

# **University of the Incarnate Word Student Code of Conduct 2008-2009**



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**University of the Incarnate Word**  
**Student Code of Conduct**  
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**University of the Incarnate Word students are responsible for knowing the information, policies and procedures outlined in this document.**

## Community Policies

### Student Code of Conduct

The *Student Code of Conduct* is based upon the model codes of Stoner and Sokolow. These conduct policies and procedures have been authored with the assistance of the National Center for Higher Education Risk Management, [www.ncherp.org](http://www.ncherp.org). Portions of these procedures have been adapted from Syracuse University, Penn State University, Loras College, Duke University and the University of Oregon. Policies have been adapted from the models of Gary Pavela, Ed Stoner's Model Code and the Model Code of NCHERM authored by Brett A. Sokolow, JD. Rights of use have been granted by NCHERM to the University of the Incarnate Word. No other use is permitted without the express permission of NCHERM.

### Section 1

#### Introduction

The University of the Incarnate Word community is committed to fostering a campus environment that is conducive to academic inquiry, productive campus life, and thoughtful study and discourse. A community exists on the basis of shared values and principles. At the University of the Incarnate Word, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Student Code of Conduct*. These standards are embodied within a set of core values that include integrity, fairness, respect, community and responsibility. When members of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the *Student Code of Conduct*.

Ultimately, each member of the University of the Incarnate Word community is expected to assume responsibility for her/his conduct, and to assume reasonable responsibility for the behavior of others. On occasion, this will involve kind and courteous admonition done when one member observes another in inappropriate conduct. At other times it will involve cooperation when the authorities are investigating instances of alleged misconduct.

The student conduct process at the University of the Incarnate Word is not intended to punish students. Rather, it exists to protect the interests of the community, and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform his/her behavior to community

expectations, the student conduct process may determine that he/she should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Fair process, within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of university policy without information showing that it is more likely than not that a policy violation occurred, and any sanction will be proportionate to the severity of the violation.

## Section 2

### Jurisdiction over Student Conduct

Students at the University of the Incarnate Word are annually given a copy of the *Student Code of Conduct*. Students are charged with the responsibility of having read, and agreeing to abide by, the provisions of the *Student Code of Conduct* and the authority of the student conduct process. The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students and university-affiliated student organizations. Because the *Student Code of Conduct* is based on shared values, it sets a range of expectations for the University of the Incarnate Word student no matter where or when their conduct may take place.

Therefore, the *Student Code of Conduct* will apply to behaviors that take place on the campus, at university-sponsored events, and may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial university interest. A substantial university interest is defined to include:

- Any action that constitutes a criminal offense as defined by Texas law. This includes repeat violations of any local, state or federal law committed in the municipality where the university is located.
- Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others.
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- Any situation that is detrimental to the educational interests of the university.

The *Student Code of Conduct* may be applied to conduct that takes place during the time a person is enrolled as a student, including during semester breaks and between semesters. Further, the *Student Code of Conduct* applies to guests of community members, whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of University of the Incarnate Word are also protected by the *Student Code of Conduct*, and may initiate grievances for violations of the *Student Code of Conduct* committed by members of the University of the Incarnate Word community against them. There is no time limit on reporting of violations of the *Student Code of Conduct*, as long as the offending student is still enrolled at University of the Incarnate Word. However, the longer someone waits to report an offense, the harder it becomes for University of the Incarnate Word to obtain information and witness statements, and to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Campus Life and/or Campus Police.

### **Section 3**

#### **Violations of Law**

Violations of federal, state and local laws are incorporated as offenses under the *Student Code of Conduct*. When an offense occurs over which the university has jurisdiction, the university conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident. Should a student withdraw from the university when a criminal complaint is made, the university may pursue investigation and resolution of campus conduct matters, regardless of the fact that the student has withdrawn.

When a student is accused, arrested, charged or indicted for a violent or drug-related off-campus crime, the university may elect to take action against that student for violation of the code of conduct, which incorporates violation of local, state and federal laws as code infractions.

When it has reasonable cause to separate a student from the community, the university may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the code of conduct. The university reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. The university will permit a student who receives an interim suspension to request a meeting with the Dean of Campus Life to show cause why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a campus hearing.

When criminal charges are pending, the university may be delayed or prevented from conducting its own investigation, and moving forward with a campus hearing. When this happens, the

university will delay its hearing until such time as it can conduct an internal investigation, or obtain from law enforcement sufficient information upon which to proceed.

It may be in the best interests of students accused of crimes to withdraw from the university, without penalty, until the criminal charges are resolved. The university has a procedure for voluntary withdrawals under the following conditions: if the alleged victim of the crime is a student, the alleged victim must approve of the withdrawal and delay of the hearing; the accused student must comply with any and all campus efforts at investigation that will not prejudice their defense in the criminal trial; and the accused student must agree that in order to be re-instated to active student status, he/she must first be subject to and fully cooperative with a campus hearing, and must comply with any sanctions that are administered.

## **Section 4**

### **Special Provisions**

#### **A. Attempted Violations**

In most circumstances, University of the Incarnate Word will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if those attempts had been completed.

#### **B. Misconduct Online**

Students are cautioned that behavior conducted online can subject them to university conduct action, such as harassment delivered by email. Students must also be aware that blogs, webpages, such as MySpace.com homepages, Facebook entries and similar online postings are in the public sphere, and are not private. These postings can subject a student to allegations of conduct violations, if evidence of policy violations is posted online. The university does not regularly go hunting for this information, but may take action if and when such information is brought to the attention of university officials.

#### **C. University as Complainant**

As necessary, University of the Incarnate Word reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

#### **D. False Reports**

University of the Incarnate Word will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of

any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### **E. Group Violations**

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as joint accused students. In any such action, individual determinations as to responsibility will be made and sanctions will be proportionate to the involvement of each individual.

### **F. Immunity for Victims**

The University of the Incarnate Word community encourages the reporting of conduct code violations and crimes by victims. Sometimes, victims are hesitant to report to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to university officials. To encourage reporting, University of the Incarnate Word pursues a policy of offering victims of crimes amnesty from policy violations related to the incident.

### **G. Good Samaritan**

The welfare of students in our community is of paramount importance. At times, students on- and off-campus may need assistance. University of the Incarnate Word encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). University of the Incarnate Word pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

### **H. Parental Notification**

The University of the Incarnate Word reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. UIW will contact parents/guardians of students to inform them of situations in which there is a health and/or safety risk. UIW also reserves the right to designate which university employees

have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act, and will share information accordingly.

### **I. Notification of Outcomes**

The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. However, UIW observes the legal exceptions to FERPA as follows:

- a.** Complainants in non-consensual sexual misconduct and sexual harassment incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation.
- b.** Complainants in sexual exploitation/sexual harassment complaints have a right to be informed of information regarding sanctions that personally identifies and is directly pertinent to them, such as the imposition of a restriction on physical contact between the complainant and the accused student. Otherwise, information on the outcome and sanction cannot be shared.
- c.** Students who bring any sort of sexual misconduct complaint against faculty or staff may be informed of the outcome and sanction, because FERPA does not apply.
- d.** The university may publicly release the name, nature of the violation and the sanction for any student who is found in violation of a university policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction, damage, or vandalism of property and kidnapping or abduction. The university may release this information to the complainant in any of these offenses regardless of the outcome. Complainants are cautioned that FERPA does not permit them to re-release this information to others unless the accused student is found in violation.

### **J. Defenses**

It has become common for students accused of policy violations to try to defend their actions with excuses, such as prescription drug interactions, self-defense, disabilities, etc. The university’s policy on defenses is clear: Defending your actions with an excuse is admitting to a policy violation. “Yes, we fought, but he started it.” This still means you had a fight, and that violates our rules. You may have taken someone’s property under the influence of an anti-depressant, but you still took someone else’s property. While your defense will not excuse your actions, UIW will take the legitimacy of your excuse into consideration in addressing the proper sanction. For example, if you were not the

aggressor in a fight, you will still be sanctioned, but your sanction may be lesser than the sanction of the person who started the fight.

## Section 5

### Student Code of Conduct: The Policy

#### A. Definitions

1. The term “the University” means University of the Incarnate Word.
2. The term “student” includes all persons who have accepted admission, enrolled at and/or are taking courses at the university, full or part-time, undergraduate, graduate or non-matriculated.
3. The term “faculty member” means any person hired by the university to conduct instructional activities.
4. The term “university official” includes any person employed by the university, performing administrative or professional supervisory responsibilities.
5. The term “member of the university community” includes any person who is employed by, volunteering for or attending the university as student, faculty, administrator, staff, intern or volunteer.
6. The term “university premises” includes all land, buildings, facilities and other property in the possession of or owned, or controlled (leased or rented) by the university.
7. The term “organization” means any number of persons who have complied with the formal requirements for university registration.
8. The term “Conduct Council” means any persons authorized by the Vice President for Enrollment & Student Services or a delegated representative to determine whether a student has violated the *Student Code of Conduct* and to impose sanctions. The Student Conduct Review Council constitutes a Conduct Council.
9. The term “Student Conduct Administrator” means an official authorized by the Vice President for Enrollment & Student Services to impose sanctions upon students found to have violated the *Student Code of Conduct*. The Vice President for Enrollment & Student Services may authorize a conduct advisor to serve as the sole individual responsible for determining whether a student has violated the *Student Code of Conduct*. The Dean of Campus Life serves as a conduct advisor. In cases of alleged violation of the Academic

Integrity Policy, the Provost may be consulted regarding adjudication and review of the charges.

10. The term “review board” means any person or persons authorized by the Vice President for Enrollment & Student Services to consider a review of the Conduct Council’s determination that a student violated the *Student Code of Conduct* or from sanctions imposed by the conduct advisor.
11. The term “will” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The term “policy” is defined as the written rules of the university as found in, but not limited to, the *Student Code of Conduct*, the *Guidelines for Community Living*, the *Student Organizations Handbook* and the *Graduate and Undergraduate Bulletins*.

## **B. Behavioral Expectations**

### **Conduct**

The basic approach to maintaining a Christian code of conduct is self-discipline. However, the university considers the behavior described below as inappropriate for the UIW community and encourages community members to report to a university authority incidents which involve, but are not limited to, the following actions or attempts of the same.

### **C. Standards of Student Conduct: Rules**

These rules apply to all students, undergraduate, professional and graduate. Any student found to have committed the following misconduct is subject to the sanctions outlined below.

Unacceptable conduct includes, but is not limited to, the following:

- a. **INTEGRITY: UIW students exemplify honesty, integrity and a respect for truth in all of their dealings. Behavior that demonstrates a lapse of integrity includes, but is not limited to:**
  1. Knowingly furnishing false, falsified, or forged information to any member of the university community, such as falsification or misuse of documents, accounts, records, identification or financial instruments;
  2. Acts of academic dishonesty as outlined in the *Code of Academic Integrity*;
  3. Unauthorized possession, duplication, or use of means of access (keys, cards, etc.) to any university building;
  4. Action or inaction by someone in collusion with a wrongdoer which fails to discourage a known and obvious violation of university policy or law.

5. Violations of positions of trust or authority within the community;
  6. Tampering with the election of any university recognized student organization.
- b. COMMUNITY: UIW students honor and value their community. Behavior that violates this value includes, but is not limited to:**
1. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespass;
  2. Misuse or unauthorized use of university or organizational names and images;
  3. Knowingly taking possession of stolen property;
  4. Intentional and unauthorized taking of the property of the university or personal property of a member of the university community which is on campus;
  5. Intentional and unauthorized destruction or damage to university property or to the property of another;
  6. Misuse of university computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer. Examples of misuse include but are not limited to:
    - Use of computing facilities to send harassing or abusive messages;
    - Use of computing facilities to interfere with the work of other community members;
    - Unauthorized access to a file or personal or group account;
    - Use of computing facilities to interfere with normal operation of the university computer system;
  7. Anonymous or forged network news articles or e-mail messages;
  8. Disk usage over the allotted limit without prior approval;
  9. Unauthorized transfer of a file;
  10. Unauthorized use of another individual's identification and password;
  11. Gambling (refer to Section 24 of this document);

12. Possession of firearms, explosives, other weapons (including, but not limited to BB/pellet guns, slingshots, and sharp edged instruments, such as hatchets when used as weapons), or dangerous chemicals while on campus, unless properly authorized;

13. Violation of state, local, or campus fire policies, including:

- Failure to evacuate a university-owned building during a fire alarm;
- Improper use of university fire safety equipment;
- Tampering with or improperly engaging a fire alarm in a university building.

c. **FAIRNESS: UIW students exemplify fair treatment of all members of the community in their dealings and interactions. Behavior that violates this value includes, but is not limited to:**

1. Disruption of university operations, including obstruction of teaching, research, administration, other university activities, or other authorized non-university activities which occur on campus;

2. Obstruction of freedom of movement by community members or visitors; abuse, interference or failing to comply in university processes including Conduct and Honor Code hearings;

3. Abuse of the campus conduct system, including:

- Failure to attend meetings scheduled for conduct code administration purposes;
- Falsification, distortion, or misrepresentation of information;
- Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
- Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or after a campus conduct proceeding;
- Failure to comply with the sanction(s) imposed by the campus conduct system;
- Influencing or attempting to influence another person to commit an abuse of the campus conduct system.

**d. RESPECT: UIW students show respect for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:**

1. Threatening or causing physical harm, verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, intimidation (implied threat), harassment;
3. Abusive affiliation (as defined in the abusive affiliation policy in this document);
4. Violence between those in an intimate relationship to each other;
5. Stalking, defined as repetitive menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family of members of the community.
6. Sexual misconduct, including sexual harassment; non-consensual sexual contact; non-consensual sexual intercourse; sexual exploitation (refer to Section 16 of this document);
7. Inappropriate conduct which is disorderly, disruptive, or indecent while on campus or at functions sponsored by, or participated in by the university;
8. Failure to comply with directions of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
9. Smoking in any non-residential university building or in areas of residential buildings designated as non-smoking.

**e. RESPONSIBILITY: UIW students are given and accept a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:**

1. Use, possession, or distribution of alcoholic beverages except as expressly permitted by law and the university's Alcohol Policy. This includes possession/consumption by those under the age of 21, providing alcohol to those under the age of 21, possession of a common source container (empty or full) unless they are part of an approved event (keg, beer ball, etc.), driving under the influence, and public intoxication by persons of any age (Please see the full policy on alcohol and event registration in Section 12 of this document.);
2. Use, possession, or distribution of narcotic, or other controlled substances, as well as drug paraphernalia, except as expressly permitted by law;

3. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
4. Assisting in the violation of university policies or public laws;
5. Violations of federal, state or local laws which affect the interests of the university community, whether on or off-campus; the knowing failure of any organized group to exercise preventive measures relative to violations of this *Student Code of Conduct* by members;
6. Violations of other published university policies, rules, or policies;
7. Intentionally or recklessly causing a fire which damages university or personal property, or which causes injury to any member of the community.

## Section 6

### Conduct Authority

The Dean of Campus Life is the person designated by the Vice President for Enrollment & Student Services, who has been charged by the President of the University, for the administration of the *Student Code of Conduct*.

The Dean of Campus Life, the Judicial Educator, or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some information to support each element of the offense, even if that information is merely a credible witness or victim's statement. A complaint wholly unsupported by any information will not be forwarded for a hearing.

If the allegations can be disposed of by mutual consent of the parties involved on a basis acceptable to the parties involved and the Dean of Campus Life, such disposition will be final and there will be no subsequent proceedings. The Dean of Campus Life has discretion to refer a complaint for mediation. All parties must agree to mediation, and to be bound by the decision with no review (appeal). Any unsuccessful mediation can be forwarded for formal processing and hearing. However, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Dean of Campus Life may also suggest that complaints that do not involve a violation of the *Student Code of Conduct* be referred for mediation.

If the complaint cannot be disposed of in a manner mutually acceptable, the Dean will refer the complaint to the Conduct Council or the Student Conduct Review Council (SCRC). The Conduct Council can be constituted from Residential Life staff though the Dean or her proxy may also later serve in the same matter as the Conduct Council. The SCRC is a body of students responsible for assisting in the interpretation and implementation of the *Student Code of Conduct* and conduct process. Members are responsible for ensuring that students receive the procedural fairness rights granted them. These rights are detailed below. There is generally a preference to refer disputed complaints to the SCRC, though the Dean retains ultimate discretion over complaint referrals.

The Dean of Campus Life will be responsible for assembling the SCRC according to the following guidelines:

- a. The Dean of Campus Life, the Judicial Educator, the Director of Residence Life, or designee will serve as the SCRC Selection Panel.
- b. This panel will select seven students, (undergraduate and/or graduate), five from the resident community and two commuters. Members of the administration or faculty may be added at the Dean's discretion.
- c. Students interested in serving on the SCRC will complete an application and be interviewed by two or more members of the Selection Panel.
- d. Eligible candidates must:
  1. Be in academic good standing and have completed 15 hours of academic credit with a semester GPA of at least 2.0.
  2. Be in conduct good standing in the semester they serve. Conduct good standing is defined as having no record of misconduct during the semester(s) they serve. A serious history of misconduct could disqualify a student for service.
  3. Submit a letter of recommendation from a faculty member or administrator from the UIW community.
- e. The Dean of Campus Life will have final authority to approve students serving on the SCRC.
- f. The non-voting conduct advisor to the SCRC is the Dean of Campus Life, with responsibility for training the SCRC, preliminary investigation, holding student representatives accountable for decisions made by the Council, and ensuring a fair process for the complainant and the accused student.
- g. In the event of a resignation from the SCRC, the Dean of Campus Life will solicit applications from the group from which the representative came.

- h. The Dean of Campus Life will develop procedural rules for the administration of hearings that are consistent with provisions of the *Student Code of Conduct*. Material deviation from these rules will generally only be made as necessary, and will include notice to the parties.
- i. At all hearings of the SCRC, the presence of at least 3 members will be necessary and sufficient to constitute a quorum. The Dean of Campus Life may designate appropriate substitutes including faculty or administrators.
- j. Decisions made, and sanctions implemented, by the SCRC or the Dean of Campus Life or designee will be final, pending the normal review process. The Dean of Campus Life has the authority to stay implementation of sanctions pending review, at her discretion.
- k. Some violations of university policy committed by resident students will be handled administratively by the Director of Residence Life (or her/his designee). These violations may include, but are not limited to noise, visitation, trash, emergency evacuation, disabling a smoke detector and smoking tobacco products in an unauthorized area. Specified sanctions are also listed in the *Guidelines for Community Living*, and the *UIW Student Handbook*. Students may petition for review of administrative decisions to the Dean of Campus Life for a hearing by the SCRC. Petitions for review must be based on written documentation of one or more of the criteria defined in the “Review” Section.
- l. For such violations, the decision rendered on petition to the SCRC is final.

## Section 7

### Interpretation & Revision

Any question of interpretation regarding the *Student Code of Conduct* will be referred to the Dean of Campus Life, whose interpretation is final.

The Dean of Campus Life may make any necessary modification to procedures that does not materially jeopardize the fairness owed to any party.

The *Student Code of Conduct* will be reviewed every two years under the direction of the Dean of Campus Life.

## Section 8

## **Conduct Procedures**

Part of the education process is learning how to live in harmony with community members and within a system of standards established for and by the community. Students are accountable to students and others in the community for these standards through the procedures outlined below. This system is not a legal process but an administrative hearing system. Principles of fairness govern all review bodies.

Any student who violates these standards will be held accountable for his/her behavior through a process that assures the rights of both the complainant and the accused student.

### **A. Complaints and Hearings**

Any member of the university community, visitors or guests may file a complaint against any student for misconduct. Complaints will be presented to the Dean of Campus Life (or designee). Any complaint should be submitted in writing as soon as possible after the event takes place, preferably within one semester. At the discretion of the Dean of Campus Life, the university may pursue a complaint made much later. The university has the right to pursue a complaint or perception of misconduct on its own behalf, and to serve as complainant.

The Dean of Campus Life or designee will assume responsibility for the investigation of the alleged violation as described in the section titled "Conduct Authority."

### **B. Notice and Pre-Hearing Procedures**

- a. Once a determination is made that reasonable cause exists for the Dean of Campus Life to refer a complaint for a hearing, notice will be given to the accused student. Notice will be in writing, and may be delivered in person by the Dean of Campus Life or designee, or mailed to the local or permanent address of the accused student. Once mailed or received in person, such notice will be presumptively delivered.
  1. The letter of notice will state briefly a description of the incident alleged, as well as stating all policies the accused student is alleged to have violated and the possible consequences if the accused student is found in violation. Relevant procedures for resolution of the complaint will be included in the notice.
  2. The letter of notice will direct the accused student to contact the Dean of Campus Life within two class days of receipt to respond to the complaint
  3. A meeting with Dean of Campus Life can be arranged to explain the nature of the complaint and the conduct process. Within the two-class-day period, the accused student must indicate in writing to the Dean of Campus Life whether s/he admits or denies the allegations of the complaint.

4. Where the accused student admits to violation(s) of the *Student Code of Conduct*, the Dean of Campus Life or designee may invoke informal resolution procedures to determine and administer an appropriate sanction without a formal hearing. This process is also known as an administrative hearing. When a student is facing a complaint the consequences for which will not result in separation from housing or the university, the applicable procedures are more informal within the requirements for fairness established by law. When a student faces suspension or expulsion from housing or the university, the process afforded is more rigorous and formal, as befits the gravity of the alleged offense and the very serious nature of the consequences.
- b.** Where the accused student denies the violation, a formal hearing will be followed. At the discretion of the Dean of Campus Life, a request by the accused student for an administrative hearing may be considered. Guidelines for a formal hearing are as follows:
1. Written notice of the time, date and location of the hearing will be sent to all parties to the complaint who may additionally be notified in person, by telephone, or by e-mail.
  2. If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may elect to have the administration serve as complainant. Where there is no victim, the administration will serve as complainant.
  3. If a student fails to respond to notice from the Dean of Campus Life, the Dean of Campus Life will initiate a complaint against the student for failure to comply with the directives of a college official, and give notice of this offense. Unless the student responds to this notice within two class days by answering the initial notice, the student may be administratively withdrawn from attending classes until such time as s/he responds to the initial complaint.
- c.** Once a student denies a violation, they will be given a minimum of seven (7) days to prepare for a hearing. At least forty-eight hours before any scheduled hearing, the following will occur:
1. The accused student will deliver to the Dean of Campus Life a written response to the complaint;
  2. The accused student will deliver to the Dean of Campus Life a written list of all witnesses the accused student wants to appear at the hearing on his/her behalf;

3. The accused student will deliver to the Dean of Campus Life a written list of all items of physical information the accused student intends to use or needs to have present at the hearing, and will indicate who has possession or custody of such information, if known;
4. The complainant will deliver to the Dean of Campus Life a written list of all witnesses the complainant wants to appear at the hearing on his/her behalf;
5. The parties will notify the Dean of Campus Life, at least forty-eight hours prior to the hearing, of the names of any advisors who may be accompanying the parties at the hearing.

The Dean of Campus Life will ensure that the hearing information and any other available written documentation is shared between the complainant and accused student at least twenty-four hours before any scheduled hearing. In addition, the parties will be given a list of the names of all the hearing officers for the complaint.

Should either party object to any members of the board or panel, they must raise all objections in writing to the Dean of Campus Life immediately. Hearing officers will only be unseated if the Dean of Campus Life concludes that their bias precludes an impartial hearing of the complaint. Additionally, any SCRC or hearing officer who feels they cannot make an objective determination must recuse himself or herself from the proceedings.

- d. The complainant and the accused have the right to be present at the hearing, but not during deliberations. If a student cannot attend, it is that student's responsibility to notify the Dean of Campus Life no later than 24 hours before the hearing, to arrange another time, place and date. Except in cases of grave or unforeseen circumstances, if the accused student fails to give 24 hours notice, or if the accused student fails to appear, the hearing will proceed as scheduled. If the complainant fails to appear, the complaint will be dropped unless the university chooses to pursue the allegation on its own behalf, as determined by the Dean of Campus Life.

Except in a complaint involving failure to obey the summons of the Dean of Campus Life, no student may be found to have violated the *Student Code of Conduct* solely because the student failed to appear. In all complaints, the information in support of the complaint will be presented and considered.

### **C. Hearing Procedures**

- a. When a student is facing a complaint the consequences for which will not result in separation from housing or the university, the applicable procedures are more informal within the requirements for fairness established by law. When a student faces suspension or expulsion from housing or the university, the process afforded is more rigorous and formal, as befits the gravity of the alleged offense and the very serious nature and consequences. The Dean of Campus Life and the Student Conduct Review Council will conduct hearings, according to the following guidelines:
1. Hearings will be closed to the public.
  2. Admission to the hearing of persons other than the parties involved will be at the discretion of the Student Conduct Review Council and the Dean of Campus Life.
  3. In hearings involving more than one student, the standard procedure will be to hear the complaints jointly. However, the Dean of Campus Life (or designee) may permit the hearing concerning each student to be conducted separately. In any joint hearing, separate determinations will be made as to the responsibility of each student accused.
  4. For suspension or expulsion-level offenses, the complainant and the accused will have the right to an advisor of his/her own choosing **ONLY** from within the University of the Incarnate Word community. The advisor may not make a presentation or represent the complainant or the accused student during the hearing. Advisors are not otherwise permitted at less formal hearings, except upon special application to the Dean of Campus Life.
  5. The complainant, the accused student, the Student Conduct Review Council and the Dean of Campus Life will have the privilege of presenting witnesses, and questioning all parties and witnesses. Unduly repetitive witnesses can be limited at the discretion of the Chairperson or the Dean of Campus Life.
  6. Pertinent records, exhibits and written statements may be accepted as information for consideration by the Student Conduct Review Council, the Dean of Campus Life or designee. Formal rules of evidence are not observed. For formal hearings, the Dean of Campus Life may limit the number of character witnesses presented or accept written affidavits of character instead. No character witnesses or evidence will be admitted in hearings to which the informal procedures apply.
  7. All procedural questions are subject to the final decision by the Dean of Campus Life.

8. After an SCRC hearing, the Council will deliberate and determine by majority vote whether it is more likely than not that the student has violated the *Student Code of Conduct*. The Dean of Campus Life or her proxy will be present and available as a resource during all deliberations. Once a finding is determined, if that finding is that of a policy violation, the SCRC will determine an appropriate sanction. The Dean of Campus Life is responsible for informing the SCRC of applicable precedent and any previous conduct violations by the accused student. The Chair will prepare a written deliberation report to the Dean of Campus Life detailing the finding, how each member voted, the information cited by the body in support of its finding, and any information that the body excluded from its consideration, and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length, and must be submitted to the Dean of Campus Life within 48 hours after the end of deliberations. The Dean may make appropriate modifications and then will implement the final determination and inform the parties (in accordance with the university determination of outcomes policy) within seven (7) days after the hearing.
9. After a hearing by the Dean of Campus Life (or designee) or Council, a decision will be made on the basis of whether it is more likely than not that the student has violated the *Student Code of Conduct*.
10. There will be a single verbatim record, such as a tape recording of all hearings. The record will be the property of the university. Deliberations will not be recorded. Verbal presentations of the findings will be recorded. All conduct records are maintained by the university for seven years from the time of their creation.

#### **D. Special Provisions for Sexual Misconduct/Discrimination Complaints**

- a. For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via closed circuit. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to a disadvantage of the accused student.
- b. The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Chair. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a

subsequent written request, and must be reviewed in advance of the hearing by Dean of Campus Life. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Dean of Campus Life may supply previous complaint information to the SCRC, or may consider it herself if she is hearing the complaint, only if:

1. The accused student was previously found to be responsible;
  2. The previous incident was substantially similar to the present allegation;
  3. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student;
  4. The alleged victim in any complaint alleging sexual misconduct will be notified in writing of the outcome and any sanction, will have a right of review, and will be kept apprised of the status of any review requests or grants.
- c. Option for a Three-Member Administrative Panel. Parties to the complaint may request that in lieu of a conduct board hearing, the complaint be heard by a three-member administrative panel. The election to use this panel can also be made at the discretion of the Dean of Campus Life.

## **E. Conduct Sanctions**

- a. The following sanctions may be imposed upon any student found to have violated the *Student Code of Conduct*:

### **1. Warning:**

A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the reprimand is in effect.

### **2. Restitution:**

Compensation for damage caused to the university, or any person's property. This is not a fine, but rather a repayment for property destroyed, damaged, consumed or stolen.

### **3. Fines:**

Previously established and published fines may be imposed.

**4. Community/University Service Requirement:**

For a student or organization to complete a specific supervised university service. This will not fulfill the university's community service requirement

**5. Loss of Privileges:**

The student will be denied specified privileges for a designated period of time.

**6. Behavioral Requirement:**

This includes required activities such as seeking academic or personal counseling, writing a letter of apology, etc.

**7. Educational Program:**

Requirement to attend or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to help them learn about a specific topic or issue related to the violation which the student or organization committed. Audience may be restricted.

**8. No Contact Agreement:**

Contact between students is limited. At the request of a student, and after investigation by the Dean of Campus Life or his/ her designee, a no contact agreement may be enforced between two students. These agreements are for no less than six weeks and may be reviewed for extension. No contact means that while the accused and/or the complainant are on university property, or at any activity or event associated with the university, the accused may not attempt to communicate with the complainant. Distance requirements may also be imposed. Communication includes talking with, attempting to talk with, touching, staring at, writing to, attempting telephone or electronic contact (e.g., e-mail, fax, and pager), enlisting a proxy to make contact on your behalf, and/or any other form of contact of any kind. Appropriate monitoring and notification provisions may be made to enable enforcement.

**9. Restriction of Visitation Privileges:**

May be levied against an individual(s) residing in room(s)/suite(s) in University Housing. The parameters of the restriction will be specified.

**10. University Housing Probation:**

The student will be put on official notice that if further violations of Residence Life or university policies occur during the probationary period, the student may immediately be removed from University Housing.

**11. University Housing Reassignment:**

Student is assigned to another University Housing structure. The Residence Life Office will decide on the hall to which the student will be reassigned.

**12. University Housing Suspension:**

The student will be removed from University Housing for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified. Under this sanction, a student is required to vacate University Housing within 24 hours of the action, though this deadline may be extended upon application to the Director of Residence Life. This sanction may be enforced with a trespass action as necessary.

**13. University Housing Expulsion:**

Resident loses the privilege to live in or visit any University Housing structure at any time. This sanction may be enforced with a trespass action as necessary.

**14. Eligibility Restriction:**

Student is deemed “not in good standing” with the university. Terms of the conduct sanction are for a specified length of time, usually in semester increments, and may include the following:

- Ineligibility to hold any office in any student organization recognized by the university or to hold an elected or appointed office at the university.
- Ineligibility to represent the university to anyone outside the university community in any way, including the study abroad program, attendance at conferences, representing the university at any official function, event, intercollegiate competition as a player, manager, or student coach, etc.

Specific limitations or exceptions may be granted at the discretion of the Dean of Campus Life.

**15. Suspension:**

Suspension of the student from the university for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students are required to vacate the residence and/or campus within 24 hours of the action. This sanction may be enforced with a trespass action as necessary.

**16. Expulsion:**

The student will be permanently separated from the university. The student is barred from being on campus, and from being present at any university-sponsored event. This sanction may be enforced with a trespass action as necessary.

**17. Other Sanctions:**

May be created and assigned, as deemed appropriate to the offense with the approval of the Vice President for Enrollment & Student Services, the Dean of Campus Life or designee.

- b. More than one of the sanctions listed above may be imposed for any single violation.
- c. Other than University expulsion and suspension, conduct sanctions will not be made part of the student's permanent academic record, but will become part of the student's confidential record. The student's confidential record may be expunged of conduct actions other than University Housing expulsion, university suspension or university expulsion upon application to the Dean of Campus Life. Complaints involving the imposition of sanctions other than those specified above may be expunged from the student's confidential record seven years after final disposition of the complaint.
- d. The following sanctions may be imposed upon groups or organizations found to have violated the *Student Code of Conduct*:
  - 1. Those sanctions previously listed in Sections E.a.1-8 and E.a.14-17;
  - 2. Deactivation, loss of all privileges, including university registration, for a specified period of time.

**F. Interim Suspension**

The Dean of Campus Life has the authority to impose University Housing suspension or, with consent of the Vice President for Enrollment & Student Services, to levy university suspension prior to the hearing.

- a. Interim suspension may be imposed:

1. To ensure the safety and well-being of members of the university community or preservation of university property;
  2. For purposes of pursuing an investigation;
  3. To ensure the student's own physical or emotional safety and well-being; or
  4. If the student poses a definite threat of disruption of, or interference with, normal operations of the university.
- b. During the interim suspension, students will be denied access to University Housing and/or to the campus. This includes classes and/or all other University activities or privileges for which the student might otherwise be eligible, as determined appropriate by the Vice President for Enrollment & Student Services or the Dean of Campus Life. At the discretion of the Dean of Campus Life and in collaboration with the appropriate Dean, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

#### **G. Final Review**

- a. Accused students or complainants may petition within three (3) school days of the written decision to the Vice President for Enrollment & Student Services for a review of the decision or sanction(s) determined by the Student Conduct Review Council. Such petitions will be in writing and will be delivered to the Vice President for Enrollment & Student Services. In cases of violations of the Academic Integrity Policy, petitions should be addressed to the Provost.
- b. If the Vice President for Enrollment & Student Services determines that the complaint may be reviewed, he/she will refer the complaint back to the original hearing body/officer or to the Community Review Board for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s). The Community Review Board serves as the final level of review in the conduct matter.

Except as required to explain the basis of new information, a review will be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

1. To consider new information, unavailable during the original hearing, that could be outcome determinative;
2. To assess whether a material deviation from written procedures impacted the fairness of the hearing;
3. To decide if a sanction(s) is grossly disproportionate to the severity of the offense;

4. To determine that the finding does not accord with the information;
5. To assess whether bias on the part of a conduct board member deprived the process of impartiality.

Every opportunity should be taken to return the complaint to the original hearing body/officer for reconsideration, where possible. The original hearing officer/body or the CRB may support or change a decision, increase, decrease or modify a sanction. The reviewing body will be deferential to the original decision-maker, making changes to the finding where there is clear error and to the sanction only if a compelling justification to do so exists, and a unanimous decision is reached. CRB members will be instructed by the Dean of Campus Life prior to participating in conduct proceedings.

## **H. Community Review**

### **Board Membership & Authority**

The Community Review Board (CRB) is a group of students, faculty and administrators who serve as the final level of review in a student conduct matter. Membership on the CRB is as follows:

- a. Two voting student representatives appointed by the Student Government Association Executive Board. Representatives will be appointed from the following categories:
  1. One resident student; and
  2. One commuter student.
- b. One voting faculty representative, appointed by the Faculty Senate.
- c. One voting representative from the administration, appointed by the Vice President for Enrollment & Student Services annually.
- d. The non-voting advisor to the CRB is the Vice President for Academic & Students Affairs.
- e. The chairperson of the CRB will be determined prior to the start of each hearing by a consensus of the Board. The chairperson will be either a member of the faculty or administration.
- f. In the event of resignation, the group from which the representative came is responsible for providing a replacement as soon as possible.
- g. At all hearings of the CRB, all members or approved substitutes must be present in order to proceed.

## **I. Failure to Follow Through on Conduct Sanctions**

All students, as members of the university community, are expected to comply with conduct sanctions within the time frame specified by the conduct body. Refusal or neglect to follow through on conduct sanctions by the date specified will result in suspension from the University of the Incarnate Word, and may be noted on the student's official transcript at the end of the semester. A resident student will be required to vacate University Housing within 24 hours of notification by the Dean of Campus Life. Suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. The determination will be made by the Vice President for Enrollment & Student Services in consultation with the Dean of Campus Life.

## **Section 9**

### **Student Right-to-Know and Campus Security Act of 1990**

This federal mandate requires that all current students and employees be provided with information on policies and procedures involving campus security, the reporting of criminal action or other emergencies, and the enforcement authority of security personnel. This information must also include descriptions of the programs for informing students and employees about campus security and crime prevention, as well as statistics on the occurrence of specific crimes. Notification of the annual report is made each October. The full report is posted on the university website, and anyone desiring a printed document may request one from the Campus Police Department.

## **Section 10**

### **Alcohol & Drug Policy Overview**

To comply with the Drug Free Schools and Communities Act of 1989 and Amendments, students and employees of the University of the Incarnate Word are informed that strictly enforced policies are in place which prohibit the unlawful possession, use or distribution of any illicit drugs, including alcohol, on university property or as part of any University-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state, and federal law for any offenses involving illegal drugs on university property or at university activities. Sanctions imposed by the university may include suspension and/or completion of an appropriate educational rehabilitation program.

The university affirms that illegal drug use is wrong and harmful. Use of illegal drugs and alcohol abuse by students and employees results in cognitive deficits, loss of productivity and other health risks. These risks include an increased incidence of accidents, which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students and employees through the UIW Counseling Services and Health Services departments. Other referral resources may include assessment, individual counseling, referral and case management through community agencies, sometimes for a fee. Educational programs and materials are also available.

To view the University of the Incarnate Word Alcohol and Drug Policies in their entirety, please refer to sections 12 and 14, respectively.

## **Section 11**

### **Policy on Parental Notification of Students in Violation of the UIW Alcohol and Drug Policy**

The University of the Incarnate Word is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and ultimately their future.

The University of the Incarnate Word alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the legal drinking age (21 years). Possession of drug paraphernalia and the use, manufacture, sale or distribution on- or off-campus of illegal drugs by any student is also prohibited. The Dean of Campus Life (or designee) reserves the right to notify the parents/ guardians of students under 21 years of age found responsible for violations of the UIW alcohol and drug policy, and to notify the parents/guardians of any dependent student, regardless of age.

## **Section 12**

### **Alcohol Policy**

This section sets forth the University of the Incarnate Word's policy concerning the sale, service or distribution, and consumption of alcoholic beverages on campus in compliance with federal, state and local laws.

**A. Policy Guidelines**

- a. Students who are 21 years of age or older are permitted to have alcohol in designated University Housing rooms. Students who are of legal drinking age may not share or provide alcohol to any students, employees or guests who are under 21 years of age. Those under legal drinking age (21) are not permitted to possess and/or consume alcohol. Those under 21 are not permitted to have alcohol in their University Housing rooms.
- b. The University will not sell, serve or permit the sale of alcohol on campus except in specifically designated buildings or facilities named by the President of the University. The Dean of Campus Life will maintain a current list of those assigned buildings or facilities, which may be used on a permanent or temporary basis (as designated by the President of the University).
- c. Alcoholic beverages may be sold, served or consumed in special use facilities only if:
  1. It is in compliance with law;
  2. It is done at social gatherings approved by the Dean of Campus Life or the President of the University;
  3. Alcohol is dispensed by a licensed third-party vendor or is “bring your own beverage” (BYOB).
- d. Alcoholic beverages may not be possessed or consumed in classrooms, hallways, University Housing lounges, athletic grounds, in the pool area, in campus public areas (including parking lots, streets, and sidewalks), or any other area as designated by the President of the University. Any area on campus can be designated for “temporary special use” at the discretion of the President or the Dean of Campus Life.
- e. Any person or organization sponsoring an on-campus event must obtain the prior written approval from the Dean of Campus Life for the sale, service and consumption of alcoholic beverages for that specific event. The Dean of Campus Life reserves the right to disapprove the sale or consumption of alcoholic beverages at any event with sound reason.
- f. The Dean of Campus Life may approve alcoholic beverages at events meeting all the following conditions:
  1. The event is held in a special-use location, facility or building;
  2. The event is requested by a faculty member, staff, student organization, University department or division;
  3. The event will have a majority of individuals over 21 years of age in attendance;

4. Food is served and alternate non-alcoholic beverages are provided;
  5. The sale/serving of alcoholic beverages be discontinued at least one hour before the event ends; and Proper security for the event is provided at ticket booths and distribution areas where alcohol is sold and/or served and officers patrol the event location.
  6. Alcohol is dispensed by a licensed third-party vendor or is BYOB.
- g. The Dean of Campus Life and the Directors of Campus Police and Special Events will determine the adequate number of security officers for the event.
  - h. At the beginning of each academic year, the Dean of Campus Life or designee will publicize this policy in any of the following ways:
    - b. An article in *The Logos*, addressed to all in the university community;
    - c. A memorandum to the presidents or chief officers of all student organizations and their faculty or staff sponsors;
    - d. A presentation to all transfer and beginning students during the orientation process; and/or
    - e. A memorandum to the President, vice presidents, deans, and faculty.

### **C. Procedures for Serving Alcohol on Campus**

- a. A request for approval of service and consumption of alcoholic beverages at an on-campus event will be directed to the Dean of Campus Life at least 30 working days prior to the event. Sponsors initiating such a request should obtain an Alcoholic Beverage Activity Permit from the Dean of Campus Life or the Director of Special Events.
- b. At least 15 working days prior to the date of the proposed event, the sponsor should take the completed permit to the Director of Special Events, who will inform the sponsor of any specific policy or procedural limitations regarding the use of the facility. If the Director of Special Events approves the proposed event, he or she will sign the Alcoholic Beverage Activity Permit and return it to the sponsor.
- c. If the University's food service contractor will be used to serve the alcoholic beverages, the sponsor must contact the contractor at least fifteen (15) working days prior to the proposed event. The food service contractor should inform the sponsor of all requirements for service on the proposed date and will coordinate TABC permits if necessary.

- d. The sponsor should then contact the Director of Campus Police at least fifteen (15) working days prior to the scheduled event in order to determine the need for officers at the scheduled event. The Director will assign the number of officers and assess the costs to be incurred by the sponsor. If he/she approves the proposed event, the Director will then sign the Alcoholic Beverage Permit and return it to the sponsor.
- e. The sponsor will then personally deliver the form to the Dean of Campus Life. If the Dean approves the event, he or she will sign the form, notify the sponsor, and send copies to offices involved in coordination of the event.
- f. After the Dean of Campus Life approves the event, the sponsor will notify the Director of Special Events who will then place the event on the University Calendar.
- g. If a planned event is canceled, the sponsor is responsible for notifying the Dean of Campus Life and the Directors of Campus Police, Special Events and Dining Service as soon as possible.
- h. The University will ensure that all permits required by the Texas Alcoholic Beverage Commission (TABC) are approved prior to the activity.

#### **D. Alcohol Policy Abuse Sanctions**

##### **a. Alcohol Misuse on Campus**

As stated on page 11 of this document, “failure to comply with directions of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so” is considered unacceptable behavior for a University of the Incarnate Word student. Therefore, for example, refusing to submit to a breathalyzer when requested by a police officer, whether on- or off-campus, is considered a violation of the *UIW Student Code of Conduct* and will result in disciplinary action.

Students who violate the UIW alcohol policy are subject to the following sanctions:

##### **1. First offense:**

- Required participation in an alcohol education activity and/or a Minor in Possession Course, both of which have a fee;
- Notification of parents for students under 21 years of age;
- Appropriate restrictions;\* and

\*Restriction is the limiting or removal of certain privileges of participation in the usual activities of the campus. The duration of the restriction will be specified

- Restitution will be assessed if applicable.\*

\* Restitution means the offender is required to make reimbursement for damage to or misappropriation of property. It may take the form of appropriate services to repair or otherwise compensate for damages.

## 2. Second offense:

- An alcohol assessment by an approved agency is mandated and compliance with the counselor's evaluation is required;
- Parents of students under 21 years of age will be notified; and
- Additional sanctions may include, up to 50 hours of supervised community service in an alcohol education activity and restitution if applicable. If appropriate, removal from University Housing will be implemented and other restrictions may be assessed.

## 3. Third offense:

- Possible suspension or expulsion from University Housing and/or the University; and
- Notification of parents for students under 21 years of age. Re-admittance to the University/University Housing will require proof of an alcohol-related health assessment and compliance with a counselor's recommendations.

### b. Providing Alcohol to Minors

University of the Incarnate Word issues the following penalties for purchase, sale or providing alcohol to a minor(s), including minors in University Housing.

#### 1. Possible sanctions for a **first offense** include:

- Required participation in an alcohol-related activity;
- Eligibility restrictions;
- Health-related alcohol assessment;
- Suspension from University Housing and/or the university;

- Attendance at Drug Court and/or community service; and/or
- Other sanctions as determined by the Dean or Campus Life or her designee.

**2. Second and third offenses** may result in expulsion from the University and possible notification of law enforcement authorities.

**c. Driving Under the Influence/ Driving While Intoxicated**

The University of the Incarnate Word is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles.

In accordance with state law, the University abides by the legal limit for intoxication set at .08 Blood or Breath Alcohol Concentration.

Minors who are found to have any detectable level of alcohol in their system will be considered driving under the influence and subject to penalties under that offense.

**1. Possible sanctions for a first offense** include:

- Required participation in an alcohol activity for which there may be a fee;
- Loss of driving and/or parking privileges on-campus;
- Fines;
- Eligibility restrictions;
- Attendance at Drug Court and/or community service; and/or
- Other sanctions as determined by the Dean of Campus Life or her designee.

**2. Second and third offenses** may result in suspension or expulsion from the University and possible notification of law enforcement authorities.

**d. Texas State Law**

Information on Texas State Law regarding the sale, serving and use of alcoholic beverages may be obtained from the Dean of Campus Life.

## Section 13

**Risks of Alcohol Use** (sourced by the National Institute on Alcohol Abuse and Alcoholism)

### Immediate effects on the brain:

- Difficulty walking.
- Blurred vision.
- Slurred speech.
- Slowed reaction times.
- Impaired memory.

### Interactions with medications:

- More than 150 medications exist that should NOT be mixed with alcohol.
- Using alcohol while taking antihistamines causes increased drowsiness.
- Using alcohol and taking large doses of acetaminophen (Tylenol) may lead to serious liver damage.

### Long-Term Health Problems:

Alcohol affects nearly every organ in the body. The risk for many health problems increases with long term heavy drinking. Some health problems are described below.

#### *Alcohol-related liver disease*

- More than 2 million Americans suffer from alcohol-related liver disease.
- Development of alcohol hepatitis or inflammation of the liver.
- Development of alcoholic cirrhosis or scarring of the liver.

#### *Cancer*

- Increased risk of certain forms of cancer especially mouth, throat, esophagus, and larynx.
- Increased risk of breast cancer in women.
- May increase risk of colon and rectum cancer.
- Pancreatitis (Pancreatitis is the inflammation of the pancreas).

- May lead to chronic abdominal pain and severe diarrhea.

### **Social and Legal Problems:**

The more heavily you drink the, greater the problems at home, at work, with friends, and even with strangers. These may include:

- Arguments with or separation from your spouse and other family members.
- Strained relationships with co-workers.
- Absence from, or lateness to, work with increasing frequency.
- Loss of employment due to decreased productivity.
- Committing, or being the victim of, violence.

### **A Snapshot of Annual High-Risk College Drinking Consequences:**

The consequences of excessive and underage drinking affect virtually all college campuses, college communities, and college students, whether they choose to drink or not.

- **Death:** 1,700 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes (Hingson et al., 2005).
- **Injury:** 599,000 students between the ages of 18 and 24 are unintentionally injured under the influence of alcohol (Hingson et al., 2005).
- **Assault:** More than 696,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking (Hingson et al., 2005).
- **Sexual Abuse:** More than 97,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape (Hingson et al., 2005).
- **Unsafe Sex:** 400,000 students between the ages of 18 and 24 had unprotected sex and more than 100,000 students between the ages of 18 and 24 report having been too intoxicated to know if they consented to having sex (Hingson et al., 2002).
- **Academic Problems:** About 25 percent of college students report academic consequences of their drinking including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades overall (Engs et al., 1996; Presley et al., 1996a, 1996b; Wechsler et al., 2002).
- **Health Problems/Suicide Attempts:** More than 150,000 students develop an alcohol-related health problem (Hingson et al., 2002) and between 1.2 and 1.5 percent of students

indicate that they tried to commit suicide within the past year due to drinking or drug use (Presley et al., 1998).

- **Drunk Driving:** 2.1 million students between the ages of 18 and 24 drove under the influence of alcohol last year (Hingson et al., 2002).
- **Vandalism:** About 11 percent of college student drinkers report that they have damaged property while under the influence of alcohol (Wechsler et al., 2002).
- **Property Damage:** More than 25 percent of administrators from schools with relatively low drinking levels and over 50 percent from schools with high drinking levels say their campuses have a "moderate" or "major" problem with alcohol-related property damage (Wechsler et al., 1995).
- **Police Involvement:** About 5 percent of 4-year college students are involved with the police or campus security as a result of their drinking (Wechsler et al., 2002) and an estimated 110,000 students between the ages of 18 and 24 are arrested for an alcohol-related violation such as public drunkenness or driving under the influence (Hingson et al., 2002).
- **Alcohol Abuse and Dependence:** 31 percent of college students met criteria for a diagnosis of alcohol abuse and 6 percent for a diagnosis of alcohol dependence in the past 12 months, according to questionnaire-based self-reports about their drinking (Knight et al., 2002).

Information taken from: [www.collegedrinkingprevention.gov/StatsSummaries/snapshot.aspx](http://www.collegedrinkingprevention.gov/StatsSummaries/snapshot.aspx).

## Section 14

### Illegal Drug Policy

#### A. Rationale

This policy on controlled substances provides flexibility for the university in addressing drug-related offenses on- or off-campus. Moreover, it permits the university to address its fundamental mission of holistic education and development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the university must address the education and well being of all its students and employees. This policy permits sanctions involving probation and counseling for rehabilitation purposes when appropriate. Furthermore, students and employees are also subject to all legal sanctions under local, state and federal law for any offenses involving illegal drugs on university property or at

university activities. Sanctions imposed by the university may include conduct action and/or the completion of an appropriate rehabilitation program.

The university has a “Safe Harbor” rule for athletes. Athletes are subject to drug testing, and in the event that a test is positive, that student will face a conduct complaint for violations of the drug policy. However, UIW believes that students who have a drug and/or addiction problem deserve help. If an athlete, or any other UIW student, brings use, addiction or dependency to the attention of university officials outside the threat of drug tests and seeks assistance, a conduct complaint will not be pursued. However, a behavioral contract may be used to track recovery and cooperation with treatment by the athlete, as long as no violence or harm to self or others is indicated.

The Dean of Campus Life is the person charged with the responsibility to oversee and coordinate campus conduct procedures involving students, which include a system of hearings, interim action, and the availability of final review.

## **B. Definitions**

- a. “Illegal drugs” are defined as a substance or substances defined and regulated under the provisions of the Federal Controlled Substances Act and of Article 4476-14 or Article 4476-15 of Vernon’s Texas Civil Statutes, and includes but is not limited to CNS depressants, CNS stimulants, hallucinogens, other illegal drugs such as PCP (angel dust) and cocaine or crack.
- b. “Use of a drug” includes possession of drug paraphernalia; use, possession, manufacture, sale or distribution, on- or off-campus, of any one or more illegal drugs as previously mentioned. It also includes misuse of prescription medication.
- c. “On-campus” means any building, facility, grounds or other property owned, leased or controlled by UIW.

## **C. Policy Guidelines**

A student who has been found in violation of the polices on illegal possession, use, sale, manufacture or distribution of any drug, narcotic or controlled substance, or any misuse of prescription drugs, whether the infraction occurred on- or off-campus, are subject to suspension from enrollment and/or employment at the university for a period of not less than the remainder of the semester in which the infraction occurred.

## **D. Illegal Drug Sanctions for Students**

The following are University of the Incarnate Word sanctions for unlawful use, possession or distribution of controlled substances.

**a. For the manufacture, sale or distribution of illegal drugs:**

Expulsion from the university and notification of legal authorities. Parental notification for students under 21 years of age and older dependent students.

**b. For the possession or use of drug paraphernalia and/or illegal drugs:**

**1. First offense:**

- Suspension from the university for a period of not less than the remainder of the semester in which the infraction occurred, and/or
- Assessment for chemical dependency and action to address the individual situation;
- Immediate removal from campus housing;
- Possible notification of parents for students under 21 years of age and older dependent students;
- Possible notification of appropriate legal authorities; and/or
- Other sanctions as determined by the Dean of Campus Life or her designee.

**2. Second offense:**

- Expulsion from the university;
- Notification of parents for students under 21 years of age and older dependent students; and
- Notification of legal authorities.

## **Section 15**

### **Health Risks and Drug Use** (sourced by the National Institute on Drug Abuse)

#### **Cigarette Smoking:**

- Kills an estimated 440,000 US Citizens a year –more than alcohol, cocaine, heroin, homicide, suicide, car accidents, fire, and AIDS combined.
- Harms *every* organ in the body.
- Conclusively linked to leukemia, cataracts, and pneumonia.

- Linked to about 90 percent of all lung cancer cases.
- Causes lung diseases such as chronic bronchitis and emphysema.
- Substantially increases the risk of heart disease, including stroke, heart attack, vascular disease, and aneurysm.

### **Marijuana:**

#### *Effects on the Brain:*

- Memory and learning problems.
- Distorted perception.
- Difficulty in thinking and problem-solving.
- Loss of coordination.
- Increased heart rate.

#### *Effects on the Heart:*

- Risk of heart attack quadruples in first hour after smoking.
- Effects blood pressure and heart rate.
- Reduces the oxygen carrying capacity of blood.

#### *Effects on the Lungs:*

- Burning and stinging of the mouth and throat accompanied by cough.
- Daily cough and phlegm production.
- More frequent acute chest illness.
- Heightened risk of lung infections.
- Greater tendency for obstructed airways.

#### *Other Health Risks:*

- Increased likelihood of developing cancer of the head, neck and lungs.
- Impairs the immune system's ability to fight disease.

### **Stimulants:** (Amphetamine, Cocaine, Ecstasy, Meth)

- Irregular heartbeat.

- Dangerously high body temperatures.
- Potential for cardiovascular failure or seizure.
- Increased blood pressure.
- Respiratory failure.
- Increased risk of stroke and/or seizures.

**Depressants:** (Barbiturates, Rohypnol, GHB)

- Slowed breathing and heart rate.
- Poor concentration.
- Fatigue.
- Feelings of confusion.
- Impaired coordination, memory and judgment.
- Respiratory depression and arrest resulting in possible death.

**Opioids and Morphine Derivatives:** (Found in prescription medications including codeine, fentanyl, morphine, opium, and oxycodone HCL)

- Nausea.
- Constipation.
- Feelings of confusion.
- Respiratory depression and arrest.
- Unconsciousness, coma and possible death.

**Inhalants:**

- Severe headaches.
- Nausea and vomiting.
- Loss of motor coordination.
- Muscle weakness.
- Memory impairment.

- Damage to cardiovascular and nervous systems.
- Sudden death.

## Section 16

### Sexual Misconduct

#### A. Introduction

University of the Incarnate Word believes in a zero tolerance policy for sexual misconduct. Members of the University of the Incarnate Word community, guests and visitors have the right to be free from sexual violence. When an allegation of sexual misconduct is brought to the administration, and an accused student is found to have violated this policy, serious sanctions will be used to ensure that such actions are never repeated. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University of the Incarnate Word Sexual Misconduct Policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy has dual purposes. It serves as a measure to determine, after the fact, if behaviors trespass on community values. It should also serve as a guide for students on the expectations UIW has, preventatively, for sexual communication, sexual responsibility and sexual respect.

#### B. Overview of Policy Expectations With Respect To Physical Sexual Misconduct

While the policy below is quite detailed and specific, the expectations of this community can be summarized in this simple paragraph. In order for individuals to engage in sexual activity of any type with each other, there must be clear consent. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is less clear than talking about what you want and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity. Silence—without actions demonstrating permission—cannot be assumed to show consent. There is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy just as much as physically forcing someone into sex. Coercion happens when someone unreasonably pressures someone else for sex. When alcohol or other drugs are being used, someone will be considered unable to give valid consent if they cannot appreciate the who, what, when, where, why, or how of a sexual interaction. Individuals who consent to sex must be able to understand what they are doing. You will do well to keep in mind that under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.”

#### C. Sexual Misconduct offenses include, but are not limited to:

**a. Sexual Harassment:**

Gender-based verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or educational environment.

**1. Three Types of Sexual Harassment:**

- **Hostile Environment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (a reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
  - The frequency of the conduct;
  - The nature and severity of the conduct;
  - Whether the conduct was physically threatening;
  - Whether the conduct was humiliating;
  - The effect of the conduct on the alleged victim's mental or emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
  - Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; and/or
  - Whether the speech or conduct deserves the protections of academic freedom.
  
- **Quid pro quo** sexual harassment exists when there are:

- Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Submission to or rejection of such conduct results in adverse educational or employment action.

- **Retaliation:**

The university will sanction a faculty, student or staff member who harasses or intimidates a person because of the person's participation in an investigation of discrimination or sexual misconduct. Harassment or intimidation includes but is not limited to threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, taunting, bullying or ostracism.

**b. Non-Consensual Sexual Intercourse** (or attempts to commit the same):

Non-Consensual Sexual Intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or woman upon a man or a woman, without effective consent.

**c. Non-Consensual Sexual Contact** (or attempts to commit the same):

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman without effective consent.

Effective consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Effective consent can be given by words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity—who, what, when, where, why and how sexual activity will take place. In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. In order to give effective consent, one must be of legal age.

If you engage in sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.

Any time sexual activity takes place between individuals, those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their sexual behavior.

This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at: <http://www.911rape.org/>.

The use of alcohol or other drugs will never function to excuse behavior that violates this policy.

The requirements of this policy are blind to the sexual orientation or preference of individuals engaging in sexual activity.

**Sexual Activity includes:**

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

**Sexual Exploitation:**

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another student;
- Non-consensual video or audio taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in Peeping Tommerly; and/or

- Knowingly transmitting an STI or HIV to another student.

For reference to the pertinent Texas Statutes on sex offenses, please contact the Campus Police.

#### **D. Sanction statement**

Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from a warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.\*

Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

\*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the complaint of serious mitigating circumstances or egregiously offensive behavior. Neither the CRB nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Although in campus hearings legal ideas like guilt and innocence are not applicable, rest assured that University of the Incarnate Word will never assume a student is in violation of university policy. In fact, campus hearings are conducted to take into account the totality of all information available, from all relevant sources.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to: modification of living arrangements; interim suspension from campus pending a hearing; and reporting to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose differing sanctions, ranging from oral warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

In addition to this UIW policy, students should know that rape is a crime, and should be reported to civil authorities. Rape is often thought of as a violent attack on a woman by a madman who jumps from the bushes and uses a knife or gun to threaten his victim. But this description does

not apply to most rapes that take place in this country. Ninety percent of university women who are victims of rape or attempted rape know their assailant; almost half of these rapes are committed by dates or partners. A university student is more likely to be victimized by someone she/he knows, and perhaps trusts, than by someone who is a stranger. Forced intercourse by someone a person knows is defined as *date rape* or *acquaintance rape*. Date rape is just as serious a crime as rape by a stranger. In both cases, the individual has been violated on the most personal level. In both cases, the person who has forced the victim is a rapist.

### **RISK REDUCTION TIPS:**

Generally, a date rape will follow a four-step pattern:

- a. An individual's personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
- b. If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not assertive.
- c. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
- d. The victim feels trapped or unable to be assertive and is raped.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a victim of rape. If the individual can assertively defend his/her rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- a. Make your limits known before things go too far.
- b. Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
- c. Try to extricate yourself from the physical presence of a sexual aggressor.
- d. Grab someone nearby and ask for help.
- e. Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.

- f.** Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
- g.** Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
- h.** Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
- i.** Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow "politeness" to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
- j.** Trust your feelings. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- a.** Do not make assumptions...About consent. About someone's sexual availability. About whether they are attracted to you. About how far you can go. About whether they are physically and mentally able to consent to you.
- b.** Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- c.** Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they have not figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.
- d.** Do not take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- e.** Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- f.** Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.

- g.** On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **Frequently Asked Questions about the Sexual Misconduct Policy**

Here are some of the most commonly asked questions regarding University of the Incarnate Word's sexual misconduct policy and procedures.

#### **a. Does the complaint remain confidential?**

The confidentiality of all parties to a complaint of sexual misconduct must be strictly observed, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where confidentiality is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of confidentiality by either the complainant or the accused may lead to conduct action by the university.

In all complaints of sexual misconduct, the complainant will be informed of the outcome. In some instances, the administration also may choose to make a brief announcement of the nature of the violation and the action taken, using no names. Certain university administrators are informed on a confidential basis (e.g., the President of the University, Dean of Campus Life, Director of Security). If you report an act of alleged sexual misconduct to a conduct officer of the university and there is information that a felony has occurred, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the university is legally required to notify law enforcement authorities. The university also must statistically report the occurrence on campus of any of six major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

#### **b. Will my parents be told?**

No, not unless you tell them. Whether you are the complainant or the accused, the University of the Incarnate Word's primary relationship is to the student and not to the parent. However, in the event of major medical, conduct action, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, or in a life-threatening situation, or if an accused student has signed the permission slip at registration which allows such communication.

**c. Will I have to confront the perpetrator?**

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused has the right to confront the accuser. However, the university does provide options for allowing confrontation without direct contact, including closed-circuit testimony, using a room divider or using separate hearing rooms.

**d. Do I have to name the perpetrator?**

Yes, if you want formal conduct action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete confidentiality policy below to better understand the university's legal obligations depending on what information you share with different university officials).

**e. What should I do if I am accused of sexual misconduct?**

DO NOT contact the alleged victim. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Dean of Campus Life, who can explain the university's procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential counselor at the university counseling center.

**f. What should I do about legal advice?**

Victims of criminal sexual assault need not retain a private attorney because legal issues will be handled through a representative from the District Attorney's office. You may want to retain an attorney if you are the accused or are considering filing a civil action against the alleged perpetrator.

**g. What about changing University Housing rooms?**

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is the university's policy that in emergency room changes, the student is moved to the first available suitable room. If you believe that you have been the victim of sexual misconduct, you must be willing to pursue formal University of the Incarnate Word conduct action in order to request an emergency room change. Other accommodations available to you might include:

1. Assistance from university support staff in completing the relocation;
2. Arranging to dissolve a housing contract and pro-rating a refund;
3. Exam, paper or assignment rescheduling;

4. Taking an incomplete in a class;
5. Transferring class sections;
6. Temporary withdrawal; and/or
7. Alternative course completion options.

**h. What do I do about preserving information of a sexual assault?**

Physical information of a criminal sexual assault must be collected within 72 hours. If you believe you have been a victim of a criminal sexual assault, you should go to a Hospital Emergency Room, before washing yourself or your clothing. A sexual assault health professional (a specially trained nurse) at the hospital is on call and will counsel you. If you go to the hospital, local police will be called, but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you, should you decide later to exercise it.

The hospital staff will collect information, check for injuries, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe, and may render information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

**i. Will a student be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?**

No. The severity of the infraction will determine the nature of the university's response, but whenever possible the university will respond educationally rather than punitively to the illegal use of drugs and/or alcohol when dealing with victims of sexual misconduct. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

**j. Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct complaint?**

The use of alcohol and/or drugs by either party will not diminish the accused assailant's responsibility. On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing complaints of sexual misconduct must either remember the alleged incident or have sufficient circumstantial information, physical information and/or witnesses to prove his/her complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the accused without further corroborating information.

**k. Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?**

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

**l. What should I do if I am uncertain about what happened?**

If you believe that you have experienced a non-consensual sexual contact, but are unsure of whether it was a violation of the university's sexual misconduct policy, you should contact the Dean of Campus Life. The university provides counselors who can help you to define and clarify the event(s), and advise you of your options.

## **Section 17**

### **Confidentiality and Reporting Policy regarding Sexual Misconduct**

Different people on campus have different reporting responsibilities, and different abilities to maintain your confidentiality, depending on their roles at the university. When consulting campus resources, victims should be aware of confidentiality and mandatory reporting in order to make informed choices. On campus, some resources may maintain your complete confidentiality, offering you options and advice without any obligation to tell anyone, unless you want them to. Other resources are expressly there for you to report crimes and policy violations, and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the university nor the law requires them to divulge private information that you share with them, except in extremely rare circumstances, described below. You may seek assistance from them without starting a chain of events that takes things out of your control or violates your privacy.

#### **To Report Confidentially**

If you desire that details of the incident be kept confidential, you should speak with on-campus counselors, campus health service providers or off-campus rape crisis resources who will maintain confidentiality. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. In addition, you may speak on- and off-campus with members of the clergy and chaplains who will also keep reports made to them confidential.

### **Quasi-Confidential Reporting**

You can seek advice from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include those without supervisory responsibility or remedial authority to address sexual misconduct, such as resident advisors (RAs), faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. Some of these resources, such as RAs, are instructed to share incident reports with their supervisors, but they do not share any personally identifiable information about your report unless you give permission except in the rare event that the incident reveals a need to protect you or other members of the community. If your personally identifiable information is shared, it will be shared with as few people as possible, and all efforts will be made to protect your confidentiality to the greatest extent.

### **Non-Confidential Reporting Options**

You are encouraged to speak to officials of the institution to make formal reports of incidents (i.e. deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources). You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the university when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting does not mean that your report will not be confidential, but it does mean that people who need to know will be told, and information will be shared as necessary with investigators, witnesses, and the accused. The circle of people with this knowledge will be kept as tight as possible to preserve your rights and privacy.

### **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of

the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph

## **Section 18**

### **Involuntary Student Withdrawal Policy and Procedures for Addressing Disruptive Behavior**

#### **A. University-Initiated Withdrawal**

- a.** If a student is behaving in a way which is threatening to the student or others, or which significantly interferes with the student's education or the rights of others, the Dean of Campus Life may initiate these procedures: The first step will be to determine an appropriate initial action. The primary alternative for initial action is to allow the student to continue in university activities with no restrictions. The university may take no action if it is decided, based on review of the referral information or other information presented, that the student may be allowed to continue with no restrictions. In those cases, care should be taken to provide opportunity for the student to be advised of accommodations and supportive services that are available. In cases where there are conduct actions pending, those actions should go forward.
- b.** Continue in university activities pending further proceedings. The university may require that students meet certain conditions regarding the student's behavior over a specified period of time if he/she is to remain enrolled. Such conditions could include, for example, stopping classroom disruptiveness, or continued enrollment only if the student avails him or herself of supportive services or accommodation arrangements. Failure to comply with the conditions, coupled with further disruptive behavior, may result in additional conduct complaints added to any that were previously pending or deferred. At no point will the university engage in a behavioral contract or agreement with a student whose behaviors indicate harm or danger to any member of the community.
- c.** Remaining enrolled at the university subject to conditions but without eligibility for university-owned residential agreement. These conditions are warranted under certain circumstances where other students' living and learning environments are likely to be disrupted by a student's behavior and the University will have the option of allocating alternative, more suitable living accommodations (if such are available) or terminating the accommodation agreement.
- d.** Suspension of studies and/or separation from campus. If there is a pervasive pattern of disruptive or threatening behavior, or behaviors that are assaultive, suicidal, self-injurious or

self-neglectful, which present an imminent risk of injury to the student or others; the student may be suspended from studies and/or ordered off campus. In these situations, an interim hearing will be scheduled as soon as possible to determine if the interim suspension will continue.

### **B. Basis for Interim or Permanent Involuntary Medical Withdrawal**

The university may withdraw a student if it is determined to be more likely than not that the student is engaging in or likely to engage in behavior which poses a significant danger of causing harm to the student, to others or to substantial property rights, or which renders the student unable to engage in basic required activities necessary to obtain an education, or that substantially impedes the lawful activities of others.

### **C. Status of Conduct Proceedings**

If the student has been accused of a violation of the *Student Code of Conduct*, but it appears that the student is not capable of understanding the nature or wrongfulness of the action, this medical withdrawal policy may be activated prior to issuance of a determination in the conduct process.

- a. Students subject to conduct proceedings who wish to introduce relevant information of such lack of capacity must so inform the Dean of Campus Life in writing at least two business days prior to any conduct hearing. If the Dean of Campus Life determines that the information may have merit, the conduct complaint will be held in abeyance and procedures will be initiated to investigate resolution of the matter in accordance with this policy and procedures.
- b. If the student is ordered to be medically withdrawn from the university, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical withdrawal or other action under this section, conduct proceedings may be reinstated.

### **D. Referral for Evaluation**

The Dean of Campus Life may refer a student for evaluation by an independent licensed psychiatrist or psychologist chosen by the institution if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental disorder will be introduced.

Students referred for evaluation will be so informed in writing with personal or certified delivery, and will be given a copy of these standards and procedures. The evaluation, conducted at university expense, must be completed within five business days from the date of the referral letter, unless an extension is granted by the Office of the Dean of Campus Life. A student who

fails to complete the evaluation in accordance with these standards and procedures may be withdrawn on an interim basis, or referred for conduct action, or both.

### **E. Interim Action**

The Dean of Campus Life may order interim medical suspension of a student where there is reason to believe an imminent threat of harm to self or others exists. Students suspended under this provision will be notified by personal or certified delivery, and will also be given a copy of these standards and procedures. The student will be given the option of appearing before the Dean of Campus Life (or designee) within 48 hours of the order for interim medical suspension to discuss only the following:

- a. The reliability of the information concerning the student's behavior;
- b. Whether the student's behavior poses a danger of causing imminent, serious harm to the student or others, causing property damage, or directly impeding the lawful activities of others; and/or
- c. Whether the student has completed an evaluation, in accordance with the standards and procedures.

The sole decisions to be made at the hearing are whether interim medical suspension should be continued or modified, and whether medical withdrawal should remain in consideration.

### **F. Involuntary Medical Withdrawal**

If the medical evaluation supports medical withdrawal, a hearing will be scheduled before the Dean of Campus Life or designee, the Director of Health Services and the Director of the Counseling Center. The student will be informed, in writing with certified delivery, of the time, date and place, and will be given at least two business days to independently review the psychological or psychiatric evaluation prior to the hearing. In addition, the student will be notified of who is expected to present information at the hearing.

If the evaluation does not support medical withdrawal, the student will be notified. If other action is pending, the appropriate individuals will be notified and will proceed with their actions.

- a. The student and the student's representatives may present information for or against involuntary medical withdrawal and will be given the opportunity to ask questions of others presenting information. The hearing will be conversational and non-adversarial; however the Dean of Campus Life or other designated person in charge of the hearing will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. A written and taped record of the proceeding will be kept and a copy made available to the student.

- b. A written decision will be rendered by the committee within two business days stating the reasons for its determination. The decision will be delivered to the student by certified means. If the student is withdrawn, the notification will include information concerning when reapplication may be made, as well as specifying any conditions of reinstatement. The decision of the Dean of Campus Life, or designee, is final and not subject to review.
- c. A student seeking readmission who has been medically withdrawn must reapply and may not reenter the university without providing competent medical information that the medical condition no longer exists, or is sufficiently under treatment so as to remove any substantial likelihood of reoccurrence of the situation which caused medical withdrawal. In addition to the information that a reapplying student submits, the university may require the student, at the student's cost, to undergo a medical evaluation by a licensed mental health professional of the university's choosing. A written and taped record of the proceeding will be kept and a copy made available to the student.

### **G. Representation/Support at Hearings**

A student subject to either an Interim Suspension Hearing or an Involuntary Medical Withdrawal Hearing may be assisted in the hearing by a family member and/or a licensed psychologist or psychiatrist, or in lieu of a licensed psychologist or psychiatrist, by a member of the faculty or staff of the university. The student will be expected to speak for him or herself whenever possible.

### **H. Notification to Parents/Guardians**

When interim action or involuntary medical withdrawal are imposed, a student's parents/guardians will be notified unless the student can show cause why notification could exacerbate the problem(s) leading to the interim action or withdrawal. This notification will be made on the basis of medical records not subject to FERPA, on the basis of a student's dependency status, or on the basis of FERPA's health and safety exception, as applicable.

## **Section 19**

### **HIV/AIDS Policy**

University of the Incarnate Word is a Catholic university which provides a values-oriented education designed for the development of the whole person and service to others. Within that framework, the university supports the need for each individual within the community to be treated with dignity and respect.

AIDS (Acquired Immunodeficiency Syndrome) is a serious public health problem which raises many complex medical, legal, moral, ethical, and educational issues. University of the Incarnate Word is committed to educational programs and institutional policies which inform the community about this issue. Such programs and policies will be guided by the university's regard for both public health interests and individual rights, informed by the recommendations of the U.S. Public Health Service, the Center for Disease Control, the American University Health Association and the American Association of Colleges of Nursing.

## **Section 20**

### **Anti-Harassment Policy**

**A.** It is the policy of the University of the Incarnate Word to provide a work and learning environment free from all forms of harassment, whether based on sex, race, color, religion, national origin, sexual orientation, citizenship status, age or disability. Sexual harassment is covered specifically above by the Sexual Harassment policy (Section 16.C, page 40).

- a.** The university will not tolerate harassment of our employees, students or job applicants that is related to an individual's race, color, sex, religion, national origin, sexual orientation, citizenship status, age, or disability.
- b.** For the purposes of this policy the term harassment includes, but is not necessarily limited to: unwelcome slurs, jokes, comments, and other verbal, graphic or physical conduct relating to an individual's race, color, religion, national origin, sexual orientation, citizenship status, age or disability.
- c.** National Origin Harassment may be defined as harassment because of an individual's or his/her ancestor's place of origin, or because an individual is affiliated with, or has the physical, cultural or linguistic characteristics of a national origin group.

### **B. Harassment by Non-Employees**

It is the policy of the university to protect employees and students from harassment by non-employees. Any employee who becomes aware of any harassment of an employee or student by a non-employee should report such harassment to their supervisor as provided in this policy, or to the Dean of Campus Life.

### **C. Report All Incidents of Harassment**

If you feel that you are being harassed, have been subjected to harassment, or treated in a way that violates this policy, you should report the harassment to the Dean of Campus Life immediately. You may also report by telephone to 829-6034. The matter will be promptly investigated and, where appropriate, action will be taken. If you do not feel that the matter can be discussed with the Dean of Campus Life, or if you are not satisfied with the way your complaint has been handled, you must contact the Vice President for Enrollment & Student Services. The person receiving the complaint will contact University Counsel who will determine the investigatory process.

Students should:

- a. Promptly report concerns about inappropriate behavior;
- b. Cooperate in an investigation of complaints of misconduct; and
- c. Promptly report concerns about perceived retaliation for having complained about harassment or having participated in an investigation.

## **Section 21**

### **Abusive Affiliation Policy**

All acts of abusive affiliation by any individual student or university registered student club or organization and any of its members or alumni are prohibited. Students are entitled to be treated with consideration and respect, and no individual may perform an act that is likely to cause physical or psychological harm or social ostracism to any other person within the university community. Accordingly, any such behavior is expressly forbidden when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

Any student or organization found to be involved in any abusive affiliation activity will face conduct action and will likely be subjected to expulsion from the university. Violation of this policy exists irrespective of the voluntary or consensual participation in the abusive affiliation activity by the person being abused.

### **Examples**

- a. Clem was inducted into an unrecognized club that was part of the university marching band. The club pledged not to haze its members. As part of the induction activities, Clem was asked to do calisthenics half-naked in extreme heat at the request of club leaders. Clem was told he did not have to do them, but that all members did them and it improved their on-field

stamina. Clem voluntarily engaged in the calisthenics. *This type of behavior violates the abusive affiliation policy, regardless of the voluntariness of Clem's decision.*

- b.** Rick joined Omega Pi Lambda, a fraternity. His pledge class took an oath not to haze, and was repeatedly warned of the fraternity's anti-hazing policy by current members. Rick's pledge class had heard of the long history of hazing that had gone on in their fraternity before they joined, and they felt like they were missing out. All the members had earned their stripes, but Rick's class was under new rules. They wanted to prove themselves to their brothers, so one night Rick and his pledge class secretly invaded Rho Mu Alpha, and stole their flag. The following Sunday, in a solemn presentation, Rick and his co-horts presented the flag of their rival to their chapter leaders, who accepted it with honor and much conversation about how the covert mission was accomplished. The leaders of Omega Pi Lambda faced accusations of violating the university's abusive affiliation policy. They argued that they did not take the flag, and expressly told the new initiates not to haze. The university found them in violation for encouraging the activity by accepting the flag, glamorizing its theft, and failing to report the behavior to university officials once they were aware of it.

### **State Hazing Law**

The State of Texas has enacted a clearly stated law which identifies and prohibits activities identified as hazing. This state law applies to all UIW student activities including intramurals and intercollegiate athletics. It is incumbent on each organization to educate themselves about these guidelines and to certify that the organization, its officers and members adhere to this law. The Director of the Student Center & Leadership Activities has copies of the State of Texas Hazing Law available for all interested individuals and will assist, as needed, in interpreting the content of the law as well as reviewing planned or ongoing activities to ensure that they comply with the law and campus policy. All groups are required to review their plans for membership activities with the Director of the Student Center & Leadership Activities before their new member recruitment period begins.

## **Section 22**

### **Free Speech and Harassment Policy**

Harassment is a type of discrimination prohibited by college policy and by federal laws such as Title VII and Title IX. UIW affirms every individual's right to freedom of expression, and fosters the culture of tolerance and civility that is necessary for the accomplishment of its educational goals. The academic freedom of an educational institution can create a tension with the prohibition of harassing behaviors. UIW is a community that values freedom of speech and expression. As conveyed by the Constitution, these rights have limitations, and the same is true

here. Limitations on free speech include: endangering someone or threatening them; inciting violence; using “fighting words” directed at an individual or group that directly provoke violence; defamation; obscenity; and discrimination that limits someone’s educational or employment access and/or opportunities. UIW does not consider visual and/or aural demonstrations, depictions or conduct to be sexual harassment when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter, or campus discourse on topics of political, artistic or social issues.

### **Examples of Harassment**

Not all workplace or educational conduct that may be described as “harassment” affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

- a. A professor insists that a student have sex with him/her in exchange for a good grade. *This is harassment regardless of whether the student accedes to the request.*
- b. A student repeatedly sends sexually oriented jokes around on an email list he/she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the University Housing structure in which they both live.

This sexual harassment policy incorporates language suggested by Tom Trager, Associate Counsel to the University of Colorado, Boulder, and Brett Sokolow, from the National Center for Higher Education Risk Management.

## **Section 23**

### **Religion/Association Policy**

Students have the right to exercise their religious convictions and associate with religious, political, or other organizations of their choice provided they do so in a manner that respects the rights of other members of the community and complies with the *Student Code of Conduct*. Students have the responsibility to respect the rights of other members of the university community to free exercise of their religious convictions and to free association with organizations of their choice.

## Section 24

### Gambling Policy

Students are expected to abide by the federal laws and the laws of the State of Texas prohibiting illegal gambling, including online gaming. Gambling for money or other things of value on campus or at university-sponsored activities is prohibited except as permitted by law.

Such prohibited activity includes, but is not limited to: betting on, wagering on, or selling pools on any university athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book or other device for registering bets; knowingly permitting the use of one's premises or one's telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to sporting events.

## Section 25

### Guest Speakers Policy

It is the policy of the campus to foster a spirit of free inquiry and to encourage the timely discussion of the broad range of issues which concern our nation provided that the views expressed are stated openly and are subject to critical evaluation. Within our prevailing standards of decency and honesty, this policy will be construed to mean that within the context of Catholic Higher Education and the Mission of the University, controversial topics may be raised for intelligent discussion on the campus. Restraints on free inquiry should be held to that minimum which is consistent with preserving an organized society, in which change is accomplished by peaceful democratic means.

Students, either as individuals or as members of recognized student organizations, who act in violation of the provisions of this rule will be subject to Conduct procedures and actions as outlined in the *Student Code of Conduct*.

The maximum penalties to be assessed against a student organization for a failure to observe the provisions of Section A or for sponsoring a speaker who violates the prohibition of Section B of this rule will be:

- a. For a single violation (including, as a single violation, multiple violations relating to the same meeting) in any academic year, suspension of the right of the student organization to invite a guest speaker to the campus for a twelve month period; and

- b. For more than one violation in any academic year, termination of the student organization's registered status.

### **A. Student Organization Responsibilities**

A registered student organization, after consulting with and obtaining prior approval of its faculty advisor, may invite guest speakers to the campus to address meetings, subject to the following provisions:

- a. Sponsorship must be by a registered student organization.
- b. Proper arrangements for the use of university facilities must be made.
- c. It must be clear that the student organization, not the university, is extending the invitation and that any views the speaker may express are his or her own and not those of the university.
- d. The student organization must take whatever steps are necessary to insure that the meeting is conducted in an orderly manner.
- e. The student organization must provide means for critical evaluation of the speaker's view, which must include, at a minimum, an open question period following the speaker's presentation.
- f. The student organization must comply with any and all conditions for the orderly and scholarly conduct of the meeting.

### **B. Guest Speaker Responsibilities**

A speaker invited by a student organization must not advocate action or urge the audience to take action which is illegal under the laws of the United States, the state of Texas, or which is prohibited by the rules of the University or the *Student Code of Conduct*. It is the responsibility of the student organization to inform speakers in writing of this prohibition.

## **Section 26**

### **Responsible Use of University Computing Resources**

**What is the purpose of this policy?** The purpose of this policy is to outline guidance, rules, and acceptable practices for the use of computing resources at the University of the Incarnate Word. Guidance included in the *Administrators' Handbook*, the *Faculty Handbook*, and the *Student Handbook* are incorporated by reference in this policy. All users of computing resources at The

University of the Incarnate Word are also responsible for adherence to any State or Federal regulations regarding computer use at the University.

**Who does this policy apply to?** This policy applies to all users of University network, e-mail, and computing resources, including any and all technical systems and services provided or owned by the University. This also includes University network, web, e-mail accounts and records provided to or in the possession of University faculty, staff, administrators, students, or other users of University technical services.

### **Overview:**

Access to computing resources at the University of the Incarnate Word is a privilege, not a right. This access is granted with restrictions and responsibilities for use. Violations of the rules governing the use of UIW computing resources may subject the violator to loss of access privileges, disciplinary action, and/or other action as deemed appropriate by the University. UIW's computing resources, including Internet access and email accounts, are provided to support the University's education, business, and research missions. Routine personal usage of these resources may be permissible if, in the determination of the University, such use does not interfere with the University's mission or preempt normal business/educational activity, does not impede employee productivity, does not interfere with or negatively impact any other person's or entity's rights and work/learning environment, does not conflict with any rule or law, and does not consume more than a trivial amount of resources.

### **A. General Rules:**

- a. Account sharing is prohibited.** You are responsible for all activity conducted within your account. Do not share your account information or password with anyone else. If you fail to safeguard your account information and/or engage in unauthorized account-sharing, you may be subject to disciplinary action.
- b. Use of University computing resources must be in accordance with University policies and codes of conduct.** Files controlled by individual users are considered private. The ability to read, alter, or copy a file does not imply permission is granted to others to do so. The University reserves the right to access and/or remove any files in violation of University policies. The ability to connect to or make use of other systems through the network does not imply the right to do so unless properly authorized by the owners of these systems. To do so without proper authorization will result in disciplinary action.
- c. Commercial use prohibited.** Computing accounts are provided for University operational and academic use only. Commercial use of UIW computing resources is strictly prohibited. Accounts found being used for commercial and/or personal gain will be turned off. Electronic advertising using University computing resources is prohibited.
- d. Digital Millennium Copyright Act Violations.** The University of the Incarnate Word will comply in all respects with the Digital Millenium Copyright Act (DMCA). If you use your

Internet connection to share copyrighted materials (i.e. files, programs, songs, videos/movies, etc.) without permission of the copyright owner(s), you are in violation of the DMCA. When we (UIW) discover or are informed by the copyright holder of a potential copyright violation, we are required by Federal Law to remove the copyrighted materials from the system in question. If we are unable to remove these materials for any reason, then we will terminate network access for the system in question until we are able to verify the removal of the infringed materials.

**B. Guidance and Rules Regarding the UIW Network:**

- a. **The network is a shared resource.** The University reserves the right to limit the use of individual computing resources at any time when necessary to the maintenance of overall network operation. Network use or applications which inhibit or interfere with the use of the network by others are not permitted. (For example, using an IP address not registered to you, or running applications which use an unusually high portion of the bandwidth for extended periods of time, thus inhibiting the use of the network by others). Use of the network must comply with all University policies.
- b. **Identity Theft or Forgery.** Theft, forgery or other misrepresentation of your identity via electronic or any other form of communication is prohibited. Prosecution under State and Federal laws may also apply.
- c. **Physical Modification to Network Resources.** Do not modify or extend network services and wiring beyond the area of their intended use. This applies to all network wiring, hardware, and jacks. Any unauthorized modification or extension of network services may be subject to charges to the student's account or employee's department.
- d. **No Redirection of Services.** The UIW network may not be used to provide Internet access to anyone outside of the University community for any purposes. UIW-specific or commercially obtained network resources may not be retransmitted outside of the University community.
- e. **Prevent the spread of computer viruses.** Computers using the UIW network must include operational anti-virus software. Users should keep Virus Definition Files up to date. The University reserves the right to remove infected or vulnerable computers from the network.
- f. **You may *not* use your UIW network connection to:**
  - 1. Operate a separate business or organization for profit or non-profit purposes.
  - 2. Monitor data on the network using monitoring or "sniffing" software.
  - 3. Provide a pass-through site to other campus hosts or provide remote login (e.g. telnet access) on your computer for others than yourself.
  - 4. Engage in any activities generally regarded or construed as "hacking."
  - 5. Harass, libel, or slander anyone or engage in fraudulent representations.
  - 6. Copy or transmit copyrighted material unless you are legally authorized to do so.
  - 7. Download, post, or transmit material contrary to UIW policies.

### **C. Guidance and Rules Regarding UIW Email Resources:**

**Overview.** All employees and students at the University are issued a standard University email account. This is the University's chief electronic avenue for communication with its students and employees. The use of e-mail at UIW, like the use of other University computing resources, is a privilege, not a right. Use of email resources at UIW is subject to limitation and/or revocation. Guidance and rules regarding the use and content of UIW email applies equally to transactional information (such as e-mail headers, summaries, and addresses) associated with e-mail use and content.

**Authorized Uses.** Notwithstanding references made elsewhere in this policy to the personal use of UIW computing resources, employees are not permitted to use UIW's e-mail resources for personal commercial or business activities, personal charitable endeavors, illegal political or other activities, to send or forward chain mail, or for any other purpose or activity prohibited by UIW policies or civil law, unless authorized in advance by the University in writing.

**User Identity.** Misrepresenting, obscuring, suppressing, or replacing a user's identity on an e-mail system is forbidden. The user name, e-mail address, organizational affiliation, and related information included with e-mail or postings must reflect the actual originator of the mail or postings.

**No Guarantee of Privacy.** UIW respects the rights of its employees and students. However, UIW is also responsible for servicing and protecting its network and related systems, as well as complying with state and federal laws. We cannot and do not guarantee that users' e-mail or other network activity will be private and you should not have an expectation of privacy. E-mail, for example, can be forwarded, intercepted, printed, and stored by others. Although network activities such as email usage are not routinely monitored, UIW may monitor or access your e-mail or other network-related activities if the University suspects or is advised of possible breaches of network security or violations of other University policies, rules, regulations, directives, or law. The University may also monitor or access your email if evidence exists which demonstrates that your e-mail contains information, data, or other intellectual property that belongs to another person. Only the President, the Vice President for Finance & Technology or the UIW General Counsel may authorize such access to e-mail under this policy.

UIW network administrators and technical support staff members may have to access your e-mail and other records of your network use for routine maintenance of systems and for specific system problems. System administrators and technical support staff accessing legally protected or confidential information or records shall not disclose, copy, or otherwise disseminate any other information or records unless specifically directed to do so by the Chief Information Officer or the Vice President for Enrollment & Student Services. Other than as provided for in this policy, no employee shall access the e-mail of another employee or student without the consent of the person whose e-mail is being accessed. The improper access of the e-mail of another shall be reported to the Chief Information Officer and may be subject to appropriate discipline by authorized University officials.

**Email Etiquette.** Never say anything in e-mail that should not or could not be said publicly. Once a message has been sent, control over it is lost. It may be forwarded to others or displayed on an electronic bulletin board or in a newsgroup without the author's knowledge or consent. Abusive or insensitive language in email is an inappropriate use of computing resources. Use of electronic means to send or post fraudulent, harassing, obscene, indecent, profane, intimidating, or unlawful messages is prohibited.

**Contents of E-mail.** E-mail is treated as any other form of communication. State and federal law, along with all University policies, rules, handbooks, contracts, and directives, including sanctions, apply to the content and use of e-mail. Use of personal taglines in a signature element is not allowed; that is, signatures on electronic communications must remain neutral and should contain only the elements needed to properly identify the sender. Stationary use or the use of personal "taglines" that quote a philosopher, religious text, use a "phrase of the day" or make any philosophical or political statement are prohibited.

Signature elements should only include the following items:

<employee name>

<employee job title>

University of the Incarnate Word

4301 Broadway , CPO XXX

San Antonio, Texas 78209

Telephone 210-XXX-XXXX

Fax 210-XXX-XXXX

[XXXX@uiwtx.edu](mailto:XXXX@uiwtx.edu)

Participation in electronic chain mail messages is strictly prohibited. File attachments may not exceed five megabytes in length.

**Purging E-mail.** E-mail systems are not intended for archival storage, and network e-mail archives are purged on a rolling sixty-day basis. Employees are responsible for periodically purging e-mail from their personal storage areas on the network. The University reserves its right to limit capacity on individual accounts for archival storage and other University purposes.

#### **D. Web Publishing Rules:**

The UIW community has access to a variety of Web publishing options including personal and/or professional Web pages, weblogs or "blogs", course content pages, and departmental Web sites. Information on UIW's web site can be read worldwide. The quality, accuracy, and legality of this information are of the utmost concern to the University. The distributed and open nature of the Web renders traditional means of control impractical and transfers much of the responsibility to the individual.

Students, faculty, and staff are responsible for the content of the documents they publish. They are also required to abide by all University policies regarding appropriate use of information and computing resources, including the following:

- a. Information, graphics, and other materials are covered by and subject to all current copyright laws. If permission to display text, graphics, sound, video, etc. that are owned by someone else has not been granted, *do not publish it*.
- b. If information about the University (e.g., total enrollment, number of faculty, etc.) is to be used, please confirm its accuracy. For assistance, please contact the Office of Institutional Research.
- c. Information representing a point of view differing from an established University policy or position must comply with university publishing policies.
- d. All information must be free of inflammatory, derogatory, or offensive text, images, or sounds that exceed the bounds of academic freedom of faculty. Flaming behavior, as often seen in newsgroups, could be interpreted as libel, and should be avoided.
- e. The content of web pages, UIW discussion forums, blogs, and wikis are subject to all UIW policies.
- f. Every effort should be made to keep documents free of typographical and grammatical errors.
- g. Use of any UIW-sponsored web site for commercial and/or personal gain is prohibited.
- h. A phone number and/or e-mail address of the student, faculty, or staff member is to be included on the home page.

The University of the Incarnate Word will not routinely monitor Web page content but we reserve the right to both monitor content and remove pages if they are in violation of these rules or relevant UIW policies.

#### **E. Enforcement of this policy:**

**Sanctions.** Failure to comply with any of the above guidance or rules may result in termination of network services, loss of computing resource privileges, prosecution by the University, other disciplinary procedures, and/or civil and/or criminal prosecution. The Technology Department reserves the right to terminate any network connection without notice should it be determined that network traffic generated from said connection drastically inhibits or interferes with the use of the network by others. Depending on the circumstances, the University reserves the right not to indemnify you in the event of a claim or lawsuit by a third party related to the matters described in this policy.

**Enforcement Provisions.** Violations of these rules are subject to the investigative and disciplinary procedures of the University with the appropriate representatives of the University's Technology Department acting in an advisory role. Complaints against students are usually forwarded to and handled by the Campus Life Office. Complaints against faculty and other employees are forwarded to and handled by supervisors and/or the appropriate Vice President.

**Limitations of Privileges Pending Administrative or Judicial Process.** In some cases the University must act more immediately to protect its interests and resources, or the rights and safety of others. The Chief Information Officer (or his/her appointed representative) has the authority to suspend or limit account privileges and access to resources in those situations. When services have been suspended in this way, the Chief Information Officer shall notify the appropriate office, which will handle the complaint and attempt to notify the account or computer owner. Account suspension, or removal from the network is typically temporary while the complaint is handled through the normal investigative and disciplinary procedures of the University.