violated this Code until a determination is made by the Title IX

Conduct Panel through the hearing process.

5.7.14 Title IX Conduct Panel members may ask questions of both parties and witnesses during the hearing.

5.7.15 Advisors are not permitted to testify or provide answers to the parties they advise during a Title IX Conduct Panel hearing. Advisors must reserve their role to asking direct questions of, and providing support to the party they advise, and to examining the other party and any witnesses. A Title IX Conduct Panel hearing is not a judicial or legal process; instead, it is an educational, disciplinary process. The panel chair has the authority and discretion to admonish an advisor on the record who violates the requirements of this section. If the advisor fails to alter their behavior after being warned, the panel chair may remove the advisor from the hearing.

5.7.16 After a Title IX Conduct Panel hearing has been completed and all pertinent information has been received, the Title IX Conduct Panel, in closed session, will deliberate and determine, by majority vote, if the preponderance of the evidence shows that the Responding Student has violated section 3.2.16 and/or any other section of this Code in which an allegation is made against the student. The Title IX Conduct Panel chair serves as a non-voting member of the conduct panel and will not participate in the vote to determine whether the Responding Student is in violation of this Code, however, they will participate in reviewing the information and in case deliberations. The assigned Student Conduct Administrator will be available as a resource during all deliberations of the Title IX Conduct Panel. The Student Conduct Administrator has no decision-making authority in a Title IX Conduct Panel.

5.7.17 The existence of past and/or current Code violations and/or outcomes will not be shared with the Title IX Conduct Panel until after a finding that the Responding Student is in violation of the Code has been made. After such a finding is made by the Title IX Conduct Panel, the assigned Student Conduct Administrator will provide the Title IX Conduct Panel with information regarding past and/or current Code violations and/or outcomes for consideration. The voting panelists will then deliberate and determine, by majority vote, an appropriate educational, conduct outcome(s) to be imposed against the Responding Student and if remedies must be provided to restore or preserve the Complainant's educational access.

5.7.18 For all Title IX Conduct Panel hearings, the Conduct Panel chair will prepare a written deliberation report and deliver it to the assigned Student Conduct Administrator, including:

a. Identification of the allegations against the Responding Student;

b. A description of the procedural steps taken from receipt of the reported misconduct through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. Conclusions made by the panel regarding the applicability of this Code to the facts;

d. A statement of, and rationale for, the result as to each allegation, including a determination regarding the Responding Student's responsibility;

e. Any disciplinary outcome determination to be imposed on the Responding Student;

f. A statement of whether remedies to restore or preserve the Complainant's educational access must be provided. Specific remedies shall not be included in the written deliberation report, unless a remedy will directly affect the Responding Student. Any such remedies shall be

determined through a post-hearing remedies determination by the University Title IX Coordinator in collaboration with the Complainant;

g. Evidentiary findings of fact supporting the determination of responsibility and all conclusions made by the panel;

h. Any information the panel excluded from its consideration and why; and

i. The procedures and permissible bases for the Complainant and Responding Student to appeal.

The deliberation report shall be the property of the University and maintained as part of the University's disciplinary records. It must be submitted to the assigned Student Conduct Administrator within three (3)days of the end of Title IX Conduct Panel deliberations.

5.7.19 The University shall audiotape and/or digitally record all Title IX Conduct Panel hearings; however, panel deliberations will not be recorded. No other recordings of the Title IX Conduct Panel hearing will be permitted. The tape and/or digital recording shall be the property of the University and maintained as part of the University's disciplinary records. The Complainant or Responding Student may obtain access to review the audiotape and/or digital recording by submitting a written request to the assigned Student Conduct Administrator.

5.7.20 The assigned Student Conduct Administrator will simultaneously notify the Complainant and Responding Student, and the TCU Title IX Coordinator in writing of the outcome of a formal Title IX Conduct Panel hearing, including a copy of the deliberation report, within five (5) days following the conclusion of the hearing. The assigned Student Conduct Administrator may meet individually with either party to discuss the deliberation report and/or the appeal process.

5.7.21 The Complainant, Responding Student, or their respective advisors, if any, are prohibited from directly contacting any Title IX Conduct Panel member, including the panel chair, for any reason either prior to or after the resolution of any Title IX Conduct Panel hearing.

5.8. Outcomes

Nothing in this Code is intended to limit or diminish the authority of faculty members, Academic Deans, or other University officials from appropriately addressing disruptive conduct by a student or students that interferes with or obstructs the teaching or learning process as provided in the Disruptive Classroom Behavior and Lack of Academic Progress Policy. Previous versions of the Code referred to Outcomes as Sanctions and Conduct as Discipline. Conduct Probation (5.8.5) was previously labeled "Discipline Probation."

5.8.1 In each case in which a conduct body (PCB, formal Conduct Panel, or Title IX Conduct Panel, or in the case of the informal conduct process, a Student Conduct Administrator) determines that a student has violated the Code, outcomes may be imposed. In the case of a PCB, formal Conduct Panel, or Title IX Conduct Panel hearing, a majority vote of the voting members of the conduct body is necessary to impose one or more outcomes. An assigned Student Conduct Administrator conducting the informal conduct process may individually assign outcomes.

5.8.2 Under the direction of a University Conduct Officer, the following outcomes may be issued: Warning, Conduct Censure, Conduct Probation, Deferred Suspension, Suspension, and Expulsion, as described below. Supplemental outcomes may be imposed when appropriate, based on the type of

Code violation, including temporary or permanent transcript notations. Active Discretionary outcomes, which include additional outcomes designed to enhance the educational impact of the conduct process on the student, may also be issued. When making an outcome determination, the Student Conduct Administrator, PCB, formal Conduct Panel, or Title IX Conduct Panel may increase the severity of a outcome if there is sufficient information to suggest that the Responding Student's conduct in violation of this Code was motivated by age, race, color, religion, sex, sexual orientation, gender, gender identity, gender expression, national origin, ethnic origin, disability, genetic information, covered veteran status and any other basis as protected by law. Outcomes for prohibited drug conduct are provided in section 3.2.10. Outcomes for prohibited alcohol conduct are provided in section 3.2.11. For Title IX Conduct Panel hearings, there will be no deviation from the outcomes listed in section 5.8.

5.8.3 Warning

Warning written notice that the student was found to be in violation of the Code and that further violation of the Code may result in more severe outcomes. Students remain in good standing with the University upon receiving a warning.

5.8.4 Conduct Censure

Conduct censure shall be assigned when a written warning is insufficient to promote personal growth and positive behavior change in the student. Conduct censure includes active discretionary outcomes listed in 5.8.10 with which the student must comply to enhance the educational impact of the process on the student, in addition to written notice of the Code violation. The written notice indicates that a student's behavior is in violation of the Code and that further violation of the Code may result in more severe conduct outcomes. The existence of a prior conduct censure may be used to influence future outcome decisions for only one (1) calendar year from the date of the issuance of the conduct censure. Students remain in good standing with the University upon receiving conduct censure.

5.8.5 Conduct Probation

Conduct probation is an outcome given for a specified period of time and is intended to foster reflection, responsibility, and improved decision-making for the student. It serves as a severe outcome. During the period of conduct probation, the student is no longer considered in good standing with the University upon receiving conduct probation and may have some student privileges revoked. Additional conditions and/or educational programs may be assigned as a component of the conduct probation. Should a student be found in violation of the Code, fail to comply with any conditions, or to complete any probation assignments during the probation period, a more severe outcome is likely. This includes, but is not limited to, residence hall eviction, deferred suspension, suspension, or expulsion.

5.8.6 Deferred Suspension

Deferred suspension is an outcome by which a student is involuntarily separated from the University for a period of one (1) semester to four (4) academic years. However, the student is permitted to remain in classes during the period of deferred suspension, but is not permitted to attend or participate in campus organizations, activities, or events and cannot use University resources, with the exception of the library for academic purposes only. Deferred suspension confines the relationship between the student and the University to be solely academic in nature. If the student is found in violation of the Code during the period of the deferred suspension., the deferred suspension will immediately convert to suspension as outlined in section below and remain in place for whatever

amount of time remains on the original outcome. The student will additionally face new outcomes associated with the immediate Code violation. Students are not in good standing with the University upon receiving deferred suspension.

5.8.7 Suspension

Suspension is an outcome by which a student is involuntarily separated from the all University classes, activities, events, organizations, services, facilities, ground, and campus property, including University housing for a period of one (1) semester to four (4) academic years. A criminal trespass order is issued against the student by TCU Police for the duration of the suspension when suspension is issued as an outcome. A student suspended from the University before an academic semester ends will not receive a refund of any monies paid and is not relieved of any financial obligation to the University. At the end of the outcome term, the student is eligible for reenrollment pending the submission of appropriate paperwork and completion of any other outcome terms. Students who reenroll after a suspension will remain on conduct probation up to the duration of their enrollment at TCU. The University reserves the right to alter a suspension outcome to that of expulsion in any case where the student violates the terms of the suspension. A suspended student shall have a grade of "Q" or "F" recorded for each course in progress, as deemed appropriate by the Academic Dean. Students are not in good standing with the University upon receiving suspension.

5.8.8 Expulsion

Expulsion is an outcome by which a student is involuntarily separated from the University permanently. This termination pertains to all classes, activities, organizations, services, facilities, grounds, and precludes any future enrollment in the University for any reason. A permanent criminal trespass order is issued against the student by TCU Police when expulsion is issued as an outcome. A student expelled from the University shall have a grade of "Q" or "F" recorded for each course in progress, as deemed appropriate by the Academic Dean. Students are not in good standing with the University upon receiving expulsion.

5.8.9 Supplemental Outcomes

Supplemental outcomes may be imposed based on the type of Code violation finding. These outcomes include:

a. *Transcript Notation*.

   i. Suspension. A notation will be placed on the transcript of a student during the period of the suspension referring to an attached memo which will record the suspension. The transcript notation will be automatically removed at the end of the term of suspension.

   ii. Expulsion. A notation will be permanently placed on the transcript of the student referring to an attached memo which will record the expulsion.

b. *Restitution*. Restitution is an outcome that requires the student to make monetary reimbursement or material replacement for injury, loss, expenses, or damages to, destruction of, or misappropriation of University property or services, or the property of any person. This could also include situations such as failure to return a reserved space to proper condition.

c. *Fines.* A conduct fine may be imposed, including standard alcohol fines as listed in section 3.2.11.

d. *Confiscation of Prohibited Property*. Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of a University Conduct Officer and/or University

Police.

e. *Residence Hall Reassignment*. Permanent reassignment to another University housing facility. Reassignment details will be determined in conjunction with University Housing and Residence Life or Fraternity and Sorority Life staff. For purposes of this outcome, a "residence hall" includes any residential facility where a student has a housing license to reside.

f. *Residence Hall Probation*. Residence hall probation serves as a severe University housing outcome. During residence hall probation, the student is no longer in good standing with University Housing and Residence Life or Fraternity and Sorority Life. Additional conditions may be imposed as a component of residence hall probation, including loss of specified housing privileges and completion of educational programs. Should a student fail to comply with any condition or complete any residence hall probation assignment during the probation period, a more severe outcome is likely. This includes, but is not limited to, residence hall reassignment, suspension, or eviction. For purposes of this outcome, a "residence hall "includes any residential facility where a student has a housing license to reside.

g. *Residence Hall Suspension*. Residence hall suspension is an outcome that removes the student from all residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission to residence halls may be specified. At the end of the outcome term, the student is eligible for reenrollment pending the submission of appropriate paperwork and completion of any other outcome terms. For purposes of this outcome, a "residence hall" includes any residential facility where a student has a housing license to reside.

h. *Residence Hall Eviction*. Residence hall eviction is an outcome that removes the student from all residence halls. For purposes of this outcome, a "residence hall" includes any residential facility where a student has a housing license to reside.

5.8.10 *Active Discretionary Outcomes*

Active discretionary outcomes are provided to enhance the educational impact of the conduct process on the student and include, but are not limited to community service; campus work assignments; letters of apology; assessments by mental health professionals; alcohol or drug education and/or treatment; conflict management training; ethics workshops; educational or informative workshops; academic counseling; educational assignments, such as writing a reflective or research paper, or completing a project; and restriction or revocation of campus community privileges, including visitation, campus organization participation and/or leadership eligibility, and University representation restrictions.

5.8.11 More than one outcome may be imposed for any single violation.

5.8.12 Conduct outcomes shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. If a student who has been reported for a suspected violation of the Code withdraws, transfers, takes leave, or is otherwise absent from the University before a hearing is conducted, a hold may be placed on the student's University account instructing the Registrar to include a notation on the student's transcript referring to an attached memo indicating that the student withdrew, transferred, took leave, or was otherwise absent while a conduct proceeding was pending as outlined in section 5.3.13. In all conduct proceedings resulting in suspension or expulsion of a student, a hold shall be placed on a student's University account instructing the Registrar to include a notation on the student's transcript referring to an attached memo noting such decision, as outlined in section 5.8.9.

Transcript notations may be removed on request by the student, if 1) the student is eligible to reenroll in TCU or 2) TCU determines good cause exists to remove the notation.

Upon graduation, the student's conduct record may be expunged of disciplinary actions other than suspension or expulsion, upon application to the Student Conduct Administrator. Cases involving the imposition of outcomes other than suspension or expulsion shall be expunged from the student's confidential record eight (8) years after final disposition of the case. Routine destruction of conduct records shall be completed within a maximum of eight (8) years from the date of the student's termination, transfer, graduation, or withdrawal from the University.

5.8.13 Conduct Discussion and PCB or formal Conduct Panel Hearing outcomes may only be released to Responding Students, and University officials and faculty members (with an educational need to know), unless otherwise required by law or as provided in section 5.9. Title IX Conduct Panel hearing outcomes must be simultaneously provided to both the Complainant and Responding Student, as required by federal Title IX law and provided in section 5.7.20, and may also be released to other University officials and faculty members (with an educational need to know). The Dean of Students will not furnish conduct records for any other reason unless the Responding Student or another party makes a written request to the Dean of Students and includes an authorization signed by the Responding Student to release the information.

5.8.14 In accordance with Texas law, the Immunity for Sexual Assault Reporting Policy provides students with immunity, who in good faith, report to or assist TCU in investigating a report about, or who testify or otherwise participate in a conduct proceeding regarding, an incident of sexual harassment, as defined in Policy 1.008, from any disciplinary action for any violation of the Code of Student Conduct reasonably related to the incident for which suspension or expulsion are not possible punishments. A Student Conduct Administrator, the Office of Institutional Equity, or their designee may investigate whether a Report made to the University was made in good faith. Such an investigation will not be undertaken for disciplinary measures, but will be limited to fact gathering and a good faith determination.

5.8.15 Students who receive emergency medical evaluation and follow the advice of the emergency responder, and those students who contact TCU staff to help provide such medical attention, are exempted from formal University discipline for alcohol or other drug-related emergencies as provided in the Medical Amnesty/Good Samaritan Policy. Amnesty is awarded to students only after a review of the case by a Student Conduct Administrator or their designee to determine if amnesty is appropriate and warranted. When amnesty is granted, the matter is not considered a violation of this Code and disciplinary outcomes are not imposed. Instead, students are expected to complete active discretionary outcomes to enhance the educational impact of their conduct experience. Amnesty is only available for first alcohol or drug-related violations. For second or additional alcohol or drug-related violations, the matter is handled according to the standard conduct process prescribed in this Code.

5.8.16 Should a student fail to resolve any assigned outcomes within the prescribed completion timeline, as the result of the conduct process, the Student Conduct Administrator may, at their discretion, take one or more of the following actions within five (5) days:

a. Request a University Conduct Officer or their designee place a "Dean of Students Office" hold on

the student's academic records which will prevent the student from adding, as well as pre-registering for academic courses, pending their completion of the assigned outcomes;

b. Increase the student's discipline status (i.e., Conduct Probation to Suspension), as appropriate; and/or

c. Require additional outcomes, including Supplemental and/or Active Discretionary Outcomes as provided in sections 5.8.9 and 5.8.10 respectively.

The Student Conduct Administrator may take one or both of the actions listed above after attempting to communicate with the student at least two times, one of which must be in writing.

5.9 Notifications

5.9.1 Parent Notification

The University reserves the right to notify the parents/guardians of dependent students, as defined by the U.S. Internal Revenue Service, regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of alcohol and/or other drug violations of non- dependent students who are under the age of twenty-one (21). Parental notification may be utilized discretionarily by Student Conduct Administrators when permitted by Federal Education Rights and Privacy Act (FERPA) or consent of the student.

5.9.2 Notification of Outcomes

The outcome of a Conduct Discussion or PCB, formal Conduct Panel, or Title IX Conduct Panel hearing is part of the education record of the Responding Student and is protected from release under FERPA, except under certain conditions. As allowed by FERPA, when an allegation is made against a student of a policy violation that would constitute a "crime of violence" or non-forcible sex offense, the University will inform the alleged victim/Reporting Party/Complainant in writing of the final results of an informal Conduct Discussion or PCB, formal Conduct Panel, or Title IX Conduct Panel hearing, regardless of whether the University concludes that a violation was committed. In informal Conduct Discussions and PCB or formal Conduct Panel hearings, such a release of information may only include the Responding Student's name, the violation committed, and the outcomes assigned, if applicable. In all Title IX conduct cases, the assigned Student Conduct Administrator will simultaneously notify both the Complainant and Responding Student of the panel hearing outcome, including a copy of the deliberation report, as outlined in section 5.7.20.

In cases where the University determines through the conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the University may also release the information provided above publicly and/or to any third party. FERPA defines "crimes of violence" to include: 1) arson, 2) assault offenses (includes stalking), 3) burglary, 4) criminal homicide (manslaughter by negligence), 5) criminal homicide (murder and non-negligent manslaughter), 6) destruction/damage/vandalism of property, 7) kidnapping/abduction, 8) robbery, 9) and forcible sex offenses. FERPA defines non-forcible sex offenses as statutory rape and incest. Further, the University shall release information to any other college or university who requests information related to a conduct determination of sexual harassment, as defined in Policy 1.008, against a student enrolled in the University, as required by Texas law.

When these disclosures are made, the University will not disclose the name of any other student,

including a Reporting Party, victim, or witness, without the prior written consent of the other student.

5.10 Interim Measures

In certain circumstances, the Associate Vice Chancellor for Student Affairs, Dean of Students, or their designee may impose interim measures prior to the PCB, formal Conduct Panel, or Title IX Conduct Panel hearing. The implementation and facilitation of all interim measures, including interim support, remedial, and protective measures for Reports involving alleged violations of Policy 1.008 are administered by the Office of Institutional Equity or their designee, as appropriate.

5.10.1 Interim measures may be imposed:

a. To preserve a party's educational experience;

b. To protect all parties during an investigation of alleged misconduct;

c. To address physical and emotional safety and well-being concerns of all parties and for members of the broader University community;

d. To protect and preserve University property; and/or

e. If the Responding Student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

5.10.2 Interim measures are recommended by the Office of Institutional Equity, the Title IX Coordinator, the Dean of Students, the assigned Student Conduct Administrator, or their designee, as deemed appropriate. These interim measures are enforced by the Vice Chancellor for Student Affairs or their designee, and may include, but are not limited to the following:

a. Prohibition from participating in student activities; representing TCU in any capacity such as playing on an official team, serving in student government, performing in an official band, ensemble, or production; participating in a recognized student organization; or participating in other University activities or privileges for which the Responding Student might otherwise be eligible;

b. Suspension, which includes denying access to campus, including classes;

c. Residence hall reassignment, which includes denying access to specified University housing buildings;

d. Residence hall suspension, which includes denying access to University housing;

e. Changing the Responding Student's class schedule, including transferring the student's course sections;

f. Changing the Responding Student's University work schedule or job assignment;

g. Imposition of a "no contact directive" to curtail contact and communication between the Responding Student and other identified individuals, including a Reporting Party/victim/Complainant; and/or

h. Any other measures that may be used to achieve the goals outline in 5.10.1.

Responding Students may also be referred to resources which can assist with any social emotional, financial aid, visa, or immigration concerns prior to the hearing.

5.10.3 Interim measures do not replace the regular conduct process, which shall proceed according to the procedures and timeline outlined in this Code, including a PCB, formal Conduct Panel, or Title IX Conduct Panel hearing, if required. However, the Responding Student should be notified in writing of this action and the reasons for the interim measures. The notice should also include notification of the Responding Student's right to participate in the investigative process by the Office of Institutional Equity, the Dean of Students, or their designee.

5.10.4 The Responding Student may request, in writing, an appeal of the interim measures to the Vice Chancellor for Student Affairs or their designee within three (3) days of imposition of the interim measures. An appeal hearing with the Vice Chancellor for Student Affairs or their designee will be conducted without undue delay, but within no more than five (5) days of the appeal. Maximum time limits for scheduling an interim measures appeal may be extended at the discretion of the Vice Chancellor for Student Affairs.

5.11 Appeals

5.11.1 A Responding Student found in violation of a section of the Code by either a Student Conduct Administrator, PCB, or formal Conduct Panel may appeal the informal Conduct Discussion or PCB or formal Conduct Panel hearing decision. Either a Complainant or Responding Student may appeal a determination of responsibility made by a Title IX Conduct Panel. An appeal, except appeals of alcohol violations, must be made in writing and state the decision and/or outcome they are appealing; the grounds for the appeal, as outlined in section 5.11.2; and the appealing party's reasoning for seeking the appeal on the grounds outlined. The written appeal must be received by the Dean of Students within three (3) days of the date of the letter notifying the student of the outcome of their Conduct Discussion or hearing. All effort will be made for appeals to be decided within thirty (30) days of receipt of the appeal with the exception of the winter break, summer term, and University closure(s). Written notice of an appeal determination will be provided to: 1) the Responding Student for informal Conduct Discussions or PCB or formal Conduct Panel hearing appeals and 2) to both the Complainant and Responding Student and the Office of Institutional Equity simultaneously for Title IX Conduct Panel hearing appeals, within seven (7) days following the determination, as appropriate, by the appellate officer, PCB, or formal Conduct Panel, as follows:

a. Appeals of initial determinations made by a Student Conduct Administrator or a University Conduct Officer will be heard by the PCB or formal Conduct Panel, as appropriate. The PCB may only hear appeals of alleged alcohol and University Facility Standards violations, as outlined in section 1.22. No PCB shall review appeals for restitution, as described in 5.8.9; appeals for restitution outcomes will be reviewed by the assigned Student Conduct Administrator or their designee. Under exigent circumstances, the assigned Student Conduct Administrator or their designee shall retain discretion to complete the appeal without utilizing the PCB.

b. Appeals of initial determinations made by the PCB will be heard by a University Conduct Officer or their designee. Appeals of initial determinations made by a formal Conduct Panel or a Title IX Conduct Panel will be heard by the Vice Chancellor for Student Affairs, Associate Vice Chancellor for Student Affairs, or their designee.

Maximum time limits for the appeal process may be extended at the discretion of the appellate officer, PCB, or formal Conduct Panel, or their designee.

5.11.2 Except as required to explain the existence of new information, an appeal shall be

limited to review of the written documentation accessible to the original decision-maker; the informal Conduct Discussion outcome letter, the PCB letter, or the formal or Title IX Conduct Panel deliberation report; and the verbatim audiotape and/or digital recording, as applicable, for one or more of the following purposes:

a. Procedural error or irregularity – to determine whether the original process was conducted in conformity with prescribed measures and all relevant evidence was objectively evaluated giving the Complainant (in Title IX conduct cases) and Responding Student a reasonable opportunity to prepare and to present a written response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice or error resulted;

b. Conflict of interest or bias – to determine whether the original process was conducted impartially and without conflict of interest or bias against complainants and/or respondents or against individual Complainants and/or Responding Students in the present case, in light of the allegations and information presented;

c. Unsupported finding – to determine whether the decision reached regarding the Responding Student was based on substantial information and was not arbitrary or capricious; in other words, whether a reasonable decision-maker could have reached the same decision based on the information considered;

d. Disproportionate outcome – to determine whether the outcome imposed was appropriate for the violation(s) of the Code which the Responding Student was found to have committed; and/or

e. New information – to consider new information, sufficient to alter a decision or other relevant facts not brought out in the original proceeding, because such information and/or facts were not known to the person appealing at the time of the original proceeding.

The appellate officer, formal Conduct Panel, or their designee, will complete an initial review to determine if the appeal request is timely and meets the limited appeal grounds listed above. For appeals made to the PCB, the assigned Student Conduct Administrator or their designee will determine if the appeal request is timely and meets the limited appeal ground listed above.

5.11.3 If the appeal fulfills one of the limited appeal grounds listed in 5.11.2, the appellate officer, PCB, or formal Conduct Panel will proceed with a complete, substantive review of all relevant information. For Title IX Conduct Panel hearing appeals, the assigned Student Conduct Administrator will notify the non- appealing party in writing that an appeal has been filed within three (3) days of receiving the written Title IX appeal; both parties to a Title IX appeal will then have five (5) days to submit a written statement in support of, or challenging the hearing determination and/or outcome, to the assigned Student Conduct Administrator, who will share any such statements with the appellate officer and the other party.

5.11.4 If the appeal is upheld due to:

a. A procedural error or irregularity on the part of the original decision-maker or that new information presented on appeal should be considered, the appellate officer, PCB, formal Conduct Panel, or their designee, will direct the case to the original decision-maker with instructions for reconsideration. If the appellate officer, PCB, or formal Conduct Panel

determines that the original decision-maker may have a conflict of interest or bias, a new Student Conduct Administrator, PCB, formal Conduct Panel, or Title IX Conduct Panel, as appropriate, will be assembled to reconsider the matter according to the instructions of the appellate officer, PCB, formal Conduct Panel, or their designee. Full rehearings will only be used in rare circumstances at the discretion of the appellate officer, PCB, formal Conduct Panel, or their designee.

b. For an original finding unsupported by the relevant information or a disproportionate outcome issued for a violation of the Code which the Responding Student was found to have committed, the appellate officer, PCB, or formal Conduct Panel may 1) reverse the unsupported finding, 2) modify the outcome or impose a different outcome, or 3) suspend the outcome after receiving parameters regarding institutional consistency and any other applicable guidelines from a University Conduct Officer, Student Conduct Administrator, or their designee.

If the appeal is not upheld, the matter shall be considered final and the decision of the appellate officer, PCB, or formal Conduct Panel will be binding upon all involved.

5.11.5 After making an appeal determination, the appellate officer, PCB, formal Conduct Panel, or their designee may meet with the Complainant (in Title IX conduct cases) and/or the Responding Student to discuss the decision.

5.11.6 The appellate officer, PCB, or formal Conduct Panel will not substitute their judgment for that of the original decision-maker. Appeal decisions shall be deferential to the original decision-maker, only upholding the appeal when there is a compelling justification to do so due to clear error or irregularity, a conflict of interest or bias, an unsupported finding, a disproportionate outcome, or relevant new information.

5.11.7 All initial conduct process determinations made and outcomes imposed by a University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, or Title IX Conduct Panel will not be implemented during the appeals process. At the discretion of a University Conduct Officer and/or the Vice Chancellor of Student Affairs, outcomes may be implemented pending review only in exigent circumstances.

6. INTERPRETATION AND REVISION

6.1 Any question of interpretation regarding the non-academic misconduct portion of the Code shall be referred to the Vice Chancellor for Student Affairs or to their designee for final determination.

6.2 The Code shall be reviewed annually under the direction of the University's Dean of Students.