Policy Statement. The University of North Texas at Dallas has established standards of conduct designed to foster a safe environment in a learning community committed to the highest pursuit of intellectual inquiry and knowledge. Students and student organizations are expected to conduct themselves in a manner that demonstrates respect for the rights and property of others and upholds the integrity of the UNTD community.

The University of North Texas at Dallas is a learning community comprised of students, faculty and staff committed to the highest pursuit of intellectual inquiry and knowledge. As members of the UNTD community, faculty and staff are expected to be guided in their teaching, research, service and civil engagement by respect for and understanding of diverse viewpoints and the core values of virtue, civility, reasoning and accountability. These attributes will be instilled in all students and will define the UNTD culture and reputation.

1. **Virtue.** UNTD is committed to the principles of truth, ethics and morality, the essence of virtue. The pursuit of truth is the cornerstone of the pursuit of knowledge. In teaching and in research, the facts must be allowed to speak for themselves. Faculty, staff and students must hold the highest ethical standards. They must be honest in their dealings with each other, in their learning and in their teaching, and they must be honest in their interaction with the community. Students, staff and faculty will be guided by the highest principles of morality in their behavior toward each other and toward the community.

2. **Civility.** UNTD is committed to treating everyone with respect, politeness and caring in such a way as to honor the diversity of the community, the student body, the staff and the faculty.

3. **Reasoning.** UNTD is committed to using those critical thinking skills needed to make logical and just decisions in day-to-day activities and to instill them in its students. While recognizing the importance of emotions in the conduct of our daily lives, UNTD will be committed to making decisions that are based on facts, using data to drive decision making.

4. **Accountability.** UNTD will do what we say and honor our commitments in such a way as to be demonstrably transparent. The University will laud its accomplishments and acknowledge its shortcomings, knowing that only through honest understanding of them can the institution become better. The University will be a good steward for the community and for prosperity. The University will also instill in its students a commitment to individual responsibility with an understanding that the acceptance of responsibility is the cornerstone of mature citizenship.
**Application of Policy.** This policy applies to all students.

**Definitions.**

1. **Code of Academic Integrity.** “Code of Academic Integrity” means standards of conduct and procedures established to provide a full and fair opportunity for review of alleged academic dishonesty.

2. **Code of Student Rights, Responsibilities and Conduct ("the Code").** “Code of Student Rights, Responsibilities and Conduct” means the standards of conduct and procedures established to provide a full and fair opportunity for review of alleged student misconduct.

3. **Conduct Conference.** “Conduct Conference” means a forum in which the Director of Student Life and Success meets with a student to review alleged misconduct and provide an opportunity for student response. The conference is an educational forum designed to enable the Director to determine whether there has been a violation of the Code, and if so, what sanctions are appropriate.

4. **Conduct sanction.** “Conduct Sanction” means penalty for engaging in a violation of the Code of Student’s Rights, Responsibilities and Conduct that may be assigned by the Director of Student Life and Success.

5. **Day.** “Day” mean the period between 9:00 a.m. and 6:00 p.m. when UNTD is open for official business.

6. **Director of Student Life and Success (the "Director").** “Director of Student Life and Success” means the University official responsible for administering the student disciplinary process in accordance with the Code, for maintaining disciplinary records, and for assisting students with the resolution of conflict.

7. **Disciplinary Process.** “Disciplinary Process” means the procedures provided in the Code from the initial complaint through final resolution to consider whether a student has engaged in misconduct, and whether disciplinary sanctions should be imposed.

8. **Good Conduct Standing.** “Good Conduct Standing” means the status in which a student is fully eligible to participate in UNTD activities and privileges.

9. **Greater Weight of the Evidence.** “Greater Weight of the Evidence” means the standard of review in the student disciplinary process which evaluates whether misconduct is more likely than not to have occurred.

10. **Notice of Complaint.** “Notice of Complaint” means the initial document delivered to students in the disciplinary process that identifies alleged violations of the Code and requests the scheduling of a disciplinary conference.
11. **Notice of Sanctions.** “Notice of Sanctions” means the document in the disciplinary process that identifies student disciplinary sanctions based on a violation of the Code.

12. **Reconsideration.** “Reconsideration” means an opportunity for a student to request modification of a Director's findings of misconduct and/or sanctions based upon newly discovered information.

13. **Request for Review.** “Request for Review” means the document requesting review of a notice of sanctions by the Student Conduct Committee. The student must deliver the request to the Director of Student Life and Success.

14. **Student.** “Student” means an individual who is taking courses at UNTD, either credit or non-credit, full or part-time, and pursuing undergraduate, graduate or professional studies, including students who withdraw from UNTD during the disciplinary process; those who are not currently enrolled in courses but who have a continuing academic relationship with UNTD, and those who have applied for admission or readmission to UNTD.

15. **Student Conduct Committee.** “Student Conduct Committee” means a group convened at the request of a student for the purpose of reviewing findings of misconduct and/or disciplinary sanctions assigned by the Director of Student Life and Success.

16. **Student Organization.** “Student Organization” means a group of students who share a common interest and who are registered as a student group with UNTD.

17. **University.** “University” (or "UNTD") means the University of North Texas at Dallas.

18. **University Community.** “University Community” means the collective group of students, faculty, staff, UNTD officials and any other persons employed by UNTD.

19. **University Premises.** “University Premises” mean all buildings, facilities, land and other property that is owned used or controlled by UNTD.

20. **University privilege.** “University Privilege” means a special benefit that is granted or enjoyed by students, including but not limited to, participating in social events or UNTD sponsored activities, election to student leadership positions and registration as a UNTD sponsored organization.

21. **University Sponsored Activity.** “University Sponsored Activity” means an activity that is conducted under the authority of, or with the support of, UNTD.
**Procedures and Responsibilities.**

**SCOPE OF THE CODE OF STUDENT’S RIGHTS, RESPONSIBILITIES AND CONDUCT.**

The Code of Student's Rights, Responsibilities and Conduct ("Code") is a university policy adopted by the president of UNTD with authority delegated by the Board of Regents of the University of North Texas System. The university reserves the right to amend the Code at any time according to established UNTD procedures. The Code is implemented and enforced under the direction of the Associate Provost for Student Life and Success. The university will develop procedures and guidelines to further assist in the administration of the disciplinary process that are entirely consistent with this Code.

The Code applies to individual students and to UNTD student organizations.

The Code applies to conduct that occurs on UNTD premises, at UNTD activities and also to conduct that may occur off campus that could adversely affect the interest of UNTD and/or the pursuit of UNTD objectives. The Director of Student Life and Success will decide whether the Code will apply to student off-campus conduct on a case-by-case basis.

Students are responsible for their conduct from the time of application for admission through the award of a degree, or such other time as there is a formal termination of the student relationship with UNTD. Students are responsible for conduct occurring before classes begin and after classes end, as well as during the academic year and during periods between terms of enrollment. The Code continues to apply to student off-campus conduct even if a student withdraws from UNTD during the disciplinary process. In addition, applicants and students who wish to enroll are also responsible for their conduct prior to admission or re-enrollment.

Students and student organizations are subject to the requirements of the following policies and may be subject to sanctions for violating such policies in accordance with section IX (I) of the Code:

1. Policies and regulations governing the use of university communication and computing resources.

2. Policies and regulations governing smoking on campus.


4. Policies and regulations governing canvassing and solicitation.

5. Policies and regulations governing harassment, including sexual harassment.


7. Policies and regulations governing the use of university access devices.

CONCURRENT VIOLATIONS OF LAW AND THE CODE.

Students may be accountable to criminal or civil authorities for conduct which may also violate the Code. The university disciplinary process will normally proceed during the pendency of any related criminal or civil proceedings. Students who are concurrently engaged in a related criminal matter will not be compelled to speak at a conduct conference or during a Student Conduct Committee review. A student's silence will not be interpreted as an admission or used as evidence against them. The Director of Student Life and Success and/or the Student Conduct Committee will proceed based on all other available evidence in the absence of extraordinary circumstances. A decision rendered by the Director of Student Life and Success and/or the Student Conduct Committee will not be subject to reconsideration even if related criminal charges are dismissed or otherwise resolved.

ADMISSIONS AND ENROLLMENT.

1. Applicants to UNTD and former students seeking re-enrollment may be referred to the Director of Student Life and Success to consider alleged misconduct that could violate the Code and therefore impact admission or re-enrollment, including falsification of admission documents. In such cases, the Director of Student Life and Success will review the student's alleged misconduct to consider the individual's potential to benefit from university attendance as well as the welfare and safety of the UNTD community.

2. The Director of Student Life and Success may decide not to clear an applicant for admission or re-enrollment, or the Director may impose an appropriate sanction upon an applicant or former student when evidence indicates that the applicant or former student has:

   a. Engaged in acts that were disruptive to the normal operations of an educational institution.
   
   b. Falsified the enrollment application or other admission forms.
   
   c. Engaged in conduct prohibited by the Code.
   
   d. Been formally charged with the commission of a criminal act.
   
   e. Been convicted of a criminal act and still subject to criminal penalty, including but not limited to imprisonment, parole and/or probation.

3. A student may request a meeting with the Director of Student Life and Success to discuss a decision regarding admission or conditional admission.
4. The decision of the Director of Student Life and Success is final.

**RECORDS.**

Documents that are created and maintained as part of the disciplinary process and the academic dishonesty process are subject to the protections of the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g. Disciplinary records, including conduct and academic disciplinary records are maintained by the office of the Director of Student Life and Success in accordance with the university records retention policy.

**RESPONSIBILITIES OF STUDENT ORGANIZATIONS.**

Student organizations are expected to conduct themselves in a manner consistent with UNTD's function as an educational institution. Student organizations must observe all federal, state and local laws and UNTD policies, including the Code, both on and off campus. A student organization will be responsible for the actions and conduct of its members, when one or more of its members, acting in the capacity of their membership, commit a violation of the Code. Student organizations found in violation of the Code will be subject to disciplinary procedures and sanctions in the same manner as individual students, except that student organizations cannot be expelled permanently from UNTD.

Any notice of complaint regarding alleged student organization misconduct will be delivered to the student organization's local address on file with UNTD. A notice of complaint will be sent to the president or other group leader of the student organization with a copy to the on-campus advisor and/or other advisors as appropriate. Student organizations are responsible for responding to all notices of complaint and failure to respond may result in a decision in the absence of any representative of the student organization.

Student organizations, as well as their members, maybe held collectively and/or individually responsible for violations of the Code.

For purposes of the Code, references to "student" are inclusive of "student organizations."

**CATEGORIES OF MISCONDUCT.**

The Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. Students and/or student organizations may be disciplined for the following types of misconduct.
1. **Acts Affecting Health, Safety or Welfare;** including but not limited to:

   a. Engaging in physical and/or verbal abuse, domestic violence, threats, intimidation, harassment, coercion, physical or electronic stalking or any other conduct which threatens or endangers the health, safety or welfare of any person. Speech protected by the First Amendment of the U.S. Constitution is not a violation of this provision, though fighting words and statements which reasonably threaten or endanger the health and safety of any person is not protected speech.

   b. Engaging in actions that endanger a student's own health and/or safety.

   c. Hazing, (as defined in the Texas Education Code), including engaging in, soliciting, encouraging, directing, aiding or intentionally, knowingly or recklessly permitting behavior such as physical brutality, risk of harm to mental or physical health or safety, intimidation, threat of ostracism, mental stress, humiliation, or other behavior adverse to health or human dignity in association with pledging, initiation, affiliation with, holding office in, or maintaining membership in a student group; or having firsthand knowledge of the planning of hazing, or of its occurrence and failing to report it to UNTD authorities.

   d. Arson or unauthorized possession or use of ammunition, firearms, explosives, hazardous substances or other materials that are flammable or hazardous or that could cause damage by fire or explosion to persons or property.

   e. Illegal use, possession, sale, manufacture, distribution or effective control of chemical precursors, controlled substances, controlled substance analogues or dangerous or illegal drugs; misuse or possession of a legal drug or other substance which could cause harm to the user; possession of drug paraphernalia; or encouraging or facilitating any of the above.

   f. Use, possession or distribution of alcoholic beverages, except as expressly permitted by law and UNTD policy or regulation and public intoxication.

   g. Illegal gambling or gaming as defined in state and Federal law.

   h. Tampering with, or misuse of, security or safety equipment.

   i. Reporting false emergency or threat.

   j. Sexual abuse or sexual assault including rape, acquaintance rape, or other sex offenses whether forcible or non-forcible.
2. **Acts Affecting the University Community**, including but not limited to:

   a. Interfering with or disrupting any UNTD or UNTD-sponsored activity including, teaching, learning and/or research.

   b. Interfering with any UNTD emergency or public safety function, such as fire, police or emergency services.

   c. Engaging in disorderly or obscene conduct including recording another's image in violation of their reasonable expectation of privacy, and without effective consent.

   d. Breaching the peace; or aiding, abetting or inciting another to breach the peace.

   e. Failing to comply with a reasonable directive of a UNTD official, including campus police, the Director of Student Life and Success, and any other UNTD instructor, administrator or employee acting in the performance of their official duties.

   f. Engaging in disruptive activity, including but not limited to such acts as defined in the Texas Education Code.

3. **Acts of Dishonesty**; including but not limited to:

   a. Intentionally furnishing false or misleading information to UNTD or a UNTD official.

   b. Forging, altering or misusing any UNTD document or instrument of identification.

   c. Intentionally interfering with a UNTD election process.

   d. Attempting to represent UNTD, a student organization or any recognized UNTD body without explicit prior consent.

   e. Acts in violation of the UNTD Code of Academic Integrity including but not limited to serious and flagrant acts of academic dishonesty and repeated acts of academic dishonesty.

4. **Acts Affecting Property or Services**; including but not limited to:

   a. Theft or attempted theft of property or services, and knowing possession of stolen property.
b. Intentional or reckless destruction or damage, or vandalism to UNTD property, or the property of others.

c. Unauthorized possession, duplication or use of access devices to UNTD premises, such as keys or entry cards.

d. Unauthorized entry onto or use of UNTD premises.

5. **Acts Affecting Intellectual Property**, including but not limited to:

   a. The use or distribution of the original work of another (whether copyrighted or not) without the express consent of the owner, including but not limited to the unauthorized downloading of copyrighted music and the distribution for commercial purposes, or creation of derivative works from written materials created by faculty or staff, without express permission of the originator.

   b. The use or distribution of a trademark, including the UNTD name, trademark or logos, without express written consent.

6. **Acts Affecting Computing Resources or Technology**; including but not limited to:

   a. Unauthorized access, use, or misuse of UNTD computing resources, systems or data.

   b. Disrupting UNTD computer operations, or the availability of computing resources.

   c. Unauthorized sharing of copyrighted materials through electronic means.

   d. Using another individual's identification, password, or other credential to access UNTD computing resources.

   e. Initiating or contributing to attacks against external networks or UNTD systems.

7. **Interference with the student discipline process**; including but not limited to:

   a. Falsifying or misrepresenting information at any stage of the disciplinary process, or knowingly initiating a false complaint to the Director of Student Life and Success.

   b. Disrupting or interfering with the orderly conduct of the disciplinary process.

   c. Attempting to discourage an individual's participation in, or use of the disciplinary process.
d. Attempting to influence the impartiality of a participant in the disciplinary process.

e. Harassing or intimidating a participant in the disciplinary process.

f. Failing to comply with a request to attend a conference with the Director of Student Life and Success.

g. Failing to comply with sanctions imposed under the Code or sanctions otherwise imposed by UNTD.

h. Influencing or attempting to influence another person to commit an abuse of the disciplinary process.

8. **Facilitating Acts of Misconduct**; including but not limited to:

   a. Planning or facilitating an act of misconduct.

   b. Being present during the commission of an act of misconduct and supporting or encouraging the act.

9. **Violations of Federal, State or Local laws (whether convicted or not) or other UNTD Policies.**

**SANCTIONS FOR MISCONDUCT.**

Any student engaging in conduct in violation of the Code may be subject to one of more of the following conduct sanctions. Repeated misconduct may result in assignment of more serious conduct sanctions, including but not limited to suspension or expulsion.

1. **Warning** -

   a. A verbal or written notice to a student that they have violated the Code and must not engage in violations in the future.

   b. No impact on good conduct standing.

   c. Not subject to review by the Student Conduct Committee.

2. **Education Sanctions** -

   a. An assignment designed to educate a student and to prevent reoccurrence. May include referral for substance abuse counseling, education workshops, assignment of reflection papers, restitution or replacement of lost, damaged or stolen property, assignment to community service or regular meetings with the Director of Student Life or a designee.
b. No impact on good conduct standing.

c. Not subject to review by the Student Conduct Committee.

3. **Loss of Privileges**

   a. A temporary or permanent loss of university privileges, including but not limited to loss of the privilege to attend UNTD sponsored events, to use certain UNTD facilities, to serve as an official UNTD representative, or to hold a leadership position in a student organization.

   b. No impact on good conduct standing.

   c. Not subject to review by the Student Conduct Committee unless loss of privileges is related to another reviewable sanction.

4. **Probation**

   a. A written reprimand that remains in effect for a specified period of time and conditions a student's continuing status on the absence of any further violations of the Code.

   b. Good conduct standing is removed during the specified period of probation.

   c. Not subject to review by the Student Conduct Committee.

5. **Suspension**

   a. Separation of the student from UNTD for a specified period of time. Students cannot enter the UNTD premises and may not participate in any UNTD-sponsored activities, except where approval is granted in advance by the Director. A suspended student will be removed from enrollment and blocked from future registration until reviewed and approved by the Director.

   b. Good conduct standing is removed.

   c. May be reviewed by the Student Conduct Committee.

6. **Suspension of Student Organizations**

   a. Removal of privileges and recognitions accorded to student organizations for a specific period of time.

   b. Student organizations will not be permitted to participate as a recognized student organization at UNTD functions or activities, or to sponsor any activities representing UNTD.
c. Student organizations may request reinstatement by the Director of Student Life and Success after the expiration of the specified period of suspension.

d. May be reviewed by the Student Conduct Committee.

7. **Expulsion** -

a. Permanent separation of the student from UNTD. Students will be removed from enrollment, prohibited from entering UNTD premises and may not participate in any UNTD-sponsored activities.

b. Good conduct standing is removed.

c. May be reviewed by the Student Conduct Committee.

8. **University Withdrawal** - A student may be administratively withdrawn from a class, a course, or all courses or prohibited from entering UNTD premises and barred from re-enrollment until specific conditions are met. Reasons for UNTD withdrawal include but are not limited to:

   a. To prevent disruption of the educational process.

   b. Failure to respond to an official request to communicate with a UNTD official.

   c. Suspension or expulsion from UNTD.

9. **Immediate Suspension** - Immediate removal from all or part of UNTD premises while the disciplinary process is pending when an alleged violation reasonably indicates that the student's continued presence poses a substantial or immediate danger to the health, safety or welfare of any member of the UNTD community or to UNTD premises.

**DISCIPLINARY PROCEDURES.**

1. **Process before the Director of Student Life and Success ("the Director")**

   a. **Investigation of Complaints** - The Director will assess all suspected and reported violations of the Code whether referred by students, faculty, staff, law enforcement, or any other credible source of information, without regard to any related criminal arrest, prosecution or pending criminal or civil litigation. Complaints regarding alleged misconduct should be submitted to the Director as soon as possible after the alleged misconduct occurs. The Director will assess the credibility of all reports prior to proceeding.
b. **Notice of Complaint** - If the Director finds it likely that a student has violated the Code, the Director will deliver a notice of complaint to the student that includes:

i. A summary of the alleged misconduct.

ii. The specific sections of the Code that may have been violated and any potential sanctions.

iii. Explanation of the opportunity to request review at a disciplinary conference.

iv. A date by which a student must notify the Director to schedule a disciplinary conference to respond to the alleged violations of the Code. Dates may be extended at the discretion of the Director in the interest of fairness.

v. The Director will either deliver the notice of complaint to the student's official university e-mail address or hand-deliver directly to the student.

c. **Conduct conference with the Director** - The Director will hold a conduct conference to provide the student the opportunity to:

i. Review the alleged misconduct;

ii. Respond directly to the alleged violation by speaking on their own behalf and/or presenting any other relevant information including witness statements or other documents; and

iii. Offer a response.

A student may be accompanied by an advisor, but the student must represent themselves at the conference. If a student will be accompanied by an attorney, the student must notify the Director no later than two (2) days prior to the disciplinary conference so that the Director can have a representative from the Office of General Counsel present at the conference.

If student fails to attend a scheduled conduct conference, the Director may review any available information and issue sanctions in the student's absence.

d. **Notice of disciplinary sanctions** - If the Director determines that the greater weight of the evidence indicates that a student engaged in misconduct in violation of the Code, the Director will deliver a notice of disciplinary sanctions to the student informing the student of the finding and the assigned sanction. The Director will also include a summary of the appeal
process, if available. If the Director finds no violation of the Code, the Director will notify the student and no further action will be taken.

e. **Requests for Reconsideration** - If new information regarding misconduct or the reasonableness of an assigned sanction is made available within three (3) days after the Director issues a notice of disciplinary sanction, a student may seek reconsideration by the Director by submitting a written request to the Director including a summary of any new information. The Director may extend the timeframe in the interest of fairness.

The Director will provide a written decision within 10 days.

If a sanction may be appealed, the timeframe for requesting such an appeal will not begin until after the Director has issued a decision on the request for reconsideration.

2. **Student Conduct Committee (the "Committee")** -

a. **Request for review** - A student who has been either suspended or expelled from UNTD may request a review of the Director's findings or sanction by the Student Conduct Committee by submitting a request for review to the Director within three (3) days after the notice of disciplinary sanctions. The Director will deliver the request for review to the Associate Provost for Student Success within two (2) days so that a Committee can be appointed and a chairperson designated.

b. **Appointment of a Student Conduct Committee** - Upon receiving a request for review, the Associate Provost for Student Success will appoint a committee and designate a chairperson from among the committee members to consider the requested appeal. The committee will include one (1) faculty member, one (1) student, and one (1) staff member. The chairperson will direct the procedures of the committee and will participate fully in all reviews. A student may object to the presence of any committee member prior to the start of the review on the basis of the committee member’s capacity to make a fair and objective decision. Requests to remove a committee member will be decided by the chairperson. If an objection is raised regarding the presence of the chairperson, the objection will be reviewed by the Associate Provost for Student Success.

c. **Scheduling notice** - Upon receiving a request for review, the chairperson of the committee will schedule a date for the requested review and notify the student. The date for the review will be not less than 10 days after the student submits the request. Timeframes may be adjusted at the discretion of the committee chairperson in the interest of fairness. The scheduling
notice will include guidelines for the review process as prepared by the Director and a copy of the original notice of complaint.

d. Procedures for review before the committee

i. **Advance summary of positions** - No fewer than five (5) days prior to the scheduled committee review, both the student requesting the review and the Director must submit the following information to the committee chairperson:

a) A written summary of their position.

b) A list of individuals who will speak on their behalf as witnesses.

c) A list of all documents that will be presented to the committee.

d) The chairperson will exchange the information between the student and the Director no fewer than three (3) days prior to the scheduled review. Information will not be provided to committee members in advance of the review.

ii. **Authority of the chairperson** - The chairperson will preside over the committee review and make all decisions regarding review procedures. The chairperson may adjust review procedures and timeframes in the interest of fairness.

e. Committee review process -

i. Reviews are informal proceedings and traditional rules of courtroom evidence do not apply.

ii. A student will have forty-five (45) minutes to present their issues to the Committee, including personal statements and any witness presentations. Documents and written witness statements may be submitted to the committee to supplement a student’s oral presentation. The student, the Director and committee member may ask questions of any individual making a presentation during the review.

iii. Reviews are not open to the public unless a student makes a specific request for an open review at the time of the initial request for review. Individual witnesses may specifically request that their presentation be provided in a closed setting. The chairperson will make all decisions regarding closed hearings.
iv. Students requesting a review are expected to attend in person. Except in emergency circumstances, if a student fails to attend the review, the review may be dismissed and the decision of the Director will be final. The Director is also expected to attend in person.

v. Only the student requesting the review may present to the committee. Students may be assisted by one advisor of their choosing, but only the student may speak to the committee or ask questions. Attorneys will not be permitted to present evidence or argument before the committee. Should the student be accompanied by an attorney, the university will also have a representative of the Office of General Counsel present.

vi. The Director must show, by the greater weight of the evidence that the student engaged in conduct in violation of the Code. In light of this burden, the Director will present to the committee first and last.

vii. Reviews will be recorded and recordings will be the property of UNTD. Copies of recordings may be provided at the requestor’s expense. Recordings will be maintained according to the UNTD Records Retention Policy.

f. Committee findings and conclusions - At the conclusion of the review, the chairperson will provide the student with a summary of the committee’s findings and conclusions and proposed sanctions. A copy of the summary will be provided to the Director. The Director will take action as appropriate based on the findings of the committee.

3. Appeals to the Associate Provost for Student Success

a. Request for appeal - If a student's suspension or expulsion is upheld by the committee, the student may appeal the committee's decision to the Associate Provost for Student Success ("APSS") by filing a written request for appeal in the office of the APSS no later than 10 days following the committee decision.

b. Grounds for appeal - In providing the notice of appeal, the student must identify the specific grounds for the appeal which are limited to:

i. Due process errors that substantially affected the outcome of the review.

ii. Demonstrated prejudice as evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.

iii. A sanction that is extraordinarily disproportionate to the alleged offense.
c. **Record for consideration on appeal** - In reviewing the appeal, the APSS will review only the following:

i. The student's written notice of appeal.

ii. The record reviewed by the committee.

iii. The written findings and decision of the committee.

d. **Decision on appeal** - The APSS will issue a written decision on a notice of appeal no later than ten (10) days after the notice of appeal was filed in the office of the APSS. The APSS may affirm, deny or modify the decision of the committee. The APSS will not increase the severity of any previously issued sanction. The decision of the APSS is final.

4. **Effective date of sanctions** - Unless a student has been immediately suspended, sanctions imposed by the Director and/or the committee will not take effect until the disciplinary process is complete.

5. **Special procedures in cases of sexual assault**

a. During an investigation and throughout the disciplinary process both the student subject to the disciplinary process based on allegations of sexual assault and the victim will be provided the same opportunity to have others present during disciplinary proceedings.

b. The APSS will inform the victim about the outcome of any disciplinary proceeding based on an allegation of sexual assault.

6. **Immediate suspension** - A student may be immediately suspended from all or part of the UNTD premises, when alleged misconduct reasonably indicates that the presence of the student on UNTD premises posses substantial or immediate danger to the health, safety or welfare of any member of the UNTD community, or UNTD property.

a. **Conference regarding immediate suspension** - A student who is immediately suspended must contact with Director of Student Life and Success within two (2) days of receiving a notice of immediate suspension to schedule a conduct conference to discuss: (1) the reliability of evidence supporting the alleged misconduct; and, (2) whether the continued presence of the student on UNTD premises reasonably indicates a substantial or immediate danger to the health, safety or welfare of any member of the UNTD community or UNTD property. Failure to make a timely request for a conduct conference or to appear at a requested conduct conference will cause the immediate suspension to remain in effect until the disciplinary process is complete.
b. **Findings and conclusions regarding immediate suspension** - If the Director determines that immediate suspension is appropriate under the circumstances, the Director will issue findings and conclusions and the student will be immediately suspended from the UNTD premises, including all events and activities. Immediately suspended student organizations will be immediately precluded from engaging in any recruitment, philanthropy or community service. The immediate suspension remains in effect until the disciplinary process is complete or until otherwise altered by the Director. If the Director determines that immediate suspension is no longer appropriate, the Director may permit the student to return to UNTD premises while the disciplinary process continues. An immediate suspension cannot be reviewed by the committee.

**Interpretation and Revision**

1. **Interpretation** - Questions of interpretation or application of the Code will be referred to the Associate Provost for Student Success, or a designee, for final determination following consultation with the Office of General Counsel.

2. **Revision** - The Code will be reviewed every three (3) years under the direction of the Associate Provost for Student Success.

Approved: 8/26/2010
Effective: 8/26/2010
Revised: