



Policy Number and Chapter: 07.012 Student Affairs

Policy Title: Code of Student Conduct

Policy Statement. The University of North Texas is deeply committed to advancing educational excellence and preparing students to become thoughtful, engaged citizens of a diverse, global community. The University has established the Code of Student Conduct to promote the well-being, honor and dignity of all who live, learn and work in our educational community. The Code of Student Conduct is intended to foster a safe environment conducive to learning and development, as well as to hold students accountable through an educational process that balances the interests of individual students with the interests of the University. Students and student groups are expected to conduct themselves in a manner that demonstrates respect for the rights and property of others and upholds the integrity and values of the University community.

Application of Policy. The Code of Student Conduct (“the Code”) applies to all students and to conduct that occurs on–campus, at University activities and off-campus when the conduct could adversely affect the University community, the pursuit of the University’s educational mission, or could create a hostile environment for a student on campus. The Dean of Students (DOS) will decide whether the Code will apply to student off-campus conduct on a case-by-case basis.

Students are responsible for their conduct from the time of application for admission to the University through the award of a degree. The Code continues to apply even if a student withdraws from the University during the conduct process or is not otherwise enrolled. Applicants also are responsible for their conduct prior to admission or re-enrollment.

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. **Code of Student Conduct (“the Code”).** “Code of Conduct (the Code)” means the University policy that sets forth standards of conduct, procedures and educational processes to promote the welfare of the University community and provide a full and fair opportunity to address conduct that departs from these standards.
3. **Committee on Student Conduct (“the Committee”).** “Committee of Student Conduct (the Committee)” means a group convened at the request of a student or student group for the purpose of providing a second opportunity for impartial evaluation of alleged violations of misconduct and/or sanctions.

4. Complainant. “Complainant” means an individual who may have been the subject of conduct prohibited under this policy regardless of whether the individual reports the conduct.
5. Conduct History. “Conduct History” means record(s) of past misconduct maintained by the Dean of Students Office for which the student has been found responsible. These records may include narrative information, a listing of past violations, and sanctions.
6. Conduct Process. “Conduct Process” means the procedures provided in the Code to consider whether a student or student group has engaged in misconduct and whether sanctions should be assigned.
7. Consent. “Consent” means words or actions that show an active, knowing and voluntary agreement to engage in sexual activity. Consent cannot be gained by force, coercion, manipulation, threats, or by taking advantage of the incapacitation of another when the individual knows or reasonably should know of such incapacity by use of alcohol or drugs. Consent is absent when the activity in question exceeds the scope of previously given consent, or the person is unconscious or otherwise unaware that the prohibited conduct is occurring. Consent may be revoked at any time.
8. Dating Violence. “Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. A violation of dating violence will result in a minimum sanction of Conduct Probation for one calendar year. Additional or more severe sanctions may be assigned based upon the specific facts of the case.
9. Dean of Students Office (“DOS”). “Dean of Students Office (DOS)” means the University office responsible for administering the Code, maintaining student conduct records, and educating and assisting students in resolving conflicts with one another.
10. Dean of Students Investigator (DOS Investigator). “Dean of Students Investigator (DOS Investigator)” means the University official designated to investigate allegations of the Code.

11. Dean of Students Representative (DOS Representative). “Dean of Students Representative (DOS Representative)” means the University official designated to administer the Code.
12. Day “Day” means Monday through Friday during regular University business hours (8:00 a.m. to 5:00 p.m.).
13. Discrimination. “Discrimination” means treating an individual or group of individuals unfavorably in their employment or education because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, or veteran status.
14. Domestic Violence. “Domestic Violence” means an act of violence committed against a family member, a household member, a current or former spouse, a child of a current or former spouse, a person with whom the Respondent has a child or children, a child of the Respondent, a family member of the Respondent by blood, marriage or adoption, or someone with whom the Respondent lives.
15. 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.
16. Good Conduct Standing. “Good Conduct Standing” means the status in which a student is fully eligible to participate in University activities and privileges.
17. Greater Weight of the Evidence. “Greater Weight of the Evidence” means the standard of review in the student conduct process that evaluates whether allegations are more likely than not to have occurred. Greater weight of the evidence is also known as the preponderance of the evidence.
18. Harassment. “Harassment” means the unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, or veteran status when such conduct creates an intimidating, hostile or offensive environment and is: (a) sufficiently severe, pervasive or persistent that it interferes with a student’s ability to participate in or benefit from educational programs or activities, or (b) sufficiently severe, pervasive, or persistent that it unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment for the purpose of this policy. To constitute a policy

violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people.

Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs, lewd propositions, physical assault, impeding or blocking movement, offensive touching or any physical interference with normal work movement, and visual insults, such as derogatory pictures or cartoons.

19. 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.
20. Investigation Process. “Investigation Process” means the procedures provided in the Code to ascertain if allegations of dating violence, domestic violence, sexual misconduct, stalking and incidents involving other misconduct, may require investigation by DOS to determine whether to initiate the conduct process.
21. Misconduct. “Misconduct” means behavior that violates the standards put forth in Section IX of this policy.
22. Notice of Investigation. “Notice of Investigation” —Document sent to a Complainant notifying the individual that an investigation into the Code of Student Conduct will commence.
23. No-Contact Order. “No-Contact Order” means administrative directive issued by the DOS prohibiting contact between individuals.
24. Notice of Complaint. “Notice of Complaint” means the initial document in the conduct process that identifies alleged misconduct and directs the student to schedule a meeting with a DOS Investigator or DOS Representative.
25. Reasonable Person. “Reasonable Person” means a person under similar circumstances and with similar identities to the Complainant.
26. Reconsideration. “Reconsideration” means an opportunity for a student to present new information to a DOS Representative in order to modify a finding of misconduct and/or assigned conduct sanctions.

27. Respondent. “Respondent” means an individual or organization identified as possibly having engaged in conduct prohibited under this policy, regardless of whether a formal complaint is made.
28. Responsible Student. “Responsible Student” means a student who is found to have violated the Code.
29. Retaliation. “Retaliation” means any adverse action, treatment or condition taken because of an individual’s participation in a protected activity that is likely to dissuade a reasonable person from reporting or participating in an investigation of a suspected violation of this policy, from filing a criminal complaint, or from accessing services provided under this policy. This includes, but is not limited to, actions that affect an individual’s educational or employment relationship with the University or a UNT employee’s compensation, promotion, transfer, work assignment, or performance evaluation.

Protected activity means reporting a suspected violation of this policy, participating in an investigation of a suspected violation of this policy, filing a criminal complaint, or accessing services provided under this policy.

30. Review. “Review” means an opportunity for a student to seek review by the Committee on Student Conduct of a finding of responsibility and sanction. A subsequent and final review may be made to the Vice President of Student Affairs (VPSA). In cases of sexual assault, sexual coercion, domestic violence, dating violence and stalking, a request for review of the finding is conducted by the Vice President for Institutional Equity and Diversity (VPED) and a request for review of the sanctions is conducted by the Committee and VPSA.
31. Sanctions. “Sanctions” means censure used to communicate to a student the seriousness of their actions. Sanctions are designed to be educational, and are issued to hold the responsible student appropriately accountable and to connect students with appropriate resources and tools that can help promote growth and learning in light of that accountability.
32. Sexual Assault. “Sexual Assault” means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim. The term sexual assault also may be referred to as rape. A student found responsible for sexual assault shall be expelled from UNT.

33. Sexual Coercion. “Sexual Coercion” means the use of manipulation or threat to force someone to engage in a sexual act. A violation of sexual coercion will result in a minimum sanction of Conduct Probation for one calendar year. Additional or more severe sanctions may be assigned based upon the specific facts of the case.
34. Sexual Exploitation. “Sexual Exploitation” means taking non-consensual or abusive sexual advantage of an individual for the benefit or advantage of 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. A violation of sexual exploitation will result in a minimum sanction of Conduct Probation for one calendar year. Additional or more severe sanctions may be assigned based upon the specific facts of the case.
35. Sexual Harassment. “Sexual Harassment” means the unwelcome, sex-based verbal or physical conduct that: in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile or offensive work environment; or, in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from educational programs or activities. For purposes of this policy, conduct is sufficiently severe, persistent or pervasive if its frequent, or threatening, or humiliating nature unreasonably interferes with or limits the student’s ability to participate in or benefit from the University’s educational program or activity, including when the conduct reasonably can be considered to create an intimidating, hostile, abusive or offensive educational environment. A violation of sexual harassment will result in a minimum sanction of Conduct Probation for one calendar year. Additional or more severe sanctions may be assigned based upon the specific facts of the case.
36. Sexual Misconduct. “Sexual Misconduct” means conduct constituting sexual harassment, sexual exploitation, sexual coercion or sexual assault.
37. Stalking. “Stalking” means engaging in a course of conduct directed at a person that would cause a reasonable person to fear for the person’s safety or the safety of others, or to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A violation of stalking will result in a minimum sanction of Conduct

Probation for one calendar year. Additional or more severe sanctions may be assigned based upon the specific facts of the case.

38. Student. “Student” means an individual who has applied for admission or readmission to the University, who is registered or enrolled in one or more courses at the University, or who currently is not enrolled but has not graduated from the University.
39. Title IX Coordinator. “Title IX Coordinator” means the University employee designated by the President to implement, monitor, and enforce UNT’s Title IX program. In this policy, reference to the Title IX Coordinator also means that person’s designee.
40. University Community. “University Community” means the collective group of students, faculty, staff, University officials and any other person employed by or contributing to the University.
41. University Premises. “University Premises” means all buildings, facilities, land and other property that is owned, used or controlled by the University.
42. University Privilege. “University Privilege” means a benefit that is granted by the University or is enjoyed by students, including but not limited to, residing in University housing, participating in social events or University-sponsored activities, holding student leadership positions, membership in student groups, room reservations, or registration as a student organization.
43. University-Sponsored Activity. “University Sponsored Activity” means an activity that is conducted under the authority of or with the support of the University.
44. University Student Group (“Student Group”). “University Student Group (Student Group)” means a group composed of students currently enrolled at UNT who come together in the pursuit of a common purpose, whether or not the group is registered with the University (e.g., cheerleading, ROTC, athletic teams, marching band, Student Government Association), and are also responsible for their conduct. For the purposes of this policy, Student Group is synonymous with Student unless otherwise specified.
45. Vice President for Equity and Diversity (VPED). “Vice President for Equity and Diversity (VPED)” means the Vice President designated by the President to review findings for sexual misconduct, domestic violence, dating violence and stalking at the request of the Complainant or Respondent after findings are administered by DOS.
46. Vice President for Student Affairs (VPSA). “Vice President for Student Affairs (VPSA)” means the Vice President designated by the President to provide authority to the DOS

to administer the Code of Student Conduct and to be the final authority over the review process.

I. ACADEMIC INTEGRITY

Matters of academic integrity are resolved in the Office of the Provost and Vice President for Academic Affairs. Students engaged in conduct that may constitute a violation of the Academic Integrity policy and the Code are subject to processes and sanctions under both policies.

II. VIOLATIONS OF LAW AND THE CODE OF STUDENT CONDUCT

A student's conduct may violate criminal and civil laws as well as the Code. The University may proceed under the Code while any related criminal or civil proceeding is pending. A student may be found responsible and sanctioned under the Code irrespective of the outcome of a criminal or civil proceeding.

III. ADMISSION AND RE-ADMISSION

A. Conduct review of applicants

1. The University may consider alleged misconduct that could affect admission or re-admission. The DOS will determine whether the student reasonably presents a threat to the health, welfare or safety of the University community, potential disruption to the educational enterprise and whether the student may benefit from attending the University. The DOS may deny admission or re-admission, or assign sanctions as a condition of admission or re-admission, based on any of the following circumstances:
 - a. Engaged in acts that were disruptive to the normal operations of an educational institution.
 - b. Falsified an enrollment application or other admissions forms.
 - c. Engaged in conduct that violates one or more categories of misconduct as prohibited by the Code.
 - d. Formally charged with commission of a criminal act.
 - e. Still subject to criminal penalty, including but not limited to imprisonment, parole and/or probation.
2. A student may request a meeting with DOS prior to the decision.
3. The DOS decision relating to admission, re-admission or sanctions assigned as a condition for admission is final.

4. The University may suspend or revoke acceptance to the institution prior to enrollment for behavior that violates UNT standards of conduct.

IV. STUDENT GROUP RESPONSIBILITY

University Student Groups (“Student Groups”) are expected to conduct themselves in a manner consistent with the University’s function as an educational institution. Student Groups must observe all international, federal, state and local laws and University policies, including the Code, both on and off campus. A Student Group may be responsible for the actions and conduct of its members when one or more of its members knew or should have known that another member, acting in the capacity of the individual’s membership in the Student Group, engaged in conduct that violates the Code on the property of the Student Group or at an activity sponsored, hosted, endorsed or promoted by the Student Group or a member of the Student Group. Student Groups found in violation of the Code are subject to the same procedures and sanctions as individual students, except that Student Groups may not be expelled.

DOS will send the Notice of Complaint to the primary officer’s official University email address and copy the group advisor(s). Student Groups are responsible for responding to all Notices of Complaints, and failure to respond may result in resolution of the matter in the absence of any representative of the Student Group.

A complaint may be filed against a Student Group, as well as individual students within the Student Group, for the same conduct.

V. RECORDS

Documents that are created and maintained as part of the conduct process are subject to the protections of the Family Education Rights and Privacy Act, 20 U.S.C § 1232g. [FERPA](#) provides specific exceptions for disclosure of disciplinary records in certain circumstances, regardless of whether the Dean of Students concluded a violation was committed.

Conduct records are maintained by DOS in accordance with the University records retention policy.

A student may request that their permanent conduct record be amended or destroyed by submitting a written request to DOS including the specific basis for the request. A DOS Representative will evaluate each request on a case-by-case basis and will provide written notice of the decision.

The academic transcript of a student suspended or expelled for disciplinary reasons will be marked with “Disciplinary Suspension” or “Expulsion”, as appropriate. Suspension will be noted on the student’s transcript until all conditions of the sanction are met. The notation will be removed if the sanctions are completed and the student submits a request for the removal of the transcript notation of suspension to the DOS. The notation of expulsion is

permanent on the transcript. The University will maintain a permanent written disciplinary record for every student assessed a sanction of suspension or expulsion.

A transcript hold will be placed on a student's transcript when the student withdraws or graduates from the university before the completion of an investigation if the investigation could result in suspension or expulsion. If the investigation ultimately results in a finding of responsibility and assignment of suspension or expulsion, a notation will be made to the student's transcript in accordance with the procedures above.

VI. CATEGORIES OF MISCONDUCT

Students or Student Groups may be disciplined for attempting to or engaging in the misconduct listed below.

- A. Dishonest conduct, including but not limited to-
 - 1. Intentionally furnishing false or misleading information to the University or a University official.
 - 2. Forging, altering or misusing any University document or instrument of identification.
 - 3. Intentionally interfering with any election process.
 - 4. Failure to fulfill financial obligation(s) to the University.
 - 5. Misrepresenting oneself as a University official.
- B. Conduct affecting the University community, including but not limited to-
 - 1. Interfering with University or University-sponsored activities, such as teaching, learning and research, including study abroad.
 - 2. Interfering with any University emergency or public safety functions, such as fire, police or emergency services.
 - 3. Engaging in disorderly or obscene conduct.
 - 4. Breaching the peace, or aiding, abetting or inciting another to breach the peace.
 - 5. Failing to comply with a reasonable directive of a University official, including campus police and DOS officials acting in performance of their official duties.
 - 6. Engaging in the following disruptive activity:

- a. Obstructing or restraining a person from exiting or entering the campus or a facility;
- b. Seizing control of a building or portion of a building in interference with an administrative, educational, research, or other authorized activity; or
- c. Preventing or attempting to prevent by force or violence or the threat of force or violence an individual from engaging in expressive activity or participating in a lawful assembly conducted in accordance with University policy; or

This section (B6) should not be construed to infringe on any right of free speech, assembly or expression guaranteed by the Constitutions of the United States and Texas.

C. Conduct affecting property or services, including but not limited to –

1. Theft of property or services or knowingly possessing stolen property.
2. Intentional or reckless destruction or damage to University property or the property of others.
3. Unauthorized possession, duplication, or use of access devices to University property.
4. Unauthorized entry onto or use of University premises.

D. Conduct affecting intellectual property, including but not limited to –

1. The use or distribution of the original work of another (whether copyrighted or not copyrighted) without the express consent of the owner.
2. The use or distribution of a trademark, including the University trademark, without the express written consent of the owner.

E. Conduct affecting University computing resources or technology resources, including but not limited to –

1. Unauthorized access, unauthorized use or misuse of University technology resources, systems or data.

2. Disrupting University technology operations, or the availability of technology resources.
 3. Using another individual's identification, password, or other credentials to access University technology resources.
 4. Unauthorized sharing of copyrighted materials through electronic means.
 5. Initiating or contributing to attacks against external networks or University systems.
- F. Conduct affecting health, safety or welfare, including but not limited to –
1. Engaging in physical or verbal abuse, fighting, threats, intimidation, coercion, or any other conduct that threatens or endangers the health, safety or welfare of any person. Speech protected by the Constitutions of the United States and Texas is not a violation of this provision, but fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech.
 2. Hazing is 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, placing of harmful substance on the body, or similar activity;
 - B. Involves 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. Involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than described by paragraph;
 - D. Is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code, Student Code of Conduct, other university policies; or
 - E. Involves coercing the student to consume
 - i. A drug; or
 - 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.
 - 3. Arson or unauthorized use or possession of ammunition, firearms, explosives, or other objects that are dangerous or flammable or that could cause damage by fire or explosion to persons or property.
 - 4. Illegal use, possession, sale, manufacture, distribution or control of chemical precursors, controlled substances, controlled substance analogues, or dangerous or illegal drugs; misuse or unauthorized possession of a legal drug or other substance which could cause harm to the user; abuse or misuse of prescription medications; possession of drug paraphernalia; or encouraging or being a party to any of the above.
 - 5. Public intoxication, driving under the influence, driving while intoxicated, or use, possession or distribution of alcoholic beverages, except as expressly permitted by law and University policy.
 - 6. Tampering with or misuse of security or safety equipment.
 - 7. Falsely reporting an emergency or threat.
 - 8. Engaging in acts of sexual misconduct, sexual assault, sexual coercion, sexual harassment, sexual exploitation, dating violence, domestic violence, or stalking as defined by state, federal laws and University policy.
 - 9. Recording another person, without consent, in a location intended to provide privacy to the person using the area.
- G. Violations of federal, state or local laws (whether convicted or not) or other University policies.
- H. Interfering with the conduct process; including but not limited to –
- 1. Failing to comply with a request to attend a conference with a DOS Representative.
 - 2. Failing to comply with sanction(s) assigned under the Code or sanction(s) otherwise assigned by the University, 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 DOS.
4. Engaging in retaliation.

I. Planning or facilitating misconduct.

VII. ADMINISTRATIVE MEASURES

A non-disciplinary action taken by DOS to protect the health, safety or welfare of the University community before initiation of the conduct process.

A. Interim Suspension.

Immediate removal from all or part of the University premises while the conduct process is pending. A person may be suspended pending the outcome of the conduct process when the University reasonably believes the student's continued presence poses a substantial and immediate danger to the health, safety or welfare of any member of the University community or to the University premises.

B. Interim Suspension of Student Group.

A directive from the University to cease all activities, meetings, programs and representation as a Student Group while the conduct process is pending. A Student Group can be interimsly suspended when the University reasonably believes the Student Group's continued presence poses a substantial and immediate danger to the health, safety or welfare of any member of the University community or to the University premises.

C. No Contact Order.

A directive from the University to cease all communication and contact with one or more individuals for a specified period when the University reasonably believes the directive is necessary to protect the health, safety, or welfare of any member of the University or the University community, including to prevent retaliation or harassment. The directive prohibits the student from communicating or contacting the identified individual(s) through friends, relatives, acquaintances, social media, or other means, except as set out in the directive.

VIII. SANCTIONS FOR MISCONDUCT

Any student found to have engaged in misconduct may be assigned sanction(s). The sanctions are designed to engage students in critical reflection of their choices, as well as educate and develop students through a process of accountability that promotes integrity, responsibility, and growth. The DOS will consider the nature of the misconduct, the impact of the misconduct on the University community, the circumstances surrounding the misconduct, and previous sanctions assigned to others for similar

misconduct in determining sanctions. Repeated misconduct may result in more serious sanctions, including suspension or expulsion.

A. Warning-

1. Written notice that the student has violated the Code and must not engage in future misconduct.
2. No impact on Good Conduct Standing.
3. A student may request reconsideration based on new information that was not available at the time of the conference.
4. Not subject to review.

B. Conduct Probation-

1. Written reprimand for a violation of the Code.
2. Conduct Probation will last at least one semester and any subsequent violations during the probationary period will be viewed as both a violation of University policy and a violation of the probation.
3. Expires automatically after the period determined by the DOS Representative; however, a more severe sanction will likely be assigned if the student violates the Code again during that period.
4. The student is not in Good Conduct Standing during the probationary period. All lost privileges will be restored at the completion of the designated probationary period.
5. No more than three Conduct Probation sanctions may be imposed on a student prior to that student being removed from the University community, though the student may be removed prior to this condition.
6. A student may request reconsideration based on new information that was not available at the time of the conference.
7. Not subject to review.

C. Student Suspension-

1. Removal from the University for a specified period. A suspended student will be removed from enrollment, prohibited from entering University premises and blocked from future class registration until reviewed and approved by DOS.

2. A suspended student is not in Good Conduct Standing during the suspension period. Lost privileges will be restored at the completion of the designated suspension period at the discretion of the DOS representative.
3. Suspension is noted on the student's transcript until all conditions of the sanction are met. The notation will be removed if the sanctions are completed and the student submits a request for the removal of the transcript notation of suspension to the DOS.
4. A suspended student must meet with DOS after the suspension period is over to be reinstated to the University and trespass lifted.
5. A suspended student may request reconsideration based on new information that was not available at the time of the conference.
6. A suspended student may request review.

D. Student Group Suspension-

- a. Removal of privileges and recognitions accorded to student groups for a time period determined by the DOS Representative.
- b. Student groups will not be permitted to participate as a recognized Student Group in University activities or functions, or sponsor any activities representing the University.
- c. Student groups may submit a request to the DOS for reinstatement after the suspension period is over.
- d. A Student Group may request reconsideration based on new information that was not available at the time of the conference.
- e. The Student Group may request review.

E. Expulsion-

1. Permanent removal from the University. An expelled student will be permanently barred from enrollment and permanently prohibited from entering any University premises.
2. An expelled student's Good Conduct Standing is permanently removed.
3. Expulsion is permanently noted on the student's transcript.

4. An expelled student may request reconsideration based on new information that was not available at the time of conference.
5. An expelled student may request review.
6. Expulsion cannot be applied to Student Groups.

F. Additional Sanctions-

1. Referral to the Substance Use Resource and Education Center, education workshops, or other assignments designed to educate a student about the potential impact of misconduct and to prevent recurring misconduct.
2. Sanctions assigned under this section have no impact on a student's Good Conduct Standing.
3. A student may request reconsideration based on new information that was not available at the time of the conference.
4. Failure to comply with the sanction assigned under this section may result in further discipline.
5. A sanction assigned under this section is not subject to review unless it is assigned in combination with another reviewable sanction.

G. Loss of Privileges-

1. A temporary or permanent loss of University privileges, including the opportunity to join or hold a leadership position in a Student Group, participate in study abroad programs, register as a student group, or participate in social or extracurricular events.
2. No impact on Good Conduct Standing.
3. Loss of Privileges is not subject to review unless it is assigned in combination with another reviewable sanction.
4. A student may request reconsideration based on new information that was not available at the time of the conference.

H. Residence Hall Removal-

1. A temporary or permanent removal of a student from a specific residence hall or from all University housing and any connected dining facilities.

2. No impact on Good Conduct Standing.
3. Residence Hall Removal is not subject to review unless it is issued in combination with another reviewable sanction.
4. A student may request reconsideration based on new information that was not available at the time of the conference.

IX. INVESTIGATION & CONDUCT PROCEDURES

DOS will review all alleged violations of the Code without regard to any related arrest or pending criminal or civil proceeding. DOS may conduct an investigation based on the nature of the allegation.

A. Investigation Process

1. Some allegations, including sexual misconduct, dating violence, domestic violence, and stalking, may require investigation by DOS in order to determine whether to initiate the conduct process.
 - a. Prior to beginning an investigation, DOS will inform the Complainant (if the Complainant's identity is known) that:
 - i. The Complainant may file a criminal complaint with law enforcement officials at any time;
 - ii. UNT reviews all allegations of dating violence, domestic violence, sexual misconduct, and stalking to determine if an investigation is necessary, regardless of whether criminal charges are filed;
 - iii. UNT will take appropriate measures to protect against continued misconduct;
 - iv. Voluntary withdrawal of an allegation will not necessarily result in termination of an investigation;
 - v. The Complainant should contact DOS if retaliation or other continued misconduct is suspected;
 - vi. The Complainant may request that the University not investigate the complaint and not reveal their identity to the Respondent. DOS will take reasonable steps to comply with the request as long as doing so does not prevent the University from protecting the health, safety or welfare of the community. DOS will consult with the Title IX Coordinator regarding requests related to allegations of sexual

misconduct, dating and domestic violence, and stalking. DOS will notify the Complainant, in writing, whether such a request is granted.

2. A Notice of Investigation will be sent to the Complainant and a Notice of Complaint will be sent to the Respondent. Both letters will signal the start of an investigation, and will include the following information:
 - a. The date and location of the alleged misconduct;
 - b. The specific section of the Code that may have been violated;
 - c. A directive to the Respondent to schedule a conference with a DOS Investigator to discuss the alleged misconduct;
 - d. The opportunity to participate in the investigation, including providing documents, names of witnesses, and other information related to the allegations;
 - e. The role of an advisor if one accompanies the student to the interview(s); and,
 - f. How the investigation will proceed.

The Notice of Investigation and Notice of Complaint will be sent to students using their University-assigned email address or mailing address on file with the University. Notices to non-students will be sent to the email or mailing address provided by the individual. Students are responsible for maintaining a current mailing address with the University Registrar and for checking their University-assigned email on a regular basis.

3. At the conclusion of the investigation, the DOS Investigator will prepare a written report and transfer the case to a DOS Representative. The DOS Representative will determine if, based on the investigation report, the conduct process should be initiated under the Code.
4. If a student withdraws or graduates from the University before the completion of an investigation, the DOS will continue the investigation. Upon conclusion of the investigation, the DOS will also complete the conduct process, if appropriate.

B. Conduct Process.

1. Conference Process.
 - a. Notice of Complaint – If, upon review of a DOS investigation or other information of alleged misconduct, DOS believes a Respondent may have violated the Code, DOS will send the Respondent a Notice of Complaint. The Notice will:
 - i. Inform the Respondent of the date and location of the alleged misconduct and the specific section of the Code that may have been violated.

- ii. Direct the Respondent to schedule a conference with a DOS Representative to discuss the alleged misconduct.
 - iii. Inform the Respondent they may request the report of the DOS investigation, if an investigation was conducted.
 - iv. Be sent to the Respondent using their University-assigned email address or mailing address on file with the University. Students are responsible for maintaining a current mailing address with the University Registrar and for checking their University-assigned email on a regular basis.
2. Pre-Conference Resolution – When, due to the nature of the alleged misconduct, a student cannot lose Good Conduct Standing as a result of being found responsible for engaging in the misconduct, a Respondent may voluntarily accept responsibility and agree to sanctions without participating in a conference. In these instances, DOS will inform the Respondent that:
- a. They may accept responsibility without participating in a conference;
 - b. Participating in the pre-conference resolution process will result in sanctions being assigned without the Respondent presenting information on their behalf;
 - c. By participating in the pre-conference resolution process, the Respondent waives the right to request reconsideration of the finding of responsibility and sanction(s) assigned by DOS;
 - d. If the Respondent engages in future misconduct, the finding of responsibility may be considered in assigning sanctions;
 - e. The Respondent may be required to meet with the DOS Representative to discuss the sanction(s) assigned as part of the pre-conference resolution process.
3. Conference Resolution
- a. The conference process is an educational meeting that allows for the resolution of alleged misconduct. A DOS Representative meets with the Respondent to discuss the alleged misconduct, determine whether the Respondent has violated the Code, and if so, what sanctions are appropriate. The Respondent may present information regarding the alleged misconduct including witnesses, documents, or any other information the Respondent believes will assist the DOS Representative in making a determination regarding the alleged misconduct and an appropriate sanction, if found responsible.

- b. Respondents may be accompanied by an advisor, including an attorney. However, the Respondent must speak on their own behalf. The advisor may speak privately to the Respondent during the conference process, but may not speak on behalf of the Respondent. The DOS Representative may dismiss any advisor who interferes with a Respondent's ability to speak on their own behalf. If a Respondent intends to be accompanied by an attorney, the Respondent must notify the DOS Representative at least two (2) days prior to the conference so the University can arrange for a representative from the Office of General Counsel to be present at the conference.
4. Conduct Process in Cases of Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking
- a. If the DOS Representative finds that a Respondent engaged in sexual misconduct, domestic violence, dating violence, or stalking, the DOS Representative will inform the Respondent and the Complainant of the decision and the reason(s) for the decision. The DOS Representative will notify the Respondent and Complainant about the processes for reconsideration by DOS and review by the Vice President for Equity and Diversity.
 - b. Request for Reconsideration of Findings

The Respondent or Complainant may ask the DOS Representative to reconsider the finding(s) based on new information that reasonably may change the finding(s). The request must be submitted in writing within five (5) days after delivery of the Notice of Findings. The time for requesting reconsideration may be extended by the DOS Representative in the interest of fairness.

The DOS Representative will consider the new information to determine if findings should be upheld, modified, or reversed, and notify both parties in writing of the decision.
 - c. Request for Review of Findings

The DOS Representative will notify the Respondent and Complainant in writing of the decision regarding whether the Respondent violated the Code, and the opportunity for either party to request a review of the findings by the Vice President for Equity and Diversity.

A request for review must be submitted to DOS within five (5) business days from the date of the notice and include the reason(s) for the review and any new information the individual wishes the Vice President for Equity and Diversity to consider.

Upon receipt of a request for review, the Vice President for Equity and Diversity will review the case, make a determination upholding, reversing, or modifying the DOS findings, and refer the case back to the DOS Representative for action consistent with the decision by the Vice President for Equity and Diversity. The decision of the Vice President for Equity and Diversity is final.

d. Assignment, Reconsideration, and Review of Sanctions

If the Respondent is found responsible for the alleged misconduct, DOS will assign sanctions.

Assigned sanction(s) will take effect five (5) days after delivery of the Notice of Findings unless the student submits a request for reconsideration or review in accordance with this policy, in which case, the sanction will not take effect until the reconsideration or review is completed.

Request for Reconsideration of Sanctions

1. The Respondent or the Complainant may ask the DOS Representative to reconsider the sanction based on new information that reasonably may change the sanction.
2. The request must be submitted to DOS in writing within five (5) days after notice of the sanctions. The time for requesting reconsideration may be extended by the DOS Representative in the interest of fairness.

Request for Review of Sanctions

1. If the assigned sanction results in suspension or expulsion, either party may request review to the Committee on Student Conduct.
2. If the assigned sanction does not result in suspension or expulsion, no further review is permitted and the case is closed.
3. The request must be submitted to DOS in writing within five (5) days after notice of the sanctions. The time for requesting review may be extended by the DOS Representative in the interest of fairness.
4. Either party may subsequently request that the Vice President for Student Affairs review the decision by the Committee on Student Conduct regarding the assigned sanction.

5. Conduct Process in All Other Cases of Misconduct

a. Notice of Findings and Sanctions

If the DOS Representative finds that a Respondent engaged in the misconduct set out in the Notice of Complaint, the Representative will inform the Respondent of the decision, the reason(s) for the decision, and the assigned sanction(s). Additionally, if the Respondent acknowledges engaging in misconduct that was not included in the Notice of Complaint, the DOS Representative may find the Respondent responsible for the misconduct and assign sanctions based on all information obtained during the conduct process. The DOS Representative will also notify the Respondent about any process for review or reconsideration, if applicable.

If the DOS Representative determines that the Respondent has not violated the Code, DOS Representative will notify the Respondent in writing and take no further action.

b. Effective Date of Conduct Sanction

Assigned sanction(s) will take effect five (5) days after delivery of the Notice of Findings unless a request for reconsideration or review is received by DOS in accordance with this policy. If the DOS receives a request, the sanction will not take effect until the reconsideration or review is completed.

c. Request for Reconsideration

The Respondent may ask the DOS Representative to reconsider the finding(s), the assigned sanction(s), or both based on new information that reasonably may change the finding(s) or sanction(s). The request must be submitted in writing within five (5) days after delivery of the notice of findings. The time for requesting reconsideration may be extended by the DOS Representative in the interest of fairness.

d. Request for Review

A Respondent who has been assigned suspension or expulsion may request review before the Committee on Student Conduct by submitting a request within five (5) days after delivery of the Notice of Conduct Findings.

6. Committee on Student Conduct

a. Authority of the Committee — In cases of sexual misconduct, domestic and dating violence, and stalking, the Committee may only review assigned sanctions. In all

other cases of misconduct where the assigned sanction is suspension or expulsion, the Committee on Student Conduct may review both the findings and assigned sanctions.

- b. **Composition of the Committee**– The Committee is comprised of three (3) members: one (1) member from the UNT faculty, one (1) member from the UNT student body, and one (1) staff member from UNT or the UNT System Administration with offices on the Denton campus. DOS will select an additional individual to serve as Chairperson for the Committee. The Chairperson will preside over the Committee and, in accordance with this policy, make all decisions regarding review procedures, including the introduction and exclusion of information, requests to extend time, and overall management of the proceeding. The Chairperson may participate fully in all reviews, but will not vote.
- c. **Challenge to Committee Members and Chairperson**— The Respondent may challenge 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 the day before the meeting. The Chairperson will decide whether to grant the request, except the Vice President for Student Affairs will decide a challenge to the Chairperson.
- d. **Scheduling Notice** – Upon receiving a request for review, DOS will determine a date, time, and location for the review and notify the Respondent. In matters of sexual misconduct, domestic violence, dating violence or stalking, notice will be provided to both the Respondent and the Complainant.
- e. **Procedures for Review Before the Committee**
 1. **Submission of Information** – No fewer than five (5) days prior to the scheduled review, both the Respondent and the DOS Representative (and also the Complainant in a case of sexual misconduct, domestic violence, dating violence or stalking), must submit the following information to the Committee Chairperson:
 - i. A written summary of their position;
 - ii. A list of witnesses;
 - iii. A list of all documents the individual intends to present to the Committee at the review.

2. The Committee Chairperson will exchange the information between the Respondent and DOS Representatives (and the Complainant, when applicable), no fewer than three (3) days prior to the review.
- f. Committee Review Process
1. Reviews are informal proceedings and traditional rules of courtroom evidence do not apply. Each participant will have no more than forty-five (45) minutes to present their case to the Committee, which may include a statement explaining the facts, oral or written, and any witness(es) and documents. The participants may ask questions of any individual testifying during the proceeding; however, in case of sexual misconduct, domestic and dating violence and stalking, all questions must be directed through the Chairperson. All participants will have the opportunity to summarize their positions.
 2. In matters of sexual misconduct, domestic violence, dating violence or stalking, the Complainant may make a presentation by alternate means at the discretion of the Chair. Alternate means may include appearance by telephone or other technology that enables the Complainant to avoid direct contact with the Respondent.
 3. A Respondent (or a Complainant in matters of sexual, domestic violence, dating violence or stalking) requesting a review must attend in-person. Except in emergency circumstances, if a requesting party fails to attend the hearing, the review may be dismissed and the decision of the DOS Representative will be final. The DOS Representative must attend in-person.
 4. A party requesting a review must present to the Committee on their own behalf. A party requesting a review may be assisted by one advisor, including an attorney, of their choosing, but only the parties may speak to the Committee or ask questions. Attorneys will not be permitted to present evidence or argument before the Committee. A party who will be accompanied by an attorney should notify the Chairperson at least two (2) days in advance of the review, so that the University can arrange to have a representative of the Office of General Counsel present.

5. The DOS Representative must show, by the greater weight of the evidence that the student engaged in conduct in violation of the Code. If the assigned sanctioned is subject to review, the DOS Representative must show, by the greater weight of the evidence, that the conduct sanction was reasonable based on the circumstances. The DOS Representative must begin the presentation before the Committee and conclude the presentation as well.
 6. Reviews will be recorded and recordings will be the property of the University. Copies of recordings may be provided at the requestor's expense, to the extent permitted by FERPA. Recordings will be maintained according to the University records retention policy.
 - g. Committee Findings and Conclusions – No more than two (2) days after the review, the Chairperson will provide the Respondent (and in matters of sexual misconduct, dating violence, domestic violence and stalking, both the Complainant and Respondent), with a summary of the Committee's findings and conclusions. Notices related to matters of sexual misconduct, domestic violence, dating violence and stalking will be prepared and provided in compliance with FERPA. The Committee may uphold, modify or reverse the decision of the DOS Representative. A copy of the summary will be provided to DOS. DOS will take action as appropriate based on the findings of the Committee. The findings of the Committee are final in cases of sexual misconduct, domestic and dating violence, and stalking. In all other cases, the findings of the Committee are final unless the Respondent or DOS Representative submits a request for review by the Vice President for Student Affairs.
7. Review by the Vice President for Student Affairs

Within five (5) days of the Committee on Student Conduct's decision, either the Respondent or the DOS Representative (or in matters of sexual misconduct, domestic violence, dating violence or stalking, either the Respondent, the Complainant, or the DOS Representative) may request, in writing, a review by the Vice President for Student Affairs. The reason(s) for the review must be outlined in the request. The Vice President for Student Affairs may request additional information from any person as needed to make a decision. The Vice President for Student Affairs may uphold, modify or reverse the decision of the Committee on Student Conduct and this decision is final. In matters of sexual misconduct, domestic violence, dating violence or stalking, the final decision will be prepared in accordance with the FERPA and delivered to both the Complainant and the Respondent.

8. Interim Suspension

A student may be immediately suspended from all or part of the University premises when alleged misconduct reasonably indicates that the presence of the student on the university premises poses substantial or immediate danger to the health, safety or welfare of any member of the University community or University property.

- a. Conference regarding interim suspension—A student who is immediately suspended must contact the DOS within two (2) days of receiving a Notice of Interim Suspension to schedule a conference to discuss: (1) the reliability of evidence supporting the alleged misconduct; and (2) whether the continued presence of the student on University premises reasonably indicates a substantial or immediate danger to the health, safety or welfare of any member of the University community or University property. The student's failure to make a timely request for a conference or to appear at a scheduled conference will cause the interim suspension to remain in effect until the conduct process is complete.
- b. Findings and Conclusions regarding interim suspension – If the DOS Representative determines that interim suspension is appropriate under the circumstances, the DOS Representative will issue findings and conclusions to that effect and the student will be immediately suspended from the University premises, including all University events and activities, on an interim basis. Interimly suspended student groups will be immediately precluded from engaging in any activities, programs, or events, including, but not limited to recruitment, philanthropy or community service. The interim suspension remains in effect until the disciplinary process is complete or until otherwise altered by the DOS Representative. If the DOS Representative determines that interim suspension is no longer appropriate, the DOS Representative may permit the student to return to University premises while the conduct process continues. An interim suspension is not subject to review.
- c. In matters of sexual misconduct, domestic violence, dating violence or stalking, a Complainant may be provided notice of the findings and conclusions regarding interim suspension in accordance with FERPA.

9. Timeframes

- a. The timeframes set forth in this policy are goals and the University's inability to meet a timeframe will not render the procedures invalid so long as no student rights are violated.

- b. Timeframes may be extended by mutual written agreement between decision-makers, the Respondent, and/or the Complainant, or by approval of the Vice President for Student Affairs.

X. AMNESTY

- A. The University will not take disciplinary action against a student for the student's own misconduct that occurs at or near the time of a reported incident when the student:
 - 1. Was the victim of, or a witness to, sexual misconduct, dating violence, domestic violence or stalking; or
 - 2. Reports suspected misconduct by another individual and the report is made solely to protect another's health, safety, or welfare.
- B. Amnesty will be granted only when the University determines the report is made in good faith. A good faith report occurs when the reporting student reasonably believes that the report of misconduct is true and it is made without malice.
- C. Amnesty will not be granted to a reporting student for the student's own participation in an act of, sexual misconduct, domestic violence, dating violence, or stalking.

XI. INTERPRETATION AND REVISION

- A. Interpretation – Questions of interpretation or application of the Code will be referred to the Vice President of Student Affairs, or a designee, for final determination following consultation with the Office of General Counsel.
- B. Revision – The Code will be reviewed every three (3) years under the direction of the Vice President for Student Affairs.

Responsible Party: Vice President for Student Affairs

References and Cross-References.

Family Education Rights and Privacy Act, 20 U.S.C § 1232g

UNT Policy 04.008 Records Management and Retention

UNT Policy 16.004 Prohibition of Discrimination, Harassment, and Retaliation

UNT Policy 16.005 Sexual Harassment

UNT Policy 12.005 Prohibition of Sexual Assault and Retaliation

UNT Policy 06.003 Student Academic Integrity

Texas Education Code § 37.151 (6)

Texas Education Code § 51.9366

Texas Education Code § 51.282

Texas Education Code § 51. 251(2).

Texas Education Code § 51.252.

Texas Education Code § 51.9364

Forms and Tools.

Report.unt.edu

Revision History

Policy Contact:	Dean of Students
Approved Date	05/1991
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