



STUDENT AFFAIRS

Dean of Students



CODE OF STUDENT CONDUCT

2026-2027

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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. Student organizations are required to adhere to the standards of behavior outlined in the Student Code of Conduct. Failure to comply with these standards may result in conduct charges and formal disciplinary proceedings which may impact all members of a student organization, as individual students.

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 *Advisor*

An individual selected by a Complainant, Respondent, Reporting Party, or witness to act as their support person during the conduct process, who may be present during all conduct interviews, meetings, hearings, and/or alternative dispute resolution processes. An advisor may be any person, including but not limited to, a parent, friend, any other University student, or University faculty or staff member except such individuals that the Dean of Students determines to hold actual or perceived bias and/or a potential conflict of interest. No individual involved in the same conduct matter as a Complainant, Respondent, Reporting Party, or witness may serve as an advisor to prevent bias or conflicts of interest. University confidential resources may not be used as an advisor for all allegations investigated by the Office of Institutional Equity (OIE), including both Title IX and non-Title IX matters, as outlined in the University's [Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy \(Policy 1.008\)](#). Advisors are not permitted to actively participate, speak, or represent the Complainant, Respondent, Reporting Party, or witness in any way during the conduct process, except during Enhanced Conduct Hearings. An advisor will serve as an active participant in an Enhanced Conduct Hearing by asking questions of the party they support, the other party, and any witnesses involved in the Enhanced Conduct Hearing, however the advisor may not speak for the party they support.

1.2 *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.

1.3 *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 that may have violated section 3.2.16 of this Code, against a Respondent. The University Title IX Coordinator may

file a formal Complaint to address conduct that is alleged to be contributing to a sex-based hostile environment even when the conduct occurred outside a University-related education program or activity or outside the United States.

1.4 Complaint

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

1.5 Conduct Discussion

An informal conference composed of a University Conduct Officer, a Student Conduct Administrator, or their designee and the Respondent 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 Respondent and as an alternative to a Peer Conduct board or Conduct Panel.

1.6 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 Respondent 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.

1.7 Day

Day means any business 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 Respondent is enrolled in the winter intersession or summer courses. Every attempt will be made to promote the resolution of Title IX conduct cases during the winter break and summer months; however, should scheduling conflicts or other barriers arise, the Title IX conduct process may be paused until the next regular, long academic term, at the discretion of a University Conduct Officer or their designee, and with the approval of the Title IX Coordinator or their designee.

1.8 Enhanced Hearing Process

The resolution of complaints involving a potential violation of the [Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy \(Policy 1.008\)](#) requires a hearing with certain enhanced processes. TCU reserves the right to take action without a resolution through a hearing with enhanced processes if TCU concludes it has a legal duty to do so.

1.9 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.

1.10 Ineligible to Reenroll

A student is considered ineligible to reenroll at TCU when, as a result of violating the Code, the

student is suspended, dismissed, or expelled, or when an enrollment hold is placed on a Respondent's account. When suspended, the student remains ineligible to reenroll throughout the duration of the suspension. When dismissed, the student remains ineligible to reenroll throughout the duration of the dismissal and until reenrollment is approved by the Dean of Student's Office.

1.11 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.

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

1.13 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.

1.14 Outcome

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

1.15 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 Dean of Student's Office staff or their designee, 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 Dean of Student's Office staff or their designee.

PCB members are selected through an application process by the Dean of Student's Office 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 1.18; 2) as an RJC facilitator, as provided in section 1.19; 3) as a as a trained student member of a formal Conduct Panel, as provided in section 1.20; 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.

1.16 Policy

“Policy” means the written regulations of the University, as found in, but not limited to, this [Code](#); the [Academic Conduct Policy](#); [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.

1.17 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.

1.18 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 Respondent is found responsible. Appropriate remedies are monitored by OIE as provided in the University’s [Responding to Reports of Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy \(Policy 1.009\)](#).

1.19 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.

1.20 Reporting Party

Reporting Party means a student, faculty member, or university official who submits a Report alleging that a student or student organization 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 harmed by another student’s or student organization’s misconduct, the student who believes they have been harmed 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.

1.21 Respondent

Respondent means any student or student organization against whom an allegation of violating the Code is made.

1.22 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 an RJC as outlined in section 5.6.

1.23 “Shall,” “will,” and “must” are used to indicate the imperative sense in this Code.

1.24 *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.

1.25 *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 Officer. This may include, but is not limited to, staff in the Office of the Dean of Students, University Housing and Residence Life, and Fraternity and Sorority Life staff.

1.26 *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 by the [Office of the Chancellor](#). 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.

1.27 “They,” “their,” and “them” will be used to indicate both the singular and plural gender-neutral pronoun.

1.28 *University* “University” means Texas Christian University in this Code of Student Conduct.

1.29 *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.

1.30 *University Conduct Officer*

University Conduct Officer is the Dean of Students or their designee, who is empowered to provide overall direction for the University student conduct system.

1.31 University official

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

1.32 University premises

The university premises include 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.

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.

3.1.1 General Jurisdiction

The Code of Student Conduct applies to student groups and organizations as well as individuals. Specifically, 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.

3.1.2 Scope of Authority for Student Organizations

Under appropriate circumstances, a student organization may be held accountable for violations of the Student Code of Conduct committed by one or more of its members. The following factors will be evaluated to determine whether the organization will be subject to conduct charges and disciplinary proceedings:

- a. **Officer Involvement:** One or more officers of the organization committed a violation while acting within the scope of their official duties.
- b. **Member Conduct in Organizational Roles:** One or more members committed a violation while acting within the scope of their organizational roles or responsibilities.
- c. **Organizationally Supported Activities:** A violation occurred during an activity or assignment that was approved, funded, or otherwise supported by the organization or by an individual acting on its behalf.
- d. **Sponsored Events:** The violation took place during an event that was endorsed, sponsored, or co-sponsored by the organization.
- e. **Group Participation or Endorsement:** A significant number of members engaged in, permitted, or encouraged the violation.
- f. **Knowledge and Inaction:** The incident occurred at an organizational facility, and officers or a significant number of members knew or reasonably should have known about the conduct but failed to take appropriate steps to prevent or report it and/or were not forthcoming with University officials about the alleged behavior.
- g. **Compliance Measures:** The organization lacked an effective compliance program, including training and monitoring, aimed at preventing and detecting the type of behavior in question.
- h. **Other Relevant Factors:** Any additional circumstances that reasonably suggest the organization should be held accountable for the actions of its members.

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, 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, or depravation 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, any other University rule, policy, or regulation, 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 are permitted to carry a handgun in a public place, according to Texas law, and active-duty military may only possess a handgun on campus if it is stored in a locked motor vehicle; such students 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 this Code or the [Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy \(Policy 1.008\)](#);
- 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.

The first false identification violation under sections i. and j. above will result in a \$75 fine and follow up with a staff member in Substance Use and Recovery Services.

The second false identification violation under sections i. and j. above will result in a \$100 fine, notification to student's parents or guardians, 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.

Additional false identification violations under sections i. and j. above may result in additional fines, notification to students' parents or guardians, one (1) year of conduct probation, attending additional sessions with Substance Use and Recovery Services staff, compliance with any recommendations made by Substance Use and Recovery Services staff, and/or other outcomes, as assigned.

A University Conduct Officer, Student Conduct Administrator, formal Conduct Panel, or their designee may, at their discretion, include additional or adjusted outcomes for false identification violation under sections i. and j. above to those specified in section 3.2.6. Additionally, parents may be notified of any false identification violation.

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, which may include a vape, 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. This includes all Delta-8, Delta-9 THC, and any other related products.

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; 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 at the student's expense; 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 or possession of alcohol by anyone under 21 years of age or providing alcohol to someone who is under 21 years of age. Should all involved parties deny responsibility for any existing alcohol in question, all parties may be found responsible for alcohol possession under 3.2.11;
- 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. Presence in a space where there is evidence of alcohol coupled with the playing of and/or simulation of a drinking game;
- e. 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;
- f. Alcohol paraphernalia that evinces past or current underage alcohol use or misuse;
- g. Driving under the influence of alcohol; and/or
- h. 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.

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. Additionally, parents may be notified of any alcohol violation.

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 Respondent 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, but is not limited to, 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 *Unprofessional, disorderly, and/or disruptive conduct*

Any conduct that substantially undermines or interferes with the University's mission. Unprofessional, 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. Unprofessional, 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 or their personal items/possessions 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, more than 10 violations of 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 \(Policy 1.008\)](#).

3.2.17 *Tobacco or Nicotine*

Use of tobacco or nicotine products and/or tobacco or nicotine paraphernalia including, but not limited to, e-cigarettes, vapes, and other electronic nicotine delivery system (ENDS) products (e.g., JUULs), dip or pouches (e.g. ZYN products), and pipes, on University premises violates the [Tobacco-Free Campus Policy](#) regardless of age, excluding nicotine gum and patches used for cessation purposes.

3.2.18 *Abuse of the University conduct system*

Abuse of the University conduct system includes, but not limited to:

- a. Failure to obey any notice from a University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, Enhanced Conduct Hearing Chair, 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, Enhanced Conduct Hearing, 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 hearing officer, 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, Enhanced Hearing Conduct officer, 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, improperly storing, or possessing fuel or gas-powered, electric, or battery-powered motorcycles, mopeds, scooters, and/or motorbikes or similar devices;
- 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. 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](#));
- i. 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;
- j. 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
- k. 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;
- g. Using an unapproved electrical appliance or electric blanket;
- 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;
- j. Engaging in door-to-door solicitation for any purposes, and/or
- k. Placing a sign, poster, or banner (including flags) in University housing windows or outside of room doors, as provided by the [TCU Housing Procedures](#).

Additional guidance for living on campus can be found in the [Student Handbook](#).

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, including residence hall bulletin boards. 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 Respondent.

- 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 1.23 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 Respondent of their right to discuss the alcohol violation citation. If the Respondent 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 Respondent. 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 Respondent's choice of process, as outlined in section 1.23 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 Burnett School of Medicine, shall be directed to the Office of Institutional Equity (OIE) 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 \(Policy 1.009\)](#). It is the responsibility of all students to promptly report violations or concerns about violations of OIE policies that come to their attention directly to OIE. 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 OIE and/or the University Title IX Coordinator, as mandated by law.
- i. If no Complaint is initiated against the Respondent 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 OIE determines that the facts alleged in the Complaint against a Respondent, 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 initial inquiry or investigation, as provided in [Policy 1.008](#), OIE will refer the matter to the Dean of Students for consideration of other violations of this Code. Based on this referral, the Dean of Students Office may handle the new, potential violations of this Code as a separate conduct matter or OIE may consolidate the new, potential violations with the pending case investigated by OIE. Notice of any new, potential violations by the Respondent will be provided by OIE. Should the Dean of Students consolidate potential violations with a pending case, the investigation by OIE will serve as the investigation of all potential violations, as required under section 5.2.
 - iv. After OIE completes an investigation as required under the process set forth in [Policy 1.009](#) into a Complaint of reported misconduct under section 3.2.16 and [Policy 1.008](#), OIE shall refer the Complaint to the Dean of Students office for determination of whether the Respondent is in violation of this Code and appropriate outcomes and/or remedies. OIE will electronically provide the Final Investigative Report, any written party responses submitted to OIE, and all evidence to the Dean of Students office for consideration, according to the resolution process provided in section 5.
 - v. An investigation by OIE is considered closed when the matter is transferred to the Dean of Students to determine if the Respondent 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 alleging organizational misconduct shall be directed to the Dean of Students Office by completing the Student Organization Misconduct form. These reports shall be handled as follows:
 - i. When an allegation is received, the Dean of Students Office will notify the student organization in writing informing them of the allegation.
 - ii. Notice is sent to the organization's president and advisor and national/international organization if applicable and if the allegation includes dangerous conduct that may lead to serious injury or death.
 - iii. The notice will include a request for a meeting with a Conduct Officer from the Dean of Students Office.
 - iv. Upon receipt of a Report, the Dean of Students office may initiate an investigation to determine if the Report has merit and/or if it can be resolved through alternative dispute resolution.
- 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 Respondent 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 complaints of alleged behavior involving violations of [Policy 1.008](#), as provided in section 3.2.16, shall be handled by OIE according to [Policy 1.009](#). During the OIE investigation, the Respondent 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 additional conduct that may violate this Code is discovered while completing an investigation, the matter will be referred 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/reported harmed party, and Respondent.

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 Respondent 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 Respondent. Maximum time limits for notifying a Respondent of reported behavior in violation of this Code may be extended at the discretion of the assigned Student Conduct Administrator. Should a Respondent 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 or organization at least two (2) times, one (1) of which must be in writing.

When the reported misconduct may result in the suspension, dismissal, or expulsion of the Respondent, 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 Respondent’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, Enhanced Conduct Hearing, or alternative dispute resolution generally not more than ninety (90) days after the Respondent has been notified in writing of the reported misconduct by either OIE 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 Respondent has been notified of the Report. Maximum time limits for scheduling an informal Conduct Discussion, PCB hearing, formal Conduct Panel hearing, Enhanced Conduct Hearing, or alternative dispute resolution process may be extended at the discretion of a University Conduct Officer, Student Conduct Administrator, OIE, and/or the Title IX Coordinator, or their designee, as appropriate.

5.2.5 Students are not permitted to record investigation interviews.

5.2.6 If at any time during a conduct investigation, including an investigation conducted by OIE, as provided in [Policy 1.009](#), additional conduct that may violate this Code is discovered by the investigator, the Dean of Students may handle the new, potential violations of this Code as a separate conduct matter or consolidate the new, potential violations with the pending case under investigation by OIE or the Dean

of Students. Notice of any new, potential violations by the Respondent will be provided by OIE or the Dean of Students. Should the Dean of Students consolidate potential violations with a pending case, the investigation by OIE or the Dean of Students will serve as the investigation of all potential violations, as required under section 5.2.

5.3. Conduct Resolution Procedures, Rights, and Duties

5.3.1 Respondents (and Complainants in Enhanced Conduct Hearings) 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, including the presence of a support person.

5.3.2 The Respondent 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 Respondents must have an advisor during Enhanced Conduct 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 Enhanced Conduct Hearings, as provided in section 5.7, the advisor may only counsel the student but cannot actively participate, speak, or represent the Respondent 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 Enhanced Conduct Hearing, or alternative dispute resolution process because delays will not normally be allowed due to the scheduling conflicts of an advisor, except during Enhanced Conduct Hearings, as provided in section 5.7. 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.

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 an Enhanced Conduct Hearing; and mediations with a designated mediator are conducted in private and restricted to those directly involved in the proceeding. RJC's, 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 Character and expert witnesses and/or statements will not be permitted unless they have information directly related and relevant to the Code allegations under consideration.

5.3.6 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 an OIE investigation, including materials and information obtained from the Respondent, Complainant, and witnesses, can be considered by the Student Conduct Administrator, formal Conduct Panel, or Enhanced Conduct Hearing.

5.3.7 All procedural questions are subject to the final decision of the Student Conduct Administrator; PCB, formal Conduct Panel, or Enhanced Conduct Hearing Chair; or designated mediator or RJC facilitator, as applicable.

5.3.8 Except as provided in section 5.7.21 for Enhanced Conduct Hearings, the assigned Student Conduct Administrator will notify the Respondent 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, respectively, within five (5) days following either the conclusion of the conduct 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.

5.3.9 The Respondent retains the right to appeal regardless of which conduct process – informal or formal – the student selects. The Respondent 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 5.12. Either the Complainant or Respondent may appeal the outcome of an Enhanced Conduct Hearing, as set forth in section 5.12.

5.3.10 The determination of “in violation” or “not in violation” of the Code made by a Student Conduct Administrator, PCB, formal Conduct Panel, or Enhanced Conduct Hearing shall be determined based on the preponderance of the evidence standard, that is to say, whether it is more likely than not that the Respondent violated the Code.

5.3.11 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.

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

5.3.13 No Respondent 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 Respondent's absence or silence to determine whether the Respondent violated the Code. Information supporting a Report of misconduct that may result in suspension, dismissal, or expulsion shall be presented and considered in the Respondent's absence to determine whether the Respondent violated the Code, as required by Texas law.

5.3.14 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 Respondent 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, dismissal, or expulsion of the Respondent, notice and a Complaint will be sent to the Respondent of the reported misconduct; an investigation will be conducted; and an informal Conduct Discussion, a formal Conduct Panel, or Enhanced Conduct Hearing shall be completed in the Respondent's absence, as 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 Respondent of the reported misconduct; an investigation will be conducted; and a Enhanced Conduct 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 Respondent may reenroll.

If it is determined that an informal Conduct Discussion or Formal Conduct Panel hearing will or must be held, the Respondent will be provided notice of the time and place of the hearing and the conduct Complaint. The Respondent 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 Enhanced Conduct Hearings, the Respondent must follow the Enhanced Conduct Hearing process provided in section 5.7.

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 Respondent's transcript referring to an attached memo stating that a conduct investigation and/or hearing is pending. A hold shall be placed on a Respondent's University account instructing the Registrar to withhold the Respondent's transcript until completion of an Enhanced Conduct 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 Respondent's University account when the matter is resolved through the Enhanced Conduct hearing and appeal process, if any, or other appropriate resolution.

5.3.15 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 Respondent 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 Respondent 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 Respondent 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 Respondent waives the following procedural rights provided by the formal Conduct Panel or Enhanced Conduct Hearing process:

- a. To have questions asked of the Complainant, Reporting Party, and any witnesses as a part of the Enhanced Conduct Hearing;
- b. To forgo other rights associated with the Enhanced Conduct Hearing, including rights to appeal;
- c. To review of the hearing packet, including related conduct documentation and statements; and
- d. To have a single verbatim audio and/or digital recording prepared of the student's conduct process.

During the first investigation meeting with the Respondent, 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 in consultation with OIE, an informal Conduct Discussion is an option for a Complaint investigated by OIE, the assigned Student Conduct Administrator will ask if the Respondent 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 OIE. For Title IX Complaints, an informal Conduct Discussion may only be used for resolution when the Title IX Coordinator and/or their designee authorizes this resolution process and both the Complainant and Respondent 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 Respondent elects the informal conduct process (and the Title IX Coordinator and/or their designee and the Complainant agree 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 Respondent 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 Respondent in discussion about their behavior, actions, and decisions.
- b. If additional investigation is still required or the Respondent exercises their rights as outlined in 5.4.3, the assigned Student Conduct Administrator will take any additional steps necessary to finish investigating the reported misconduct, including conducting additional investigation interviews with the Respondent or other witnesses.
- c. If through the additional investigation, there is sufficient evidence to support reasonable cause to believe that the Respondent 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 Respondent violated the Code, the Report will be closed with no further action.

5.4.3 The Respondent 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 Respondent's behalf before the Student Conduct Administrator determines the outcome of the Report. No further information will be considered for a Complaint investigated by the OIE, as outlined in 5.3.6.

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 OIE 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. When appropriate, the assigned Student Conduct Administrator may permit the participation of the Respondent and the Reporting Party/reported harmed party of the misconduct in the educational outcome determination to enhance the educational opportunities of the conduct process and help repair the harm caused by the misconduct.

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 Respondent 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 Respondent 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 will be closed with no further action.

5.5.3 The Respondent 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 5.5.13

5.5.4 In PCB or formal Conduct Panel hearings involving more than one Respondent, hearings will be conducted separately for each Respondent, even when the reported misconduct arises from the same facts or circumstances or involves multiple Reporting Parties/reported harmed parties. PCB or formal Conduct Panel hearings involving more than one Respondent may be consolidated into one hearing at the discretion of the assigned Student Conduct Administrator or their designee, as appropriate, to ensure procedural fairness and prevent undue delay.

5.5.5 In the PCB or formal conduct process, the Respondent:

- a. May speak on their own behalf and answer questions posed by PCB or conduct panel members;
- 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 five (5) days prior to the scheduled hearing.

5.5.6 Any questions between the Reporting Party and Respondent 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 Respondent.

5.5.8 University notification of the date, time, and location of a PCB or formal Conduct Panel hearing will be given to the Respondent no less than ten (10) days prior to the hearing.

5.5.9 University notification of the names and University positions of all panelists for the PCB or formal Conduct Panel hearing will be given to the Respondent no less than ten (10) days prior to the hearing. Any objections to the designated panelists, including the rationale for each objection, must be provided to the assigned Student Conduct Administrator in writing no less than six (6) days prior to the scheduled PCB or formal Conduct Panel hearing for consideration. The Dean of Students has discretion to determine the merit of any objection to a designated panelist.

5.5.10 Ten (10) days prior to the scheduled formal Conduct Panel hearing, at the discretion of the assigned Student Conduct Administrator, the Respondent will be given electronic or in-person access to review the hearing packet, including related conduct documentation and statements. For Complaints investigated by OIE, the Final Investigative Report, any written party responses submitted to OIE, and all evidence 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 three (3) days prior to a scheduled hearing of any documents to be introduced and/or witnesses who will attend the hearing on behalf of the Respondent.

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, Respondent, 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.

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 Respondent 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 Respondent 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.

5.5.13 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 Respondent 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 Respondent. 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 Respondent and the Reporting Party/reported harmed party 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.

5.5.14 At the conclusion of all PCB hearings, a PCB letter detailing the finding and outcome(s) determinations made by the PCB and the PCB's rational for both determinations will be prepared. The PCB chair will have the opportunity to review and revise the PCB letter for accuracy and completeness, as appropriate, on behalf of the PCB before written notification of the hearing outcome is provided to the Respondent. The written PCB letter shall be the property of the University and maintained as part of the University's disciplinary records.

At the conclusion of all conduct hearings with a formal Conduct Panel, a written deliberation report 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 will be prepared. This deliberation report will conclude with the outcome(s) determination and information cited in support of the outcome(s). All members of the formal Conduct Panel will have the opportunity to review and revise the deliberation report for accuracy and completeness, as appropriate, before written notification of the hearing outcome is provided to the Respondent. The deliberation report shall be the property of the University and maintained as part of the University's disciplinary records.

5.5.15 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 by any individual. The tape and/or digital recording shall be the property of the University and maintained as part of the University's disciplinary records. The Respondent may obtain access to review the audiotape and/or digital recording by submitting a written request to the assigned Student Conduct Administrator.

5.5.16 The Respondent is prohibited from directly contacting any PCB or formal Conduct Panel member, including the panel chair, for any reason either prior to or after the resolution of any PCB or formal Conduct Panel hearing.

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 Respondent and the Reporting Party/reported harmed party/Complainant facilitated by an 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 repair that harm. At the discretion of the designated RJC facilitator, RJC's 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, OIE, and/or the Title IX Coordinator, or their designee, as appropriate. 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. Enhanced Conduct Hearing

In resolving complaints against students of sexual harassment, sexual assault, dating violence, or stalking as those terms are defined under [Policy 1.008](#), TCU must follow the process outlined in this subsection 5.7, including an Enhanced Conduct Hearing. The Office of the Dean of Students may also elect to utilize an Enhanced Conduct Hearing as outlined in this subsection 5.7 to resolve any complaint that a student has violated section 3.2.16 misconduct, as provided in [Policy 1.008](#).

5.7.1 Upon completion of the Final Investigative Report by OIE regarding a complaint against a student Respondent as prescribed in TCU [Policy 1.009](#), OIE will close the investigation and transfer the case to the Dean of Students Office.

5.7.2 For purposes of an Enhanced Conduct Hearing, the Student Conduct Administrator shall not serve as a decision-maker or otherwise determine any outcome or remedies. Rather, the Student Conduct Administrator shall administer the hearing process, including determining procedural matters.

5.7.3 The Student Conduct Administrator shall provide the Complainant, Respondent, and their respective advisors electronic access to the Final Investigative Report and all information gathered or submitted by the parties or witnesses throughout the course of the OIE investigation.

5.7.4 The Student Conduct Administrator shall notify the Complainant, Respondent, and their respective advisors no less than ten (10) days prior to the hearing of the date, time, and location of an Enhanced Conduct Hearing. Such notice shall include the names of the Hearing Chair and the University Conduct Officer (collectively the hearing officers).

5.7.5 The Hearing Chair shall act as the chair of the Enhanced Conduct Hearing. The Hearing Chair shall also act as the finder of fact. Based upon the information presented during the Enhanced Conduct Hearing, the Hearing Chair shall determine whether the Respondent is responsible for policy violations.

5.7.6 The University Conduct Officer shall attend the hearing. Based upon any finding of responsibility by the Hearing Chair, the information presented during the Enhanced Conduct Hearing, and the Respondent's prior conduct history, the University Conduct Officer shall determine any remedies/outcomes.

5.7.7 The Complainant bears the burden of proof at any hearing on each allegation that the Respondent violated the Code. The Respondent is presumed not responsible for any violation unless the Complainant shows, by a preponderance of the information presented, that the

Respondent has violated the Code.

5.7.8 The parties may submit a written position statement to the Student Conduct Administrator no less than six (6) days prior to the scheduled hearing. The written position statement should identify any witnesses that the parties intend to present information during the hearing.

5.7.9 The Student Conduct Administrator will provide the Complainant, Respondent, and their respective advisors electronic access to the other party's position statement no less than five (5) days prior to the scheduled hearing.

5.7.10 If either party objects to the designated hearing officers, they must submit their objection and the basis for such objection as a part of their written position statement. The Student Conduct Administrator shall present any written objections to the appellate officer (see subsection 5.12.1.b. below), who has discretion to determine the merit of any objection and to replace any hearing officer.

5.7.11 In Enhanced Conduct Hearings involving more than one Respondent, hearings will be conducted separately for each Respondent, even when the reported misconduct arises from the same facts or circumstances or involves multiple Complainants. However, Enhanced Conduct Hearings involving more than one Respondent may be consolidated into one hearing at the discretion of the Student Conduct Administrator, in consultation with OIE, or their designees, to ensure procedural fairness and prevent undue delay.

5.7.12 The Respondent and Complainant and their advisors shall be allowed to attend the entire Enhanced Conduct Hearing, except deliberations. Throughout the Enhanced Conduct Hearing process, the Respondent and Complainant:

- a. May speak on their own behalf and answer questions posed by their own advisor, the other party's advisor, the Hearing Chair, and University Conduct Officer;
- b. 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 Hearing Chair, if the credibility of information presented is in question or dispute;
- c. 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 Enhanced Hearing process.

5.7.13 The timeline for the resolution of Complaints by an Enhanced Conduct hearing, as outlined in this section, may be shortened under exigent circumstances, at the discretion of the assigned Student Conduct Administrator, in consultation with OIE and/or the Title IX Coordinator, or their designees, as appropriate.

5.7.14 The university does not have the power to compel the attendance of any witness. The parties are responsible for securing the attendance of any witness they wish to present information during the hearing.

5.7.15 The Student Conduct Administrator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses

during the hearing by allowing participation while in separate facilities or locations through videophone, video conferencing, or other digital means, as determined to be appropriate in the judgment of the Student Conduct Administrator. 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.

5.7.16 Both the Complainant and the Respondent may have an advisor. If either party does not have an advisor at any time during the resolution process, the University will offer to provide a trained advisor at no expense to support the student and serve as their advisor in the conduct process. 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 before resuming the hearing process.

5.7.17 All evidence gathered and obtained during an investigation by OIE 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.

5.7.18 The Hearing Chair will determine whether any information gathered or submitted, or question proposed or posed is admissible and may be considered. For any information or question the Hearing Chair determines is not admissible, the Hearing Chair must provide an oral or written justification for that determination. Either party may challenge the Hearing Chair's determination by timely noting the challenge in the digital recording of the Enhanced Conduct 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 an Enhanced Conduct Hearing. Relevant evidence includes evidence that is probative of a material fact, is related to the allegations against the Respondent, and may aid in determining whether the misconduct occurred or the appropriate remedy. Evidence which confuses the issues in the case, misleads the hearing officers, 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 Hearing 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 information considered in a Title IX Conduct 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 information about the Complainant's sexual interests or prior sexual behavior are generally irrelevant to an Enhanced Hearing pertaining to Title IX cases. Questions or information about the Complainant's sexual interests or prior sexual behavior may be admissible, however, when offered: 1) to prove that someone other than the Respondent 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 Respondent. The fact of prior consensual sexual conduct between the Complainant and the Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged misconduct or preclude determination that the misconduct occurred.

- d. During the course of the hearing, the Hearing Chair may rule on the admissibility of questions posed by 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 Hearing Chair will not rule on the relevance of a proposed question or line of questions before the hearing.
- e. Before the hearing, the Hearing Chair will review party position statements, if any, and all material or information gathered by or submitted to OIE during the investigation, as provided in Policy 1.009 to determine questions of admissibility. Admissibility determinations by the Hearing 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 officers will only consider written materials and information (other tangible evidence, documents, images, or recordings) gathered by or submitted to OIE during the investigation (before the completion of the Final Investigative Report). In extraordinary circumstances, the Hearing 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. Hearing officers may not consider inadmissible information when determining if the Respondent is in violation of this Code; however, such evidence may inform questions asked by the hearing officers of both parties and witnesses during the hearing.

5.7.19 The Hearing 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 chair deems to be repetitious or duplicative. The chair may also remove a party, witness, or advisor from the hearing who fails to alter their behavior after receiving a warning from the chair.

5.7.20 If the credibility of any evidence presented by any party or otherwise considered by the hearing officers is at issue, the Hearing Chair will ensure hearing officers and/or the parties are afforded a meaningful opportunity to probe the credibility of such information.

5.7.21 The hearing officers will 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 Respondent is presumed not to have violated this Code until a determination is made by the Hearing Chair through the hearing process.

5.7.22 Hearing officers may ask questions of both parties and witnesses during the hearing.

5.7.23 Advisors are not permitted to testify or provide answers to the parties they advise during an Enhanced Conduct 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. An Enhanced Conduct Hearing is not a judicial or legal process; instead, it is an educational, disciplinary process. The Hearing Chair has the authority and discretion to admonish an advisor, a party or any witness on the record who violates the requirements of this section.

5.7.24 After an Enhanced Conduct Hearing has been completed and all pertinent information has been received, the Hearing Chair shall make any and all findings of fact necessary to determine if the preponderance of the evidence shows that the Respondent has violated section 3.2.16 and/or any other section of this Code in which an allegation is made against the student.

5.7.25 If the Hearing Chair determines the Respondent is responsible for a violation(s) of the Code, the University Conduct Officer will then determine an appropriate educational, conduct outcome(s) to be imposed against the Respondent as well as whether any remedies must be provided to restore or preserve the Complainant's educational access. In determining any outcome or the need for any remedy, the University Conduct Officer may consider information presented during the hearing, any findings of fact and responsibility by the Hearing Chair, and any information regarding the Respondent's past and/or current Code violations and/or outcomes.

5.7.26 At the conclusion of all Enhanced Conduct Hearings, the hearing officers shall prepare a written deliberation report, including:

- a. A description of the allegations against the Respondent, including the applicable policies and procedures used to evaluate the allegations;
- 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 regarding the applicability of this Code to the facts;
- d. A statement of, and rationale for, the result as to each allegation, including the Hearing Chair's evaluation of the information presented and a determination of whether the chair found the Respondent violated the Code based on a preponderance of the evidence;
- e. Any disciplinary outcome determination to be imposed on the Respondent;
- f. A statement of whether remedies to restore or preserve the Complainant's educational access are appropriate. Specific remedies shall not be included in the written deliberation report, unless a remedy will directly affect the Respondent. Any such remedies shall be determined through a post-hearing remedies determination in consultation with OIE;
- g. A list of other students identified who are experiencing the effects of the alleged misconduct, if any;
- h. Evidentiary findings of fact supporting the determination of responsibility and all conclusions;
- i. Any information the Hearing Chair excluded from its consideration and why; and
- j. The procedures and permissible bases for the Complainant and Respondent to appeal.

The hearing officers shall have the opportunity to review and revise the deliberation report for accuracy and completeness, as appropriate, before written notification of the hearing outcome is provided to the Complainant and Respondent. The deliberation report shall be the property of the University and maintained as part of the University's disciplinary records.

5.7.27 The University shall audiotape and/or digitally record all Enhanced Conduct Hearings; however, deliberations by the hearing officers will not be recorded. No other recordings of the

Enhanced Conduct Hearing will be permitted by any individual. 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 Respondent may obtain access to review the audiotape and/or digital recording by submitting a written request to the assigned Student Conduct Administrator.

5.7.28 The assigned Student Conduct Administrator will simultaneously notify the Complainant and Respondent, and the TCU Office of Institutional Equity in writing of the outcome of an Enhanced Conduct 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.

5.8. 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 or unprofessional conduct as provided in the [Unprofessional Behavior, Disruptive Behavior, and Lack of Academic Progression – Undergraduate](#) and [Graduate](#).

5.8.1 In each case in which a formal conduct process (PCB, formal Conduct Panel, or Enhanced Conduct Hearing, 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 or formal Conduct Panel a majority vote of the voting members of the conduct body is necessary to impose one or more outcomes. In the case of an Enhanced Conduct Hearing, the University Conduct Officer may impose one or more remedy/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, Dismissal, 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 Enhanced Conduct Hearing may increase the severity of a outcome if there is sufficient information to suggest that the Respondent's conduct in violation of this Code was motivated by age, race, color, religion, sex, pregnancy and/ or related conditions, sexual orientation, gender, gender identity, gender expression, national origin, ethnic origin, disability, predisposing genetic information, covered veteran status and any other basis 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. Outcomes for false identification conduct are provided in section 3.2.6. For Enhanced Conduct Panel hearings, there will be no deviation from the outcomes listed in section 5.8.

5.8.3 Outcomes That Do Not Impact University Standing

- a. *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.
- b. *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 5.8.6 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.

5.8.4 Outcomes That Impact University Standing

- a. *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, dismissal, or expulsion.
- b. *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, or reside in University housing. 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.
- c. *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 two (2) 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 dismissal or 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 of the student's program/major. Students are not in good standing with the University upon receiving suspension.

- d. *Dismissal*. Dismissal is an outcome by which a student is involuntarily separated from all University classes, activities, events, organizations, services, facilities, grounds, and campus property, including University housing for a period of at least two (2) years. A criminal trespass order is issued against the student by TCU Police for the duration of the dismissal when issued as an outcome. A student dismissed 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 dismissal term, the student is eligible to apply for readmission to the University by completing any other required outcome terms and applying for University admission. University readmission is not guaranteed and will be considered on a case-by-case basis. Students who are readmitted after a dismissal will remain on conduct probation up to the duration of their enrollment at TCU. The University reserves the right to alter a dismissal outcome to that of expulsion in any case where the student violates the terms of the dismissal. A dismissed student shall have a grade of “Q” or “F” recorded for each course in progress, as deemed appropriate by the Academic Dean of the student’s program/major. Students are not in good standing with the University upon receiving dismissal.
- e. *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 of the student’s program/major. Students are not in good standing with the University upon receiving expulsion.

5.8.5 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. *Dismissal*. A notation will be placed on the transcript of a student during the period of dismissal referring to an attached memo which will record the dismissal. The transcript notation will be automatically removed at the end of the term of dismissal.
 - iii. *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, residence hall 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.

5.8.6 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.

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

5.8.8 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 5.3.14. In all conduct proceedings resulting in suspension, dismissal, 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 5.8.5.

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, dismissal, or expulsion, upon application to the Student Conduct Administrator. Cases involving the imposition of outcomes other than suspension, dismissal, 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.

5.8.9 Conduct Discussion and PCB or formal Conduct Panel Hearing outcomes may only be released to Respondents (and simultaneously to Complainants in Title IX matters), 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 Hearing outcomes must be simultaneously provided to both the Complainant and Respondent, as required by federal Title IX law and provided in section 5.7, 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 Respondent or another party makes a written request to the Dean of Students and includes an authorization signed by the Respondent to release the information.

5.8.10 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, dismissal, 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.

5.8.11 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 may be handled according to the standard conduct process prescribed in this Code.

5.8.12 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 5.8.5 and 5.8.6 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 Organizational Conduct Outcomes

Conduct outcomes may include one or more of the following, as deemed appropriate by the Conduct Officer

- a. *Warning.* A formal written notice to the organization indicating that its behavior violated university policy. This sanction serves as a reminder of expectations and a caution that further violations may result in more serious consequences.
- b. *Probation.* A designated period during which the organization is closely monitored. Any additional violations during this time may result in more severe sanctions. The group may be required to meet regularly with a university advisor and submit progress reports.
- c. *Community Service.* The organization is required to complete a set number of service hours benefiting the campus or local community. This could involve organizing a campus clean-up, volunteering at a nonprofit, or hosting an educational event.
- d. *Fine.* A monetary penalty assessed to the organization, with funds directed toward university-sponsored educational initiatives (e.g., alcohol awareness, diversity training, leadership development). The organization may be asked to help promote or attend these programs.
- e. *Restitution.* The organization must compensate for any damages or losses caused by its actions. This could include paying for property repairs, replacing stolen items, or reimbursing affected individuals or departments.
- f. *Restriction of Access to Facilities, Space, Resources or Activities.* The organization temporarily loses access to certain campus privileges, such as reserving rooms, hosting events, using university vehicles, or accessing funding. Restrictions are tailored to the nature of the violation.
- g. *Suspension of Activities.* The organization is prohibited from operating or participating in any university-recognized activities for a specified period. This includes meetings, events, recruitment, and use of university branding or resources.
- h. *Termination of Status/Removal of Recognition.* The organization loses official recognition from the university. It may no longer operate on campus, receive funding, or participate in university events.

Reinstatement, if allowed, would require a formal reapplication process and demonstration of corrective action.

5.10 *Notifications*

5.10.1 *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.

5.10.2 *Notification of Outcomes*

The outcome of a Conduct Discussion or PCB, formal Conduct Panel, or Enhanced Conduct Hearing is part of the education record of the Respondent 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 reported harmed party/Reporting Party/Complainant in writing of the final results of an informal Conduct Discussion or PCB, formal Conduct Panel, or Enhanced Conduct 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 Respondent’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 Respondent of the hearing outcome, including a copy of the deliberation report, as outlined in section 5.7.

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, reported harmed party, or witness, without the prior written consent of the other student.

5.11 *Interim Conduct Measures*

In certain circumstances, the Associate Vice Chancellor for Student Affairs, Dean of Students, or their designee may impose interim measures prior to the informal Conduct Discussion, PCB, or formal Conduct Panel. For interim measures related to allegations that may have violated 3.2.16 of this Code, which are investigated by OIE, please see [Policy 1.009](#).

5.11.1 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 Respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

5.11.2 Interim measures are recommended by 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 Respondent 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 Respondent's class schedule, including transferring the student's course sections;
- f. Changing the Respondent's University work schedule or job assignment;
- g. Imposition of a "no contact" to curtail contact and communication between the Respondent and other identified individuals, including a Reporting Party/reported harmed party/Complainant; and/or
- h. Any other measures that may be used to achieve the goals outline in 5.10.1.

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

5.11.3 Interim measures do not replace the regular conduct process, which shall proceed according to the procedures and timeline outlined in this Code, including an informal Conduct Discussion, PCB, or formal Conduct Panel, if required. However, the Respondent should be notified in writing of this action and the reasons for the interim measures. The notice should also include notification of the Respondent's right to participate in the investigative process by the Dean of Students, or their designee.

5.11.4 The Respondent 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.

5.12 Appeals

5.12.1 A Respondent 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 Respondent may appeal a determination of responsibility made by an Enhanced Conduct Hearing. 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 Office 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 Respondent for informal Conduct Discussions or PCB or formal Conduct Panel hearing appeals and 2) to both the Complainant and Respondent and OIE for Enhanced Conduct 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 1.23. No PCB shall review appeals for restitution, as described in 5.8.5; 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 an Enhanced Conduct Hearing 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.

5.12.2 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 Enhanced Conduct Hearing 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 Respondent 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 Respondents in the present case, in light of the allegations and information presented;
- c. Unsupported finding – to determine whether the decision reached regarding the Respondent 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 Respondent 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.

5.12.3 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 Enhanced Conduct Hearing appeals pertaining to 3.2.16, 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 appeal; both parties to a 3.2.16 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.

5.12.4 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 Enhanced Conduct Hearing, 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 rehearing's 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 Respondent 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.

5.12.5 After making an appeal determination, the appellate officer, PCB, formal Conduct Panel, or their designee may meet with the Complainant (in 3.2.16 conduct cases) and/or the Respondent to discuss the decision.

5.12.6 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.

5.12.7 All initial conduct process determinations made and outcomes imposed by a University Conduct Officer, Student Conduct Administrator, PCB, formal Conduct Panel, or Enhanced Conduct Hearing 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 this Code shall be referred to the Vice Chancellor for Student Affairs or to their designee for final determination.
- 6.2** The processes for resolving reports of misconduct in violation of this Code as set forth in Section 5 shall control over any more general processes outlined elsewhere, whether found or published on any university website, in any student handbook, or in the undergraduate or graduate catalog, including any process set forth in any description of the Student Bill of Rights and Responsibilities, the University Judicial System or the University Court.
- 6.3** The Code shall be reviewed annually under the direction of the University's Dean of Students. However, the Code is subject to change at any time without student consent. The version of this Code posted to the Dean of Students website as part of the Student Handbook supersedes all previous versions of the Code.
- 6.4** If any portion or section of this Code conflicts with applicable law, including conflicts that arise due to changes in the law, the University will follow all applicable laws. Such legal conflicts will not impact the validity of the remainder of this Code.
- 6.5** This Code does not create an express or implied contract.



STUDENT
AFFAIRS

Dean of Students

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