

SUL ROSS STATE UNIVERSITY

A Member of the Texas State University System

Student Disciplinary Hearing Committees and Guidelines

APM 4.10 (Revised 5/2012)

The Alpine Disciplinary Hearing Committee and the RGC Associate Provost/Dean's Advisory Committee as outlined in APM 1.07 are the chief mechanisms for disciplinary actions toward students. Each committee is responsible to hear those cases in which the accused student disputes the facts upon which the charges made by the University are based. Such charges shall be heard and determined by a fair and impartial committee.

A. Procedures

Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least five (5) class days' written notice by the Dean of Student Life or a designated appointee of the date, time, and place for such a hearing and the names of the committee. Hearings will be held under the procedures set forth below and will be held as soon as practicable within twelve (12) class days after the administrative investigation has been held unless otherwise agreed to by the student. Students shall have completed an administrative investigation or met with the Dean of Student Life or designated appointee prior to beginning the disciplinary hearing process.

Upon a hearing of the charges, the University representative has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with the procedures adopted by the University that assure both parties (University representative and accused student) the following minimal rights.

1. Both parties will exchange lists of witnesses, expected testimony, and copies of documents to be introduced at a reasonable time prior to the hearing.
2. Each party shall have the right to appear and present evidence in person and to be assisted during the hearing by a designated representative or counsel of choice. Each party shall limit its presentation to relevant evidence. The accused student must attend the hearing if the student desires to present evidence in his/her behalf. If the student fails to appear, the hearing shall proceed.
3. Both the University representative and the accused student shall have the right to question witnesses. The accused student may question witnesses

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with the advice of his/her designated representative or counsel. All questions shall be limited to relevant evidence.

4. To the extent that the University representative uses legal counsel for other than advisory purposes during the hearing procedure, the student shall be afforded the same opportunity. The University shall give the student notification of the intent to use legal counsel for other than advisory purposes at the time the student is notified of the hearing.
5. The hearing will be recorded. If either party desires to appeal the finding, a copy of the recording will be produced at the expense of the party appealing the finding, and both parties will be furnished a copy.

B. Student's Right to Challenge Impartiality

The accused student may challenge the impartiality of a member of the committee at any time prior to the introduction of any evidence. The member of the committee shall be the sole judge of whether he/she can serve with fairness and objectivity. In the event the challenged member of the committee chooses not to serve, a substitute will be chosen by the Provost and Vice President for Academic and Student Affairs.

C. Determination of Hearing

The committee shall render a decision to both parties as soon as practicable as to the guilt or innocence of the accused student and shall, if necessary, assess a penalty or penalties in accordance with the following prescribed penalties, but not necessarily limited to:

1. Verbal or written warning.
2. Requirement that the student completes a special project which may be, but is not limited to, writing an essay, attending a special class or lecture, or attending counseling sessions. The special project may be imposed only for a definite term.
3. Cancellation of residence hall or apartment contract.
4. Disciplinary probation imposed for a definite period of time which stipulates that future violations may result in disciplinary suspension.

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During the period of probation, students may not hold elected student offices nor participate in varsity athletic programs.

5. Ineligibility for election to student office for a specified period of time.
6. Removal from student or organization office for a specified period of time.
7. Prohibition from representing the University in any special honorary role.
8. Withholding of official transcript or degree.
9. Bar against readmission.
10. Restitution, whether monetary or by specific duties or reimbursement, for damage to or misappropriation of University, student, or employee property.
11. Denial or non-recognition of a degree.
12. Suspension of rights and privileges, including access to electronic network facilities, and participation in athletic, extracurricular, or other student activities.
13. Withdrawing from a course with a grade of "W."
14. Failing or reduction of a grade in test or course, and/or retaking of test or course, and/or performing additional academic work not required of other students in the course.
15. Suspension from the University for a specified period of time. During suspension a student shall not attend classes or participate in any University campus activities.
16. Deferred suspension for a specific period of time. During the period of deferred suspension, if a student is found guilty of any violation of the University's rules, regulations or policies, he/she will be suspended from the University and may not appeal the suspension.
17. Loss of or ineligibility for student grant or loan.
18. Community service as directed by the disciplinary officer to be completed

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either on campus or in the community at large.

19. Dismissal from the University. A student who is dismissed is separated from the University for an indefinite period of time.
20. Expulsion from the University. A student who is expelled from the University is not eligible for readmission to the University.
21. A student who has been found guilty under the ***Rules and Regulations, Texas State University System***, of the illegal possession, use, sale, or distribution of any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be suspended for a period of not less than the remainder of the semester in which the infraction occurred plus the following long semester. In the event the semester in which the infraction occurred has ended by the time a student is found guilty, the student shall be suspended for a period of not less than the following two long semesters. With the approval of the President or the President's designee, suspension may be probated and sanctions may then include required counseling and/or rehabilitation along with other appropriate penalties. The President shall submit a written report quarterly to the chairman of the Board of Regents' local committee which details all cases in which suspension has been probated. A second finding of guilt for a drug-related offense shall result in permanent expulsion from the University and from all other institutions in the Texas State University System.

Recording sanctions (9), (11), (13), (14), (15), (16), and (19), (20), (21) may be made on a student's permanent transcript. The University may maintain confidential records of all other sanctions and may consider any prior sanction received by a student assessing a subsequent sanction. The University shall dispose of those records not transcribed on a student's permanent transcript within a reasonable time not to exceed five (5) years after the student ceases to be enrolled.

D. Appeal

Neither party may appeal if the hearing committee determines that the allegations against the accused student are true, but the only punishment assessed is verbal or written warning. In those cases, the determination of the Dean of Student Life, a designated appointee or the committee is final. However, in all other cases, either

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party may appeal. If the hearing officer has been an appointee designated by the Dean of Student Life, the appeal will be made to the Dean of Student Life. If the Dean of Student Life has been the hearing officer or if the determination has been made by the Disciplinary Hearing Committee, the appeal will be made to the Vice President for Enrollment Management. Written notice of appeal must be sent to the Dean of Student Life or, as appropriate, to the Provost and Vice President for Academic Affairs and Student Affairs within five class days after the decision of the designated hearing officer, the Dean of Student Life or the committee. Both parties may, at the discretion of the Vice President or Dean, submit oral or written arguments to support their positions. In order for the appeal to be considered, the appealing party must submit all necessary documentation, including written arguments when appropriate, to the Vice President or Dean, within five class days after giving notice of appeal.

E. Review of the President, Provost and Vice President for Academic and Student Affairs, and Dean of Student Life

In all cases, the President, Vice President, or Dean may review cases *sua sponte*. The President, Vice President, or Dean will review the decision by examining file documents and, in the case of an appeal of a decision made by the committee, the recording made during the hearing. The President, the Vice President, or Dean may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. The Vice President shall conduct the final review if the appeal has been heard by the Dean. If the appeal has been heard by the Vice President, the President shall conduct the final review.

F. Board of Regents' Right to Review

The Board of Regents shall have the right to review, *sua sponte* reconsideration of the decision, when it feels that it is in the best interest of the System, University, or student to do so.

G. Interim Disciplinary Action

The Dean of Student Life, the Provost and Vice President for Academic Affairs and Student Affairs, or the President of the University may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule and regulation of the System or of the University at which the accused is a student, when the continuing presence of the student poses

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a danger to persons or property or an ongoing threat of disrupting the academic process.