the Conduct Officer at the preliminary meeting or in advance and in writing to the Dean of Student Affairs. All witnesses shall be notified of the date, time, and place of the hearing; and

3. Question all witnesses who give evidence at the hearing directly or through written questions presented through the Chair.

In cases involving any type of violence or harassment, the complainant may request, in advance of the hearing, to have alternative arrangements made to physically participate in the hearing. The Chair or Conduct Officer shall have the final decision on what evidence may be presented and the tone of questioning. The Chair/Conduct Officer may decide to stop questions at any time.

7.5.2.13.4 Amnesty

a. For Victims

The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

b. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Student Affairs, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

c. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Student Affairs not to extend amnesty to the same person repeatedly.

7.5.2.14 Hearing Decisions – Conduct Officer and University Conduct Council

The Conduct Officer or University Conduct Council shall deliberate and decide whether the accused student/organization has violated the Code. These hearing bodies determine whether a violation occurred based on whether there is a preponderance of the evidence. The hearing body may decide that the student/organization is in violation of a less serious offense than that originally charged. A determination that a student has violated the Code requires a simple majority vote.

If the finding of a violation is determined, the hearing body shall be provided with the record of any previous disciplinary proceedings in which the student/organization was found in violation. On the basis of the hearing and the student's/organization's previous record, a decision will be made regarding sanctions by a simple majority vote. In case of a tie, the Chair shall cast the deciding vote.

Whether the Conduct Officer or University Conduct Council acts as the hearing official, a written decision will be issued in a reasonable time after the date of the hearing. This decision shall include:

1. A statement of charges;

- 2. A summary of facts in the case;
- 3. The decision;
- 4. A brief statement of the hearing body's reasoning and if a violation is found; and
- 5. Sanction(s). This decision is confidential and should only be provided to the Dean of Student Affairs.

All decisions of the University Conduct Council or Conduct Officer shall be reviewed for completeness by the Dean of Student Affairs. If the Dean of Student Affairs was the investigating Conduct Officer for a case, the Council's decision will be reviewed for completeness by the Provost and Vice President for Academic Affairs. In addition, in cases involving prohibited Title IX conduct, the Title IX Coordinator will also review for compliance of Title IX rules and regulations. The respective Dean of the College or School in which the student was enrolled will be advised of any decision resulting in a sanction of suspension or expulsion.

The accused shall receive written notice of the outcome of the hearing as described above and will also receive information on the option of an appeal. (For additional information, please refer to paragraph 7.5.2.9 regarding appeals.) To the extent permitted by law, the complainant shall also receive written notice of the outcome of the hearing.

7.5.2.15 Sanctions – Conduct Officer and University Judicial Council

Sanctions that may be imposed for a violation of the Code or any other University policy, procedure, or regulation are described below. Each violation is handled on a case by case basis and the action taken depends entirely upon the severity of the violation, the extent of the student's involvement, his/her disciplinary record, attitude and any other factors relevant to the specific situation. More than one disciplinary measure may be imposed for a single infraction. At its discretion, the University may choose to impose different sanctions; however, the University is committed to imposing consistent sanctions for comparable violations.

The following sanctions, singularly or in combination, may be imposed upon any student or organization found to have violated the Code:

- 1. Warning: A notice in writing to the student that the student has violated institutional regulations and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.;
- 2. Probation: A written reprimand for violation of specified regulations. Probation may be either University probation and/or residence hall probation. For student organizations, probation may include social probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulation(s) during the probationary period.
 - University probation signifies if there are additional violations, a student may place his/her status at the University in jeopardy. Residence hall probation signifies if there are additional violations, a student may place his/her housing status in jeopardy. Such decisions may have a severe financial impact;
- 3. Loss of Privileges: Denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the University in any way, use of campus facilities, denial of University recognition, or denial of parking privileges;
- 4. Restitution: Compensation for loss, damage, or injury. This may take the form of service, monetary compensation, or material replacement;

- 5. Educational Sanctions: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 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 the Dean of Student Affairs and/or Campus Safety
 Director.
- 7. Behavioral Requirement: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- 8. Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student or organization may be eligible to return. Conditions for readmission may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of the Dean of Student Affairs. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Dean of Student Affairs (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension. This Code provides that temporary, permanent, or immediate suspension may be imposed by the Dean of Student Affairs at a time when there is reason to believe, based on available facts, that the student represents a threat to the safety, health, or welfare of him/herself, other persons or property;
- 9. University Housing Expulsion: The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 10. Eligibility Restriction: The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Student Affairs and terms of this conduct sanction may include, but are not limited to, the following:
 - a. Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
 - b. Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 11. Suspension: Separation of the student or organization from the University for a definite period of time, after which the student may be eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Affairs. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Dean of Student Affairs. This sanction may be enforced with a trespass action as necessary;
- 12. Expulsion: Permanent separation of the student or organization from the University, This action may be enforced with a trespass action as necessary; and
- 13. Other: Other sanctions as deemed appropriate by a hearing body or Judicial Officer.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct* prohibited conduct:

- a. Specifically 7.5.2.8.2 through 7.5.2.8.6, 7.5.2.8.11 through 7.5.2.8.12 and/or 7.5.2.2.37;
- b. Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

Conduct sanctions

- Residence Hall Suspension;
- b. Residence Hall Expulsion;
- c. Suspension; and
- d. Expulsion shall be entered permanently on a student's record;
- e. University Probation shall be entered on a student's record for the term of the probation.

7.5.2.15.1 Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA) except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or nonforcible sex offense, the University will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or nonforcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- a. Arson
- b. Assault offenses (includes stalking)
- c. Burglary
- d. Criminal Homicide—manslaughter by negligence
- e. Criminal Homicide—murder and nonnegligent manslaughter
- f. Destruction/damage/vandalism of property
- g. Kidnapping/abduction
- h. Robbery
- i. Forcible sex offences
- i. Non-forcible sex offences

7.5.2.15.2 Failure to Complete Conduct Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Student Affairs or Conduct Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University and may be noted on, or with, the student's official transcript at the end of the semester. In such situations, resident students will be required to vacate University housing

within 24 hours of notification by the Dean of Student Affairs though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Affairs. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Student Affairs.

7.5.2.16 Appeal Procedures

The accused student, group, or student organization may appeal decisions rendered by a Conduct Officer, Dean of Student Affairs, or the University Conduct Council to the University Appeal Board.

To initiate an appeal, the accused student or student organization must submit a signed, written notice of appeal to the Dean of Student Affairs within seven (7) days of receipt of the hearing decision. The Office of the Dean of Student Affairs will convene the Board for the appeal meeting. Failure to meet the seven day deadline may result in loss of the option of an appeal.

The Appeal Board will review the notice of appeal to determine whether one of the following grounds for an appeal exists:

- 1. There is new evidence that was unavailable during the original hearing or investigation that could have affected the outcome; or
- 2. the sanctions imposed are substantially outside the parameters or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student
- 3. The investigation or decision exhibited prejudice or other unfair treatment; or
- 4. The stated procedures were not followed.

7.5.2.16.1 Other Guidelines for Appeal

- At the discretion of the Dean of Student Affairs, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Dean of Student Affairs that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.
- All parties will be informed within 5 business days of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

The Dean of Student Affairs will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or request an appeal on different grounds).

After reviewing the documents pertaining to the case, the University Appeal Board will issue a written review of the hearing decision within 7 business days from receipt of the request for review, when possible. The University Appeal Board shall recommend one of the following courses of action:

- 1. Affirm the hearing decision; or
- 2. Affirm the findings of the hearing decision, but recommend a different sanction; or
- 3. Remand the case to the Dean of Student Affairs to assign a hearing body to conduct a new hearing.

The recommendation of the University Appeal Board shall be referred to the Provost and Vice President for Academic Affairs and Title IX Coordinator, when appropriate. After considering the recommendation of the Appeal Board, the Provost and Vice President for Academic Affairs shall make a decision on the appeal. This decision shall be final.

7.5.2.17 Notification

Formal notification of conduct action resulting in University probation, residence hall suspension or removal, suspension, and expulsion shall be forwarded to the Provost and Vice President for Academic Affairs and respective School or College Dean by the Dean of Student Affairs. The respective School or College Dean shall determine how this documentation will be stored and referenced within the school.

7.5.2.18 Retention of Conduct Records

The Dean of Student Affairs shall maintain official files on all student conduct reports, records, and hearing outcomes for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely according to procedures established by the Office of the Dean of Student Affairs and records retention policies of Huston-Tillotson University.

7.5.2.3 Approval and Implementation

This *Code of Student Conduct* was approved on May 28, 2015 by the HT Administrative Council, and implemented on June 1, 2015.

7.5.3 Academic Code of Conduct

7.5.3.1 Importance and Purpose of Code

Integrity in intellectual activity is an indispensable prerequisite for membership in any academic community. To accomplish its academic purpose, the University seeks to educate students who have outstanding intellectual ambitions, high ethical standards, and dedication to the common good of society. Academic excellence requires, then, not only talent and commitment but also moral integrity and a sense of honor on the part of faculty, administrator, staff and students.

While moral integrity is an end in itself, it is also a necessary requirement for the pursuit of knowledge and truth. Cheating on examinations and plagiarizing papers are examples of gross violations of academic integrity. Academic dishonesty poses serious obstacles to the students' quest for knowledge and self-knowledge, and hinders professors from accurately assessing the individual talents and accomplishments of their students.

The primary purpose of the Academic Code of Conduct is to uphold the place of honor in the lives of faculty, students, administrators and staff. A sense of honor requires members of the University community to not break negative precepts and to fulfill positive duties. For example, students must not only avoid plagiarism, but also develop their talents, both for their own well-being and the common good.

A code of conduct cannot enforce every aspect of academic excellence and integrity; it can only persuade students and faculty to cultivate a sense of honor in their lives. An effective code, however, must indicate unacceptable behavior and appropriate sanctions. Members of the University community who understand and appreciate the purpose of an institution of higher learning will rarely, if ever, be guilty of sanctionable offenses listed in the following sections.

At the University, disciplinary proceedings have a role that is subordinate to positive guidance and rational admonition. The University recognizes that a code of conduct frequently invoked to levy sanctions necessarily indicates serious problems in academic life.

7.5.3.2 Student Behavior in Violation of Academic Honesty

The University has two codes of behavior; one for academic behavior (Academic Code of Conduct) and one for social behavior (Code of Conduct and Community Standards). This code addresses behavioral integrity in the academic work of the University. The following constitutes a violation of Huston-Tillotson University Academic Code of Conduct:

7.5.3.2.1 *Plagiarism*

The handbook of the Modern Language Association describes plagiarism as "giving the impression that you have written or thought something that you have in fact borrowed from someone else."

Examples of plagiarism in paper writing include: direct quoting of any source material, whether published or unpublished without giving proper credit through the use of quotation marks, footnotes and/or other customary means of identifying sources; submitting papers written by another person or persons; offering false, fabricated or fictitious sources for papers, reports, or other assignments.

Examples of plagiarism in taking examinations include any attempt to do the following:

- 1. Look at another's examination;
- 2. Communicate by any means with another student during the course of an examination regarding its content;
- 3. Use any unauthorized materials such as notebooks, notes, textbooks, or other sources not specifically allowed by the course professor for use during the examination period; or
- 4. Engage in any other activity for the purpose of seeking or offering aid during an examination. (The term "examination" in the Code includes quizzes, hourly tests, midterms, finals, laboratory practica, etc.)

Another kind of plagiarism consists of fabricating, falsifying or copying data to represent the results of laboratory work, field assignments or computer projects.

7.5.3.2.2 Duplicate Submission of the Same Work

Submitting the same work for more than one course is a violation unless all concerned professors give their consent in advance.

7.5.3.2.3 Collusion

Ordinary consultation of faculty, library staff, tutors or others is legitimate unless the instructor has imposed stricter limits for a particular assignment. Any cooperative effort is forbidden which results in the work or ideas of others being represented as one's own.

7.5.3.2.4 False Information

Furnishing false information to the University—when professors, advisors, officials or offices have a right to accuracy—violates academic honesty. Instances would include, but are not

limited to, misrepresenting activity outside of the classroom (reports on field work, etc.) or improperly seeking special consideration or privilege (postponement of an examination or assignment deadline, etc.).

7.5.3.2.5 Unauthorized Use of Computers

In the context of the completion of a course and/or assignments (contained within a course) the unauthorized use of computers of the University Computing System and related networks (e.g., the unauthorized use of software, access codes, computing accounts, electronic mail and files) constitutes a violation of this Code.

7.5.3.2.6 Theft and Destruction of Property

Unauthorized removal, retention, mutilation or destruction of common property of the University is a code violation as such behavior relates to specific academic responsibility. Such property includes, but is not limited to, library books, the collections of the Library and the Media Resources Center, laboratory materials, computers and computer software, etc. Also prohibited is the theft, mutilation or destruction of a student's academic work, including books, notes, computer programs, papers, reports, laboratory experiments, etc.

7.5.3.2.7 Unauthorized Possession

Possession, without authorization, of copies of tests, answer sheets, or other materials, however obtained, that could interfere with fair, accurate testing violates this Code.

7.5.3.2.8 Misrepresentation or Falsification of Data

Misrepresentation or falsification of data presented for surveys, experiments, etc., is a violation of this Code.

7.5.3.2.9 Theft of an Examination

Stealing or otherwise discovering and/or making known to others the contents of an examination that has not yet been administered is a violation of this Code.

7.5.3.2.10 Unauthorized Communication During Examinations

Any unauthorized communications may be considered prima facie evidence of cheating.

7.5.3.2.11 Knowingly Allowing Another Student to Represent Your Work as the Other Student's Work

This includes providing a copy of your paper or laboratory report to another student without the explicit permission of the instructor(s) is a violation of this Code.

7.5.3.2.12 Forgery, Alteration, or Knowing Misuse of Graded Examinations

Forgery, alteration, or knowing misuse of graded examinations, quizzes, grade lists, or official records or documents, including but not limited to transcripts, letters of recommendation, degree certificates, examinations, quizzes, or other work after submission are violations of this code.

7.5.3.2.13 Theft or Destruction of Examinations or Papers

Theft or destruction of examinations or papers after submission is a violation of this Code.

7.5.3.2.14 Altering or Destroying Another's Work

Altering or destroying another student's work or records, altering records of any kind, removing materials from libraries or offices without consent, or in any way interfering with the work of others so as to impede their academic performance is a violation of this Code.

7.5.3.2.15 Failure to Comply with Sanctions

Failure to comply with the sanctions imposed under the authority of this Code is a further violation.

7.5.3.3 Faculty Responsibility To and For Academic Honesty

It is expected of the faculty of Huston-Tillotson University that they will set a proper and effective tone for academic and intellectual inquiry. As role models, faculty should demonstrate characteristics which promote a sense of community within and among peers and the student body. At the heart of the University is a belief that academic honesty is derived from an appreciation for and adherence to moral integrity. Failures in the area of academic honesty strike at the heart of what is essential to the University community – the pursuit of truth.

Members of this University community, especially the faculty, should strive to guide the behavior of students through positive actions which clearly demonstrate that honesty and integrity are essential to the life of the University.

In light of these expectations, the faculty should accurately and effectively assess the ability and achievements of their students. To do so, each faculty member should adhere to the spirit as well as the letter of this policy. Such adherence includes assessing and prosecuting all violations of this Code to the fullest extent.

In order to carry out this policy properly, faculty are expected to:

- 1. Familiarize themselves with this policy and its procedures;
- 2. Familiarize themselves with statements on plagiarism and methods of insuring compliance;
- Remind their students of the general principles and requirements of this policy, giving specific attention to pedagogical and assessment criteria employed in their particular course. Unique requirements necessitate specific promulgation;
- 4. Reflect on the necessity for fairness/equity in assignments and tests. Such reflection ought to be concretely reflected in all assessments of students;
- 5. Secure tests and course materials so as to insure equal access for all; and
- 6. Pursue perceived violations of this code as part of their role in assessment of the student, in the pursuit of truth and in the information of an academic community.

These expectations are enumerated to assist the faculty in establishing and sustaining an environment where academic and intellectual integrity are highly valued; these goals are pursued as a necessary component of the educational community. The manner in which inquiries into and discussion of infringements of this policy are pursued is important. All parties involved ought to remember that such inquiries and discussion, with colleagues or students, ought to be in pursuit of legitimate educational interests. Frivolity, curiosity and careless identification of parties involved are not consonant with such aims.

7.5.3.4 Acceptance of Responsibility

In accepting admission to Huston-Tillotson University, students also accept responsibility for governing their own conduct in compliance with the Academic Code of Conduct.

7.5.3.5 Faculty Action

Faculty members who have reason to believe that a student has violated this Code shall meet with the student, inform the student of the suspected violation and document the student's response. The faculty member shall then notify the Dean of the College/School of a suspected

violation and the student's response to the alleged violation on the form entitled "Report of Academic Misconduct."

A. Cases of Undisputed Academic Misconduct by First-Time Offenders

If a student has admitted to the academic misconduct and <u>has not</u> previously been found guilty of an academic conduct violation at Huston-Tillotson University, the faculty member may request the appropriate Dean's authorization to sanction the student by means of a grading penalty. The Dean, at his or her discretion and taking into account the nature of the infraction, may grant written permission to the faculty member to enter into an agreement with the student for a grading penalty, up to and including a failing grade in the course, in lieu of proceedings before the University Conduct Council. The faculty member will inform the Dean of the proposed grading penalty.

If a student admits to the academic misconduct and <u>has</u> previously been found guilty of an academic conduct violation at Huston-Tillotson University as ascertained by the Dean, then at the Dean's discretion and taking into account the nature of the infraction, the Dean will refer the charges and supporting evidence to the Academic Conduct Committee, which shall then proceed with a hearing.

B. Cases of Disputed Academic Misconduct or Cases of Repeat Offenders.

If a student disputes the charge of Academic Misconduct or if the Dean denies permission for a grading penalty because the student is a repeat offender or because of the nature of the offense, the Dean shall then refer the charges and supporting evidence to the Academic Conduct Committee, which shall then proceed with a hearing.

7.5.3.6 Penalties

A. Students Who Sign Approved Admission of Academic Misconduct Forms

Students who sign the Admission of Academic Misconduct Form shall receive the grading penalty noted on the form. Students will also receive a letter of reprimand from the Dean. The form and the letter of reprimand will be retained in the student's file, but shall not be recorded on the student's permanent academic record. The reprimand will not be made public when records or transcripts are sent out. It may, however, be considered when imposing sanctions for future offenses.

B. Students Whose Cases are Referred to the Committee

Students who are not allowed the option of a grading penalty or who elect to have their cases heard by the University Conduct Council may receive the sanctions of Reprimand, Disciplinary Probation, Suspension, or Expulsion only through action of the Academic Conduct Committee. For cases referred to the Academic Conduct Committee, students may be penalized for academic conduct violations only through action of the committee. However, faculty members always retain the right to assign grades reflecting their principled and equitable assessment of students' work. In a case in which the Academic Conduct Committee has found a violation of the Code, the grades assigned by the faculty member may also reflect the faculty member's determination of how seriously overall course goals and expectations of the academic discipline are compromised by work involved in an incident of academic misconduct and how that work should, in consequence, contribute to the final course grade.

7.5.3.7 Dissemination of Information

A. Notice of probation, suspension, or expulsion is sent to the parent or guardian of dependent students.

- B. Dissemination of information is governed by the Family Educational Rights and Privacy Act of 1974. Copies of this act are available in the University Registrar's Office.
- C. Efforts will be made to ensure that students receive a copy of the Academic Conduct Code at their first registration in the University. Copies of the Code will also be available in the Student Affairs Office, the School of Business and Technology, the College of Arts and Sciences, and on the HT webpage.
- D. Students' conduct records are confidential and will not be released except in accordance with FERPA and other applicable laws.

7.5.3.8 University Conduct Council

7.5.3.8.1 *Procedure*

- A. The Dean of the College/School shall appoint a committee consisting of faculty members and undergraduate students of not lower than junior-year standing. In cases involving graduate students, the Dean of the College/School will appoint graduate students to serve with faculty on the committee. The committee shall elect its chair from among the faculty members appointed to the committee. Proceedings before the committee are instituted when the Dean forwards the complainant's report to the chair of the committee. This committee has jurisdiction over every alleged act of academic misconduct on the part of (a) any student enrolled in the University, and (b) any student enrolled in a course taught at the University, whether that student is enrolled in the University or any other college or university. The committee will also have jurisdiction over every alleged act of misconduct pertaining to documents of or course credits earned at the University by any person. This shall include any person who has received a baccalaureate degree from this University.
- B. Faculty in the College of Arts and Sciences and the School of Business and Technology shall, after discussing the matter with the student in question, notify the Dean of any documented violation of the code. The notification shall include the student's name and ID number, the course in which the alleged violation occurred, and a statement indicating any and all supporting evidence upon which the professor has relied. (See Paragraph 7.5.3.5, Faculty Action, above).
- C. If the Dean refers the case to the University Conduct Council, the Dean's official shall inform the student by hand-delivered or certified letter with return receipt, to be sent at least seven (7) calendar days prior to the hearing, of the following matters:
 - 1. The charges;
 - 2. The date, time, and location of the hearing;
 - 3. The student may request to reschedule the hearing for a valid reason;
 - 4. The student may be accompanied by an advisor of the student's choice. The advisor may not be an attorney. At the discretion of the committee chair, the advisor may be allowed to make a brief statement on behalf of the student. The advisor may not participate directly in the hearing; and
 - 5. The student shall have the right to examine the person bringing the charges, to have access to all documents that have been introduced as evidence, to have copies prepared, and at the discretion of the chair and in a manner to be prescribed by the chair, to examine all witnesses.

D. Hearings

- 1. Members of the committee shall be excused if the case might involve a conflict of interest (e.g., kinship, teacher-student relationship, etc.);
- 2. The Dean may appoint *pro tempore* members to replace regular faculty members who are unable to attend or who have been excused;
- 3. No student shall be found guilty except on the vote of a majority of the voting members present at a hearing;
- 4. The quorum for hearings shall be five voting members of the committee, at least three of whom should be faculty members;
- 5. The Chair shall be counted as a voting member but shall cast a vote only in order to break a tie vote:
- 6. A hearing shall proceed in the absence of the accused student only if:
 - a. The student waives the right to be present; or
 - b. The committee is satisfied that proper notice of the hearing was given to the student and that there is no legitimate cause for the absence;
- 7. The hearing shall be recorded either by a stenographer or by sound recording. The records are to be preserved for one year. Any participant in the hearing may obtain a copy of the recording or the transcript of the hearing at actual cost;
- 8. The order of the hearing shall be as follows:
 - a. Presentation of charges by the committee chair;
 - b. Presentation and examination of material evidence and witnesses by the committee and by the accused student(s) but excluding material relevant to sanctions to be imposed. In appropriate circumstances, the chair may take steps to protect a witness through actions such as sequestering, withholding a witness's identity, or taking testimony prior to a hearing:
 - c. Statement by the accused student;
 - d. After excusing the accused student, and advisor, and witnesses, deliberation of the committee; and
 - e. Formulation of the judgment and assessment of any appropriate penalty by a majority vote of the members present;
- 9. The chair shall make a necessary determination of the scope of the inquiry with a view to according full and fair exploration of relevant material;
- 10. Because the hearing is not a court hearing, the committee is not bound by legal rules of evidence. However, every effort will be made to conduct hearings as fairly and expeditiously as possible;
- 11. The hearing shall not be public, and information gained at the hearing shall be treated as privileged information by all participants. This does not bar the disclosure of the findings and recommendations of the committee to those authorized to receive such information. Inasmuch as the provision is for the protection of the accused, it does not bar the accused from disclosing the proceedings, if the accused wishes to do so;
- 12. At the request of the accused student, the chair of the Academic Conduct Committee may, at the chair's discretion, elect to admit parents or legal