



Student Conduct Code Procedures

Prairie View A&M University views the student conduct system as an educational experience designed to facilitate each student's personal growth and understanding of the acceptable behavior of PVAMU students. The Student Conduct Officer will accept written notification of potential violations of the Student Conduct Code by any member of the University community. Any charge should be submitted on the Violation of Student Conduct Code Form as soon as possible after the event takes place, preferably within five (5) business days.

Once an incident is reported, the Student Conduct Officer will investigate to determine if a violation of the Student Conduct Code has occurred. The Officer is responsible for sending a written notification of an alleged violation to the student. Within the discretion of the Student Conduct Officer, the student may be required to report to the office immediately or no later than three (3) business days after receiving the letter of notification.

All letters of notification will direct the students to review the Student Conduct Code Handbook with specific attention to the following:

- Ideals for the Prairie View Man and Woman
- Student Rights and Responsibilities
- Hearing Procedures
- Sanctions
- Appeal Procedures

If a hearing is scheduled, student(s) facing disciplinary proceedings must report for scheduled hearings. Your failure to appear will not prevent the hearing from occurring or from sanctions being imposed. Depending on the preliminary investigation, the Student Conduct Officer may determine that a matter may be handled by either an:

Administrative Hearing. The student meets with the Student Conduct Officer to discuss the violations, the student's involvement in the incident or lack thereof and any other information relevant to the charges. Based on the information presented and discussed in the hearing, the Student Conduct Officer will determine whether a violation has occurred and issue sanctions accordingly.

Board Hearing. The Student Conduct Hearing Board will hear cases involving primary violations of the Student Conduct Code. The Conduct Board hearing is not analogous to a criminal trial. The focus of inquiry in disciplinary proceedings shall be whether the student violated University rules. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the student or University may result.

In all student conduct proceedings, the accused shall be presumed not responsible until it is proven that a violation of University rules occurred. The burden of proof shall rest with those bringing the charges, and said burden of proof shall be by a preponderance of the evidence. Preponderance of the evidence is defined as the greater weight and degree of credible evidence admitted in the hearing.

A student may not be expelled, dismissed or suspended prior to a Student Conduct Hearing Board hearing except when the Associate Vice President for Student Affairs believes that the presence of a student on campus poses a continuing danger to persons or property or presents a threat of disruption to the academic process. If the student is a repeat offender and a threat to the orderly operation of campus activities, an interim suspension may be imposed. A student disciplinary proceeding hearing will be scheduled in five (5) business days if possible.

The hearing officer is authorized to exercise active control over the proceedings in order to elicit relevant information, avoid needless consumption of time, prevent the harassment or intimidation of the accused and witnesses and render a decision concerning the disciplinary action to be taken.

The following rights apply to a Conduct Board hearing that might result in expulsion, dismissal or suspension. Accused students subjected to less severe sanctions may, at the discretion of the Student Conduct Officer be afforded, but are not guaranteed the following rights:

1. Right to be informed in writing of all violations at least three (3) business days before any hearing may proceed.
2. Right to waive the three (3) business day notice of charges.
3. Right to reasonable access to the case file, which shall be maintained in the Office of Student Conduct.
4. Right to know that there will be no finding of responsibility solely because a student remains silent during disciplinary proceedings.
5. Right to the consultation of a personal advisor/counselor during the student conduct hearings. A personal advisor or counselor (who may be an attorney) may appear at a student conduct proceeding with the student to provide advice, but may not represent the accused student or directly cross-examine witnesses, except in a case where the University is represented by an attorney. A student must notify the University at least two (2) business days prior to the scheduled hearing if he or she plans to have an attorney present. Student(s) who have been charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor/counselor.
6. Right to question witnesses.
7. Right to review all evidence.
8. Right to present witnesses but they may not remain in the hearings after providing testimony. Character witness information shall be accepted in written form only.
9. Right to request an open proceeding. An open hearing may be held only if all students involved provide written consent to disclose any and all information which might be released from their educational record during the course of the hearing. Final determination will be at the discretion of the Hearing Officer. Anyone who disrupts a hearing may be removed from the hearing and may not be allowed to return.
10. Right to a written statement of the outcome of the proceeding within five (5) business days of the hearing's completion.
11. Right to request that the University make an audio recording of the student's proceedings at the student's expense. The record will then become part of the student's conduct file and property of the University. Deliberations shall not be recorded.
12. Right to appeal the decision through the appropriate University channels within five (5) business days of receiving the notice. The appeal must be written.

The following rights apply to the alleged victim of sexual misconduct in student conduct proceedings:

1. Right not to be in attendance at the student conduct proceeding.
2. Right to submit a victim impact statement that details the alleged consequences suffered by the victim.
3. Right to have a personal advisor/counselor accompany her/him during the student conduct proceeding. Students who are charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor/counselor at conduct proceeding. An attorney may appear at a student proceeding with the alleged victim to provide advice, but may not represent the alleged victim or directly question or cross-examine witnesses, except in a case where the university is represented by an attorney.
4. Right to request immediate on-campus relocation (based on available space), transfer of classes or other steps to prevent unnecessary or unwanted contact or proximity to

the accused, when such contact is likely to place the alleged victim in danger of bodily injury and/or cause the alleged victim severe emotional distress.

5. Right to be informed of the outcome of the hearing upon request. The proceedings and outcome of all student conduct proceedings are considered confidential information in accordance with the Family Educational Rights and Privacy Act of 1974. Such information should not be otherwise re-disclosed unless the student conduct proceeding has been declared open.
6. Right to not have her/his past behavioral history discussed during the student conduct proceeding. Questions of relevancy shall be determined by the hearing officer.
7. Right to request the University make an audio recording of the accused student's proceedings at the alleged victim's expense. The record will then become part of the accused student's conduct file. Deliberations shall not be recorded.

SANCTIONS

Any person may notify or refer to the Student Conduct Officer any University violations by students. The person must be willing to provide a written statement and submit any information that may be pertinent to the violation. Once a student has been assessed a disciplinary sanction by the Conduct Officer, it may not be increased by any higher University authority for that offense.

Primary Sanctions

- A. Temporary Suspension** Whenever there is evidence that the continued presence of a student at PVAMU poses a substantial and immediate threat to him/herself or to others, or to the stability and continuance of normal University functions, the Vice President for Student Affairs or authorized representative may impose such temporary sanctions as the Vice President considers necessary, including exclusion from campus property. The temporary sanctions shall become effective immediately without prior notice. Upon taking such action, the Vice President shall immediately notify the Student Conduct Hearing Board of the sanction.
- B. Expulsion** Separation of the student from the University whereby the student is not eligible for readmission.
- C. Dismissal** Separation of the student from the University for an indefinite period of time. Readmission to the University may be possible.
- D. Suspension** Separation of the student from the University for a definite period of time. The student is not guaranteed readmission at the end of this period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.
- E. Deferred Suspension** The sanction of suspension may be placed in deferred status. If the student is found in violation of any University regulation during the time of deferred suspension, the suspension is immediate without further review. Additional disciplinary action appropriate to the new violation may also be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the University.
- F. Suspension or Loss of Lab Privileges** Prohibited use of lab privileges for a specific period of time or loss of access to a designated lab or all labs.
- G. Letter of Enrollment Block** A letter stating that the student may not reenter Prairie View A&M University because of a disciplinary problem or for medical reasons without prior approval through the Associate Vice President for Student Affairs.

- H. Conduct Probation** An official warning that the student's conduct is in violation of Prairie View A&M University's Student Conduct Code or the Penal Code of the State of Texas, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is deemed "not in good standing" with the University, which includes the following restrictions:
1. Ineligible to hold any elected or appointed office recognized by the University.
 2. Ineligible to represent the University community in any activity or program.
 3. Review of eligibility to receive University administered financial aid.
 4. Notice of the probationary status in the student's file.
 5. Subsequent violations of the Student Conduct Code during the probationary period constitute a violation of the probation and may subject the student to major disciplinary action and recording of the results in the student's file.

Secondary Sanctions

- H. Letter of Reprimand** A letter of record about the University's displeasure with the student's involvement in any incident that reflects unfavorably on the student or the University.
- I. Verbal Warning** A verbal admonishment may be given to a student for actions unbecoming to the University community.
- J. University or Community Service** This may be assigned to students who are required to work in a specified area of community service for a specific time frame as a means of satisfying requirements of a disciplinary decision.
- K. Educational Requirements** A provision to complete a specific educational requirement related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to completion of an alcohol education workshop, essays, reports, etc.
- L. Restrictions** The withdrawal of specified privileges for a definite period of time as a result of negative behavior, but without further penalties contained in the imposition of conduct probations.
- M. Loss of Campus Parking and/or Driving Privileges** Revocation of campus vehicle registration and forfeiture of permit as a result of disciplinary violation
- N. Loss of Campus Housing Privilege** Removal from University housing for disciplinary reasons.

The Student Conduct Officer will automatically notify a victim of the punishment rendered to an accused within five (5) business days following the close of the initial hearing. All disciplinary sanctions imposed upon students are cumulative in nature and will be recorded in the student's disciplinary record.

APPEALS

A student who has been assessed a disciplinary sanction by the Student Conduct Hearing Board, may file an appeal with the Vice President for Student Affairs and Institutional Relations within five (5) business days after receiving the notice. An appeal must be based upon some specific aspect of the previous hearing, for example unjust punishment or violation of due process.

Following the written notification of intent to appeal and pending the hearing, the disciplinary action taken by the University shall be stayed unless the Vice President for Student Affairs and

Institutional Relations has determined, in a case involving suspension, dismissal or expulsion that the continued presence on campus of the charged student poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process.

The procedure for filing an appeal:

- A. The student must file a written appeal with the Vice President for Student Affairs and Institutional Relations within five (5) class days of receiving the official sanction.
- B. The student should identify in the written request the specific aspect of the previous hearing on which he or she is basing the appeal. A decision by the Vice President for Student Affairs and Institutional Relations shall be final.
- C. The Temporary Sanction will remain in effect during the appeal.

DEPARTURE FROM CAMPUS FOLLOWING SUSPENSION OR DISMISSAL AND REQUEST FOR REINSTATEMENT

- A. A student who has been required to withdraw from the University, for health or disciplinary reasons shall leave the premises within 24 hours of notification, or sooner if so directed by the Vice President for Student Affairs and Institutional Relations.
- B. A student who has been required to withdraw from the University for disciplinary reasons and who desires to be reinstated after completion of the withdrawal period shall present a request in writing to the Vice President for Student Affairs and Institutional Relations.
- C. A student who has been required to withdraw from the University for health reasons and who desires to be reinstated shall follow reenrollment procedures obtained from the administration and the Vice President for Student Affairs and Institutional Relations.
- D. After obtaining clearance, the student must comply with all deadlines and/or requirements of the current University catalog.

AMENDMENT

The Student Conduct Code shall be amended only by the President. Responsibility for proposing revisions to the Code is delegated to the Student Conduct Code Committee consisting of students, faculty and administrators chaired by the Associate Vice President for Student Affairs.

The Student Conduct Code Committee shall accept and review recommendations from students, faculty and administrators regarding revisions of the Student Conduct Code. The Committee shall prepare proposed revisions and forward them to the President through the Vice President for Student Affairs and Institutional Relations for approval.

Nothing included above shall be construed as a limitation upon the President to propose changes without reference to the Committee.

STUDENT CONDUCT HEARING BOARD

The President of the University shall annually appoint 12 people to serve on the Student Conduct Hearing Board from among the faculty, staff and community representatives of the University. The Student Conduct Hearing Board shall have sole authority to determine the issue of responsibility in the cases referred. Three to five Student Conduct Hearing Board Members shall be assigned to hear each case.

STUDENT CONDUCT FILES AND RECORDS

The record of disciplinary actions shall be maintained by the Student Conduct Officer. The file of a student found responsible for any violations of the Code shall normally be retained as a disciplinary record for seven (7) years following the incident.