



2018-2019 STUDENT CODE OF CONDUCT

OFFICE OF STUDENT CONDUCT & COMMUNITY STANDARDS

UNIVERSITY OF THE INCARNATE WORD
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Cardinal Pledge:

I will pursue all of my endeavors with honor and integrity to advance the discovery of truth, mutual understanding, self-realization and the common good. I will take personal responsibility for my actions and stand for what is right. I will respect the dignity of others, treating them with civility, courtesy, and compassion as I carry out the UIW Mission.

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Section 1: Introduction

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

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

The student conduct process at the University of the Incarnate Word is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform his/her behavior to community expectations, the student conduct process may determine that he/she should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures 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 sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Section 2: Jurisdiction over Student Conduct

Students at the University of the Incarnate Word are annually given a copy of the Student Code of Conduct in the form of a link on the UIW website. Hard copies are available upon request from the Dean of Students. 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 students no matter where or when their conduct may take place; therefore, the Student Code of Conduct applies to behaviors that take place on the campus, at university-sponsored events and may also apply off-campus when the administration determines in its discretion that the off-campus conduct affects a substantial university interest. A substantial university interest is defined to include:

- a) Any action that constitutes criminal offense as defined by federal or Texas state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the university is located;
- b) Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others;
- c) 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; and/or
- d) 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 from the time a person accepts enrollment as a student and continues until the student withdraws or graduates, including periods 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 the 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 against them by members of University of the Incarnate Word community. There is no time limit on reporting violations of the Student Code of Conduct as long as the offending student is still enrolled at the University of the Incarnate Word; however, the longer someone waits to report an offense, the harder it becomes for the University of the Incarnate Word officials to obtain information and witness statements and to make a determination regarding alleged violations. Though anonymity is permitted, it may limit the university's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to Campus Police.

Section 3: Violations of the 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 Student Code of Conduct, which incorporates violation of local, state and federal laws as code violations.

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 Student 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 Students to show cause as to 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 sufficient information from law enforcement upon which to proceed.

It may be in the best interest 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 withdrawal under the following conditions:

- a) If the alleged victim of the crime is a student, the alleged victim must approve of the withdrawal and delay of the hearing;
- b) The accused student/respondent must comply with any and all campus efforts at investigation that will not prejudice his/her defense in the criminal trial; and
- c) The accused student/respondent must agree that, in order to be reinstated to active student status, he/she must first be subject to, and fully cooperate with, a campus hearing and must comply with any and all sanctions that are administered.

A. Attempted Violations

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

B. Misconduct Online

Students are cautioned that behavior conducted online, such as harassment or bullying via email, can subject them to university conduct action. Students must also be aware that blogs, webpage entries on sites such as Facebook, Instagram, YouTube, Twitter, and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials. Please see social media policy at: www.uiw.edu/technology/policies-procedures/social-mediapolicy/

C. University as Complainant

The 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 the alleged misconduct.

D. False Reports

The University of the Incarnate Word will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation and it may also violate state criminal statutes and civil defamation laws.

E. Group Violations

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

F. Immunity for Victims/Survivors

The University of the Incarnate Word community encourages the reporting of conduct code violations and crimes by victims/survivors. Sometimes, victims/survivors 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 interest of this community that as many victims/survivors as possible choose to report to university officials. To encourage reporting, the University of the Incarnate Word pursues a policy of offering victims/survivors of conduct code violations and crimes amnesty from policy violations related to the incident.

G. Good Samaritan/911 Lifeline Law (Medical Amnesty)

The welfare of students in our community is of paramount importance. At times, students on- and off campus may need assistance. The University of the Incarnate Word encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble. For example, a student who has been drinking underage might hesitate to call the Campus Police for emergency medical assistance in response to the possible alcohol overdose of a friend. The 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.

The Good Samaritan policy at UIW has been long-standing. In 2011, the 911 Lifeline Law was passed by the Texas Legislature, known as [S.B. 1331](#). This law states that: A person under 21 won't be charged by the police for possessing or consuming alcohol if the person calls 911 because someone might have alcohol poisoning. This limited immunity applies only to the first person to call for medical assistance, only if the caller remains on scene until medical assistance arrives and cooperates with EMS and law enforcement (Texas Alcoholic Beverage Commission, 2011).

H. Bystander Intervention

The university expects all community members to take reasonable and prudent actions to prevent or stop a crime. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the university and protected from retaliation.

Four stages of bystander behavior

1. Notice the event
2. Interpret it as a problem
3. Feel responsible for dealing with it
4. Possess the necessary skills to act safely

How you can help?

UIW is a community of students, faculty, staff, as well as our extended families and visitors. Everyone can step up to help, and not only during emergencies. You each can help another person make healthier choices every day and/or intervene or interrupt harmful behavior or speech that you witness.

You can...

- Speak up when someone discusses plans to take advantage of or hurt another person;
- Offer to drive an incapacitated friend home from a party;
- Interject yourself into a conversation where another person seems unsafe;
- Call police when a person is yelling at another and it is safe to interrupt;
- Refuse to leave the area (and/or call police) if a person is trying to get you to leave so they can take advantage of another person;
- Speak up with people who use racist, sexist, or other harmful language;
- Encourage a friend/individual to explore resources to stop drinking or smoking;
- Confront people who seclude, hit on, try to make out with, or hook up with people who are incapacitated. Make sure the incapacitated person is safe and gets home safely;
- Ensure friends who are incapacitated do not leave the party or go to secluded places with others;
- Go out as a group and come home as a group – never separate and never leave your friend(s) behind;
- Ask a person you are worried about if he/she is okay. Provide options and a listening ear;
- Trust your instincts. If a situation doesn't seem "right" to you, trust your gut and remove yourself from the situation, if possible.

What to do?

Our community members are expected to alert appropriate officials in the event of any health or safety emergency – specifically including those involving the abuse of alcohol or drugs – even if violations of the Student Code of Conduct may have occurred in connection with such an emergency.

- Contact emergency officials by calling UIW Campus Police at (210) 829-6030 or 911 to report the incident.
- Remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so.
- Meet with appropriate university officials after the incident and cooperate with any university investigation.

Adapted from: <http://police.uoregon.edu/sites/police.uoregon.edu/files/Bystander%20Accountability.pdf>

I. 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 the age of 21 of alcohol and/or other drug violations. The University of the Incarnate Word will attempt to contact the parents/guardians of a student to inform them of situations in which there is a health and/or safety risk. The University of the Incarnate Word 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 (FERPA) and will share information accordingly.

J. Notification of Outcomes

The outcome of a campus hearing is part of the educational record of the accused student/respondent and is protected from release under the Family Educational Rights and Privacy Act (FERPA), except under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or sex offense, the university will inform the alleged victim’s complainant in writing of the final results of a hearing, “regardless of whether the university concludes that a violation was committed” (Family Educational Rights and Privacy Act, 2009). Such release of information may only include the alleged student’s/respondent’s name, the violation committed, and the sanctions assigned (if applicable), though in cases of sex offenses, the rationale for the outcome will also be shared with all parties to the complaint.

In cases where the university concludes that a student violated a policy that would constitute a “crime of violence” or sex offense, the university may also release the above information publicly and/or to any third party. FERPA lists “crimes of violence” as:

- | | |
|---|---|
| a) Arson | f) Burglary |
| b) Assault offenses | g) Destruction/damage/vandalism of property |
| c) Criminal homicide—manslaughter by negligence | h) Kidnapping/abduction Robbery |
| d) Criminal homicide—murder and nonnegligent manslaughter | i) Sex offenses, forcible |
| | j) Sex offenses, non-forcible |

K. Defenses

It is common for individuals accused of a policy violation to defend their actions with explanations such as, but not limited to, prescription drug interactions, self-defense and disability. The university’s policy on defenses is that providing an explanation for a policy defense is equivalent to the admission of engaging in a policy violation. While explanations will not excuse an individual’s commission of a policy violation, the University of the Incarnate Word will take the legitimacy of an individual’s explanation into consideration in the determination of appropriate sanctioning.

Section 5: Student Code of Conduct

A. Definitions

- a) The term “the university” refers to the University of the Incarnate Word.
- b) The term “student” includes all persons who have accepted admission to, enrolled at, are taking courses at, and/or have a continuing relationship with the university, including those who attend full- or part-time.
- c) The term “faculty member” refers to any person employed by the university to conduct instructional activities.
- d) The term “university official” includes any person employed by the university that holds administrative or professional supervisory responsibilities.
- e) The term “member of the university community” refers to any person employed by, volunteering for or attending the university as a student, faculty member, administrator, staff member, intern, or volunteer.
- f) The term “university property” includes all land, buildings, facilities, and other property in the possession of, owned or controlled, whether leased or rented, by the university.
- g) The term “organization” refers to any number of persons who have complied with the formal requirements for university registration, or who are members of university sponsored groups. Example: The Business Club is a student organization. University Mission and Ministry Peer Ministers, Resident Assistants, and Ambassadors are university sponsored organizations.
- h) The terms “Conduct Review Council” or “CRC” refers to a body of university community members responsible for assisting in the interpretation and implementation of the Student Code of Conduct. Members are responsible for ensuring that students receive the procedural fairness rights granted them.

- i) The term “Conduct Council” refers to any persons authorized by the Vice President for Campus Life and Facilities or a delegated representative to determine whether a student has violated the Student Code of Conduct and to impose sanctions. The Conduct Review Council constitutes a Conduct Council.
- j) The term “Student Conduct Administrator” refers to an official authorized by the Vice President for Enrollment Management to impose sanctions upon students found in violation of the Student Code of Conduct. The Vice President for Campus Life and Facilities may authorize a conduct advisor to serve as the sole individual responsible for determining whether a student has violated the Student Code of Conduct. The Dean of Students and the Director of Student Conduct and Community Standards serve as Student Conduct Administrators. Cases of alleged violations of the Academic Integrity Policy will be referred to the Provost for resolution.
- k) The term “Community Review Board” refers to any person or persons authorized by the Vice President for Campus Life and Facilities to consider a review or appeal of the Conduct Council’s determination that a student violated the Student Code of Conduct or to review or appeal sanctions imposed by a Student Conduct Administrator.
- l) The term “illegal drug” is defined as a substance 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 including, but is not limited to: CNS depressants, CNS stimulants, hallucinogens, or other illegal drugs such as PCP, cocaine or crack.
- m) The term “use of drug” includes: the misuse of prescription medication; the possession or drug paraphernalia; and/or the use, possession, manufacture, sale or distribution of any one or more illegal drugs while on or off university property.
- n) The term “will” is used in the imperative sense.
- o) The term “may” is used in the permissive sense.
- p) The term “policy” is defined as the written rules of the university found in, but not limited to: the Student Code of Conduct, the Residence Life Handbook, the Student Handbook, and the Graduate and Undergraduate Bulletins.
- q) The term “day” refers to a regular business day when the university is in session.
- r) The term “Preponderance of Evidence” is the standard of proof that applies to student conduct proceedings or determinations. It means that the evidence supports a conclusion that it is more likely than not that a policy violation occurred.

B. Core Values and Behavioral Expectations

The basic approach to maintaining a Christian code of conduct is self-discipline; however, the university considers the behavior described in the following sections as inappropriate for the University of the Incarnate Word community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. The university encourages community members to report to university officials incidents which involve the following (or similar) actions or attempts of the following (or similar) actions. Any student found to have committed the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

- a) **Integrity:** UIW students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
 1. Knowingly furnishing false, falsified or forged information to any member of the university community such as falsification or misuse of documents, accounts, records, identification or financial instruments;
 2. Acts of academic dishonesty as outlined in the Code of Academic Integrity;
 3. Unauthorized possession, duplication or use of means of access to any university building (i.e. keys, cards, etc.);
 4. Action or inaction by someone in collusion with a wrongdoer who fails to discourage a known and obvious violation of university policy or the law.
 5. Violations of positions of trust within the community; or
 6. Tampering with the election of any university-recognized student organization.
- b) **Community:** UIW students honor and value their community. Behavior that violates this value includes, but is not limited to:

1. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespassing;
2. Misuse or unauthorized use of university or organizational names and images;
3. Knowingly taking possession of stolen property;
4. Intentional and unauthorized taking of university property or the personal property (which is located on campus) of a member of the university community;
5. Intentional and unauthorized destruction of, or damage to, university property or to the personal property (which is located on campus) of a member of the university community;
6. Violating the UIW Responsible Computing Policy or the UIW Fair Use Policy, found online in its entirety at: <http://www.uiw.edu/ird/policies-procedures/index.html>. Examples of actions which violate these policies include, but are not limited to:
 - Use of computing facilities to send harassing or abusive messages;
 - Use of computing facilities to interfere with the work of other community members;
 - Unauthorized access to a file or personal or group account;
 - Use of computing facilities to interfere with normal operation of the university computer system; or
 - Copying or transmitting copyrighted material when you are not legally authorized to do so.
7. Anonymous or forged network news articles or email messages;
8. Disk usage over the allotted limit without prior approval;
9. Unauthorized transfer of a file;
10. Unauthorized use of another individual's identification and password;
11. Violation of the smoking policy (See UIW Student Handbook);
12. Gambling (See UIW Student Handbook);
13. Possession of firearms, explosives or other weapons including, but not limited to: BB/pellet guns; slingshots; facsimile weapons; airsoft rifles; sharp-edged instruments, such as hatchets when used as weapons; or dangerous chemicals while on campus without proper authorization; or
14. Violation of local, state, federal or campus fire policies including, but not limited to:
 - Failure to evacuate a university-controlled building during a fire alarm;
 - Improper use of university fire safety equipment; or
 - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property.

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

1. Disruption of university operations including obstruction of teaching, research, administration, other university activities, or other authorized non-university activities which occur on campus;
2. Obstruction of freedom of movement by community members or visitors;
3. Abuse or interference of, or failure to comply in, university processes including conduct and honor code hearings; or
4. Abuse of the campus conduct system including, but not limited to:
 - Failure to appropriately respond to a letter of notice, or summons letter;
 - Failure to attend meetings scheduled for conduct code administration purposes;
 - Falsification, distortion or misrepresentation of information;
 - Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
 - Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - Failure to comply with the sanction(s) imposed by the campus conduct system; or;

- Influencing, or attempting to influence, another person to commit and abuse of the campus conduct system.
- d) **Respect:** UIW students show positive regard for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:
1. Threatening, or causing, physical harm, verbal abuse or other conduct which threatens or endangers the health or safety of any person;
 2. Discrimination, intimidation (i.e. implied threat(s)), or harassment (see UIW Student Handbook, “Anti-Harassment Policy”);
 3. Bullying, or cyberbullying, which acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community. Such behaviors may include, but are not limited to: creating webpages with a negative focus; posting insults or lewd photos on social networking sites; or spreading rumors with malicious intent;
 4. Retaliation against a complainant or witness in a campus conduct complaint;
 5. Abusive affiliation and hazing (See UIW Student Handbook);
 6. Sexual misconduct, including but not limited to: sex and/or gender-based discrimination; sex and/or gender-based harassment; sexual assault; discrimination; sexual exploitation; stalking; relationship violence (including domestic and dating violence); and retaliation (see UIW Student Handbook).
 7. Inappropriate conduct, which is disrespectful, disorderly, disruptive or indecent while on campus or at functions sponsored, or participated in, by the university;
 8. Failure to comply with the directives 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; or
 9. Smoking in any university-controlled building.
- e) **Responsibility:** UIW students are given, and accept, a high level of accountability as role models. Behavior that violates this value includes, but is not limited to:
1. Use, possession or distribution of alcoholic beverages except as expressly permitted by law and the university’s Alcohol Policy (See Section 9 of this document for further information);
 2. Use, possession or distribution of narcotics or other controlled substances or drug paraphernalia, except as expressly permitted by law;
 3. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
 4. Assisting in, inciting or condoning the violation of university policies or local, state or federal laws;
 5. Violations of local, state or federal laws which affect the interests of the university community whether the violation occurs on or off campus;
 6. Intentional failure of any organized group to exercise preventative measures relative to violations of the Student Code of Conduct by its members;
 7. Violation of other published university policies or rules;
 8. Intentionally, or recklessly, causing a fire which damages university or personal property or which caused injury to any member of the community.

Note: Some violations of university policy committed by resident students will be handled administratively by the Director of Residence Life (or designee). These violations may include, but are not limited to: noise, visitation, trash or emergency evacuation policies; disabling a smoke detector; or smoking tobacco products in an unauthorized area. Specific sanctions are also listed in the Residence Life Handbook and the UIW Student Handbook.

Section 6: Conduct Authority

The Director of Student Conduct and Community Standards is the person designated by the Vice President for Campus Life and Facilities & Student Services, who has been charged by the President of the university, for the administration of the Student Code of Conduct.

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

If an allegation can be disposed of by mutual consent of the parties involved, on a basis acceptable to the parties involved and the Director of Student Conduct and Community Standards (or designee), such disposition will be final and there will be no subsequent proceedings.

The Director of Student Conduct and Community Standards 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 treating and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Director of Student Conduct and Community Standards may also suggest that complaints that do not involve a violation of the Student Code of Conduct be referred for mediation.

If the complaint cannot be disposed of in a manner mutually acceptable, Director of Student Conduct and Community Standards will refer the complaint to the Conduct Council, a Student Conduct Administrator or the Conduct Review Council (CRC). There is, generally, a preference to refer disputed claims to the CRC; however, the Director of Student Conduct and Community Standards retains ultimate discretion over complaint referrals.

A. Assembly of the Conduct Review Council (CRC)

When a complaint cannot be resolved through an informal or administrative process, the Director of Student Conduct and Community Standards will assemble a Conduct Review Council (CRC) according to the following guidelines:

1. The Dean of Students, Director of Student Conduct and Community Standards, and the Director of Residence Life (or designees) will serve as the CRC Selection Panel.
2. This panel will select up to seven individuals to serve on a CRC. Members may consist of current undergraduate or graduate students, faculty members and/or administrators. The selection panel will choose individuals who are gender and culturally sensitive.
3. Students interested in serving on the CRC will be interviewed by member(s) of the Selection Panel.
4. Eligible candidates must:
 - Be in academic good standing and have completed 15 hours of academic credit at UIW with a cumulative GPA of at least 2.5.
 - Be in disciplinary good standing throughout the period in which they serve. Disciplinary good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the CRC. A serious history of misconduct could disqualify a student for service.

The Dean of Students will have final authority to approve students, faculty and administrators serving on the CRC.

The non-voting conduct advisor to the CRC is the Director of Student Conduct and Community Standards (or designee) with responsibility for training the CRC, conducting preliminary investigations, holding student representatives accountable for decisions made by the CRC, and ensuring a fair process for the complainant and accused student/respondent.

The Director of Student Conduct and Community Standards 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 involved.

At all hearings conducted by the CRC, the presence of at least three members will be necessary and sufficient to constitute a quorum. Decisions made, and sanctions imposed, by the CRC or Director of Student Conduct and Community Standards/designee will be final, pending the normal review process. Sanctions imposed will be implemented immediately unless the Director of Student Conduct and Community Standards postpones their implementation in extraordinary circumstances, pending the outcome of the appeal.

B. Interpretation and Revision

Any question of interpretation of the Student Code of Conduct will be referred to the Director of Student Conduct and Community Standards whose interpretation is final. The Director of Student Conduct and Community Standards may make any necessary modification to procedure that does not materially jeopardize the fairness owed to any party.

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

Section 7: Conduct Procedures

Part of the education process is learning how to live in harmony with community members and within a system of standards established for and by the community. Students are accountable to students and others in the community for these standards through the procedures outlined below. This system is not a legal process but, rather, an administrative hearing system. Principles of fairness govern all review bodies. All students who violate these standards will be held accountable for their behavior through a process that assures the rights of both the complainant and the accused student/respondent.

A. Complaints

Any member of the university community, visitors or guests may file a complaint against any student for misconduct via the following URL: <http://www.uiw.edu/campuslife/ReportanIncident.html>.

Complaints will be presented to the Director of Student Conduct and Community Standards (or designee) and to the Title IX Coordinator, when appropriate. All complaints should be submitted as soon as possible after the offending event occurs, preferably within one semester; however, at the discretion of the Dean of Students, 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 in the subsequent campus conduct process.

The Director of Student Conduct and Community Standards (or designee) will assume responsibility for the investigation of the alleged violation as described in Section 6: Conduct Authority.

B. Notice of Hearings

When a determination is made that reasonable cause exists for the Director of Student Conduct and Community Standards (or designee) to refer a complaint for a hearing, notice will be given to the accused student/respondent. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct and Community Standards (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice, or summons letter will:

1. Include the alleged violation and notification of where to locate the Student Code of Conduct and university procedures for resolution of the complaint; and
2. Direct the accused student/respondent to contact the Director of Student Conduct and Community Standards (or designee) within a specified period of time to respond to the complaint. This time period will, generally, be no less than two days from the date of delivery of the summons letter.

A meeting with the Director of Student Conduct and Community Standards (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the accused student/respondent must indicate, either verbally or in writing, to the Director of Student Conduct and Community Standards (or designee), whether s/he admits or denies the allegations of the complaint.

C. Interim Actions

1. **No Contact Order:** Contact between students and/or other campus community members is limited. At the request of a student or at the discretion of the Director of Student Conduct and Community Standards (or designee), and after investigation by the Director of Student Conduct and Community Standards (or designee), a No Contact Order may be enforced between two or more students. These orders are for no less than six (6) weeks and may be reviewed for extension by the Director of Student Conduct and Community Standards (or designee). No contact means that while the complainant and the accused student/respondent are on university property or are at any activity or event associated with the university, the complainant and the accused student/respondent may not attempt to communicate with one another. Distance restrictions may also be imposed. Communication includes: talking with; attempting to talk with; touching; staring at; writing to; attempting telephone or other electronic contact (e.g. email, Facebook, text); enlisting a proxy (third party) to make contact on one's behalf; or any other form of contact or attempted contact. Appropriate monitoring and notification of provisions may be made to enable enforcement.
2. **Interim suspension:** Under the Student Code of Conduct, interim suspension may be imposed by the Director of Student Conduct and Community Standards when necessary to protect the health and safety of a student or the community; preserve university property; pursue an investigation and/or hearing; prevent disruption of, or interference with, the normal operations of the university; or allow time for a behavioral mental health assessment or evaluation. Interim suspension will be used for short periods of time, pending a hearing for a Student Code of Conduct violation or Involuntary Leave.
3. **During an interim suspension,** a student will be denied access to university housing and/or university campuses. As determined appropriate by the Vice President for Campus Life and Facilities or the Director of Student Conduct and Community Standards, this restriction includes classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Director of Student Conduct and Community Standards and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student/respondent.

D. Hearing Options & Preparation

The following sections describe UIW's conduct hearing processes. Except in a complaint involving failure to obey the summons of the Director of Student Conduct and Community Standards (or designee), no student may be found to have violated the Student Code of Conduct solely due to the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Student Conduct Administrator or Conduct Council presiding over the hearing. During the process of a hearing if it is determined that additional violations of the Student Code of Conduct have occurred, additional charges and sanctions may be assigned at the time of the hearing.

1. Administrative (Informal) Hearing

Where the accused student/respondent admits to violating the Student Code of Conduct, or in instances where the accused student/respondent is facing a complaint for which the consequences do not include suspension or expulsion from housing and/or the university, the Director of Student Conduct and Community Standards (or designee) may invoke informal resolution procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an administrative hearing. In administrative hearings, complaints will be heard, and final determinations will be made, by one or more Student Conduct Administrators.

2. Formal Hearing

Where the accused student/respondent denies violating the Student Code of Conduct, or in instances where the accused student/respondent is facing a complaint for which the consequences may include suspension or expulsion from housing and/or the university, a formal hearing will be conducted as befits the gravity of the alleged offense and the very serious nature of the consequences. This process is known as a Conduct Review Council (CRC) hearing. At the discretion of the Director of Student Conduct and Community Standards (or designee), a request by the accused student/respondent for an administrative hearing may be considered. Students who deny a violation for which a CRC hearing will be held will be given a minimum of seven (7) days to prepare for a formal hearing. Preparation for a formal hearing is summarized in the following guidelines:

- a) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct and Community Standards (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- 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 university administration serve as complainant. Where there is no alleged victim, the university administration will serve as complainant.
- c) If an accused student/respondent fails to respond to notice from the Director of Student Conduct and Community Standards (or designee), the Director of Student Conduct and Community Standards (or designee) may initiate a complaint against the student for failure to comply with the directives of a university official and give notice of this offense. Unless the student responds to this notice within two (2) days by answering the original notice, an administrative hearing may be scheduled and held on the student's behalf and the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed in their university account, deeming them ineligible to register for courses or university housing until such time as he/she responds to the initial complaint.
- d) At least three (3) days before any scheduled formal hearing, the following will occur:
 - i. The accused student/respondent will deliver, to the Director of Student Conduct and Community Standards (or designee), a written response to the complaint;
 - ii. The accused student/respondent will deliver, to the Director of Student Conduct and Community Standards (or designee), a written list of all witnesses he/she wants to appear on his/her behalf;
 - iii. The accused student/respondent will deliver, to the Director of Student Conduct and Community Standards (or designee), all items of physical information he/she intends to use or needs to have present at the hearing and will indicate who has possession or custody of such information, if known;
 - iv. The complainant will deliver, to the Director of Student Conduct and Community Standards (or designee), a written list of all witnesses he/she wants to appear on his/her behalf;
 - v. The complainant will deliver, to the Director of Student Conduct and Community Standards (or designee), all items of physical information he/she intends to use or needs to have present at the hearing and will indicate who has possession or custody of such information, if known; and
 - vi. The complainant and the accused student/respondent will notify the Director of Student Conduct and Community Standards (or designee) of the names of any advisors who may be accompanying the parties at the hearing.
- e) The Director of Student Conduct and Community Standards (or designee) will ensure that the hearing information and any other available written documentation is shared with the complainant and the accused student/respondent at least one (1) day 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 member(s) of the board or panel, he/she must raise all objections, in writing, to the Director of Student Conduct and Community Standards immediately. Hearing officers will only be unseated if the Director of Student Conduct and Community Standards concludes that their bias precludes an impartial hearing of the complaint. Additionally, any CRC or hearing officer who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings.

E. Conduct Review Council (CRC) Hearing Procedures

When a student faces suspension or expulsion from housing of the university, the process (e.g. the conducting of a CRC hearing) afforded is more rigorous and formal as befits the gravity of the alleged offense and the very serious nature of the consequences.

The complainant and the accused student/respondent have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend, it is that student's responsibility to notify the Director of Student Conduct and Community Standards no later than one (1) business day before the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the accused student/respondent 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 Director of Student Conduct and Community Standards.

The Director of Student Conduct and Community Standards (or designee) and the Conduct Review Council will conduct CRC hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the Conduct Review Council (CRC) and the Director of Student Conduct and Community Standards.
3. In hearings involving more than one accused student/respondent, the standards procedure will be to hear the complaints jointly; however, the Director of Student Conduct and Community Standards may permit the hearing pertinent to each respondent be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.
4. For offenses in which suspension or expulsion may be warranted, the complainant and respondent have the right to an advisor of his/her own choosing. Advisors may be chosen only from within the current University of the Incarnate Word community. The advisor may not make a presentation or represent the complainant or respondent during the hearing. Advisors are not permitted at less formal hearings except upon special application to the Director of Student Conduct and Community Standards (or designee).
5. The complainant, the accused student/respondent, the CRC and the Director of Student Conduct and Community Standards (or designee) will have the privilege of presenting witnesses and questioning all parties and present witnesses. Unduly repetitive witnesses can be limited at the discretion of the CRC Chairperson or the Director of Student Conduct and Community Standards (or designee).
6. Pertinent records, exhibits and written statements may be accepted as information for consideration by the CRC and the Director of Student Conduct and Community Standards. Formal rules of evidence are not observed. The Director of Student Conduct and Community Standards may limit the number of character witnesses presented or may accept written affidavits of character instead.
7. All procedural questions are subject to the final decision of the Director of Student Conduct and Community Standards.
8. After a CRC hearing, the Council will deliberate and determine, by majority vote, whether it is more likely than not that the accused student/respondent has violated the Student Code of Conduct. The Director of Student Conduct and Community Standards (or designee) will be present and available as a resource during all deliberations. When a finding is determined, if the finding is that of a policy violation, the CRC will determine an appropriate sanction(s). The Director of Student Conduct and Community Standards (or designee) is responsible for informing the CRC of applicable precedent and any previous conduct violations by the accused student/respondent. The CRC Chairperson will prepare a case adjudication report, written to the attention of the Director of Student Conduct and Community Standards, detailing the finding, how each member voted, the information cited by the Council in support of its finding, and any information the Council excluded from its consideration and why. This report should conclude with any recommended sanctions. This report will be submitted to the Director of Student Conduct and Community Standards within two (2) days from the end of deliberations.

9. The Director of Student Conduct and Community Standards may make appropriate modifications to the CRC's report and will then implement and inform the accused student/respondent and complainant (if applicable by law or university policy) of the final determination within seven (7) days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct and Community Standards (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
10. There will be a single verbatim record, such as a tape recording, for all CRC hearings. Deliberations will not be recorded. Verbal presentations of the findings will be recorded. The record will be the property of the university and maintained according to the university's record retention policy.

F. Conduct Sanctions

One or more of the following sanctions may be imposed upon any student for any single violation of the Student Code of Conduct:

1. **Warning:** A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.
2. **Disciplinary probation:** Indicates that further violations may result in suspension or expulsion. Students who are assessed this sanction will be removed from behavioral probation automatically upon expiration of the probationary period and completion of any additionally assigned sanctions.
3. **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.
4. **Fines:** Previously established and published fines may be imposed.
5. **Community/University Service Requirements:** For a student or organization to complete a specific supervised university service. This will not fulfill the university's community service requirement for graduation.
6. **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
7. **Confiscation of Prohibited Property:** Items whose presence is in violation of university policy will be confiscated and will become the property of the university. Prohibited items may be returned to the owner at the discretion of the Director of Student Conduct and Community Standards and/or Campus Police.
8. **Behavioral Requirement:** This includes required activities such as, but not limited to, seeking academic or personal counseling, writing a letter of apology, etc.
9. **Educational Program:** Requirement to attend and/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 aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
10. **No Contact Order:** Contact between students is limited. At the request of a student, and after investigation by the Director of Student Conduct and Community Standards or designee, a no contact order may be enforced between students. These orders are for no less than six weeks and may be reviewed for extension. No contact means that while the accused student 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 or vice versa. Distance requirements may also be imposed. Communication includes talking with, attempting to talk with, touching, staring at, writing to or about, attempting telephone or electronic contact (e.g., email, social media, fax, pager), enlisting a proxy (third-party) to make contact on your behalf, and/or any other form of contact or communication of any kind. Appropriate monitoring and notification provisions may be made to enable enforcement. **Restriction of Visitation Privileges:** May be levied against an individual or individuals residing in university housing. The parameters of the restriction will be specified.
11. **University Housing Probation:** The student is put on official notice that, should further violations of Residence Life or university policies occur during a specified probationary period, the student may immediately be removed from university housing.

12. University Housing Reassignment: The student is reassigned to another university housing structure. Residence Life personnel will decide on the structure to which the student will be reassigned.
13. University Housing Suspension: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life (or designee).
14. University Housing Expulsion: The student's privilege to live in, or visit, any university housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
15. University Probated Suspension: The student is suspended and deemed "not in disciplinary good standing" with the university for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Conduct and Community Standards and terms of this conduct sanction may include, but are not limited to, the following:
 - i. Ineligibility to hold any office in any student organization recognized by the university or hold an elected or appointed office at the university; or
 - ii. Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
16. Deferral of sanction: A deferral of sanction (e.g., probation, suspension) may be imposed on a student for whom the specific sanction deferred is appropriate, but for whom there are mitigating circumstances as determined by Office of Student Conduct and Community Standards. If a student is found to have violated any rule of the University while the deferred sanction is in effect, the minimum sanction for such a violation will be the sanction that had been deferred.
17. University Suspension: The student is separated from the university for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and the Director of Student Conduct and Community Standards. This sanction may be enforced with a trespass action as necessary.
18. University Expulsion: The student is permanently separated from the university. The student is barred from being on campus and the student's presence at any university sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
19. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Vice President for Campus Life and Facilities & Student Services, the Dean of Students and the Director of Student Conduct and Community Standards or designee.
20. Group Sanctions: The following sanctions may be imposed upon groups or organizations found to have violated the Student Code of Conduct:
 - One or more of the sanctions listed above, and/or
 - Deactivation, loss of all privileges (including university registration), for a specified period of time.

Sanctions imposed will be implemented immediately unless the Director of Student Conduct & Community Standards stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

G. Final Review

Individuals who are dissatisfied with a decision of responsibility or assigned sanction(s) may petition for further action within three (3) days of issuance of a Conduct Council's written decision. Available courses of action vary according to the original hearing option utilized and whether the alleged offense would constitute a "crime of violence" as defined by the Family Educational Rights and Privacy Act (FERPA). (Please see Section 4.J of this document for more information regarding FERPA's definition of "crime of violence.")

1. Administrative (Informal) Hearing:
 - a. If the alleged offense would constitute a “crime of violence” as defined by the FERPA, the complainant(s) and respondent(s) may request that the complaint be referred to the Conduct Review Council for resolution. This request must be made in writing and submitted to the Director of Student Conduct and Community Standards within three (3) days of the Conduct Council’s written decision.
 - b. If the alleged offense would not constitute a “crime of violence” as defined by the FERPA, the respondent(s) may request that the complaint be referred to the Conduct Review Council for resolution. This request must be made in writing and submitted to the Director of Student Conduct and Community Standards within three (3) days of the Conduct Council’s written decision.
2. Conduct Review Council (CRC) (Formal) Hearing:
 - a. If the alleged offense would constitute a “crime of violence” as defined by the FERPA, the complainant(s) and respondent(s) may petition for a review of the decision of responsibility or assigned sanction(s). This request must be made in writing and submitted to the Vice President for Campus Life and Facilities within three (3) days of the Conduct Council’s written decision.
 - b. If the alleged offense would not constitute a “crime of violence” as defined by the FERPA, the respondent(s) may petition for a review of the decision of responsibility or assigned sanction(s). This request must be made in writing and submitted to the Vice President for Campus Life and Facilities within three (3) days of the Conduct Council’s written decision.

If the Vice President for Campus Life and Facilities determines that a complaint may be reviewed, every opportunity will be taken, where possible, to return the complaint to the original Conduct Council for reconsideration; however, if this is not possible, the complaint will be reviewed by the Community Review Board (CRB). The original Conduct Council or the CRB may support or change a decision and/or increase, decrease or modify a sanction. The review body will be deferential to the original decision-maker, making changes to (1) the finding only where there is clear error, (2) to a sanction only if a compelling justification to do so exists, and (3) only when a unanimous decision is reached. Reviews will only be considered for one or more of the following purposes:

- To consider new information which was unavailable at the time of the original hearing and could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
- To decide if an assigned sanction(s) falls outside the range of sanctions the university has designated for this offense;
- To determine that the finding does not accord with the information provided in the hearing; or
- To assess whether bias on the part of a Student Conduct Administrator or Conduct Council member deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a formal hearing will be limited to the verbatim record of the initial hearing and all supporting documents.

H. Community Review Board: Membership & Authority

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

1. Two (2) voting student representatives, one resident and one commuter, as appointed by the Student Government Association Executive Board;
2. One voting faculty representative as appointed by the Faculty Senate; and
3. One voting representative from the university administration as appointed by the Vice President for Campus Life and Facilities & Student Services.

The Vice President for Campus Life and Facilities will serve as the CRB's non-voting advisor. A CRB chairperson, either a faculty or administration representative, will be determined prior to the start of each hearing by a consensus of the CRB. In the event of a member's resignation, the group from which the representative came is responsible for providing a replacement as soon as possible. CRB members will be instructed by the Director of Student Conduct and Community Standards prior to participating in conduct proceedings and all members of the CRB, or approved substitutes, must be present in order for a review hearing to proceed.

I. Failure to Follow Through on Conduct Sanctions

All students, as members of the university community, are expected to comply with conduct sanctions within the time frame specified by the Student Conduct Administrator or Conduct Council. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in suspension from the university. In such situations, resident students will be required to vacate university housing within 24 hours of notification by the Director of Student Conduct and Community Standards, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and the Director of Student Conduct and Community Standards. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Vice President for Campus Life and Facilities in consultation with the Dean of Students and the Director of Student Conduct and Community Standards.

J. Disciplinary Records

Student conduct records are maintained by the university for seven (7) years from the time of the completion of the conduct process for a student's most recent offense. Student conduct records older than seven (7) years will be destroyed on an annual basis with the exception of records that indicate a university expulsion or university housing expulsion was imposed. Records that indicate such impositions will be maintained indefinitely.

Section 8: Student Right to Know and Campus Security Act of 1990

The Student Right to Know and Campus Security Act of 1990 is a federal mandate which requires 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 programs for 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 by the UIW Chief of Police and the full report is posted on the university website annually and written copies are available upon request.

Section 9: Voluntary Disclosure/Safe Harbor

A student who has engaged in prohibited drug/banned drug or alcohol use is encouraged to seek assistance from Director of Student Conduct and Community Standards by voluntarily disclosing use prior to an alcohol or drug violation.

If the student seeks assistance prior to being identified as having violated this policy, the impermissible use will not be deemed an offense for purposes of determining sanctions under this policy. The Dean of Students and the Director of Student Conduct and Community Standards will work collaboratively to enforce this policy and to support all students participating in the Voluntary Disclosure/Safe Harbor program. Any student entering the safe harbor program may be required to take a drug test (at the student's expense) to establish a baseline for follow up testing.

Upon requesting Safe Harbor, a student must meet with Dean of Students or the Director of Student Conduct and Community Standards. This meeting must take place within 7 days of the student's request for Safe Harbor. The purpose of the meeting is to discuss the student's needs, and an initial plan to address the student's illegal alcohol or other drug use (e.g. substance abuse assessment; counseling; treatment, etc.).

While participating in the Safe Harbor program, the student must fulfill the planned requirements assigned by the Dean of Students/Director of Student Conduct and Community Standards. (Requirements will include speaking/meeting with a counselor/therapist about their substance abuse; receiving a substance abuse assessment from an assigned agency, etc.).

If a student fails to meet with the Dean of Students/Director of Student Conduct and Community Standards within 7-day timeframe, the request for Safe Harbor is considered null and void, and the student is subject to all potential consequences of illegal drug use.

The student will be permitted to remain in Safe Harbor for a reasonable period of time as determined by their treatment plan.

If the student is not permitted to continue participation as instructed by the counselor/therapist, he/she will not be permitted to return to participation until the counselor/therapist has determined that re-entry into intercollegiate sports is appropriate. At the conclusion of the treatment plan the student/student-athlete will be required to undergo a screening to verify that the student-athlete is free of illegal substances.

Failing to complete the treatment plan and/or any other requirements from the Dean of Students/Associate Dean of Students, and/or having a positive test for any banned substance that indicates new use after entering the program will be deemed a first offense under this policy.

For questions about the alcohol or drug policy or available resources, please contact:

Director of Student Conduct & Community Standards

Telephone: (210) 805-5864

Email: studentconduct@uiwtx.edu

Location: Student Engagement Center 3150

Texas State Law and Alcohol

The Texas Alcoholic Beverage Commission (TABC) provides the following summary of Texas state alcohol laws and the mandatory legal sanctions imposed upon individuals found in violation of the law. For more information visit the TABC website: https://www.tabc.state.tx.us/laws/underage_drinking_laws.asp

Underage Drinking Laws

Minors who purchase, attempt to purchase, possess, or consume alcoholic beverages, as well as minors who are intoxicated in public or misrepresent their age to obtain alcoholic beverages, face the following consequences:

- Class C misdemeanor, punishable by a fine up to \$500
- Alcohol awareness class
- 8 to 40 hours community service
- 30 to 180 days loss or denial of driver's license

If a minor is seventeen years of age or older and the violation is the third offense, the offense is punishable by a fine of \$250 to \$2,000, confinement in jail for up to 180 days or both, as well as automatic driver's license suspension. A minor with previous alcohol-related convictions will have his or her driver's license suspended for one year if the minor does not attend alcohol awareness training that has been required by the judge.

Penalties for Providing Alcohol to a Minor

Adults and minors who give alcohol to a minor also face a stiff penalty. The punishment for making alcoholic beverages available to a minor is a class A misdemeanor, punishable by a fine up to \$4,000, confinement in jail for up to a year, or both. Additionally, the violator will have his or her driver's license automatically suspended for 180 days upon conviction.

Persons 21 or older (other than the parent or guardian) can be held liable for damages caused by intoxication of a minor under 18 if the adult knowingly provided alcoholic beverages to a minor or knowingly allowed the minor to be served or provided alcoholic beverages on the premises owned or leased by the adult. Sale to a minor is a class A misdemeanor, punishable by a fine up to \$4,000, confinement up to a year in jail, or both.

Zero Tolerance Law

In Texas it is illegal for a person under 21 to operate a motor vehicle in a public place while having ANY detectable amount of alcohol in their system. On September 1, 2009, this law was expanded to include watercraft in addition to motor vehicles.

1. The consequences for the minor on the first offense of driving under the influence of alcohol:
 - Class C misdemeanor, punishable by a fine up to \$500
 - Attendance at an alcohol awareness class
 - 20 to 40 hours of mandatory community service
 - 60 days driver's license suspension. The minor would not be eligible for an occupational license for the first 30 days.
2. A second offense increases the consequences to:
 - Class C misdemeanor, punishable by a fine up to \$500
 - Attendance at an alcohol awareness class at the judge's discretion
 - 40 to 60 hours of mandatory community service
 - 120 days driver's license suspension. The minor would not be eligible for an occupational license for the first 90 days.
3. A third offense is not eligible for deferred adjudication. The minor's driver's license is suspended for 180 days and an occupational license may not be obtained for the entire suspension period. If the minor is 17 years of age or older, the fine increases to \$500 to \$2,000, confinement in jail for up to 180 days, or both.

Required Programs New Students

The University of the Incarnate Word provides online alcohol education and sexual assault prevention. All first year and new transfer students are required to take each of these online courses. The programs are offered free of charge to the student and must be completed by the posted deadline date to ensure eligibility for registration the following semester.

Know Your Limit

Topics Covered

- The importance of moderating alcohol intake
- The dangers of binge drinking
- Ways to intervene if friends have had too much to drink

UIW Sexual Misconduct Policy

Topics Covered

- Policy
- Prohibited conduct
- Reporting options
- Title IX & Compliance Coordinator

Impressions (Student Sexual Assault)

Topics Covered

- Culture of Care
- Prevention
- Reporting
- Consent
- Adjudication

Lasting Choices: Protecting Our Campus from Sexual Assault

Topics Covered

- Sexual assault investigations
- The role of alcohol in sexual assault
- How to report incidents
- Intervention strategies

Healthy Relationships and Dating Violence

Topics Covered

- Characteristics of healthy and unhealthy relationships
- Forms of dating abuse, including abuse in the LBGT community
- Victims of cyber abuse
- How students can get help

Show Some Respect! Prevent Harassment

Topics Covered

- The types of behaviors that can be considered harassment
- How to address and report harassing behaviors

Alcohol and Other Drug Resources and Prevention Education Opportunities

Students are encouraged to participate in co-curricular alcohol and other drug education/prevention programming offered throughout the year. The programming is both active and passive and is free to enrolled students. The activities include such events as: National Night Out, Guest Speakers, On-line programs; Risk Management Training; Residence Life programming, etc.

Alcohol: How Do You Measure Up?

An Interactive Assessment Tool; Program takes approximately 20 minutes. This tool lets students examine their drinking habits and compare them to their peers. It highlights impact such as:

- Money spent on drinks
- Caloric intake
- Possible adverse outcomes

Effects of Alcohol

Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that results in harm to one's health, interpersonal relationships, or ability to work. Source: <https://www.drugabuse.gov/drugs-abuse/alcohol>

The National Institute on Alcohol Abuse and Alcoholism published the following information regarding the consequences of drinking and underage college students. For more information, visit these websites:

<http://www.collegedrinkingprevention.gov/StatsSummaries/snapshot.aspx>

<http://pubs.niaaa.nih.gov/publications/CollegeFactSheet/CollegeFact.htm>

What is Binge Drinking?

Many college alcohol problems are related to binge drinking. Binge drinking is a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after 4 drinks for women and 5 drinks for men—in about 2 hours. Drinking this way can pose serious health and safety risks, including car crashes, drunk-driving arrests, sexual assaults, and injuries. Over the long term, frequent binge drinking can damage the liver and other organs.

How Much is a Drink?

To avoid binge drinking and its consequences, college students (and all people who drink) are advised to track the number of drinks they consume over a given period of time. That is why it is important to know exactly what counts as a drink. In the United States, a standard drink is one that contains about 14 grams of pure alcohol, which is found in:

- 12 ounces of beer with 5 percent alcohol content
- 5 ounces of wine with 12 percent alcohol content
- 1.5 ounces of distilled spirits with 40 percent alcohol content

Unfortunately, although the “standard” drink amounts are helpful for following health guidelines, they may not reflect customary serving sizes. A large cup of beer, an overpoured glass of wine, or a single mixed drink could contain much more alcohol than a standard drink. In addition, while the alcohol concentrations listed are “typical,” there is considerable variability in alcohol content within each type of beverage (e.g., beer, wine, distilled spirits).

Alcohol Poisoning and College Students

Thousands of college students are transported to the emergency room each year for alcohol poisoning, which occurs when high levels of alcohol suppress the nervous and respiratory systems and the body struggles to rid itself of toxins produced from the breakdown of alcohol. Signs of this dangerous condition can include:

- Mental confusion, stupor, coma, or the person cannot be roused
- Vomiting

- Slow or irregular breathing
- Hypothermia or low body temperature, bluish or pale skin

Alcohol poisoning can lead to permanent brain damage or death, so a person showing any of these signs requires immediate medical attention. Don't wait. Call 911 if you suspect alcohol poisoning.

Source: <https://www.drugabuse.gov/drugs-abuse/alcohol>

Commonly Used Drugs and their Risks

The National Institute on Drug Abuse provides the following information. Most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed in the chart below for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. To learn more about each of the following commonly used drugs, their street names, their possible long and short-term health effects, including combining them with alcohol, and treatment options, click on this link: <https://www.drugabuse.gov/drugsabuse/commonly-abused-drugs-charts>

- | | | |
|---|---|-------------------------------------|
| ▪ Alcohol | ▪ Ayahuasca | ▪ Cocaine |
| ▪ GHB | ▪ Hallucinogens | ▪ Marijuana |
| ▪ MDMA (Ecstasy/Molly) | ▪ Mescaline (Peyote) | ▪ Methamphetamine |
| ▪ Tobacco | ▪ Prescription Opioids | ▪ Synthetic Cathinones (Bath Salts) |
| ▪ Prescription Stimulants | ▪ Psilocybin | ▪ Rohypnol® (Flunitrazepam) |
| ▪ Salvia | ▪ Steroids (Anabolic) | ▪ Synthetic Cannabinoids |
| ▪ Over-the-counter
Cough/Cold Medicines
(Dextromethorphan or DXM) | ▪ Prescription Sedatives
(Tranquilizers,
Depressants) | |

Source: <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>

UIW Campus Resources

<p><u>UIW Police Department</u> Telephone: (210) 829 6030, EXT. 6030 from any on-campus phone Location: Clement Hall, First Floor</p>	<p><u>UIW Health Services</u> Telephone: (210) 829-6017 Location: Agnese/Sosa Living & Learning Center, Ground Floor (The entrance to our facility is behind the Ila Faye Miller School of Nursing)</p>	<p><u>UIW Counseling Services</u> Telephone: (210) 829-5656 Location: Administration Building 4th floor Suite: 438</p>
<p><u>UIW Student Conduct</u> Telephone: 210-805-5864 Location: Student Engagement Center, 3155</p>	<p><u>UIW Student Disability Services</u> Telephone: (210) 829-3997 Location: Administration Building 51</p>	<p><u>UIW Veteran Affairs</u> Telephone: (210) 832-5651 Location: Student Engagement Center 3rd Floor, 3021</p>

Community Health Resources

Hospitals	Address	Phone Number
Christus Santa Rosa Alamo Heights Hospital	403 Treeline Park San Antonio, TX 78209	(210) 294-8000
Methodist Specialty & Transplant Hospital	8026 Floyd Curl Drive San Antonio, TX 78229	(210) 575-8110
Northeast Baptist Hospital	8811 Village Drive #300 San Antonio, TX 78217	(210) 297-7005
University Health System	4647 Medical Dr San Antonio, TX 78229	(210) 358-8145
Minor Emergencies	Address	Phone Number
Alamo Heights Minor Emergency	6496 N New Braunfels Ave San Antonio, TX 78209	(210) 930-4500
Alamo City Medical Group River Walk Clinic	414 Navarro St # 809 San Antonio, TX 78205	(210) 225-4810
Alcohol, Drugs & Mental Health	Address	Phone Number
Alcoholics Anonymous	8804 Tradeway San Antonio, TX 78217	(210) 828-6235
Center for Health Care Services	3031 IH-10 West San Antonio, TX 78201	(210) 261-1000
Catholic Charities	711 Madonna San Antonio, TX 78216	(210) 337-1133
Christus Santa Rosa Health Care	333 N. Santa Rosa San Antonio, TX 78207	(210) 704-3007
Esperanza Area Narcotics Anonymous	3701 W. Commerce San Antonio, TX 78207	(210) 434-0665

Family Violence Prevention Center (Domestic Abuse Treatment Center)	7911 Broadway St, San Antonio, TX 78209	(210) 733-8810
Jewish Family Services of San Antonio	12500 N.W. Military San Antonio, TX 78231	(210) 302-6920
Laurel Ridge Treatment Center	17720 Corporate Woods Dr. San Antonio, TX 78259	(210) 491-9400
Methodist Specialty & Transplant Hospital	8026 Floyd Curl Drive San Antonio, TX 78229	(210) 575-8110
NAMI – National Alliance on Mental Illness	510 Belknap Place San Antonio, TX 78212	(210) 734-3349
Palmer Drug Abuse Program	111 Dallas Street San Antonio, TX 78205	(210) 227-2634
San Antonio Council on Alcohol & Drug Abuse (SACADA)	7500 U.S. Hwy 90 West, #100 South TX Center, AT&T Building San Antonio, TX 78227	(210) 225-4741
San Antonio Rape Crisis Center (24-hour crisis hotline)	7500 W U.S. Hwy 90 San Antonio, TX 78227	(210) 349-7273

Appendix D: Rights and Freedoms of Students

On January 17, 1968, the Joint Statement on Rights and Freedoms of Students was adopted by the Association of American Colleges. The joint statement was previously endorsed by the United States National Student Association, the Association of American University Professors and the National Association of Student Personnel Administrators and the National Association of Women Deans and Counselors.

Copies of the statement with interpretive notes to reflect changes in the law and higher education that occurred after 1968 and the removal of gender-specific references are available from Office of Student Success and at <http://www.aaup.org/AAUP/pubsres/policydocs/contents/stud-rights.htm>. The policies and procedures of the university apply to the extent the Joint Statement is inconsistent with or in conflict with university policies or procedures.

Appendix E: Note to Students

University of the Incarnate Word students are responsible for knowing the information, policies and procedures outlined in this document. The university reserves the right to make changes as necessary and without advance notice.

The University of the Incarnate Word Student Code of Conduct is based upon Ed Stoner’s Model Code and the Model Code of NCHERM authored by Brett A. Sokolow, Esq. 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.