

 <p>Policies of the University of North Texas Health Science Center</p>	<p><b>Chapter 7</b> <b>Student Affairs</b></p>
<p><b>7.105 Student Code of Conduct and Civility</b></p>	

**Policy Statement and Purpose.**

The primary concern of the institution of North Texas Health Science Center at Fort Worth ("HSC") is the development of our students as they prepare to become providers and professionals within the community. HSC strives to provide all students with a campus environment that is conducive to academic endeavors and individual and professional growth. To this end, HSC has adopted policies to govern student behavior that are educational in nature and designed to help students understand expectations and accept responsibility for their own actions.

**Application of Policy.**

The Student Code of Conduct and Civility ("the Code") applies to all HSC students and registered student organizations, and applies to conduct that occurs on campus or off-campus during HSC related activities or when the conduct reasonably could adversely affect the campus community or the pursuit of the institution's educational mission. Expressions protected by the First Amendment are not a violation of the Code; however, fighting words and statements that reasonably threaten or endanger the health and safety of another are not protected expressions..

**Definitions.**

1. Advisor. "Advisor" means an individual selected by either a Complainant or Respondent to provide guidance, advice, or support to the student through the conduct process.
2. Administrative Withdrawal. "Administrative withdrawal" means the removal of a student from enrollment at the institution.
3. Behavioral Record. "Behavioral record" means the official documentation of a student's conduct history maintained in the Division of Student and Academic Affairs and protected under the Family Educational Rights and Privacy Act (FERPA), including all documents created as part of the student conduct process.
4. Business Day. "Business day" means 8:00 a.m. to 5:00 p.m. Monday through Friday during regular HSC business hours, not including dates when the HSC is officially closed for a recognized state or federal holiday or weather-related emergency.
5. Campus Community. "Campus community" means the collective group of students, faculty, staff, and any other person contributing to the mission or advancement of HSC.
6. Campus Premises. "Campus premises" means all land, buildings, and portions of buildings owned or leased by HSC.
7. Complainant. "Complainant" means an individual who files a complaint with the Division of Student and Academic Affairs alleging a student or former student violated the Code while enrolled at the HSC.

8. Conduct Process. “Conduct process” means the procedures provided in the Code to consider whether a student has engaged in misconduct and whether disciplinary action(s) should be assigned.
9. Consent. “Consent” means words or actions that show an active, knowing or voluntary agreement to engage in sexual activity. Consent cannot be gained by force, coercion, manipulation, threats, or when an individual administers any substance to another person, without the person’s knowledge, that intentionally impairs the ability of the person to voluntarily consent. Consent is absent when the activity in question exceeds the scope of previously given consent. Consent may be revoked at any time.
10. Dean. “Dean” means highest ranking academic officer within a specific school at the institution.
11. Direct Threat. “Direct threat” means a significant risk of an individual causing substantial harm to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures.
12. Disciplinary Actions. “Disciplinary actions” means formal action(s) taken by the institution that may impact standing and may include a loss of privileges. All disciplinary actions will be maintained in a student’s or registered student organization’s behavioral record. These actions may be reportable to internal and external entities. Disciplinary actions include written warning, disciplinary probation, suspension, expulsion, loss of privileges, and restitution.
13. Discrimination. “Discrimination” means treating an individual or group of individuals unfavorably in their employment, admission, or education because of race, color, national origin, age, religion, disability, genetic information, sex, sexual orientation, gender identity, gender expression, veteran status or any other characteristic protected under applicable federal or state law.
14. Educational Environment. “Educational environment” means the varied locations in which students learn. This includes classroom, clinical, and online spaces where learning occurs.
15. Expulsion. “Expulsion” means permanent separation from the institution as a result of serious misconduct.
16. Findings. “Findings” means the outcome of an investigation or conduct case determining whether a student will be held responsible or not responsible for a violation of the Code.
17. Honor Code Representative. “Honor code representative” means a student representative duly elected or appointed by a student government association.
18. Incapacitation. “Incapacitation” means a state when a person lacks the ability to voluntarily agree to sexual activity because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over his or her body, or is otherwise unaware that sexual activity is occurring. Incapacitation is not the same as intoxication. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug.
19. Loss of Privileges. “Loss of privileges” means a temporary or permanent loss of the opportunity to participate in programs, activities, or services offered by HSC, or to receive the benefits of being an HSC student or registered student organization.
20. No Contact Directive. “No contact directive” means an administrative directive issued by the Division of Student and Academic Affairs prohibiting contact between individuals.

21. Non-Disciplinary Actions. “Non-disciplinary actions” means actions that the institution may take in response to a student’s or registered student organization’s conduct that will not be reported to external entities, unless required by law. Non-disciplinary actions include consultations, educational actions, and resource referrals.
22. Notice of Complaint. “Notice of complaint” means the initial document delivered in the conduct process that identifies an alleged violation of the Code and schedules a conference between the student and the Student Conduct Officer to discuss alleged violation(s) of the Code and possible disciplinary actions.
23. Permanent Academic Record. “Permanent academic record” means a student’s official academic record maintained in the Office of the Registrar.
24. Preponderance of the Evidence. “Preponderance of the evidences” means the amount of information necessary to establish whether an allegation is more likely than not to have occurred.
25. Request for Review. “Request for review” means a request made by a student who disagrees with the conduct findings or disciplinary action(s) as determined by the Student Conduct Officer.
26. Respondent. “Respondent” means an individual or organization identified as possibly having engaged in conduct that violates the Code, regardless whether a formal complaint is made.
27. Sexual Coercion. “Sexual coercion” means the use of manipulation or threat to force someone to engage in a sexual act.
28. Sexual Exploitation. “Sexual exploitation” means taking non-consensual or abusive sexual advantage of another for another’s own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, including but not limited to, non-consensual video or audio-taping of sexual activity or undetected viewing of another’s sexual activity.
29. Sexual Misconduct. “Sexual misconduct” is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual coercion, sexual violence, sexual harassment, domestic violence, dating violence, and stalking. The term also includes other inappropriate sexual conduct as referenced in this policy. Sexual misconduct can be committed by any person, including strangers or acquaintances.
30. Student. “Student” means an individual who has applied for admission or readmission to HSC, who is registered or enrolled in one or more courses for credit or non-credit at HSC, or who currently is not enrolled but has a continuing academic relationship with HSC. This term is also inclusive of registered student organizations.
31. Student Code of Conduct and Civility (“the Code”). “Student Code of Conduct and Civility” means standards of conduct with which students are expected to comply and procedures established to provide an opportunity for review of alleged misconduct, including academic dishonesty.
32. Student Conduct Committee. “Student Conduct Committee” means a group convened at the request of a student for the purpose of providing a second opportunity for impartial review of alleged misconduct or disciplinary action.
33. Student Conduct Officer (“SCO”). “Student Conduct Officer” refers to the individual appointed to resolve allegations of misconduct involving students or registered student organizations.
34. Suspension. “Suspension” means temporary separation from the institution for serious or repeated misconduct.

35. Title IX Coordinator. “Title IX Coordinator” means an HSC employee designated by the President to implement, monitor, and enforce the HSC’s Title IX program. In this policy, reference to the Title IX Coordinator also means the coordinator’s designee.
36. Trespass. “Trespass” means a temporary or permanent prohibition from entering any campus premises or institution-sponsored activities or functions.

### **Policy and Responsibilities**

#### **A. Student and Registered Student Organization Responsibility and Administration of the Code.**

1. All students and student organizations are expected to comply with federal, state, and local laws; applicable institutional policies and rules adopted by the UNT System Board of Regents; and directives issued by HSC officials in the course of performing their official duties, including directives related to the conduct process set out in this policy.
2. A student organization is responsible for the conduct of its members when the organization(s) knew or reasonably should have known that a member, acting in the capacity of a member of the organization, engaged in conduct that violates the Code.
3. The institution may proceed with action under the Code regardless whether the conduct may violate criminal or civil laws and whether a criminal, civil, or administrative proceeding is pending.
4. When disciplinary action results in suspension or expulsion, grades will be assigned in accordance with the HSC grade policy. Also, when the conduct process is initiated for an alleged academic dishonesty violation, grades are assigned and appealed outside the conduct process.

#### **B. Admission and Readmission**

1. The institution may consider alleged misconduct that could affect admission or readmission. The Executive Director of Student & Academic Success (“EDSAS”) will determine whether the student reasonably presents a threat to the health, safety, or welfare of the HSC community and potential disruption to the educational environment. The Dean of the program or school for which the student is seeking admission or enrollment will consider all presented information and make the final decision regarding admission or readmission.
2. The Dean may decide not to admit or readmit the applicant if the individual:
  - a. falsified the enrollment application or admission forms;
  - b. engaged in conduct that violates the Code; or
  - c. has been formally charged with or convicted of a criminal act.
3. The decision of the Dean relating to admission or readmission is final.

### **I. CATEGORIES OF MISCONDUCT.**

Students or Registered Student Organizations may be held responsible for the misconduct identified below.

#### **A. Acts of Dishonesty**

1. Academic dishonesty, including but not limited to:

- a. Cheating - The use of unauthorized assistance in academic exercises, including but not limited to:
    - i. Use of any unauthorized assistance in academic and professional assessments (e.g. board exams, end of rotation exams, certification exams, etc.), including graded or ungraded coursework, research, quizzes, tests or examinations;
    - ii. Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving reports or completing assignments;
    - iii. Use of materials during an academic or professional assessment without approval of the instructor/assessor (e.g. tests, notes or other material belonging to faculty, staff, the student, another student, or any other source);
    - iv. Submission of academic work that has been previously submitted in the same class or another class; and
    - v. Engaging in any act that is designed to or has the potential to give a student an unfair advantage.
  - b. Plagiarism - Use of another's thoughts, words, or ideas without proper attribution in any academic exercise, regardless of the student's intent, including but not limited to:
    - i. The knowing or negligent use by paraphrase or direct quotations of the published or unpublished words/ideas of another without proper acknowledgement or citation; and
    - ii. The knowing or negligent submission of materials prepared by another, including an individual or entity engaged in the selling of term papers or other academic materials.
  - c. Forgery - Altering a score, grade or HSC academic record or forging the signature of an instructor or of another student.
  - d. Fabrication - Falsifying or manufacturing any information, data or research as part of an academic activity.
  - e. Facilitating Academic Dishonesty - Helping or assisting another engage academic dishonesty.
  - f. Sabotage - Acting to prevent another student from completing academic work or willfully disrupting the academic work of others.
2. Furnishing false or misleading information to any HSC official, faculty, staff member or student acting on behalf of HSC or giving false or misleading testimony or evidence in the course of any campus proceeding.
  3. Forgery, alteration, falsification or misuse of any official HSC document, record or instrument of identification.
  4. Tampering with the election of any HSC registered student organization.
  5. Theft of property or services or knowingly possessing stolen property.
  6. Unauthorized possession, duplication or use of access devices to HSC property (e.g. keys and access badges).
  7. Unauthorized entry onto or use of HSC premises.

8. Failure to promptly report criminal history record information.
  9. Misrepresenting oneself as an HSC official.
- B. Conduct which adversely affects the HSC community - including but not limited to:
1. Obstructing or disrupting teaching, learning, research, administration, student conduct procedures or other HSC activities whether occurring on- or off-campus, including abusive, indecent, profane, or vulgar language in a public place that disrupts the educational environment.
  2. Conduct in violation of the HSC Prohibition Against Discrimination, Sexual Misconduct, Harassment, and Related Retaliation policy.
  3. Unauthorized use or possession of ammunition, firearms, explosives or other materials that are dangerous or flammable or that could cause damage by fire or explosion to persons or property. Firearms are prohibited on campus property except as specifically authorized by the HSC policy and state law.
  4. Hazing - Any 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, or maintaining membership in an organization, including:
    - a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, place of harmful substance on the body, or similar activity;
    - b. Conduct involving sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
    - c. Conduct involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than described by paragraph E;
    - d. Conduct involving any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code, the Code, other HSC policies;
    - e. Conduct involving coercing the student to consume
      - i. A drug;
      - ii. An alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
    - f. Any act that subjects the student to unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  5. Illegal use, possession, sale, manufacture, distribution or effective control of chemical precursors, controlled substances, controlled substance analogues, dangerous or illegal drugs; misuse, possession or effective control with intent to misuse a legal drug or other substance which when not used in accordance with legal intent could cause harm to the user; possession of drug paraphernalia; or being a party to any of the above.
  6. Public intoxication; driving under the influence; driving while intoxicated; use, possession or distribution of alcoholic beverages, except as expressly permitted by law and HSC policy.
  7. Interfering with any emergency or public safety function such as fire, police or emergency services.
  8. Tampering with or misuse of security or safety equipment.

9. Reporting a false emergency or threat.
  10. Failing to comply with a reasonable directive of an HSC employee acting in performance of their official duties.
  11. Intentionally or recklessly destroying or damaging HSC property or property of others.
  12. Engaging in acts of sexual misconduct including sex discrimination, such as sexual harassment, sexual assault, dating violence, domestic violence, stalking, sexual coercion, and sexual exploitation as defined by HSC policy.
- C. Conduct Affecting Intellectual Property - including but not limited to:
1. Using or distributing the original work of another (whether copyrighted or not) without the expressed consent of the owner, including but not limited to the unauthorized downloading of copyrighted material through illegal downloading or peer-to-peer distribution and the distribution for commercial purposes of derivatives works from written materials created by faculty or staff, without expressed written permission of the originator.
  2. Using or distributing a trademark, including HSC trademarks, without the expressed written consent of the institution.
- D. Conduct Affecting UNT System and HSC Computer Resources or Technology - including but not limited to:
1. Unauthorized access, use, or misuse of computing resources, systems or data.
  2. Disrupting computer operations, or the availability of computer resources.
  3. Using another individual's identification, password or other credential to access computing resources.
  4. Initiating or contributing to attacks against external networks or systems.
- E. Conduct in Violation of Laws of a Foreign Country, or Federal, State or Local Laws (whether convicted or not), or HSC policy.
- F. Interference with the Conduct Process, including but not limited to:
1. Failing to comply with a request to attend a conduct conference with the Division of Student and Academic Affairs.
  2. Failing to comply with disciplinary action(s) imposed under the Code or action(s) otherwise imposed by the institution, including failing to comply with any "no contact" order.
  3. Falsifying or misrepresenting information at any stage of the conduct process; or knowingly initiating a false complaint to the Division of Student and Academic Affairs.
  4. Engaging in conduct intended to discourage a person from participating or using the conduct process, including threats, intimidation, and retaliation.
- G. Facilitating Acts of Misconduct, including but not limited to:
1. Planning or facilitating an act of misconduct.
  2. Supporting or encouraging an act of misconduct.

## II. EDUCATIONAL AND DISCIPLINARY ACTIONS.

Any student or registered student organization found to have violated the Code is subject to disciplinary action, including suspension, expulsion, or withdrawal of recognition as a student organization.

### A. Non-Disciplinary Actions:

1. Consultation - a formal advisement regarding conduct.
2. Educational Actions - Outside of the student conduct process, if a student is found in violation of the Code, an instructor may award partial or no credit for an assignment or assessment on which a student engaged in academic dishonesty. An instructor may assign a failing grade for a course in which a student has engaged in academic dishonesty.
3. Resource Referrals - Connection of individuals to resources on campus and in the community to provide recommended support and assistance. Respondents may be referred to resources or the Restorative Pathway Program to have the opportunity to create meaning and growth.

### B. Disciplinary Actions:

1. Written Warning - A written admonition to a student that they have violated the Code and must not engage in future violations.
2. Disciplinary Probation - A written notice for a specified period of time in which a student or student organization is given the opportunity to demonstrate adherence to the expectations set out in the Code and is subject to more serious disciplinary action for any future misconduct. Disciplinary probation may be assigned for the duration of a student's enrollment at the institution. Students on probation are not in good standing with the institution.
3. Suspension - Removal from HSC for a specified period of time, not to exceed one (1) year; during which the student is not eligible to enroll at HSC and may be trespassed from HSC premises until the period of suspension expires. A suspension is noted on the transcript until all conditions of the disciplinary action have been met. A student must be cleared for re-enrollment by appropriate HSC officials. If allowed to return, the student will be placed on disciplinary probation for the remainder of the student's enrollment. A suspension is maintained in the student's behavioral record.
4. Expulsion - Permanent separation from HSC. An expelled student is permanently removed from enrollment at HSC and permanently trespassed from HSC premises. Expulsion is reflected in a student's permanent academic and behavioral record.
5. Loss of Privileges - A temporary or permanent loss of the opportunity to participate in programs, activities, or services offered by the institution, or to receive the benefits of being an HSC student or registered student organization. Loss of privileges may include the restriction of specific locations (e.g. access to the Library or Fitness Center) or the restriction of specific activities and services (e.g. group exercise classes or computing resources).
6. Restitution - A requirement to reimburse the institution for damage caused to HSC property due to misconduct. Restitution that have not been addressed may impact a student's ability to enroll in subsequent semesters.



### **III. ADMINISTRATIVE MEASURES.**

The SCO may direct administrative, non-disciplinary action to protect the health, safety, or welfare of the HSC community. Administrative measures may be taken before, during, after, and outside of the student conduct process.

- A. Interim Withdrawal - A student may be removed from all or part of HSC premises and prohibited from participating in any academic programs or other HSC-related activities pending completion of the conduct process when the institution reasonably believes that the student poses a direct threat to the health, safety or welfare of any member of the campus community or HSC property.
  - 1. Conference regarding interim withdrawal - A student who receives a Notice of Interim Withdrawal must contact the EDSAS within two (2) business days of receiving the notice to schedule a conference to discuss: (1) evidence supporting the alleged misconduct; and (2) whether the continued presence of the student on HSC premises reasonably presents a direct threat pending completion of the conduct process.
  - 2. Decision regarding interim withdrawal - If the EDSAS determines that the student presents a direct threat, the student will be immediately withdrawn from HSC premises, including all events and activities. The interim withdrawal remains in effect until the conduct process is complete or until otherwise altered. The EDSAS may review the decision at any time and permit the student to return to HSC premises while the conduct process continues.
  - 3. Request for Review - A request for review can be submitted for decisions of interim withdrawal to the Senior Vice Provost of Student and Academic Affairs (“SVPSAA”) within five (5) business days. During the review process, the interim withdrawal remains in effect.
- B. No Contact Directive - A directive from the institution to cease all communication and contact with one or more individuals for a specified period when the institution reasonably believes the directive is necessary to protect the health, safety, or welfare of any member of the HSC or the campus community, including to prevent retaliation or harassment. The directive prohibits the student from communicating or contacting the identified individuals through friends, relatives, acquaintances, social media, or other means, except as set out in the directive.

### **IV. INVESTIGATION AND CONDUCT PROCEDURES.**

- A. Reporting and Reviewing Alleged Misconduct - Complaints regarding alleged misconduct should be submitted to the Division of Student and Academic Affairs as soon as possible after the alleged misconduct occurs. The SCO will assess all reports and make a preliminary determination whether the conduct may violate the Code. If the SCO determines the allegation could violate the Code, the SCO will initiate the conduct process by providing a written Notice of Complaint to the student.
- B. Initiation of the Conduct Process - The conduct process begins upon the issuing of the Notice of Complaint. If a student withdraws or graduates from the institution before the completion of an investigation, the SCO will continue the investigation. Upon conclusion of the investigation, the SCO will also complete the conduct process, if appropriate.
- C. Conduct Process
  - 1. Notice of Complaint - The Notice of Complaint includes:
    - a. A brief, factual description of the alleged misconduct;

- b. The specific section(s) of the Code that may have been violated and the potential disciplinary actions if the student is found responsible; and
    - c. Instructions to schedule a conduct conference to discuss the alleged misconduct with SCO and to respond to the allegations.
  2. In matters of alleged academic dishonesty, an Honor Code Representative may be present at the request of the student.
  3. Notices related to the conduct process will be sent to the Respondent using their institution-assigned email address or mailing address on file with the institution. Students are responsible for maintaining a current mailing address with the Office of the Registrar and for checking their institution-assigned email on a regular basis. Students must respond to the Notice of Complaint in a timely manner and failure to do so may result in further disciplinary action as provided in the Code.
  4. Leaving the Institution During the Conduct Process
    - a. If a student withdraws or graduates from the institution before the completion of an investigation, the SCO will continue the conduct process until completion.
    - b. A student who chooses to permanently withdraw from the institution during the preliminary assessment or conduct process may have a registration hold placed on their record preventing them from enrolling in any program at the HSC.
      - i. After a withdrawal, the student must request admission or re-admission, and only the SVPSAA or the Dean of the school to which the student is requesting admission or re-admission can remove the registration hold.
- D. Conference with SCO
  1. The SCO will meet with the student to discuss the alleged misconduct and hear the student's response.
  2. During the conference, the SCO will provide the student with the names of any witnesses interviewed regarding the alleged misconduct and all relevant information gathered in the investigation. The student will be given an opportunity to respond to the allegations and to present information including the names of witness, documents, or other information that would assist the SCO in reviewing the alleged misconduct.
  3. A student may be accompanied at the conference by an advisor, but only the student may talk or present evidence at the conference. If a student intends to be accompanied by an attorney, the student must notify the SCO at least five (5) business days prior to the conference so that HSC can have a representative from the UNT System Office of General Counsel present.
  4. If necessary, based on information presented at the conference, the SCO may conduct further investigation and will request a subsequent meeting with the student to review any additional information and to offer the student an opportunity to respond.
  5. The conduct conferences will not be recorded by the SCO, or any other participant via any electronic devices.
- E. Findings and Disciplinary Actions
  1. Following the conduct conference and any further investigation, the SCO will determine whether the student's conduct violated the Code, applying the preponderance of the evidence standard, and if found responsible, assign disciplinary action(s). The SCO will provide the student a written notice of outcome.

2. The written Notice of Outcome includes:
  - a. A brief, factual description of the alleged misconduct;
  - b. The specific section(s) of the Code that were allegedly violated with a determination of responsibility for each section(s);
  - c. Rationale for the determination(s);
  - d. Any disciplinary action(s) assigned; and
  - e. Information regarding further review, if applicable.
- F. Effective Date of Disciplinary Action
  1. The assigned disciplinary action(s) will not take effect until the conduct process, including any request for review, is complete. Non-disciplinary actions may not be reviewed.

G. Matters of Sexual Misconduct

All allegations of sex-based misconduct against students as defined by this policy are resolved pursuant to the procedures outlined in both the HSC's Title IX policy and the Prohibition Against Discrimination, Sexual Misconduct, Harassment and Related Retaliation (Prohibition Against Discrimination) policy. For these procedures students should refer to these policies which may be found at the following links:1) [Title IX policy](#); 2) [Prohibition Against Discrimination policy](#).

The Title IX Coordinator will evaluate complaints to determine whether the allegation will be resolved under the Title IX or the Prohibition Against Discrimination policy. If the Title IX Coordinator determines that the reported conduct may fall within the scope of the Title IX policy or Prohibition Against Discrimination Policy, the Title IX Coordinator will contact the Complainant to discuss the process involved in resolving the complaint. Complaints that are required to be dismissed under the Title IX policy may be resolved under the Prohibition of Discrimination policy. Complaints that are not dismissed will be investigated by the Title IX Office.

1. Process A - Resolution Under Title IX Policy
  - a. Complaints under the Title IX policy will be resolved by a hearing panel. Both parties will have the opportunity to participate in the hearing, including being accompanied by an advisor, calling witnesses, offering evidence, and questioning the other individual, the other individual witnesses, and the investigator. The panel will determine whether a policy violation was more likely than not to have occurred, and if so, recommend a disciplinary action(s) to the Office of Care and Civility. The individuals will be informed in writing of the determination and recommendation (if applicable) within fifteen (15) business days from the conclusion of the hearing. Both individuals may appeal the determination according to the procedures outlined in the Title IX policy. Upon completion of any appeal, the Office of Care and Civility will assign a disciplinary action if there is a determination that a policy violation occurred. Disciplinary actions may be reviewed in accordance with the Code.
2. Process B - Resolution Under Prohibition Against Discrimination Policy
  - a. Complaints under the Prohibition of Discrimination policy will be resolved by the Title IX Office. Both parties will have the opportunity to participate in the investigation, including being accompanied by an advisor, offering the names of witnesses, and providing evidence. The investigator will determine whether a

policy violation was more likely than not to have occurred. Both individuals may appeal the determination according to the procedures outlined in the Prohibition Against Discrimination policy. Upon completion of any appeal, the Office of Care and Civility will assign a disciplinary action if there is a determination that a policy violation occurred. Disciplinary actions may be reviewed in accordance with the Code.

#### H. Request for Review

Students may request a review of findings of a violation of the Code and any disciplinary action assigned by the Office of Care and Civility using the process outlined below. Findings of responsibility under the Title IX and Prohibition Against Discrimination policies follow the appeal processes outlined in those respective policies.

##### 1. Request for Review Procedures

- a. Requests for review must be in writing and submitted to the Office of Care and Civility within five (5) business days of receipt of the Notice of Disciplinary Finding. The request must include the following:
  - i. Whether the student is requesting a review of the disciplinary finding, the disciplinary action, or both;
  - ii. The reason(s) for requesting a review of the decision(s); and
  - iii. The desired outcome.
- b. Failure to file a request in a timely manner will constitute a waiver of the opportunity of a request to review. Upon request, the deadline to submit a request for review may be extended when doing so is in the best interest of the student.

##### 2. Request for Review to the Executive Director, Student and Academic Success

- a. Students may request a review of findings of responsibility for violating the Code that result in assignment of written warning, loss of privileges, or restitution and the disciplinary action(s) to the EDSAS.
- b. The decision of the EDSAS is final.

##### 3. Request of Review of Disciplinary Probation, Suspension, and Expulsion

- a. Student Conduct Committee - Students may request a review of the following to the Student Conduct Committee (the "Committee"):
  - i. Findings of responsibility that result in assignment of disciplinary probation, suspension, or expulsion.
  - ii. Disciplinary action(s) of disciplinary probation, suspension, or expulsion.
  - iii. Findings and disciplinary action(s) related to alleged sexual misconduct are not heard by the Committee.
- b. Composition and Duties of the Committee
  - i. The Committee is comprised of three (3) members: one (1) HSC faculty member, one (1) HSC student, and one (1) HSC staff member. The SVPSAA will appoint committee members on an annual basis to a twelve (12)-month term and may replace members of the Committee at any time during the twelve (12)-month period.
  - ii. The SVPSAA will select an additional individual to serve as Chairperson of the Committee. The Chairperson will preside over the Committee, make all decisions regarding review procedures and introduction and exclusion of information, decide requests to extend time, and provide overall management of the proceeding. The Chairperson may participate fully in all reviews, but will not vote.

##### 4. Committee Review Procedures

- a. Upon receiving a Request for Review, the Chairperson will schedule a date for the review and notify the student of the place, date and time for the review. The review is typically scheduled no fewer than ten (10) and no more than twenty (20) business days after the student delivers the request for review. The student will be provided notice of the review no later than five (5) business days prior to the review.
- b. The student(s) submitting a Request for Review may request to remove one or more committee members based on a concern that the member cannot make an impartial decision. Requests to remove a committee member must be submitted to the Chairperson, in writing, by noon (12pm) the business day before the meeting. The Chairperson will decide whether to grant the request. The SVPSAA will review requests to remove the Chairperson.
- c. Reviews are not open to the public. All reviews, with the exception of the Committee's deliberations, and private conferences between a party and their advisor, will be recorded and may be provided at no cost to the student. The recording is the property of the institution and is a part of the student's educational record.
- d. Rules of court and rules of evidence do not apply.
- e. A student who requests a review is expected to attend in person or virtually (if approved in advance). For virtual reviews, all parties are expected to be on camera. If the student who requested the review fails to attend, the Committee may proceed with the review in the student's absence.
- f. The student will be granted the opportunity to:
  - i. Make an opening statement, lasting no longer than twenty (20) minutes, and a closing statement lasting no longer than twenty (20) minutes;
  - ii. Call and question witnesses, including the SCO who made the finding of responsibility or assigned disciplinary action(s);
  - iii. Introduce relevant documents and other information;
  - iv. Have an advisor of the student's own choosing present, including an attorney. The student must notify the Chairperson within five (5) business days of submitting the Request for Review if the advisor is an attorney so an attorney from the UNT System Office of General Counsel can be present. Advisors, including attorneys are not permitted to present evidence or argument before the Committee or question witnesses.
- g. The SCO who issued the Notice of Disciplinary Findings is expected to attend the review. The SCO will make an opening statement lasting no longer than twenty (20) minutes, make a closing statement lasting no longer than twenty (20) minutes, call and question witnesses (including the requesting student), and introduce relevant documents and other information in order to show, by a preponderance of the evidence, that the student engaged in conduct in violation of the Code, and that the assigned disciplinary action is reasonable.
- h. The Committee may ask individuals to offer information through personal testimony or through questioning of other witnesses, including the student. The Committee may grant a recess at any time to accommodate additional witnesses and in the interest of fairness.
- i. Except as permitted by the Chairperson, witnesses will be present only during their testimony and questioning.

- j. At the conclusion of the presentation of evidence, all individuals other than the Committee members will be dismissed, and the Committee will convene to deliberate on the matters set forth in the Request for Review. The Committee may uphold, modify or reject the findings and disciplinary action(s). The decision must be supported by a majority of the Committee members.
5. Committee Findings and Conclusions
    - a. The Chairperson will provide the student written notice of the Committee's findings and conclusions within five (5) business days after conclusion of the Review. The SCO will take actions as appropriate based on the findings of the Committee. The findings of the Committee are final unless the student submits a Request for Review by the Senior Vice Provost of Student and Academic Affairs. Matters of academic dishonesty may be subject to review by the appropriate Dean.
  6. Review by the Senior Vice Provost of Student and Academic Affairs
    - a. Within five (5) business days of the Committee's decision, the student may request a review by the SVPSAA.
    - b. The request must be in writing and state the reason(s) for the review.
    - c. The SVPSAA may uphold, modify or reject the decision of the Committee and this decision is final.
    - d. In matters of sexual misconduct, domestic violence, dating violence, or stalking, either the Respondent or the Complainant may request a review of assigned disciplinary action(s) by the SVPSAA. The final decision will be prepared in accordance with FERPA and delivered to both the Complainant and the Respondent.
  7. Review by the appropriate Dean (in matters of academic dishonesty)
    - a. A student may file a request for review of a decision of the Committee on matters of academic dishonesty by filing a written Request for Review with the SVPSAA no later than five (5) business days after the Chairperson issues the Committee's findings and conclusions. The reasons for the review should be outlined in the request.
    - b. The SVPSAA will deliver the Request for Review related to matters of academic dishonesty to the Dean of the student's school.
    - c. Upon receiving the Request for Review, the Dean will consider the written findings and conclusions of the Committee, any written materials submitted by the student, and any recording, whether written or audio that are available for review.
    - d. The Dean may uphold, modify or reject the decision of the Committee. All decisions of the Dean are final.

## **V. ENROLLMENT STATUS DURING REQUEST FOR REVIEW OF SUSPENSION OR EXPULSION.**

A student who submits a request for review of a disciplinary action of suspension or expulsion may continue participating in the student's academic program unless:

- A. The request for review has not been made within the specified timeframe according to officially recognized procedures for reviewing an expulsion or suspension decision;

- B. The presence of the student in classes, clinical rotation, or internship constitutes a disruptive influence to the educational process or to patient care activities; or
- C. The presence of the student potentially presents a threat or harm to the health, safety, or welfare of patients, students, or anyone associated with the educational process.

Expulsion, suspension, or interim withdrawals may impact a student's financial aid award. Students can review information regarding financial aid information on the departmental website: <https://www.unthsc.edu/financial-aid/>.

**VI. DISCIPLINARY ACTION NOTATION ON TRANSCRIPTS PROCEDURES: SUSPENSION AND EXPULSION.**

- A. The disciplinary actions of suspension and expulsion will be noted on the student's transcript once the action becomes final.
- B. Suspension: The transcript notation will read: "Student Code of Conduct Status: Suspension." The suspension status will be removed upon notification from the Office of Care and Civility that the suspension has been completed.
- C. Expulsion: The transcript notation will read: "Student Code of Conduct Status: Expulsion." The expulsion notation is permanent.

**VII. TIMEFRAMES.**

The timeframes set forth in this policy may be extended for good cause as determined by the Senior Vice Provost of Student and Academic Affairs or their designee. Requests for extensions must be made to the Senior Vice Provost of Student and Academic Affairs in writing and explain the reason additional time is needed. Extensions will not be granted solely for the purpose of delaying the conduct process.

**VIII. NOTICE OF NON-DISCRIMINATION.**

The University of North Texas Health Science Center at Fort Worth does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, genetic information, or veteran status in its application and admission processes, educational programs and activities, university facilities, or employment policies, procedures, and processes.

Applicable Laws, Rules and Regulations:

- Texas Education Code Section 37.151(6); 51.9366; 51.28; 51.251(2)
- Family Educational Right to Privacy Act, 20 U.S.C. § 1232h

Related Policies and Procedures:

- HSC 5.106 Prohibition against Discrimination, Sexual Misconduct, Harassment, and Related Retaliation
- HSC 7.101 Behavior Intervention and Withdrawal
- HSC 7.104 Student Affairs Policy Manual
- HSC 7.106 Title IX
- HSC 5.212 Prohibition of Sexual Assault and Retaliation

**Reviewed by General Counsel: October 21, 2021**

**Approved: November 15, 2021**

**Effective: *December 1, 2021***

**Revised:**

**Next review due on or before: *December 31, 2023***

**Policy Owner: *Provost and Executive Vice President***

**Subject Matter Specialist: *Executive Director. Student Services***