Community Policies

Student Code of Conduct
Based upon the model codes of Stoner and Sokolow*

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 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 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 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. Otherwise, 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, they 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. 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.

C. 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.

D. 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.

E. 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.

F. 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, as 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.

G. 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.

H. 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:

1. Complainants in non-consensual sexual contact/intercourse incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation.

2. 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.

3. 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.
4. The university may release publicly 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.

I. 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.
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 in the Residence Halls, 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.

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:

1. **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:

   a. 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;
   
   b. Acts of academic dishonesty as outlined in the Code of Academic Integrity;
   
   c. Unauthorized possession, duplication, or use of means of access (keys, cards, etc.) to any university building;
   
   d. Action or inaction by someone in collusion with a wrongdoer which fails to discourage a known and obvious violation of university policy or law.
   
   e. Violations of positions of trust or authority within the community;
   
   f. Tampering with the election of any university recognized student organization.

2. **COMMUNITY:** UIW students honor and value their community. Behavior that violates this value includes, but is not limited to:

   a. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespass;
   
   b. Misuse or unauthorized use of university or organizational names and images;
   
   c. Knowingly taking possession of stolen property;
   
   d. Intentional and unauthorized taking of the property of the university or personal property of a member of the university community which is on campus;
   
   e. Intentional and unauthorized destruction or damage to university property or to the property of another;
   
   f. 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:
   
   f.1. Use of computing facilities to send harassing or abusive messages;
   
   f.2. Use of computing facilities to interfere with the work of other community members;
   
   f.3. Unauthorized access to a file or personal or group account;
   
   f.4. Use of computing facilities to interfere with normal operation of the university computer system;
   
   g. Anonymous or forged network news articles or E-mail messages;
   
   h. Disk usage over the allotted limit without prior approval;
   
   i. Unauthorized transfer of a file;
   
   j. Unauthorized use of another individual’s identification and password.
   
   k. Gambling;
   
   l. 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.
m. Violation of state, local, or campus fire policies, including:
m.1. Failure to evacuate a university-owned building during a fire alarm;
m.2. Improper use of university fire safety equipment;
m.3. Tampering with or improperly engaging a fire alarm in a university building.

3. **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:
   
a. Disruption of university operations, including obstruction of teaching, research, administration, other university activities, or other authorized non-university activities which occur on campus;
b. Obstruction of freedom of movement by community members or visitors;
c. Abuse, interference or failing to comply in university processes including Conduct and Honor Code hearings;
d. Abuse of the campus conduct system, including:
   d.1. Failure to attend meetings scheduled for conduct code administration purposes;
   d.2. Falsification, distortion, or misrepresentation of information;
   d.3. Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
   d.4. Attempting to discourage an individual’s proper participation in, or use of, the campus conduct system;
   d.5. 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;
   d.6. Failure to comply with the sanction(s) imposed by the campus conduct system;
   d.7. Influencing or attempting to influence another person to commit an abuse of the campus conduct system;

4. **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:
   
a. Threatening or causing physical harm, verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
b. Discrimination, intimidation (implied threat), harassment;
c. Abusive affiliation (as defined in the abusive affiliation policy in this document);
   d. Violence between those in an intimate relationship to each other;
   e. Stalking, defined as repetitive, menacing pursuit, following, harassment and/or interference
   f. 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.
   g. Sexual misconduct, including sexual harassment; non-consensual sexual contact; non-consensual sexual intercourse; sexual exploitation
   h. Inappropriate conduct which is disorderly, disruptive, or indecent while on campus or at functions sponsored by, or participated in by, the university;
   i. 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;
   j. Smoking in any non-residential university building or in areas of residential buildings designated as non-smoking.

5. **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:
   
a. 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.);

b. Use, possession, or distribution of narcotic, or other controlled substances, as well as drug paraphernalia, except as expressly permitted by law;

c. Assisting in the violation of university policies or public laws;

d. Violations of federal, state or local laws which affect the interests of the university community, whether on or off-campus;

e. The knowing failure of any organized group to exercise preventive measures relative to violations of this Student Code of Conduct by members;

f. Violation of other published university policies, rules, or policies;

g. 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**

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

B. The Dean of Campus Life 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.

C. 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.

D. If the complaint cannot be disposed of in a manner mutually acceptable, the Dean may later serve in the same matter as the Conduct Council, or may refer the complaint to the Student Conduct Review Council (SCRC). 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.

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

1. One voting student representative from each residence hall/apartment complex to be nominated by the respective hall/apartment complex preferably no later than the third week of class each fall semester, to serve for one academic year. Nominated student will complete the application process.

2. Two commuter student representatives from the commuter student population will be selected after an application process preferably no later than the third week of class each fall semester, to serve for one academic year.

3. One voting student representative to serve as the liaison to the SGA Executive Council, preferably no later than the third week of class each fall
semester, to serve for one academic year.

4. The Dean of Campus Life will have final authority to approve students serving on the SCRC. Members must be in academic and conduct good standing in the semester(s) they serve, though a serious history of misconduct could disqualify a student for service. For this purpose, academic good standing is defined as a semester GPA of at least 2.0 and conduct good standing is defined as having no record of misconduct (as defined by the Student Code of Conduct) during the semester(s) a student serves.

5. 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.

6. The Chairperson of the SCRC will be selected before the beginning of each hearing. The chairperson is ineligible to vote except to break a tie vote.

7. In the event of a resignation, the group from which the representative came is responsible for providing a replacement as soon as possible.

8. At all hearings of the SCRC, the presence of at least 4 members will be necessary and sufficient to constitute a quorum. The Dean of Campus Life may designate appropriate substitutes including faculty or administrators.

9. 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.

10. Decisions made by the SCRC or the Dean of Campus Life will be final, and sanctions implemented, pending the normal review process. The Dean of Campus Life has the authority to stay implementation of sanctions pending review, at her discretion.

11. 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 in the Residence Halls, 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. For such violations, the decision rendered on petition to the SCRC is final.

Section 7
Interpretation & Revision

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

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

C. 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 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 will be upheld.

A. Complaints and Hearings
1. 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. When such procedures are used, the SCRC will be used in lieu of an administrative hearing.

2. The Dean of Campus Life will assume responsibility for the investigation of the alleged violation as described in the section titled “Conduct Authority”.

B. Notice and pre-hearing procedures
1. 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.

a. 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.

b. 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.

c. 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.

d. Where the accused student admits to violation(s) of the Student Code of Conduct, the Dean of Campus Life may invoke informal resolution procedures to determine and administer an appropriate sanction without a formal hearing.

e. Where the accused student denies the violation, the formal hearing will be followed.

2. Where a student denies violation of the Student Code of Conduct, the Dean of Campus Life will upon receipt of a written denial from the accused student, schedule a hearing.

a. 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.

b. 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.

c. 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.

3. 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:
• The accused student will deliver to the Dean of Campus Life a written response to the complaint;
• 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;
• 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;
• 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;
• 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 this 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 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.

4. 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.

5. 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

1. The Dean of Campus Life and the Student Conduct Review Council will conduct hearings, according to the following guidelines:
   a. Hearings will be closed to the public.
   b. 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.
   c. 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.
   d. 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.
   e. 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.

f. 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. The Dean of Campus Life may limit the number of character witnesses presented or accept written affidavits of character instead.

g. All procedural questions are subject to the final decision by the Dean of Campus Life.

h. After a 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 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 body 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.

i. 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.

j. 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

1. 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 the disadvantage of the accused student.

a. 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:

a.1. The accused was previously found to be responsible;

a.2. The previous incident was substantially similar to the present allegation;

a.3. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student;
b. 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.

E. Conduct Sanctions

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

   a. Warning
      A notice in writing 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.

   b. 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.

   c. Fines
      Previously established and published fines may be imposed.

   d. 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.

   e. Loss of Privileges
      Denial of specified privileges for a designated period of time.

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

   g. 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.

   h. No Contact Agreement
      Limiting contact between students. 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.

   i. Restriction of Visitation Privileges
      May be levied against an individual(s) residing in room(s)/suite(s) in the residence halls. The parameters of the restriction will be specified.

   j. Residence Hall Probation
      Places the student 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 the residence halls.

   k. Residence Hall Reassignment
      Student is assigned to another residence hall. The Residence Life Office will decide on the hall to which the student will be reassigned.

   l. Residence Hall Suspension
      Removal of the student from the residence hall 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 the residence
hall within 24 hours of the action. This sanction may be enforced with a trespass action as necessary.

m. **Residence Hall Expulsion**
   Resident loses the privilege to live or visit in any university residence hall at any time. This sanction may be enforced with a trespass action as necessary.

n. **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 representing the university at any official function, event, intercollegiate competition as a player, manager, or student coach, etc.

o. **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.

p. **Expulsion**
   Permanent separation of the student 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.

q. **Other Sanctions**
   May be created and assigned, as deemed appropriate to the offense with the approval of the Vice President for Academic & Student Affairs, the Dean of Campus Life or designee.

---

2. More than one of the sanctions listed above may be imposed for any single violation.

3. 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 residence hall 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 five years after final disposition of the complaint.

4. The following sanctions may be imposed upon groups or organizations found to have violated The Student Code of Conduct:
   - Those sanctions previously listed in Section B.1, a-h, n-q.
   - Deactivation, loss of all privileges, including university registration, for a specified period of time.

E. **Interim Suspension**
   The Dean of Campus Life has the authority to impose residence hall suspension or, with consent of the Vice President for Academic & Student Affairs, to levy university suspension prior to the hearing.
   1. Interim suspension may be imposed: to ensure the safety and well-being of members of the university community or preservation of university property; for purposes of pursuing an investigation; to ensure the student’s own physical or emotional safety and well-being; or if the student poses a definite threat of disruption of, or interference with, normal operations of the university.

2. During the interim suspension, students will be denied access to the residence halls 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 the Vice President for Academic & Student Affairs or the Dean of Campus Life may determine to be appropriate. At the discretion of the Dean of Campus Life,
alternative coursework options can be pursued, to arrange for as minimal an impact as possible on the accused student.

F. Final Review
1. Accused students or complainants may petition within three (3) school days of the written decision to the Community Review Board for the review of a decision reached by the Student Conduct Review Council or a sanction imposed. Such petitions will be in writing and will be delivered to the Vice President for Academic & Student Affairs.

2. If the Vice President for Academic & Student Affairs 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.

3. 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:
   a. To consider new information, unavailable during the original hearing, that could be outcome determinative;
   b. To assess whether a material deviation from written procedures impacted the fairness of the hearing;
   c. To decide if a sanction(s) is grossly disproportionate to the severity of the offense;
   d. To determine that the finding does not accord with the information;
   e. 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 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.

G. 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:

1. Four voting student representatives appointed by the Student Government Association Executive Board, preferably no later than the third week of class in the fall semester. Representatives will be appointed from the following categories:
   a. One female and one male resident student, one female and one male commuter student;
   b. No more than two of the four students may be seniors.

2. Two voting faculty representatives, one female and one male, appointed by the Faculty Senate, preferably in the spring of each academic year.

3. Two voting representatives from the administration, one female and one male, appointed by the President annually, preferably no later than the first three weeks of the fall semester. Every effort will be made to see that at least one representative has served previously.

4. The non-voting advisor to the CRB is the Vice President for Academic & Student Affairs.

5. The chairperson of the CRB will be determined prior to the start of each hearing by a 3/4-majority vote of the Board. The chairperson will be either a member of the faculty or the administration. The chairperson is ineligible to vote except to break a tie vote.

6. In the event of resignation, the group from which the representative came is responsible for providing a replacement as soon as
possible.

7. At all hearings of the CRB, the presence of a majority of the representatives will be necessary and sufficient to constitute a quorum.

H. 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 the residence halls within 24 hours of notification by the Dean. Suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. The determination will be made by the Vice President for Academic & Student Affairs 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 Counseling and Health Services. 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.

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
1. Alcohol Policy

A. Rationale

This document 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.

B. Policy Guidelines

1. Students who are 21 years of age or older are permitted to have alcohol in designated residence hall 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 residence hall rooms.

2. 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).

3. Alcoholic beverages may be sold, served or consumed in special use facilities only if:
   • it is in compliance with law, and
   • it is done at social gatherings approved by the Dean of Campus Life or the President of the University
   • Alcohol is dispensed by a licensed third-party vendor or is BYOB.

4. Alcoholic beverages may not be possessed or consumed in classrooms, in hallways, residence hall lounges, on 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.

5. 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.

6. The Dean of Campus Life may approve alcoholic beverages at social gatherings meeting all the following conditions:
   a. The event is held in a special-use location, facility or building;
   b. The event is requested by a faculty member, staff, student organization, University department or division;
   c. The event will have a majority of individuals over 21 years of age in attendance;
   d. Food is served and alternate non-alcoholic beverages are provided;
   e. The sale/serving of alcoholic beverages be discontinued at least one hour before the event ends; and
   f. Proper security for the event is provided at ticket booths and distribution areas where alcohol is sold/served and officers patrol the event location.
   g. Alcohol is dispensed by a licensed third-party vendor or is BYOB.

7. 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.

8. At the beginning of each academic year, the Dean of Campus Life or designee will publicize this policy in any of the following ways:
a. An article in The Logos, addressed to all in the University community;

b. A memorandum to the presidents or chief officers of all student organizations and their faculty or staff sponsors;

c. A presentation to all transfer and beginning students during the orientation process; and

d. A memorandum to the President, vice presidents, deans and faculty.

C. Procedures for Serving Alcohol on Campus

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. If a planned event is canceled, the sponsor is responsible for notifying the Dean of Campus Life, the Directors of Campus Police, Special Events and Dining Service as soon as possible.

8. The University will ensure that all permits required by the Texas Alcoholic Beverage Commission are approved prior to the activity.

D. Alcohol Policy Abuse Sanctions

1. Alcohol Misuse On Campus

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

First offense.
Possible sanctions include required participation in an alcohol education activity, notification of parents for students under 21 years of age and/or mandatory participation in the “Minor in Possession” course, which has a fee. Appropriate restrictions and restitution will be assessed if applicable.

Second offense.
An alcohol assessment is required and parents of students under 21 years of age will be notified. Additional sanctions may include conduct probation for up to one semester, up to 50 hours of supervised community service in an alcohol education activity and restitution if applicable. If appropriate, removal from residence hall will be implemented and other restrictions may be assessed.

Third offense.
Conduct action may include suspension for a minimum of one semester or expulsion; notification of parents for students under 21 years of age; proof of an alcohol-related health assessment and compliance with counselor recommendations. The student must have proof of compliance to be reinstated after suspension. Additional sanctions may include attendance at AA meetings and/or attendance or enrollment in an in/out patient treatment program.

1. 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.

2. 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. Alcohol Violations Involving Minors
   The University of the Incarnate Word issues the following penalties for purchase, sale or distribution of alcohol to a minor(s), including minors in the residence halls.

   **First offense.**
   Conduct probation for up to six months and up to 25 hours of supervised community service in alcohol education activity.

   **Second offense.**
   Documented suspension for a minimum of one semester and up to 50 hours of supervised community service in an alcohol education activity, to be completed prior to reinstatement at the university; notification of legal authorities.

   **Third offense.**
   Expulsion from the university; notification of legal authorities.

3. Conduct probation provides opportunity for Campus Life personnel to work with the student in making changes necessary for continued participation in the co-curricular activities in which she or he would represent the university. The length of the probationary period and any other restrictions will be defined by the Dean of Campus Life.

4. 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**

**II. 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.

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 of their own volition brings use, addiction or dependency to the attention of university officials outside of 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 are 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. The Director of Human Resources is charged with working with the appropriate Deans or Vice Presidents to assure that employees have a similar system hearings, interim action and final review. These administrative officers, working with the appropriate institutional leadership, will ensure the consistent enforcement of conduct sanctions, the required reviews of program effectiveness, and the implementation of needed changes.

B. Definitions
1. “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.

2. “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 before mentioned. It also includes misuse of prescription medication.

3. “On campus” means any building, facility, grounds or other property owned, leased or controlled by UIW.

C. Policy Guidelines
An individual, student or employee 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.

For a first offense, sanctions may include suspension or required counseling and/or rehabilitation along with other appropriate consequences. For a student, sanctions require the approval of the Dean of Campus Life. Sanctions will be determined for employees by the appropriate Dean or Vice President in consultation with the Director of Human Resources. The Dean of Campus Life will submit a written statistical report on drug use each quarter to the President of the University and to the Vice President of Academic & Student Affairs. A similar report will be compiled by the Director of Human Resources and submitted to the President. A second finding of violation for a drug-related offense will result in the permanent expulsion of a student or termination of employment with the university.

D. Illegal Drug Sanctions for Students
The following are University of the Incarnate Word sanctions for unlawful use, possession or distribution of controlled substances.

1. For the manufacture, sale or distribution of illegal drugs
Expulsion from the university and notification of legal authorities. Parents may also be notified for students under 21 years of age or older but who are dependents.

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

   First offense
   Suspension from the university for a period of not less than the remainder of the semester in which the infraction occurred 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 or who are older but dependents; possible notification of appropriate legal authorities.

   Second offense
   Expulsion from the university; notification of parents for students under 21 years of age or who are older but dependents; notification of legal authorities.
Section 14
Anti-Harassment Policy

1. 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 below by the Sexual Harassment policy.

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.

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.

National Origin Harassment may be defined as harassment because of an individual’s or his/her ancestor’s place or origin, or because an individual, is affiliated with, or has the physical, cultural or linguistic characteristics of a national origin group.

2. 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.

3. 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, The Dean of Campus Life is located in the Student Center. 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 of Academic and Student Affairs, Room 142 of the Administration Building or by telephone 829-6003. The person receiving the complaint will contact University Counsel who will determine the investigatory process.

- Promptly reporting concerns about inappropriate behavior
- Cooperating in an investigation of complaints of misconduct.
- Promptly reporting concerns about perceived retaliation for having complained about harassment or having participated in an investigation.

4. Consensual Relationships Discouraged
Faculty, administrators, staff and others in supervisory roles should be aware that the University strongly discourages amorous or sexual relationships between those in such roles and students or those who are supervised. Such relationships are inimical to the education process and have a negative impact on the work and learning environment of the University. Faculty involved with students may find it increasingly difficult to exercise rigorous intellectual judgment when evaluating and grading students, and the treatment of these students may be perceived by other students as unfair and adversely affecting the overall learning environment. Faculty members involved in such relationships are subject to allegations of sexual harassment, including third party sexual harassment charges by other students, faculty members, administrators or staff. Those who supervise in work-related situations face similar difficulties and are also subject to allegations of sexual harassment and third party sexual harassment by other students’ faculty members, administrators or staff.

Responsibilities of Managers/Supervisors for Implementation

5. All vice presidents, managers and supervisors are responsible for the
implementation of this policy and for ensuring that all employees, agents, contractors, students, job applicants, and others have knowledge and understand this policy. All managers and supervisors will take immediate and appropriate corrective action to insure compliance with the intent of this policy. Upon observing words or conduct that may violate this policy, managers and supervisors will take immediate corrective action even if no complaint has been made.

Section 15 Confidentiality

Students have the right to access and control access to their education records as provided in the federal Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. These include the rights to review and challenge the content of educational records, to control disclosure of personal and academic information to third parties, and to limit the routine disclosure of all or some information defined as "directory information" by the Act.*

Please note that there are specified exceptions to FERPA, and therefore the student’s right to access and privacy is not absolute.

*The above statement is also true for international students except where specified by the legislation, rules, and regulations governing the particular visa status.

Section 16 Religion/Association

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 17 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 18 Policy on Guest Speakers

1. 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.

2. To this end, a registered student organization, after consulting with and 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 as 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.

3. 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 College or the Student Code of Conduct. It is the responsibility of the student organization to inform speakers in writing of this prohibition.

4. The maximum penalties to be assessed against a student organization for a failure to observe the provisions of Section 2 or for sponsoring a speaker who violates the prohibition of Section 3 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.

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.

Section 18
Abusive Affiliation

A. 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 as abusive affiliation 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.

B. Examples

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.

Rick joined Omega Pi Lamba, 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 Omaga Pi Lamba 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.

C. 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 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.

The university has adopted this policy for all faculty, administration, staff and students in response to the epidemic of infection with Human Immunodeficiency Virus (HIV), the agent that causes AIDS.

All university policies relating to HIV/AIDS foster the same goals:

A. To provide education, information and counseling concerning the causes, affects, transmissibility and treatment of HIV/AIDS;

B. To safeguard the personal rights of individuals with HIV/AIDS;

C. To promote a safe environment for all members of the university community;

D. To comply with the requirements of applicable federal and state laws relating to HIV.

Statement of Non-Discrimination
University of the Incarnate Word will not discriminate against persons with HIV infection and/or AIDS. Admission, classroom attendance, access to campus facilities, participation in athletics or intramurals, employment and residence hall housing, are open to all qualified individuals who are physically and mentally able, from a medical perspective, to successfully participate in the activities of University of the Incarnate Word.

Safeguarding the Personal Rights of Individuals with HIV/AIDS
As a matter of university policy, information about the existence of any kind of HIV/AIDS is medical information, not administrative data. In recognition of the serious potential for discrimination against and mistreatment of persons with HIV/AIDS, the university will
handle information concerning any aspect of HIV in faculty, administration, staff and students with care and sensitivity to the privacy concerns involved.

**Responsibility of Infected Individuals**

Individuals who are infected with HIV/AIDS or who have a reasonable basis for believing that they are infected with HIV must conduct themselves in a morally responsible way for the protection of themselves and other members of the university community.

**Records in General**

The university will not include information about HIV/AIDS in any regular personnel, faculty or student file. Only when administrative action is taken that is specifically related to HIV-positive status will such information be included. In those circumstances, such information will be maintained in a separate administrative file and accorded confidentiality as a medical record.

Faculty files will be retained in the Office of the Vice President for Academic & Student Affairs. Administration and staff files will be retained by the Human Resources Office. Student information will be retained at the Campus Health Center.

**Need to Know**

There is seldom an administrative need to know about a faculty, administrator, staff member or student with HIV/AIDS. An HIV-infected individual will not be required to disclose such information unless required by federal, state or local laws. Informing Others The university will not advise faculty, administration, staff or students of the existence of HIV/AIDS in any individual.

**Secondary Lists and Records**

The university will not keep lists, logs or other records identifying individuals known to have HIV/AIDS.

**Reasonable Accommodation**

The university will provide reasonable accommodation to any faculty, administration, staff or student with HIV/AIDS in a manner consistent with accommodation provided for employees or students with other disabling medical problems.

**Educational Programs**

The initial response of the University of the Incarnate Word to the epidemic of HIV infection must be education. As such, the University is committed to educating its students, faculty and staff about AIDS and HIV infection. The primary purposes are (1) to prevent the spread of infection by supporting behaviors that reduce the risk of infection; and (2) to provide support for those who are infected with HIV. These educational goals should emphasize the distinction between concerns based on knowledge about documented risks of HIV/AIDS transmission, and concerns based on inadequate information regarding HIV/AIDS infection.

AIDS education will be a cooperative effort representing all segments of the community. The University of the Incarnate Word Committee on AIDS is the group responsible for coordinating such efforts. The University Committee on AIDS is a university-wide committee appointed by the president and composed of faculty, administration, staff and students and is chaired by the Director of Health Services.

**Section 20**

**Posting Policy**

UIW supports the freedom to publicize activities and distribute materials by internal or external entities relating to functions on-and off-campus judged to benefit the university community and consistent with UIW values.

Approval must be obtained prior to making use of the residence halls or campus facilities for the sale, promotion, posting or distribution of any type of material. All material must have a responsible sponsor stated directly on each piece and adhere to all policies that apply.

All printed materials posted or distributed on campus by students and guests must meet the approval of the Director of Leadership Activities. Printed materials include fliers, posters, banners, announcements and advertisements.

Bring one sample to the Campus Life office for stamped approval and make copies from that sample. Allow 24 hours turnaround time for approval.

**Additional Approvals**

- The Director of Leadership Activities (or designate) must approve all promotional material for any and all activities before being posted.
- Career Services office (829-3931) must also approve announcements advertising employment
opportunities for UIW students. All religious organizations and events religious in nature must have the additional approval of Campus Ministry (829-3128).

• Academic and administrative office posters do not need Leadership Activities approval but should be marked with department and date, i.e., “Financial Aid Office, December 10, 2002, Do not remove until December 31, 2003.”

• Promoting group must obtain permission of the appropriate department to post on bulletin boards in academic/administrative areas for non-departmental ads.

Literature Distribution
Literature distribution must be supervised by a student member of the sponsoring registered organization. Non-students may not distribute literature on campus without specific approval of the Director of Leadership Activities or the Dean of Campus Life.

Each sponsoring organization will be held responsible for the conduct of the distribution activity, including the behavior of any non-student participant.

On Campus: The distribution must be made only at the designated area.” Hawking” of the literature is not permitted. Absolutely no printed materials may be placed on automobiles parked on the UIW campus.

Off Campus: Posting or distribution of materials at an off-campus location requires permission of the proprietor.

Posting Guidelines
A maximum of 50 posters, flyers, or announcements and up to four banners are permitted per event. Refer to the list of approved flier posting locations in the next column.

Masking tape or tacks are suitable for posting. Persons posting are responsible for providing all materials.

Materials may remain posted for a maximum of 30 days or until the day after the announced event, whichever is sooner, and group is responsible for removal.

Approved Posting Locations
Academic Bldgs: Bulletin boards in Fine Arts, Joyce, Nursing and Science Buildings; Nursing Bldg Student Lounge on 1st floor.


Parking Garage: None allowed.

Residence Halls: Give to Residence Life office for RAs to post inside residence halls.

Sidewalks: Chalking is acceptable no more than two days before an event; messages must be removed no later than 24 hours after the event.

Student Center: Bulletin boards & outside walls.

Wellness Center: Lobby area; ask desk personnel for specific location.

Posting Violations
• Posted materials without proper approval(s).
• Posters with alcohol as the primary emphasis.
• Use of two-sided, electrical or duct tape.
• Covering another announcement or impairing an individual’s line of sight.
• Posting on glass doors or windows, painted or varnished surfaces.
• Distribution on cars parked on campus.
• Posting on the Jordan Carillon Plaza or the 1st and 2nd floors of the International Conference Center.

Failure to adhere to this policy may result in losing the privilege to distribute or post printed materials on campus for a period of time to be specified by the Director of Leadership Activities.

Section 21
Sales and Solicitation

Outside and for-profit groups are not allowed to sell items or solicit members of the University community on campus without prior approval.
from the Director of Student Center and Leadership Activities.

Canvassing or solicitation for funds, sales or subscriptions are prohibited on campus or in university buildings unless written permission has been granted.

The sale of merchandise of any kind whatsoever, or publications or service on university property, other than by the regularly authorized stores, restaurants, departments or divisions of the university, is likewise prohibited except upon written permission of the Vice President for Academic and Student Affairs or his/her designee.

Any person violating this rule will be subject, upon proper notice, to eviction from campus property or arrest.

Section 22
Sexual Misconduct

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 for us to determine, after the fact, if behaviors trespass on community values. It also should serve as a guide for you on the expectations we have, preventatively, for sexual communication, sexual responsibility and sexual respect.

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 boyfriends. 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 is 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.

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.”

RISK REDUCTION TIPS
Generally, a date rape will follow a four-step pattern:
1. 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.
2. 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.
3. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
4. 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 the rape 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:

1. If you have limits, make them known before things go too far.
2. 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.
3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. 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.
6. 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.
7. 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.
8. 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.
9. Do not acquiesce to something you do not want just to avoid unpleasantness.
10. 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:

1. DON’T 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.
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. 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 haven’t figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.
4. Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
5. 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. Don’t abuse that power.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. On this campus, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
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.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Sexual Harassment
2. Non-Consensual Sexual Intercourse (or attempts to commit same)
3. Non-Consensual Sexual Contact (or attempts to commit same)
4. Sexual Exploitation

1. 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

Three Types of Sexual Harassment
A. 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 (reasonable person’s) viewpoint. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include:

   1) the frequency of the conduct;
   2) the nature and severity of the conduct;
   3) whether the conduct was physically threatening;
   4) whether the conduct was humiliating;
   5) the effect of the conduct on the alleged victim’s mental or emotional state;
   6) whether the conduct was directed at more than one person;
   7) whether the conduct arose in the context of other discriminatory conduct;
   8) whether the conduct unreasonably interfered with the alleged victim’s educational or work performance; or
   9) 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;
   10) whether the speech or conduct deserves the protections of academic freedom.

B. Quo pro quo sexual harassment exists when there are:

   1) unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
   2) submission to or rejection of such conduct results in adverse educational or employment action.

C. 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.

Section 23
Free Speech and Harassment
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 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.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall 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 NCHERM.

1. Non-Consensual Sexual Intercourse:
   - 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.

2. Non-Consensual Sexual Contact:
   - 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 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 have 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, Ketamine, 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/.

- 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).

4. 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 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 Tommery;
- knowingly transmitting an STI or HIV to another student.

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

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 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.

Section 24
Confidentiality and Reporting Policy

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 who 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 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 (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 won’t 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 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.

**Questions and Answers**

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

**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.

**Will my parents be told?**
No, not unless you tell them. Whether you are the complainant or the accused, 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 if an accused student has signed the permission slip at registration which allows such communication.

**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.

**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 above to better understand the university’s legal obligations depending on what information you share with different university officials).

**What do 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.

**What do 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.

**What about changing residence hall 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. Other accommodations available to you might include:

- Assistance from university support staff in completing the relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Exam (paper, assignment) rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal;
- Alternative course completion options.

**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 on transportation. 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.

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. 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.

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.

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.

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 25
Involuntary Student Withdrawal Policy and Procedures for Addressing Disruptive Behavior

University-Initiated Withdrawal
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 alternatives for initial action are as follows, but these do not preclude other actions based on a specific situation.

1. 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.

2. 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 here could include, for example, stopping classroom disruptiveness, or continuing 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 having 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.

3. Remaining enrolled at the university subject to conditions but without eligibility for university-owned residential agreement. Normally under these conditions are warranted because under certain circumstances, where other students’ living and learning environment is very likely to be disrupted by a student’s behavior, the University will have the option of allocating alternative and more suitable living accommodations if such are available, or of terminating the accommodation agreement.

4. 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 and ordered off campus. In those situations, an interim hearing will be scheduled as soon as possible to determine if the interim suspension will continue.

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.

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.

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.

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.

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.

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 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:
1. the reliability of the information concerning the student’s behavior;
2. 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;
3. 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.

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 the Health Center 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.

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 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.

A written and taped record of the proceeding will be kept and a copy made available to the student.

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 recurrences 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 medical withdrawal is not considered a conduct action, though a prior medical withdrawal may be considered in subsequent conduct hearings involving the student.

Representation/Support at Hearings
The 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.

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 problems 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.

* These conduct policies and procedures have been authored with the assistance of the National Center for Higher Education Risk Management, www.ncherm.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 26

Student Sales & Fund-Raising

Sales will be conducted by registered student organizations only. Sales in stationary locations on campus must be approved by the Director of Leadership Activities and reserve facilities at least two (2) weeks before the event. No bake sales may be conducted in the vicinity of Hortencia’s. Individuals or organizations may not sell or solicit donations off-campus in the name of the University unless prior authorization is given by the Dean of Campus Life and the Vice President of Institutional Advancement.

Section 27

Smoking Policy

The smoking policy is based on the University’s commitment to a wellness philosophy.

Whereas environmental tobacco smoke contains human carcinogens; and

Whereas absorption of environmental tobacco smoke has been documented from involuntary smoking in the worksite; and

Whereas exposure to environmental tobacco smoke occurs for individuals within the same ventilation systems as active smokers; and where as epidemiological studies have shown an increased risk of lung cancer for individuals exposed to environmental tobacco smoke:

No smoking is permitted in any University of the Incarnate Word community facilities or buildings.

Smoking is permitted only outside of buildings with the exception of residence hall rooms. Smoking is permitted only in specific residence hall rooms, apartments or suites where there are independent air handling systems (Village of Avoca and the Agnese/ Sosa Living/Learning Center). Additionally, all occupants of these units must agree to allow smoking.

All employees and students share in the cooperative responsibility of compliance with this policy. When conflicts arise, the health of the nonsmoker will prevail. Employees and students who do not comply with this policy will be subject to the same disciplinary actions that accompany noncompliance with other University rules and/or policies.


Section 28

Vendor Exhibitor Policy

Vendors are generally confined to exhibit space at the Student Center. The following guidelines address the nature of exhibits allowed in the UIW Student Center.

1. All exhibits must meet the guidelines of the Student Center and be consistent with the Mission of UIW.

2. The approval of all vendors is at the discretion of the Director of the Student Center and Leadership Activities. Some businesses have an exclusive agreement with the University to market on campus, which excludes other similar businesses.

3. An individual or group that is selling a product must pay the specified fee or be sponsored by a registered student organization. The organization must turn in an Activity Approval Form in advance of the event and handle all aspects of the agreement for the percentage of the sales.

4. No hawking or calling out is permitted at any time.

5. Each exhibitor/vendor is limited to three days per semester.
Section 29
Student Organizations

Information regarding University of the Incarnate Word organizations is available to members of the University community. Student contact information (name, address, phone and office held) is not available to outside groups, and not to be disseminated by other members of the University community.

Registration and Benefits
Student organizations are established and registered at the University of the Incarnate Word for the purpose of complementing the educational program and furthering spiritual, intellectual, moral, social, physical and career development of students. These organizations provide students with opportunities for leadership, fellowship and self-government.

A group of students may receive status as a registered organization by receiving approval from the Dean of Campus Life (in consultation with the Vice President for Academic & Student Affairs where appropriate). To achieve status as a registered organization, each group must submit appropriate documents to the Director of the Student Center & Leadership Activities as outlined in the Student Organizations Handbook.

Groups whose goals are not duplicative and are consistent with the mission of the University and the values of the Catholic Church will be considered for registration. Officially registered groups have access to the full range of benefits of membership in the campus community. These benefits include: the ability to recruit members from the student body, faculty, and staff; use of most campus resources without a fee; the opportunity for funding from SGA or other campus offices; the opportunity to conduct approved fund-raising events; and the opportunity to advertise and hold approved events on campus. Financial accounts may be established by student organizations in the Business Office by completing appropriate paperwork. Student organizations should select and send a representative to all Student Government Association meetings.

Section 30
Student Complaint Policy

The University of the Incarnate Word (UIW) is committed to fostering a learning environment that promotes academic excellence and personal development. Students are encouraged to voice their complaints and concerns in a manner that is respectful of the dignity of the individual, if any, who is the subject of the complaint. It is the policy of UIW that students with complaints be treated honestly and fairly, and that their complaints be handled in a timely manner with regard to resolution of the issue(s) presented. Any UIW student may express a concern or complaint by following these procedures. Please note that UIW explicitly prohibits any member of the UIW community from harassing or retaliating against students who file complaints.

General Guidelines
Complaints are most effectively and efficiently managed by first expressing them to the individual, if any, who is the subject of the complaint. Students are strongly encouraged to first discuss their complaint directly with any such individual involved.

If the complaint involves a policy, procedure, or area of responsibility of a specific administrative department, it should be directed to the supervisor/manager of that department. In each instance of a departmental complaint, the appropriate individual will investigate the complaint, seek a solution, and report back to the student in writing within 10 school days. The department supervisor/manager will keep a record of the decision.

For more information about how to process a complaint or to appeal a decision, the student should contact the appropriate office below.

Offices to Contact for Different Kinds of Complaints
Course Work Complaints
Students who have complaints about what they believe to be unfair treatment involving their academic work should contact the appropriate College/School Dean.

College of Humanities, Arts, and Social Sciences, Administration Building 163, CPO 144, (210) 829-6022
HEB School of Business and Administration, Administration Building 156, CPO 123, (210) 805-5884
School of Interactive Media and Design, Administration Building 112, CPO 107, (210) 829-6091
School of Mathematics, Science, and Engineering, Science Hall, 112, CPO 68, (210) 829-2718
School of Nursing and Health Professions, Nursing Building Foyer, CPO 300, (210) 805-1213

Other Academic Complaints
Students who have complaints about academic advisement or other issues related to academic policies, procedures, or deadlines should contact the Director of Academic Advising, Administration Building, 105, CPO 286, (210) 829-3928.

Administrative Department Complaints
Students who have complaints about the policies, procedures, or deadlines of an administrative area of UIW, or the personal treatment they have received from an administrative area of UIW, should contact the appropriate major office of UIW:

- Admissions, Watson Enrollment Center 112, CPO 285, (210) 805-3550
- Business Office, Administration Building 190, CPO 291, (210) 829-6088
- Disability Services, Administration Building 119, CPO 28, (210) 829-3938
- Financial Aid, Watson Enrollment Center, CPO 308, (210) 829-3912
- Graduate Studies and Research, Administration Building 180, CPO 387, (210) 805-5840
- Library 215, CPO 297, (210) 829-3837
- Registrar, Administration Building 129, CPO 304, (210) 829-3919
- Technology Services, Administration Building 3, CPO 103, (210) 829-3866

Violations of the Student Code of Conduct
Any member of the UIW community, including faculty and students, may file a complaint against any student for alleged violations of the UIW Student Code of Conduct by contacting the Dean of Campus Life, Marian Hall Student Center, CPO 306, (210) 829-6034.

General Concerns or Complaints
Students who have a general complaint regarding UIW policies, procedures, or personnel should contact the Dean of Campus Life, Marian Hall Student Center, CPO 306, (210) 829-6034.

Harassment Complaints
Students who believe that they have been subjected to harassment or treated in a way that violates UIW’s anti-harassment policy (i.e., harassment related to an individual’s race, color, sex, religion, national origin, sexual orientation, citizenship status, or disability) by another student, a UIW employee, a contractor, or a visitor to the campus, should immediately report the alleged harassment to the Director of Human Resources, Administration Building, Foyer, (210) 829-6019, or to the Dean of Campus Life, Student Center, CPO 306, (210) 829-6034.

Additional Resources
Mediation Services
Mediation is a process that attempts to establish communication between people having disputes and assists them in finding a mutually acceptable solution. The end result of a successful mediation is that there are neither winners nor losers, but rather, generally satisfied individuals who have arrived at an agreement, which resolves their dispute as they define it.

Mediation is a confidential process. The agreements made by the parties involved are non-binding. UIW offers a mediation program designed to assist all members of the UIW community to resolve problems and disputes. Anyone may initiate mediation. To initiate mediation, contact the Counseling Center, Chapel Building 1, CPO 35, (210) 829-3129.

The Student Government Association
Students may address various concerns and comments to the Executive Officers of the UIW Student Government Association (SGA). Concerns regarding specific matters related to clubs and organizations, University policies and practices, or ideas and suggestions for UIW administrative offices may be directed to SGA. Concerns are accepted verbally at their twice-monthly general assembly meetings, at SGA-sponsored student forums, or by addressing an SGA officer. Students may also share their concerns in writing by using the forms provided at SGA suggestion boxes that are located in each building on campus. Concerns directed to the SGA may be submitted anonymously. Concerns are subject to publication in the Logos, the UIW student newspaper. Students’ concerns are addressed by officers at their regular meetings with UIW administrators or in public forums.
The concerns received are also compiled each semester by the SGA and priority issues are presented to the University Planning Commission for discussion and action, as needed. Student Government Officers may be reached in the Student Government Office, Marian Hall Student Center, CPO 1210, (210) 829-3833.

Section 31
University Computer Use Policy

Internet “Cyberspace”

The Internet is a powerful and revolutionary tool for communication — powerful in its ability to reach a global audience and revolutionary in its accessibility to those who formerly were only at the receiving end of mass communications. With access to the Internet, anyone – even a preschool child – can now effectively be an international publisher and broadcaster. By posting to Usenet or establishing a web page, for example, an Internet user can speak to a larger and wider audience than do the New York Times, NBC, or National Public Radio. However, many Internet users do not realize that is what they are doing.

Not surprisingly given these facts, the Internet also has a powerful and revolutionary potential for misuse. Such misuse is particularly prevalent on university and university campuses, where free access to computing resources is often mistakenly thought to be the equivalent of free speech. Free speech rights in turn are often mistakenly thought to include the right to do whatever is technically possible.

The rights of academic freedom and freedom of expression do apply to the use of university computing resources. So, too, do the responsibilities and limitations associated with those rights. Thus, legitimate use of university computing resources does not extend to whatever is technically possible. In addition, while some restrictions are built into the university’s computer operating systems and networks, those restrictions are not the only restrictions on what is permissible.

Users of university computing resources must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means. Moreover, it is not the responsibility of the University to prevent computer users from exceeding those restrictions; rather, it is the computer user’s responsibility to know and comply with them.

When you’re pulled over to the side of the Information Superhighway, “I’m sorry, officer, I didn’t realize I was over the speed limit” is not a valid defense.

The applicable restrictions are the same laws and policies that apply in every other context. “Cyberspace” is not a separate legal jurisdiction, and it is not exempt from the normal requirements of legal and ethical behavior within the University community.

A good rule of thumb to keep in mind is that conduct that would be illegal or a violation of university policy in the “offline” world will still be illegal or a violation of university policy when it occurs online.

Remember, too, that the online world is not limited to the University of the Incarnate Word, to the State of Texas, or even to the United States. Computer users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks.

It is impossible to list and describe every law and policy that applies to the use of university computing resources and the Internet, but the following are some of the ones that most frequently cause problems:

Copyright Laws
Copyright law generally gives authors, artists, composers and other such creators the exclusive right to copy, distribute, modify and display their works or to authorize other people to do so. Moreover, their works are protected by copyright law from the very moment that they are created – regardless of whether they are registered with the Copyright Office and regardless of whether they are marked with a copyright notice or symbol (©). That means that virtually every e-mail message, Usenet posting, web page or other computer work you have ever created – or seen – is copyrighted. That also means that, if you are not the copyright owner of a particular e-mail message, Usenet posting, web page, or other computer work, you may not copy, distribute, modify or display it unless:
• Its copyright owner has given you permission to do so;
• It is in the “public domain;”
• Doing so would constitute “fair use;” or
• You have an “implied license” to do so.
If none of these exceptions applies, your use of the work constitutes copyright infringement and you could be liable for as much as $100,000 in damages for each use. In addition, if you reproduce or distribute copies of a copyrighted work having a total retail value of at least $1,000 (which could include, for example, posting a $50 software program on a web page or newsgroup from which it is downloaded 20 times), your actions may also be criminal – even if you do it for free. It’s usually easy to tell whether you have permission to make a particular use of a work – the copyright owner will have told you so expressly, either in writing or orally – but it’s not always so easy to tell whether the work is in the public domain or whether what you want to do constitutes fair use or is covered by an implied license.

Placing a work on the Internet is not the same thing as granting that work to the public domain. Generally speaking, a work is in the public domain only if (a) its creator has expressly disclaimed any copyright interest in the work, (b) it was created by the federal government, or (c) it is very old. Unfortunately, just how old a particular work must be to be in the public domain depends in part upon when the work was created, in part upon whether and when it was formally published, in part upon whether and when its creator died, and in part on still other factors. Therefore, no one specific cutoff date exists to determine whether or not a work is in the public domain. As a rule of thumb, works that were created and published before 1923 are now in the public domain. Works that were created in or after 1923, works that were created before 1923 but published in or after 1923, and works that have never been published might be in the public domain, however, if you don’t know for sure, it’s best to assume that they are not.

In very general terms, a particular use of a work is “fair” if it involves only a relatively small portion of the work is for educational or other noncommercial purposes, and is unlikely to interfere with the copyright owner’s ability to market the original work.

A classic example is quoting a few sentences or paragraphs of a book in a class paper. Other uses may also be fair, but it is almost never fair to use an entire work, and it is not enough that you aren’t charging anyone for your particular use. It also is not enough simply to cite your source (though it may be plagiarism if you don’t).

An implied license may exist if the copyright owner has acted in such a way that it is reasonable for you to assume that you may make a particular use. For example, if you are the moderator of a mailing list and someone sends you a message for that list, it’s reasonable to assume that you may post the message to the list, even if its author didn’t expressly say that you may do so. The copyright owner can always “revoke” an implied license simply by saying that further use is prohibited.

In addition, facts and ideas cannot be copyrighted. Copyright law protects only the expression of the creator’s idea – the specific words or notes or brushstrokes or computer code that the creator used – and not the underlying idea itself.

Thus, for example, it is not copyright infringement to state in a history paper that the Declaration of Independence was actually signed on August 2, 1776, or to argue in an English paper that Francis Bacon is the real author of Shakespeare’s plays, even though someone else has already done so, as long as you use your own words. Again, however, if you don’t cite your sources, it may still be plagiarism even if you paraphrase.

Exactly how copyright law applies to the Internet is still not entirely clear, but there are some rules of thumb:
• You may look at another person’s web page, even though your computer makes a temporary copy when you do so, but you may not redistribute it or incorporate it into your own web page without permission, except as fair use may allow.
• You probably may quote all or part of another person’s Usenet or listserv message in your response to that message, unless the original message says that copying is prohibited.
• You probably may not copy and redistribute a private e-mail message you have received without the author’s permission, except as fair use may allow.
• You probably may print out a single copy of a web page or of a Usenet, listserv, or private e-mail message for your own, personal, noncommercial use.
• You may not post another person’s book, article, graphic, image, music, or other such material on your web page or use them in your Usenet, listserv, or private e-mail messages without permission, except as fair use may allow.
• You may not download materials from Lexis-Nexis, the Clarinet news service, electronic databases from the Mabee Library, or other such services and copy or redistribute them without permission, unless the applicable license agreement expressly permits you to do so or unless your particular use would constitute fair use.
• You may not copy or redistribute software without permission, unless the applicable license agreement expressly permits you to do so.

Libel
Libel is the “publication” of a false statement of fact that harms another person’s reputation. For example, saying that “John beat up his roommate” or “Mary is a thief” if it isn’t true may be regarded as libelous statements. If a statement doesn’t harm the other person’s reputation — for example, “Joe got an ‘A’ on the test”— it’s not libel even if it’s false. In addition, a statement of pure opinion cannot be libelous — for example, “I don’t like John”— but you can’t turn a statement of fact into an opinion simply by adding “I think” or “in my opinion” to it. “I think John beat up his roommate” is still libelous if John didn’t beat up his roommate. If you honestly believed that what you said was true, however, you might not be liable if it later turns out that you were wrong.

A libel is “published” whenever it is communicated to a third person. In other words, if you say, “Mary is a thief” to anyone other than Mary, you have “published” that libel. That means that almost anything you post or send on the Internet, except an e-mail that you send only to the person about whom you are talking, is “published” for purposes of libel law.

A person who has been libeled can sue for whatever damages are caused by the publication of the libel. Since a libel on the Internet could potentially reach millions of people, the damages could be quite large.

A good rule of thumb to follow: If you would be upset if someone else made the same statement about you, think carefully before you send or post that statement to the Internet, because it might be libelous.

Invasion of Privacy
There are a number of different laws that protect the “right to privacy” in a number of different ways. Under the Electronic Communications Privacy Act, a federal statute, it generally is a crime to intercept someone else’s private e-mail message or to look into someone else’s private computer account without appropriate authorization. The fact that you may have the technical ability to do so, or that the other person may not have properly safeguarded his or her account, does not mean that you have authorization. If you are not sure whether you have authorization, you probably don’t.

Invasion of privacy, like libel, is also a “tort,” which means that you can be sued for monetary damages. In addition to the sorts of things prohibited by the Electronic Communications Privacy Act, it can be an invasion of privacy to disclose intensely personal information about another person that that person has chosen not to make public and that the public has no legitimate need or reason to know, for example, the fact that someone has AIDS if he or she has not revealed that information publicly. Unlike with libel, a statement can be an invasion of privacy even if it is true.

Obscenity, Child Pornography & “Indecency”
Under both state and federal law, it is a crime to publish, sell, distribute, display or in some cases, merely to possess obscene materials or child pornography. These laws also apply equally to the Internet, and a number of people have been prosecuted and convicted for violating them in that context.

The line between what is obscene and what is not is hard to draw with any precision. As one Supreme Court Justice said, “I could never succeed in intelligibly” defining obscenity, “but I know it when I see it.” The term basically means hard-core pornography that has no literary, artistic, political or other socially redeeming value. One reason that it is so hard to define obscenity is that it depends in part on local community standards; what is considered obscene in one community may not be
considered obscene in another. That makes it particularly difficult to determine whether materials on the Internet are obscene since such materials are, in a sense, everywhere, and it is therefore not enough that the materials are legal wherever you are. In one case, the operators of a bulletin board service in California posted materials that were not considered obscene there, but were convicted of violating the obscenity statutes in Tennessee when the materials were downloaded there.

Child pornography is the visual depiction of minors engaged in sexually explicit activity. Unlike obscenity, child pornography is illegal regardless of whether it has any literary, artistic, political or other socially redeeming value.

Sexually oriented materials that do not constitute either obscenity or child pornography generally are legal. Still, it is illegal in most cases to provide such materials to minors, and displaying or sending such materials to people who do not wish to see them may be a violation of the University’s Anti-Harassment Policy.

**Hacking, Cracking & Similar Activities**

Under the federal Computer Fraud and Abuse Act, and under a variety of similar state and federal statutes, it can be a crime to access or use a computer without authorization, to alter data in a computer without authorization, to transmit computer viruses and “worms” over computer networks, to conduct “e-mail bombing,” and to engage in other such activities. Engaging in such activities can also make you liable for monetary damages to any person who is harmed by your activities. Again, the fact that you may have the technical ability to do any of these things, or that another computer owner may not have properly safeguarded his or her computer, does not mean that you have authorization. If you are not sure whether you have authorization, you probably don’t.

**University Policies**

Use of UIW computing resources is also subject to the university’s Student Code of Conduct, the Code of Academic Integrity, the Anti-Harassment Policy, the Policy on Electronic Mail (E-Mail) Use and all other generally applicable university policies. For clarity a list of Internet and UIW computer violations compiled from various university policies is attached for your use. In addition, the following prohibitions apply specifically to the use of university computing resources:

- University computer accounts and passwords may not, under any circumstances, be shared with or used by persons other than those to whom they have been assigned by the university – even family and friends. Users are responsible for all use of their accounts.

- Users must limit their use of university computing resources so as not to consume an unreasonable amount of those resources or to interfere with the activity of other users.

- University computing resources are intended for university-related use and therefore may not be used for personal commercial or business purposes or for other personal gain. Personal use of university computing resources for other purposes will generally be permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user’s job or other university responsibilities, and is otherwise in compliance with university policies.

- Users of university computing resources may not state or imply that they are speaking on behalf of the university and may not use university trademarks and logos in connection with their use of those resources without specific authorization to do so.

**Information Resources**

If you have questions about the legality of your use of UIW computing resources, it’s best to ask before proceeding. You can get general advice, but not specific legal advice, from computer lab managers, the library technical staff or from the Technology Support Services Help Desk at 829-2721.

In addition, you can find more information on these and related topics at the following web sites:

“Cyberspace Law for Non-Lawyers:”

“Law and Government,” a section of Techtrends on CNET: http://www.cnet.com/techtrends

“10 Big Myths About Copyright Explained”: http://www.clari.net/brad/copymyths.html
Section 32
Policy on Responsible Use of University Computing Resources

1.0 General Statement
As a part of the physical and social learning infrastructure, the University of the Incarnate Word (UIW) acquires, develops and maintains computers, computer systems, and networks. These computing resources are intended for university-related purposes, including direct and indirect support of the university’s instruction, research and service missions; of university administrative functions; of student and campus life activities; and of the free exchange of ideas among members of the university community and between the university community and the wider local, national and world communities.

1.1 Limitations of Use.
The rights of academic freedom and freedom of expression apply to the use of university computing resources. So, too, however, do the responsibilities and limitations associated with those rights. The use of university computing resources, like the use of any other university-provided resource and like any other university-related activity, is subject to the normal requirements of legal and ethical behavior within the university community. Thus, legitimate use of a computer; computer system or network does not extend to whatever is technically possible. Although some limitations are built into computer operating systems and networks, those limitations are not the sole restrictions on what is permissible. Users must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means.

2.0 Applicability
This policy applies to all users of university computing resources, whether affiliated with the university or not, and to all uses of those resources, whether on campus or from remote locations. Additional policies may apply to specific computers, computer systems or networks provided or operated by specific units of the university or to uses within specific units. Consult the operators or managers of the specific computer, computer system, or network in which you are interested or the management of the unit for further information. Contact the UIW Help Desk at 829-2721 for assistance.

3.0 Computer Use Policy

3.1 All users of university computing resources must:

3.1.1 Comply with all federal, Texas, and other applicable law; all generally applicable University rules and policies; and all applicable contracts and licenses. Examples of such laws, rules, policies, contracts, and licenses include the laws of libel, privacy, copyright, trademark, obscenity and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit “hacking,” “cracking,” and similar activities; the University’s Student Code of Conduct; the University’s Anti-Harassment Policy; and all applicable software licenses. Users who engage in electronic communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding and complying with the laws, rules, policies, contracts and licenses applicable to their particular uses.

3.1.2 Use only those computing resources that they are authorized to use and use them only in the manner and to the extent authorized. Ability to access computing resources does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding. Accounts and passwords may not, under any circumstances, be shared with or used by persons other than those to whom they have been assigned by the University. Software on UIW computing assets is the property of the University and must not be copied for use elsewhere.

3.1.3 Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected. Again, ability to access other persons’ accounts does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding.
3.1.4 Respect the finite capacity of those resources and limit use so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other users. Although there is no set bandwidth, disk space, CPU time, or other limit applicable to all uses of university computing resources, the university may require users of those resources to limit or refrain from specific uses in accordance with this principle. The reasonableness of any particular use will be judged in the context of all of the relevant circumstances.

3.1.5 Refrain from using those resources for personal commercial purposes or for personal financial or other gain. Personal use of university computing resources for other purposes is permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user’s job or other university responsibilities, and is otherwise in compliance with this policy. Further limits may be imposed upon personal use in accordance with normal supervisory procedures.

3.1.6 Refrain from stating or implying that they speak on behalf of the university and from using university trademarks and logos without authorization to do so. Affiliation with the university does not, by itself, imply authorization to speak on behalf of the University. Authorization to use university trademarks and logos on university computing resources may be granted only by the UIW Webmaster, the Chief Information Officer or the UIW Corporate Counsel as appropriate. The use of suitable disclaimers is encouraged.

3.1.7 Refrain from harassing others by spreading computer viruses, hate mail, racially inflammatory messages, bulk messages, chain letters or other computer usage that is prejudicial to the good order of the university. Again, UIW computers are to be used as a tool to enhance learning within the UIW community and cannot be used to inflame or harass others.

4.1 Violations
Users who violate this policy may be denied access to university computing resources and may be subject to other penalties and conduct action, both within and outside of the University. Violations will normally be handled through the university conduct procedures applicable to the relevant user. For example, alleged violations by students will normally be investigated, and any sanctions will normally be imposed, by the Office of Campus Life with support from the Chief Information Officer. However, the university may temporarily suspend or block access to an account, prior to the initiation or completion of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, security or functionality of university or other computing resources or to protect the university from liability. The university may also refer suspected violations of applicable law to appropriate law enforcement agencies.

5.0 Security and Privacy
The university employs various measures to protect the security of its computing resources and of their users’ accounts. Users should be aware, however, that the university cannot guarantee such security. Users should therefore engage in safe computing practices by establishing appropriate access restrictions for their accounts, guarding their passwords and changing them regularly.

5.1 Monitoring
Users should also be aware that their uses of university computing resources are not completely private. While the university does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the university’s computing resources require the backup and caching of data and communications, the logging of activity, the monitoring of general usage patterns, and other such activities that are necessary for the rendition of service. The university may also specifically monitor the activity and accounts of individual users of university computing resources, including individual login sessions and communications, without notice, when:

(A) the user has voluntarily made them accessible to the public, as by posting to Usenet or a web page;

(B) it reasonably appears necessary to do so to protect the integrity, security or functionality of university or other computing resources or to protect the university from liability;

(C) there is reasonable cause to believe that the user has violated, or is violating, this policy;
(D) an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns; or

(E) it is otherwise required or permitted by law. Any such individual monitoring, other than that specified in (A), required by law, or necessary to respond to perceived emergency situations, must be authorized in advance by the Chief Information Officer or the Chief Information Officer’s designees.

5.2 Disclosure of Monitored Communications
The university, at its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate university personnel or law enforcement agencies and may use those results in appropriate university conduct proceedings.

Communications made by means of university computing resources are also generally subject to State of Texas statutes to the same extent as they would be if made on paper.

This policy has been adapted from The Ohio State University. Thanks to Mr. Steven McDonald, former Associate General Counsel, The Ohio State University.

Frequently Asked Questions about the Responsible Use Policy

Why doesn’t the policy prohibit all personal use of university computing resources? Why doesn’t the policy permit unrestricted personal use of university computing resources?

The general guiding principle behind the policy is that “cyberspace is not a separate legal jurisdiction;” that existing, generally applicable laws, rules and policies therefore already apply equally to the use of university computing resources; and that new rules and policies are therefore necessary only in those rare instances when the use of university computing resources implicates unique new issues. In accordance with that principle, the provisions concerning personal use of university computing resources are intended to mirror existing policies and practices concerning personal use of other university resources. Thus, the policy provides that university-provided computing resources, like university-provided telephones, typewriters, photocopiers, stationery, office supplies, tools and so forth, are provided for “university-related purposes.”

Use of such resources for personal commercial purposes or for personal financial or other gain is clearly improper and, under some circumstances, may be illegal. Recognizing, however, the difficulty of drawing a bright line between other types of personal uses and “university-related” uses, the minimal costs typically associated with occasional personal use, the typically inordinate costs associated with attempting to enforce a flat prohibition, and the benefits that may accrue to the university from increased experience and familiarity of its users with available computing resources, the policy also provides that “incidental” personal use of university computing resources is, in general, permitted — just as it typically is with other types of university resources. Incidental uses of university computing resources are defined as uses that do not consume a significant amount of those resources, do not interfere with the performance of the user’s job or other university responsibilities, are not made for personal commercial purposes or for personal financial or other gain, and are otherwise in compliance with applicable laws, rules, policies, contracts and licenses. Overuse of computer resources, e.g., excessive downloading or regular use of UIW bandwidth to make Internet telephone calls, is not acceptable.

Also recognizing, however, that circumstances vary among the different administrative units of the university, the personal use provisions of the policy are set forth simply as a “default” rule. The policy expressly provides that further limits may be imposed upon personal use in accordance with normal supervisory procedures. Thus, individual administrative units of the university may, if they deem it appropriate, impose additional use restrictions on, or prohibit all personal use of, the university provided computing resources under their control.

Does the restriction on use of university computing resources for personal financial or other gain prohibit faculty from using such resources in connection with their consulting work?

Faculty use of university resources, including UIW computing resources, is governed by the university’s policy on consulting and outside
employment, articulated in the Administrator/Staff Guidelines and the Faculty Handbook, which recognizes that appropriate professional service by faculty outside the university is both part of the university’s mission and is of benefit to the university as well. Accordingly, use of university computing resources in connection with such consulting/employment is not considered “personal” in the sense intended by the Policy on Responsible Use of University Computing Resources and is therefore not within the scope of the prohibition.

In accordance with these policies, however, the use of university resources in connection with consulting work, and the consulting work itself, must be approved, in advance, by the relevant department chair and dean, and arrangements must be made to compensate the university for the use of its resources if that usage will be significant. Use of university computing resources in connection with consulting that has not been approved in accordance with this procedure is prohibited.

In short, the use of university computing resources in connection with consulting work is subject to the same requirements and limitations as is the use of any other university resources in connection with consulting work.

Why must monitoring be authorized by the Chief Information Officer or designee? When and how may a designee be appointed?
The purpose of the advance authorization provision of the policy is to make clear that authority to engage in investigatory monitoring of university computing resources is not implied or inherent in any job position, to ensure consistency in the development and application of the standards for monitoring, and to enable the university to monitor the effectiveness of the policy itself, not to require that all authorizations be made by a single person. It is expected that most major administrative units within the university will want and have their own designees.

Vice Presidents, Deans and Directors may request the Chief Information Officer to designate a specified individual to handle authorization requests within their respective administrative units. Designees should be familiar both with the technology and with general University policy and procedures, but ordinarily should not be technical staff members who would conduct or supervise any monitoring that is authorized or persons who would be responsible for the determination or imposition of any conduct action that may result. Designees will be expected to report and be responsible to the Chief Information Officer concerning their designees’ activities.

Does the restriction on individualized monitoring prohibit a Supervisor or coworker from accessing an employee’s computer files for work-related purposes? The policy’s provisions on monitoring govern only the monitoring and investigation of actual or suspected misconduct or misuse of university computing resources, not the ordinary everyday functioning of an office. Thus, for example, to the extent that a PC or network server acts as the functional equivalent of a desk drawer or file cabinet, supervisors and co-workers continue to have the same access to it as they always have for normal, non-investigatory, work-related purposes, for example, to retrieve a file or document needed while the employee who maintains the file or document is away from the office. Obtaining such access is not considered “monitoring” for purposes of the policy and does not require the advance authorization of the Chief Information Officer or designee.

If, however, a supervisor or co-worker discovers evidence of possible misconduct or misuse while accessing university computing resources under the control of another for normal, non-investigatory, work-related purposes, further monitoring or investigation of those computing resources for purposes of dealing with the suspected misconduct or misuse does require the advance authorization of the Chief Information Officer or designee, unless the monitoring is required by law or is necessary to respond to perceived emergency situations. Evidence discovered in the course of normal, non-investigatory, work-related activity may be the basis for seeking such authorization.

Does the policy prohibit “spam?”
The problem of “spam” is an extraordinarily complicated one. Few people would agree on a definition of exactly what constitutes “spam;” technical restrictions against it are therefore necessarily imprecise, as well as easily evaded. However, as a private university, the UIW can
choose to limit “broadcast” message traffic from users or to limit message traffic deemed not in line with the university mission.

The policy does prohibit the use of university computing resources for personal commercial purposes or for personal financial or other gain, and it also prohibits uses that consume an unreasonable quantity of those resources or that unreasonably interfere with the activity of other users. Most of what most people consider to be “spam” falls within either or both of these categories and thus is prohibited by the policy. In addition, “spammers” who refuse to honor a recipient’s request to be removed from the spammers’ mailing lists are engaged in what the university considers to be harassment. Under any of these circumstances, the university may block further incoming messages from persons outside the university who engage in such activities and may restrict or terminate the computing privileges of persons inside the university who engage in such activities. In addition, UIW Technology Services can assist individual members of the university community in establishing individual mechanisms to filter out “spam.”

**What additional policies may individual administrative units adopt for the computing resources under their control?**

The policy is intended to serve both as an “umbrella” policy and as a “threshold” policy applicable to all university computing resources. It is expected that many units will find that no further policies are necessary. Individual administrative units may, however, supplement the policy with additional complementary rules for the computing resources under their control, but they may not lower the threshold or override the policy.

Thus, for example, an individual administrative unit may impose additional restrictions on personal use appropriate for that unit or address other, unit-specific issues not covered by the policy, but may not authorize the use of its computing resources for personal commercial gain or authorize individual monitoring in the absence of the required designation by the Chief Information Officer.

---

**Section 33**  
**Policy on Electronic Mail (E-Mail) Use**

The University of the Incarnate Word believes that the application of technology both supports and enriches the student academic experience. Accordingly, the UIW grants access to University Information Technology (IT) systems to authorized students, faculty, staff members and university-registered organizations. University technology systems are to be used to fulfill the UIW mission and to support associated administrative tasks. One key element of IT systems is electronic mail (email), which has become a routine medium of communication both within and external to the university. Because e-mail has the potential for misuse within the university setting, this policy is established to promote the constructive, rather than destructive, use of e-mail.

**Definitions**

- “Electronic mail” or “e-mail” encompasses the UIW messaging system that uses computing facilities to create, send, forward, reply to, transmit, store, hold, copy, download, display, view, read or print messages between or among individuals or groups.

- “E-mail Systems or Services” refer to electronic mail systems or services owned or operated by the University or any of its sub-units.

- “Information Technology Systems” are computing resources, services and network systems such as computers and computer time, data processing or storage functions, computer systems and services, servers, networks, input/output and connecting devices, and related computer records, programs, software and documentation.

- User is an authorized individual who makes use of the University e-mail services. A user has a unique e-mail address that is assigned by the University.

**General E-Mail Policy**

The UIW believes in a diversity of opinions and the freedom to express ideas; however, access to the university e-mail system is a privilege governed by ethical and responsible behavior. No activities are allowed that would cause
disrespect to the image and reputation of the university. Users must operate within UIW standards based on common sense, common decency and the mission of the university, which incorporate the precepts of Catholicism with the practices of positive, caring service to others.

Routine monitoring of e-mail messages by university managers will not occur. E-mails are considered private and confidential unless the author has given permission to make them available to others. The university, however, cannot guarantee the privacy or confidentiality of e-mail messages. Because e-mails are transmitted and received in an electronic environment, there is always the possibility of messages going astray.

E-mail messages are organizational records because they are processed using university IT assets and reside on a shared university filing system. Therefore, they are subject to review and disclosure, but only when a legitimate business need prevails and with specific authorization and controls. Rules for university access and disclosure are listed below.

E-mail messages should meet the same standards for distribution or display as if they were documents prepared in writing. All email messages should clearly and accurately identify the author. E-mails that are forwarded should not be altered to change the text of the original author without their permission. Messages should not be written that are unethical, irresponsible or which the author would not want posted on a bulletin board, used in a lawsuit, or shared with the wrong person. Language should be chosen carefully so as not to embarrass the receiver or the author at a later time. Messages written in anger are often the source of later embarrassment for the author.

Usage of E-Mail
Permissible use of e-mail encompasses support of university business including academic and administrative functions by authorized users.

E-mail has the potential for abuse. Prohibited uses of e-mail include exploitation of university e-mail systems for personal or commercial purposes not related to university business, copyright violations, deliberate interception of e-mail, and the opening of undelivered e-mail, except by authorized personnel to correct misrouting.

E-mail will not be used to intimidate, degrade, demean, or harass others or to interfere with their ability to conduct university business or academic functions. E-mail will not be constructed so as to appear that it has been sent by someone else. Opening others’ e-mail to satisfy curiosity unrelated to university business is prohibited.

Use of e-mail to promote or send pornography is prohibited, as is use of e-mail to distribute computer viruses or worms. Distribution of chain letters by e-mail is prohibited because this practice causes excessive network traffic and loads on computing system assets.

University Access and Disclosure
The Electronic Communications Privacy Act (ECPA) was passed by Congress in 1986. The ECPA made interception of electronic communications on a public or private network without proper authorization an illegal act. Under the ECPA, e-mails were afforded the same protections as given private telephone conversations. The EPCA protects internal systems, such as those used by the UIW, from unauthorized interception by outside sources. However, the ECPA does permit messages that are stored on internal systems to be accessed by authorized personnel without violating the Act.

The university reserves the right to access and disclose the contents of e-mail messages under certain legitimate circumstances. Such circumstances may include an investigation triggered by indications of misconduct, to protect institutional, student, faculty or staff health and safety, as needed to protect the academic mission of the university or to locate substantive information not available by other means, among other circumstances. Additionally, the university may access and disclose e-mail information in response to legal processes and to fulfill obligations to third parties.

Information properly obtained for legitimate UIW business purposes may be disclosed without permission of the student, faculty or staff member. The university will attempt to refrain from disclosing particular messages if they would cause personal embarrassment, unless disclosure is required for legitimate UIW business purposes or to satisfy a legal obligation.

The President of the University of the Incarnate Word, with the concurrence of the University
Legal Counsel, will respond to written requests for access to electronic information in advance of the activity, following a written, approved procedure developed by the University Legal Counsel.

Sanctions
Suspected abuse of this e-mail policy will be reported to the Chief Information Officer for subsequent investigation and processing.

Sanctions for willful abuse of this e-mail policy may range from verbal and written warnings, temporary or permanent reduction or elimination of access privileges, computer accounts, networks, on-campus computing rooms and other UIW services or facilities. Under no circumstances will system administrators be allowed to access user email accounts and read e-mails without user permission. Violations will include sanctions up to and including expulsion.

Management of E-Mail Archives
E-mail messages are institutional documents in electronic format. As such, they are subject to administrative handling procedures, including retention and destruction guidance.

The Administrative Computing Section will establish a written e-mail retention policy to ensure e-mails, as institutional records, will be deleted on a periodic, scheduled basis from university systems. Announcements will be made to the university community prior to systems deletion of messages over a certain age so that planned message archiving may take place.

Internal university management policies will be written to limit UIW liability through the use of e-mail and to support organizational continuity and accountability needs, legal (evidentiary) requirements, or future organizational research (information, social, historical value) purposes.