



14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

Chapter 14 - Student	Original Effective Date: December 2001
Section: 14.1 Student Conduct and Discipline	Date Last Reviewed: September 2020
Responsible Entity: Vice President for Academic, Faculty, and Student Affairs	Date Last Revised: September 2020

I. Purpose

All students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with The University of Texas System and institutional rules and regulations, with directives issued by an administrative official of the U. T. System or UT Health San Antonio in the course of their authorized duties, and to observe standards of conduct appropriate for an academic health institution.

This Policy articulates the general procedures and regulations governing student conduct and discipline.

II. Scope

The Policy applies to all students at UT Health San Antonio, including but not limited to matriculated students and non-degree-seeking student.

III. Policy

A. Standards of Conduct

UT Health students are expected to conduct themselves in a professional manner, not only in interaction with patients, but also with peers, faculty, and staff of the Health Science Center and the community in general. In addition to conventional academic tests and measurement criteria for assessment, students will be evaluated on issues relating to their professional conduct/judgment according to the defined standards of the school, program, and profession for which they are in training. The specific professional discipline/school in which the student is enrolled may have additional and more specific codes of conduct.

B. Conduct pertaining to academic and professional progression

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

Conduct matters under the scope of the academic and professional standards of expectations as defined by the educational programs in the schools will be adjudicated by the individual schools in which the educational programs are housed. As such, the Dean of each school shall have the responsibility for the administration of discipline in cases concerning academic dishonesty and professional misconduct, and students will be held to the processes described in each school's policy on academic progression.

C. Applicability

Each student is responsible for compliance with the provisions of the *Regents' Rules and Regulations* and the rules of the institution.

1. Who is Subject to Discipline

Any student who engages in conduct that violates the *Regents' Rules and Regulations*, the U. T. System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the U. T. System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct as enumerated in this Policy, including (where applicable) conduct that occurs off-campus, including but not limited to University off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct.

2. Free Speech

Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered prohibited conduct under this Policy.

D. Prohibited Conduct

Any of the prohibited conduct listed below may fall under the jurisdiction of a school's academic progression policy, inasmuch as such conduct may impact a student's ability to meet the standards of professionalism that are essential to his/her successful academic progression in the program in which he/she is enrolled. The School's academic progression policy takes precedence over this general code of conduct policy.

1. Academic Dishonesty

Any student who commits an act of academic dishonesty is subject to discipline. Academic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person without giving sufficient credit, taking an examination for another person, or any act designed to give unfair advantage to a student or the attempt to commit such acts.

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

- a. Cheating is the following or attempts to do the following:
 - i. Copying from the test paper (or other assignment) of another student, engaging in written, oral, or any other means of communication with another student during a test, or giving aid to or seeking aid from another person during a test or on another assignment where doing so is prohibited by the instructor;
 - ii. Possession and/or use during a test of materials which are not authorized by the person giving the test, such as class notes, calculators, electronic devices, books, or specifically designed "crib notes";
 - iii. Using, obtaining, or attempting to obtain by any means the whole or any part of a non-administered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters, but which will be used again either in whole or in part, without permission of the instructor; or accessing a test bank without instructor permission;
 - iv. Substituting for another person, or permitting another person to substitute for one's self, to take a test; or
 - v. Falsifying research data, laboratory reports, and/or other records or academic work offered for credit.
 - b. Plagiarism is the appropriation of material that is attributable in whole or in part to another source without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program course or degree requirements.
 - c. Collusion is the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any provision of the rules on academic dishonesty, including disclosing and/or distributing the contents of an exam.
 - d. Misrepresenting facts for academic advantage to the University or an agent of the University. This includes providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual; and providing false or misleading information in an effort to injure another student academically or financially.
2. Drugs

Any student who is found responsible for the illegal use, possession and/or sale of a drug or narcotic is subject to discipline.

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

3. Health or Safety

Any student who engages in conduct that endangers the health or safety of any person may be subject to discipline.

4. Disruptions

Any student who, acting singly or in concert with others, obstructs, disrupts, or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the U. T. System or institution is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.

5. Inciting Lawless Action

Any student who engages in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action is subject to discipline.

6. Unauthorized Use of Property

Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the U. T. System or institution is subject to discipline.

7. Hazing

Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (Texas Education Code [Section 51.936](#) and [Sections 37.151-37.157](#)). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Knowingly failing to report hazing can subject one to discipline. Initiations or activities of organizations may include no feature that is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

"Hazing" means any intentional, knowing, or reckless act, occurring on or off of the campus, by one person alone or acting with others, directed against a student for purposes of pledging, being initiated into, affiliating with, or holding office in, or maintaining membership in an organization if the act:

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

- a. is any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
- b. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- c. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation law; or
- d. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection.
- e. in an effort to encourage reporting of hazing, UT Health San Antonio may grant immunity from student or employee disciplinary action to a person who, in good faith, voluntarily reports specific incidents of hazing prior to being contacted concerning the incident or being included in the institution's investigation of the incident. This immunity does not extend to the person's own violation of hazing.

8. Altering of Official Documents

A student who alters or assists in the altering of any official record of the U. T. System or institution or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the U. T. System or institution is subject to discipline. A former student who engages in such conduct is subject to bar against readmission, revocation of degree, and withdrawal of diploma.

This prohibition includes a student who participates or assists in the forging, altering, or duplicating of any parking permit, traffic ticket, or parking ticket issued by the University; any ticket for admission to a program or event sponsored by the University; any means of identification issued by the University; any instrument obligating the University to pay any sum of money; any key which may be used for entering any building owned or controlled by the University; or participating in such actions with other persons.

9. Vandalism

Any student who defaces, mutilates, destroys, or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by an institution or the U. T. System is subject to discipline.

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

10. Use of Explosives

Weapons or Hazardous Chemicals. Unless authorized by federal, state, or local laws, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, while on campus or on any property or in any building or facility owned or controlled by the U. T. System or institution, is subject to discipline. The University has a Campus Carry Policy and any violation of that Policy by a student will be handled according to the procedures in this Policy unless that Policy explicitly states otherwise.

11. Prohibited Conduct During Suspension

A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct (in this and other University Policies) that takes place during the period of suspension.

12. Theft

Any student who commits theft, steals, or takes unauthorized possession of any personal property of any community member or University property within the buildings or facilities owned or controlled by the University or the U.T. System is subject to discipline.

13. Retaliation

Any student who retaliates in any way against an individual who has brought a complaint under this Policy (or other University policy) or participated in an investigation or disciplinary process of such complaint.

14. Engaging in Gambling or Dishonesty

Any student who engages in gambling on property, buildings, or facilities owned or controlled by the institution is subject to discipline

15. Information Resources Systems Usage Violation

Students using University information resources or connecting to University information resources with a personal or non-University owned system will be held responsible for adhering to all University policies and procedures regarding Information Resource Usage as well as state and federal rules and regulations. Information Resources System usage violations include, but are not limited to, unauthorized system/network activity and unauthorized distribution or altering of programs and/or data.

16. Sale or Use of Alcoholic Beverages

The University enforces all state and federal laws or regulations which regulate and control the sale or use of alcohol on campus, including those pertaining to the possession of alcohol by minors. University regulations prohibit the possession

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

and/or consumption of alcoholic beverages on University property without prior written authorization by appropriate administrative officials. Customers of legal age under state law may purchase and consume alcoholic beverages in areas on the campus specifically designated for the public sale and consumption of beer and wine, and residents of University Housing are authorized to possess and consume beer and wine in the privacy of their living quarters, if they are of legal age under state law.

The University, however, in accordance with the Texas Alcoholic Beverage Commission's amnesty policy, affords amnesty to a minor seeking aid in a medical emergency if the minor (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; (2) was the first person to make a request for medical assistance under Subdivision (1); and (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel, if applicable.

17. Knowingly Submitting False Information

A student who knowingly provides false information to University officials is subject to discipline. This prohibition includes a student who knowingly files a false report related to another student's alleged violation of the Student Code of Conduct.

E. Bar from Campus

A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any U.T. System institution during the period of such suspension or expulsion without prior written approval of the chief student affairs officer of the U.T. System institution at which the suspended or expelled student wishes to be present.

F. Student Conduct Investigations and Disciplinary Process

The Dean will conduct an investigation, determine whether to proceed with the charges, and if so, propose the appropriate sanction. The Dean may proceed with the disciplinary process even if the student is subject to concurrent criminal or civil proceedings. Students will have the opportunity to appeal disciplinary action.

The Dean may find that the disciplinary process falls under a program's expectation of professionalism and, thus, may determine that the disciplinary process may be adjudicated outside of the process described in this policy. In such instances where the Dean finds academic reason to examine alleged conduct under the school's academic progression policy, the process steps under the academic progression policy will be

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

followed. If this determination is made, the remaining sections below of this Policy do not apply.

If there is a more specific policy that specifies the procedures for the investigatory and disciplinary process, such as the Sexual Misconduct Policy, that policy will govern. Student violations of the University Free Speech Policy will follow the procedures in this Policy.

1. Investigation

Allegations of misconduct will be investigated by the Dean. The Dean may contact a student for a meeting for purposes of the investigation and/or to discuss the allegations. The Dean may also issue a summons for these purposes. A summons shall be in writing, specify a place for the meeting and a time at least three days after the date of the written request if the request is sent regular mail, or at least two days after the date of the request if the request is sent by email or hand delivered. The written request may be mailed to the address appearing in the records of the registrar, emailed to the student at the e-mail address on record with the U.T. System institution, or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Dean, the Dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons. If the student failing to appear as directed in a summons is the student against whom charges are being reviewed, in addition to the above, the Dean may proceed with disciplinary action based upon other information available using the disciplinary procedures in this Policy. The refusal of a student to accept delivery of the notice, the failure to maintain a current address with the registrar, or failure to read mail or e-mail shall not be good cause for the failure to respond to a summons.

2. Reviewing the Evidence and Determining the Sanction

The Dean will review the evidence, determine whether to proceed with charges, and, if so, determine the sanction appropriate to the charges. Before proceeding with disciplinary action, the Dean will offer the student the opportunity to meet to provide a response to the charges and, upon request, to review the available evidence supporting the charges.

3. Interim Disciplinary Action

Pending a hearing or other disposition of the allegations against a Respondent, the Dean may take immediate Interim Disciplinary Action if the institution determines circumstances warrant immediate action to ensure the safety of any person and/or the University community. If Interim Disciplinary Action is imposed prior to the Respondent having an opportunity to respond to the allegations or to the concern of any potential threat, the University will provide the Respondent an opportunity to respond to the allegations and potential threat as soon as practicable after

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

instituting the Interim Disciplinary Action. Following this opportunity to respond to the allegations and any potential threat, the Dean may remove the Interim Disciplinary Action if warranted. If removal of the Interim Disciplinary Action is not warranted, the Respondent will have an accelerated hearing as described in Section G1 of this Policy unless the Respondent agrees to an Administrative Disposition under Section F.5.

4. Withholding Transcripts, Grades, Degrees

The Dean may also withhold the issuance of an official transcript, grade, diploma, certificate, or degree to a student alleged to have violated a rule or regulation of the U. T. System or the institution that would reasonably allow the imposition of such sanction. The Dean may take such action pending a hearing, resolution by Administrative Disposition, and/or exhaustion of appellate rights if the Dean has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean, the best interests of the U. T. System or the institution would be served by this action.

5. Administrative Dispositions

- a. In any case where the Respondent elects not to dispute the facts upon which the charges are based and agrees to the finding of responsibility and sanctions the Dean assesses, the student may execute a written waiver of the hearing procedures and waiver of any appeals under the policy. This Administrative Disposition shall be final and there shall be no subsequent proceedings regarding the charges.
- b. Alternatively, a student may elect to sign an Administrative Disposition waiving the right to the hearing but reserving the right to appeal only the sanction. Such an appeal regarding the sanction will be to the President's designee as determined by institutional procedures in accordance with Section I, *Appeal Procedures*, of this Policy.

6. Challenging the Disciplinary Action

- a. Cases in which Proposed Sanction involves Suspension, Academic Sanctions, or Expulsion. In those cases in which the Dean proposes suspension (including suspension of rights and privileges), academic sanctions, or expulsion as a sanction, the charges shall be heard and determined by a fair and impartial Hearing Officer in accordance with Section G, *Hearing Process*, of this Policy, unless the Respondent has elected an Administrative Disposition.
- b. Cases in Which Neither Suspension, an Academic Sanction, or Expulsion is Proposed as a Sanction. In those cases not subject to the above 6.a., institutional rules may provide for a hearing process, other than that provided for in Section G, *Hearing Process*, that at a minimum provides that the Dean inform the student in writing of the charges, evidence, proposed findings, and the proposed

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

sanction(s); allows the student an opportunity to meet with the Dean to provide evidence and at such time (or after such an opportunity), the Dean will inform the Respondent of the final findings and sanctions, if any; and provide an appeal process outlined in Section I, *Appeal Procedures*, of this Policy.

- c. Burden of Proof
 - i. Upon a hearing of the charges (whether under the above 6.b. or Section G, *Hearing Process*, the Dean or other institutional representative has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.

G. Hearing Process

On those cases in which (a) the Respondent disputes the facts upon which the charges are based and (b) the student's proposed sanction is suspension (including suspension of rights and privileges), an Academic Sanction, or expulsion, such charges shall be heard and determined by a fair and impartial Hearing Officer.

Where a student is alleged to have violated the Sexual Misconduct Policy, the procedures governing the investigatory and disciplinary processes are outlined in the Sexual Misconduct Policy, and the procedures in this Policy do not apply.

1. Interim Disciplinary Action Accelerated Hearing

When Interim Disciplinary Action has been taken by the Dean under Section F.3, *Student Conduct Investigations and Disciplinary Process, Interim Disciplinary Action*, and remains in place following the opportunity for the student to address the allegations and/or potential threat, the student will be given the opportunity to have a hearing of the charges in accordance with the procedures specified below of this Policy within 10 days after the interim disciplinary action was taken; however, if the Dean determines that there is good cause, the 10-day period may be extended for a reasonable period.

2. Notice of Hearing

Except in those cases where immediate interim disciplinary action has been taken, the Respondent shall be given at least 10 days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). At least 10 days prior to the hearing, the University will provide the Respondent all evidence obtained related to the allegation(s). The notice shall be delivered in person to the student, emailed to the student at the e-mail address on record with the University, or mailed to the student at the address appearing in the Registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing. A notice sent via email will be considered

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

to have been received on the day sent. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Dean. If the student fails to appear, the Hearing will proceed without the benefit of the student's presence.

3. Impartiality of the Hearing Officer(s)

The Respondent may challenge the impartiality of a Hearing Officer(s). The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer(s) through the Office of the Dean at least three days prior to the hearing. The Hearing Officer(s) shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event a Hearing Officer(s) recuses himself or herself, a substitute will be chosen in accordance with procedures of the institution.

4. Procedures

The hearing shall be conducted in accordance with procedures adopted by the institution that are consistent with the following:

- a. Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five days prior to the hearing. If the hearing is an Accelerated Hearing under Section G.1, *Hearing Process, Interim Disciplinary Action Accelerated Hearing*, this information should be provided at least 3 days before the hearing.
- b. Each party shall have the right to appear, make an opening and closing statement, present testimony of witnesses and documentary evidence, cross-examine witnesses (as permitted by the hearing officer), and be assisted by an advisor of choice. The advisor may be an attorney. If the Respondent's advisor is an attorney, the Dean's advisor may be an attorney from the Office of General Counsel of the U.T. System. An advisor may confer with and advise the Dean or Respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer(s).
- c. Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- d. The Dean recommends a sanction to be assessed by the Hearing Officer(s). The recommendation may be based upon past practice of the institution for violations of a similar nature, the past disciplinary record of the student, and/or other factors deemed relevant by the Dean. The Respondent shall be entitled to respond to the recommendation of the Dean. In making the sanctioning decision, the Hearing Officer will take into consideration any mitigating or aggravating factors.

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

- e. The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer(s) in accordance with Section I, *Appeal Procedures*, of this Policy, the official record will consist of the recording of the hearing, the documents received in evidence, any investigation report and supporting evidence, and the decision of the Hearing Officer(s). The recording will be made available to the Dean and the Respondent within 3 days of the hearing date.

H. Sanctions

The following sanctions, either singularly or in any combination, may be assessed by the Dean or by the Hearing Officer(s) as applicable, in accordance with these procedures:

1. Disciplinary probation.
2. Withholding of grades, official transcript, and/or degree.
3. Bar against readmission, bar against enrollment, drop from one or more classes, and/or withdrawal from the institution.
4. Restitution or reimbursement for damage to or misappropriation of institutional or U. T. System property.
5. Suspension of rights and privileges, including participation in athletic or extracurricular activities.
6. An Academic Sanction, including a failing grade or reduction of a grade for an examination, assignment, or for a course.
7. Denial of degree.
8. Suspension from the institution for a specified period of time or until the student meets specified conditions. Students who are currently enrolled will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript with the term "Disciplinary Suspension." The notation can be removed upon the request of the student in accordance with the procedures adopted in the institution's code of conduct when all conditions of the suspension are met.
9. Expulsion (permanent separation from the institution). Expulsion creates a permanent notation on the student's academic transcript.
10. Revocation of degree and withdrawal of diploma.
11. Other sanction as deemed appropriate under the circumstances.

I. Appeal Procedures

A Respondent may appeal a disciplinary sanction assessed by the Dean in accordance with Section F.5.b, *Student Conduct Investigations and Disciplinary Process, Administrative*

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

Dispositions. A Respondent may also appeal the Dean's determination of responsibility or sanction in accordance with Section F.6.b, *Challenging the Disciplinary Action, where Cases in Which Neither Suspension, an Academic Sanction, or Expulsion is Proposed as a Sanction.*

Either the Dean or the student may appeal the decision of the Hearing Officer(s), made pursuant to Section G.4.e. An appeal shall be in accordance with the following procedures:

1. Basis for Appeal
 - a. The sanctions imposed are inappropriate and/or not commensurate with the circumstances (Note: this is the only appeal option available for Administrative Dispositions under Section F.5.b, *Student Conduct Investigations and Disciplinary Process, Administrative Dispositions*;
 - b. A procedural irregularity affected the outcome of the matter;
 - c. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter; or
 - d. The Dean, investigator(s), or hearing officer had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.
2. Appeal Procedures
 - a. The appealing party must submit a written appeal stating the specific reasons for the appeal and any argument to the President's designee (hereafter "Appeal Official") with a copy to the other party. The appeal must be stamped as received in the office of the Appeal Official no later than 14 days after the appealing party has been notified of the sanction assessed by the Dean or the decision of the Hearing Officer(s). The nonappealing party may, but is not required to, submit a response to the appeal within 7 days of receipt of the appeal. For purposes of calculating deadlines, the date that an appealing party has been notified of the sanction or the date the appealing party received a copy of the Hearing Officer's decision is 3 days after the date the document was sent by mail to the recipient or, if emailed to the recipient, the day the email was sent.
 - b. An appeal of the sanction assessed by the Dean in accordance with Section F.5.b, *Student Conduct Investigations and Disciplinary Process, Administrative Dispositions*; or Section F.6.b, *Challenging the Disciplinary Action, where Cases in Which Neither Suspension, an Academic Sanction, or Expulsion is Proposed as a Sanction*, will be reviewed solely on the basis of the written argument of the student and the Dean.

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

- c. The appeal of the decision of the Hearing Officer(s), pursuant to Section G.4.e., will be reviewed solely on the basis of the record from the hearing. The Dean will submit the record from the hearing to the Appeal Official as soon as it is available to the Dean. The Appeal Official, may, at the Appeal Officer's discretion, entertain oral argument in an appeal from the decision of the Hearing Officer(s).

3. Appeal Official's Authority

The Appeal Official may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision.

4. Communication of Decision

The Appeal Official's decision shall be communicated in writing to the Respondent and the Dean within 30 days after receiving the appeal and official record. The decision of the Appeal Official is the final appellate review.

J. Transcript Notations and Disciplinary Record

The file of a student found in violation of HOP 4.2.2 *Sexual Misconduct Policy* (including the transcripts or recordings of the hearing) will be maintained by the Chief Student Affairs Officer and Title IX Director for seven years. Student Title IX records are confidential and are separate from the student's academic record.

1. The Associate/Assistant Dean of Student Affairs in each school will retain student discipline records according to the following schedule:
 - a. In cases where the final disposition is expulsion from the University, denial, or revocation of a degree, and/or withdrawal of a diploma, the records will be retained indefinitely.
 - b. Records which are subject to maintenance under the Campus Security Act (also known as the Jeanne Clery Act) will be retained for six years from the date of the notice of final disposition.
 - c. Student discipline records in all other cases are retained for six years from the date of the notice of final disposition.

When there have been repeated violations of the Student Conduct Code, all student discipline records pertaining to an individual student will be retained for six years from the date of the final disposition in the most recent case.

2. Posting on Transcripts

The University Registrar is notified by the Vice President of Academic, Faculty and Student Affairs when a student is suspended due to student conduct. The fact that suspension was imposed must be posted on the academic transcript for the duration

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

of the suspension. When a student is expelled, the fact that expulsion was imposed must be posted on the academic transcript permanently. Disciplinary actions are notated on the academic transcript. If a student has been suspended for one year, the notation is “Disciplinary Suspension- 1 YR”. A two-year suspension will be listed as “Disciplinary Suspension – 2 YR”. If a student is expelled due to a disciplinary action, the notation will be “Expelled – Disciplinary Reason”. Questions related to these actions may be directed to the Office of the Vice President for Academic, Faculty and Student Affairs.

3. Denial or revocation of a degree

The University Registrar is notified by the Vice President of Academic, Faculty and Student Affairs of the decision to deny or revoke a degree.

4. Expunging of Disciplinary Record

Disciplinary records may be expunged by the Vice President of Academic, Faculty and Student Affairs or his/her designee for good cause, upon written request of a student who has a disciplinary record. Factors to be considered in review of such petitions shall include: (a) the person’s disciplinary record as a whole (b) the conduct of the student subsequent to the violation (c) the nature of the violation(s) and the severity of any damage, injury, or harm resulting from it. Disciplinary records retained for less than 120 days or designated as “permanent” shall not be expunged without unusual and compelling justification. Expunged files will be so marked, shall not be kept with active disciplinary records, and shall not remain on the student’s disciplinary record.

The University will maintain a permanent written disciplinary record for every student assessed a sanction of suspension, expulsion, denial, or revocation of degree, and/or withdrawal of diploma. A record of academic dishonesty shall be maintained, in each School, for at least five years, and disciplinary records required by law to be maintained for a certain period of time as noted above., unless the record is permanent in conjunction with the above stated sanctions in this section. The disciplinary record shall be treated as confidential, and the record shall not be accessible to anyone other than university officials with legitimate educational interests, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

IV. Definitions

When used in this document with initial capital letter(s), the following words have the meaning set forth below unless a different meaning is required by context.

Academic Sanction – a sanction affecting a student’s grade. For example, the lowering of a grade on an assignment, test, or in the course.

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

Administrative Disposition – a document signed by the student and Dean which includes a statement of the disciplinary charges, the findings, the sanction and a waiver of the hearing procedures and possibly a waiver of appeals under Regents' *Rules and Regulations*, Rule 50101, Section 2, and institutional rules regarding student discipline.

Campus– consists of all real property, buildings, or facilities owned or controlled by the institution.

Chief Student Affairs Officer – administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this rule.

Complainant – individual who is alleged to be the victim of any prohibited conduct under this Policy.

Dean or Dean of Students– the administrative officer or officers responsible for the administration of the disciplinary process at each institution. The Dean of Students may designate individual(s) to administer disciplinary cases under this policy.

Hearing Officer – an individual or individuals selected in accordance with procedures adopted by the institution pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges, make findings of fact, and, upon a finding of responsibility, impose an appropriate sanction(s).

Interim Disciplinary Action – disciplinary action adverse to a Respondent taken against the Respondent before a finding of responsibility for a policy violation. Interim Disciplinary Action may include suspension, suspension of a right or privilege, or a prohibition from entering campus or any part of campus.

Respondent – the student accused of an alleged policy violation.

Student – the following persons shall be considered students for purposes of this Policy: 1) a person currently enrolled at UT Health San Antonio; 2) a person accepted for admission or readmission to the institution; 3) a person who has been enrolled at the institution in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows; or 4) a person who engaged in prohibited conduct at a time when they met criteria of 1, 2, or 3 above.

Day – a calendar day. For purposes of calculating any period of days in this Policy, if the last day of the period falls on a Saturday, Sunday, or an official holiday (including Skeleton Days), or is a day when the University is closed due to an emergent situation, the period

14.1.1 Procedures and Regulations Governing Student Conduct and Discipline

continues to run until the next day that is not a Saturday, Sunday, an official holiday (including Skeleton Days), or a day when the University is closed due to an emergent situation.

V. Related References

[Regents' Rules and Regulations, Rule 50101](#)

VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
12/2001	Policy Origination		
09/2020	Policy Revision	Executive Committee	9/15/20