

Student

1. Student Conduct Code

Misconduct	Personal behavior on or off campus that: (1) interferes with Baylor's pursuit of its educational and/or Christian objectives, and/or reflects poorly on the University; (2) fails to exhibit due regard for or violates the rights of others; (3) shows disrespect for persons and/or property; (4) violates, attempts to violate, and/or is complicit in a violation of University rules, regulations, and/or policies; (5) violates, attempts to violate, and/or is complicit in a violation of local, state, or federal laws,
	or the laws of other countries, where applicable; (6) fails to comply with the directives of University personnel; and/or (7) fails to demonstrate honesty in communication with, or in representing information to, the University and its personnel

Notice of Alleged Violation

C. Standard of Proof Used in Administrative and Student Conduct Board Hearings

In Administrative and Student Conduct Board Hearings, the preponderance of the evidence standard of proof is used to determine whether the student has committed an act of misconduct. A finding of responsibility based on a preponderance of evidence means that based on all relevant evidence and reasonable inferences from that evidence, the greater weight of evidence indicates that it was more likely than not the policy violation occurred.

D. Record of Administrative and Student Conduct Board Hearings

1. The tangible evidence presented at an Administrative or Student Conduct Board Hearing and the summary of the hearing constitutes the record of the hearing.
2. The Student Conduct officer in an Administrative Hearing or the Chair of a Student Conduct Board Hearing, or their designees, will arrange for the appropriate preservation of hearing records. If it is determined through a hearing that a student is responsible for a policy violation, hearing records will be kept in the student's conduct record file in accordance with University record retention procedures, unless otherwise provided by the terms of the sanction and/or the University makes a documented decision otherwise. If it is determined through a hearing that a student is not responsible for a policy violation, hearing records will be retained in a separate file, will not become a part of the student's Student Conduct record file; and they will be marked CONFIDENTIAL and will not be disclosed, except as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations or by a release authorization from the student, or as required by law; such records will be kept in a form and format as deemed appropriate by the University.

E. Proceedings of Hearings Subject to FERPA

Documents related to Administrative Hearings or Student Conduct Board Hearings are subject to the provisions of the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, which provide among other things that personally identifiable student education records may only be disclosed to third parties under certain circumstances. Members of the Student Conduct Board, including student members, are engaged in an administrative function for the University in the course of their work on the Board and are required to respect the

privacy expectations of students who are involved in Conduct Board-related matters. Conduct Board members who fail to do so may be removed from the Board by the Vice President for Student Life and may also be subject to disciplinary action under the Student Conduct Code.

F. Right to Withhold Transcript and/or Block Registration

Baylor University may withhold the issuance of a transcript record and/or block the registration of any current or prior student if the student has certain outstanding obligations to the University. The student obligations may be financial or non-financial. Financial obligations include: Parking Services traffic fines, Health Center charges, student loan accounts, tuition and fees, long distance telephone accounts, or any other financial obligation owed by the student to the University.

Non-financial obligations include the University requirements of a student imposed by published written policy or other written requirements including, but not limited to, incomplete processing under the Student Conduct Code or Honor Code Procedures. Release of the transcript and/or a registration block will be authorized only after a financial obligation to the University is paid in full or satisfactory arrangements are made to comply with other obligations.

G. Transcript Notations

As required by Texas Education Code Section 51.9364, the University will place a notation

II. Scope of the Baylor University Student Conduct Code

Student Conduct Administration generally handles matters that fall under the Student Conduct Code.

Violations of the University's [Civil Rights Policy and Procedures](#) or the University's [Sexual and Interpersonal Misconduct Policy](#) are handled solely through procedures outlined in those policies, and not through the procedures outlined in this Student Conduct Code. However, where reported misconduct involves potential violations of the University's Civil Rights Policy and Procedures and/or the Sexual and Interpersonal Misconduct Policy *and* the Student Conduct Code, the University may choose (at its

personnel.

As noted in Section II, Scope of Baylor University Student Conduct Code, violations of the University's [Civil Rights Policy and Procedures](#) or the University's [Sexual and Interpersonal Misconduct Policy](#) are handled separately through procedures outlined in those policies, not through the procedures in this Student Conduct Code.

In order to encourage complainants and witnesses to make reports of conduct prohibited under the

- B.** Physical assault or abuse, harassment, threats, or threatening behavior directed (by any means, including electronic means) toward a member of the Baylor faculty, staff, or student body, or a third party in circumstances deemed by the University to require action under this Student Conduct Code.
- C.** Obstruction or disruption of teaching, research, administration, public service, or other activity or function of the University.
- D.** Any discriminatory practice as defined by the University's [Civil Rights Policy and Procedures](#). As described in more detail in the Civil Rights Policy and Procedures (the language of which controls over this summary), Baylor is committed to maintaining an environment in which all students are treated with respect and dignity, equal opportunities are promoted, and discriminatory practices, including unlawful discrimination, are prohibited. Baylor does not tolerate harassment or unlawful discrimination against students because of age, color, disability, genetic information, national origin, pregnancy, race, religion, sex, veteran status, or any other characteristic protected under applicable federal, Texas, or local law except as otherwise provided under the Civil Rights Policy and Procedures. Baylor also prohibits retaliation against any student who makes a good faith report under the Civil Rights Policy and Procedures. Discrimination, harassment, and intimidation can be through any communication means including social media posts, verbal comments, and handwritten messages. Again, these prohibitions are stated in more detail in the Civil Rights Policy and Procedures.
- E.** Hazing, as defined by the University's [Policy on Hazing](#).
- F.** Use or possession of firearms, explosives, fireworks, projectile type weapons (e.g., arrows, darts, throwing knives, spears, javelins), or weapons on campus without the approval of the Chief of Baylor Police in consultation with the Vice President for Student Life. For purposes of this code, the University will use the definitions of weapons provided in [Texas Penal Code Section 46.01](#). Baylor acknowledges that under Texas law, a student who holds a valid concealed handgun license may store a concealed firearm in a locked, privately owned or leased motor vehicle parked on a street or driveway or in a Baylor parking lot or parking garage; the University prohibits the possession in premises that it owns or controls to the fullest extent permitted by Texas law.
- G.** Violation of the University's [Classroom Conduct Policy](#).

H. Violation of the University's **Information Technology**

garage. The University prohibits the possession of such products by students in premises that it owns or controls.)

- P.** Intentionally taking, damaging, or destroying property; or attempting to take, damage, or destroy property without the effective consent of the owner.
- Q.** Failure to abide by an administrative order or directive issued by

[systems](#) (see [BU PP 025](#)).

AA. Participating in the Baylor Homecoming Parade without University authorization, disrupting parade activities, or failing to comply with parade marshals appointed by the University.

BB.

notification. The Campus Living & Learning contract fee will not be refunded to a student who is evicted from the residence halls.

- E. Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Baylor degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. Degrees may also be withheld indefinitely when all other degree requirements have been met. The sanction of withholding a degree may also occur if an expulsion-level offense occurs after all

D. Student Conduct Board

Panels of the Student Conduct Board are responsible for hearing the evidence relating to an alleged violation of student misconduct brought before them, rendering a decision based on the evidence presented, and imposing sanctions, should the student be found responsible for the alleged act(s) of misconduct. Panels to hear individual cases will be drawn from the Student Conduct Board membership as provided below.

Student Conduct Board Membership: Student Conduct Board members shall be appointed each year as described below:

1. Faculty Members

- a. A Student Conduct Board chair appointed from the faculty by the President.
- b. Two Student Conduct Board vice chairs appointed from the faculty or staff by the President.
- c. Faculty members appointed by the Provost's Office, in consultation with the Vice President for Student Life.

2. Student Members

Student members appointed by the Student Body President

3. Staff Members

Staff members appointed by the Vice President for Student Life.

E. Hearing Panels and Role of Chair

The Student Conduct Board Hearing Panel, in each case, will ordinarily be composed of four members: two of whom shall be either faculty or staff; one of whom will be either the Chair or a Vice Chair of the Student Conduct Board Hearing Panel (who will be referred to in this context as the *chair* of a particular panel), serving as facilitator of the Student Conduct Board Hearing Panel; and one student. The University may compose the Student Conduct Board Hearing Panel differently, as necessary, given the relative availability of student, faculty, or staff Student Conduct Board members. The chair will preside over the Student Conduct hearing and will not vote except in the case of a tie. If a panel would be fewer than three members (including the chair) because of recusals, scheduling conflicts, or other issues, the University will ordinarily re-schedule the hearing so that a larger panel can hear the case, unless the student requests that the hearing proceed on the originally-scheduled date with a panel of fewer than three members. As the presiding officer in charge of the hearing, the chair has broad discretion. The chair will exercise control over the conduct of all persons participating in the hearing and

direct the initial questioning to the Student Conduct officer, the student, and any witnesses. The chair will facilitate the hearing in such a way as to enable the panel members to make a decision as to whether or not an act of misconduct has been committed. In so doing, the chair may exclude irrelevant, immaterial, and unduly repetitious information. Upon the conclusion of the hearing, the chair will lead the Student Conduct Board Hearing Panel in making a decision about the alleged misconduct, and will provide documentation of the finding of the hearing as well as any sanctions. Further details about the chair's role are provided below in Article VII, Purpose and Procedures for the Student Conduct Code.

VI. Interim Measures

Upon receipt of a report of an alleged violation of this Student Conduct Code, Student Conduct Administration personnel will determine whether interim measures are needed to preserve the educational or working experience of one or more other faculty or staff.

- D. Violation of conditions imposed as interim measures may result in the initiation of additional disciplinary proceedings.
- E. There is no appeal of an interim measure.
- F. The University is confident that the Vice President for Student Life can fairly and justly separate his or her decisions regarding the exigencies of matters in which interim measures are deemed necessary and the merits of a case after a more full record is developed through a hearing, and therefore the fact that the Vice President may decide both the question of interim measures and any post-hearing appeal will not be considered a material procedural error or ground for objecting to the decision-making or appeal process

The Associate Dean for Student Conduct Administration will prepare and send to the student a written notice of any interim measures and the basis for the interim measures.

VII. Purpose and Procedures for the Student Conduct Code

The Student Conduct Code establishes the standards by which students are to conduct themselves. In the event a student is alleged to have engaged in behavior that is inconsistent with one or more standards summarized in the Student Conduct Code, the alleged code violation(s) will be investigated and adjudicated through the procedures outlined in this Article VII. In Article VII, references to *the student* refer to the student who is accused of an alleged Student Conduct Code violation, unless the context requires or indicates otherwise.

The procedures in this Article VII will be carried out by the Associate Dean for Student Conduct Administration or other Student Conduct officers, as designated at the discretion of the Associate Dean for Student Conduct Administration; any reference in this code to the Associate Dean for Student Conduct Administration or a Student Conduct officer is intended to include the designees of either, in order to allow the University reasonable flexibility in staffing regarding student conduct matters.

Definition of Business Days

The term *business days* as used throughout these procedures means days when the University's offices are open for business.

Report of Alleged Misconduct

Alleged misconduct covered by the Student Conduct Code may be reported in the following ways:

Notify Judicial Affairs, or Judicial_Affairs@baylor.edu; 700 S. University Parks

Drive, Suite 270; 254-710-1715.
Make an online report through

- subject matter on which such witnesses are expected to testify, and
- c. a brief description of any other anticipated evidence that will

B. Type II Cases: Initial Meetings, Charge Procedures, and Conduct Hearings

1. Definition of Type II Case

The procedures outlined in this section apply to Type II cases. Type II procedures are initiated when it appears, based on the information about the alleged misconduct and the student's disciplinary history that is available at the time the Notice of Alleged Violation is communicated to the student, that the student could face a sanction of suspension or expulsion if found responsible

22. Student Conduct Code

4. Procedures Applicable to Admitted Violations in Type II Cases

If during the consideration period the student chooses to admit responsibility for the misconduct outlined in the Notice of Alleged Violation and indicates that on the Student Conduct Alleged Violation Consideration Form, the Student Conduct officer will send notice to the student that they must contact the Student Conduct office to schedule a sanctioning meeting within three business days. If the student fails to contact the Student Conduct office to schedule this meeting within three business days, the student waives the right to a sanctioning meeting, and sanctions will be imposed as outlined below.

Students who schedule a meeting will have the option to request whether they want the sanction(s) to be determined by either the Student Conduct officer or

preference, and will ultimately decide at his or her discretion whether the hearing will be an Administrative Hearing or a hearing before a Student Conduct Board Hearing Panel. The student will be informed of that decision in the Notice of Hearing. Unless postponed in accordance with the procedures outlined below, the hearing will usually be conducted within 21 business days after the student's official recorded denial of the alleged violation or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or during a period when a Student Conduct officer or a Student Conduct Board Hearing Panel is not available. The Notice of Hearing will generally include:

- a. a summary of the behavior that allegedly violates University policies,
- b. the names and/or descriptions of witnesses whom the Student Conduct officer anticipates asking to testify at the hearing and a brief summary of the subject matter on which such witnesses are expected to testify, and
- c. a brief description of any other anticipated evidence that will be considered at the hearing.

If the Student Conduct officer receives additional potentially relevant information after a Notice of Alleged Violation is issued but before a hearing is held, the Student Conduct officer will determine if the alleged violation should be amended and the case will proceed accordingly.

Witnesses and evidence need to be presented at the hearing if a party wants the witnesses' testimony and the evidence to be considered. The student must attempt to bring to the hearing to testify in person their witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged act of misconduct. When a witness cannot be present at the hearing, the student may present to the Student Conduct officer (in Administrative Hearings) or the Chair of the Student Conduct Board Hearing Panel a signed, notarized written statement from the absent witness. Reports and statements submitted by University personnel are not required to be notarized when the information is created, gathered, and/or shared within the official scope of their responsibilities. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. If written or other documentary evidence will be relied upon in whole or in part to establish a violation, the student will be given an opportunity to examine such evidence prior to the hearing. The student should contact the Associate Dean for Student Conduct Administration with a request to review such evidence not less than 48 hours in advance of the hearing so that a time can be scheduled for the review. Such evidence will be made available at the Judicial Affairs office.

6. Waiver of Hearing

A student who fails to attend an initial meeting with the Student Conduct officer,

fails to communicate with the Student Conduct officer to schedule such a meeting within three business days following notice of the alleged violation, and/or fails to return the Student Conduct Alleged Violation Consideration Form within the consideration period (five business days) to the Student Conduct officer without just reason (as determined by the Associate Dean for Student Conduct Administration) for failing to do so waives the opportunity for an initial meeting and any future hearing. In such cases, the Student Conduct officer may find the student responsible for the alleged act of misconduct and impose a sanction or sanctions as outlined in Section IV of this Student Conduct Code.

C. Procedures Applicable to Administrative Hearings

Administrative Hearings are conducted by a single Student Conduct officer, rather than a Student Conduct Board Hearing Panel, in cases in which the Associate Vice President for Student Life decides that the case should be handled through an Administrative Hearing.

1. Hearing Purpose

A hearing is designed to be a facilitated discussion to allow the student the opportunity to address the alleged violation(s) of misconduct and explain his or her conduct given the circumstances surrounding the alleged incident.

2. Hearing Date

Except as provided in Paragraph 6 of this Section C, an Administrative Hearing will usually be conducted within 21 business days after the student's official recorded denial of the alleged violation or within a reasonable amount of time if that 21- day period would fall during a University holiday, break between semesters, during the summer months, or during a period when a Student Conduct officer is not available.

3. Who May Attend

Only the Student Conduct officer and the student may attend an Administrative Hearing unless the Associate Dean for Student Conduct Administration determines that it would be helpful to have another University staff member present. Witnesses may be present only while giving testimony. Attorneys representing the student and character witnesses are specifically prohibited from attending any portion of the hearing.

4. Hearing Process

The Student Conduct officer will exercise control over the conduct of all persons participating in an Administrative Hearing and will question the student and the witnesses. The q0.00000912 0 612 792 reW*nBT10.0028 Tm0 G[TJ7Tf1 0 0 1 170.2 792 r

student is responsible for committing an act of misconduct. In doing so, the

based on the evidence available and presented during the hearing.

In the event the student becomes aware that he or she is unable to appear at the hearing on the date specified in the notice, he or she should notify the Student Conduct officer of the reasons that prevent his or her attendance as scheduled (this notification must be given at least 24 hours in advance of when the hearing is scheduled to occur). If the Student Conduct officer determines that good cause exists for the student not appearing at the scheduled hearing, the Student Conduct officer will set a new date and time for the hearing.

7. Finding of the Student Conduct Officer

After the hearing, the Student Conduct officer will excuse the student. The Student Conduct officer will review the evidence and determine, based on the preponderance of the evidence standard of proof, whether or not the evidence supports the allegation that the student committed the act of misconduct.

8. Summary

period is determined to be appropriate by the University, with notice to the student.

6. Who May Attend

Only members of the Student Conduct Board assigned to the hearing, the student, and the Student Conduct officer may attend the full hearing unless the Associate Dean for Student Conduct Administration determines that it would be helpful to have another University staff member present. Witnesses may be present only while giving testimony. No other individuals, including attorneys for students or character witnesses, will be allowed to attend any portion of the hearing.

7. The Hearing Process

The chair will direct the initial questioning to the Student Conduct officer who will inform the Hearing Panel about the verbal or written facts and circumstances regarding the alleged Student Conduct Code violation(s). The student will then have the opportunity to provide verbal or written facts and circumstances regarding the alleged violation(s). The chair will then provide the opportunity for witnesses, as defined below, to be heard.

In order to clarify issues, resolve inconsistencies or conflicts in testimony, or to ascertain facts, each member of the Hearing Panel may ask questions of any person appearing before the Hearing Panel.

It is important for the Student Conduct officer and the student to offer all of the evidence pertinent to the alleged violation they wish to be considered by the Hearing Panel at the time of the hearing. Once the hearing is concluded, the Hearing Panel will not consider additional evidence or testimony regarding the alleged violation, unless the chair determines it is necessary to reopen the hearing.

Witnesses and evidence need to be presented at the hearing if the student wants the witnesses' testimony and the evidence to be considered. The student must attempt to bring to the hearing to testify in person their witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged act of misconduct. When a witness cannot be present at the hearing, the student may present to the chair a signed, notarized written statement from the absent witness. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. The student is to give the Student Conduct officer three business days notice (or less if deemed acceptable in the discretion of the Student Conduct officer) of those witnesses that they anticipate having at the hearing.

The Student Conduct officer may present, as permitted by the chair, information

about past adjudicated misconduct cases involving the student, if such information may show a pattern of behavior that has bearing on the case being heard.

8. Questioning

In addition to members of the Hearing Panel, the Student Conduct officer and the student may question any witness directly. In the event that the student and/or the Student Conduct officer have questions of one another, questioning may be permitted and facilitated at the discretion of the chair.

9. Failure to Appear

If the student fails to appear at the hearing on the date and at the time and place specified in the notice, the Chair of the Hearing Panel may make a decision based on the evidence available and presented during the hearing. If either the Student Conduct officer or the student is unable to appear before the Hearing Panel on the date specified in the notice, he or she should notify the Chair of the Hearing Panel of the reasons that prevent his or her attendance as scheduled (this notification must be given at least 24 hours in advance of when the hearing is scheduled to occur). If the Chair of the Hearing Panel determines that good cause exists for the individual not appearing at G 0.086 T ca at

- a. If the student is found not responsible for the alleged misconduct, he or she will be notified.
- b. If the student is found responsible for some or all of the alleged misconduct, the Hearing Panel will deliberate regarding sanctions as provided below.

In determining what sanctions to impose, the Hearing Panel may review and consider the student's academic and disciplinary records. Other factors that may be considered include but are not limited to the student's attitude regarding the misconduct, the nature and gravity of the misconduct, and any mitigating or aggravating circumstances.

13. Finality of Sanctions

Unless otherwise determined at the University's discretion, sanctions are effective immediately, even if an appeal is filed.

E. Appeal Process

A student found through either an Administrative Hearing or a Student Conduct Board hearing to have committed misconduct may appeal such a finding to the Vice President for Student Life. A student is afforded the option to appeal: 1) the finding of responsibility; and/or 2) the sanction(s) imposed. Upon receipt of an appeal, the Vice President for Student Life will decide whether the appeal will be considered: 1) by the Vice President for Student Life, 2) by an individual designated by the Vice President for Student Life, or 3) by an appeal committee composed of three individuals (one faculty member, one Student Life staff member, and one student). To ensure processing and tracking of an appeal, students are required to use the [Appeal Form](#) when submitting an appeal so that all necessary elements for the appeal are included. A request for appeal **must be submitted within five business days of delivery of notice of a hearing outcome or notice of sanctions imposed.**

1. Appeal of Finding of Responsibility

The grounds for appeal of a finding of responsibility are: **1) that the finding was arbitrary or capricious; or 2) that there was a material procedural error that substantially impacted the outcome of the hearing.**

If the appellate decision-maker agrees that either ground or both grounds for appeal have been satisfied, the decision-maker

2. Appeal of the Sanction(s) Imposed
If the student believes the sanction

the University community.

In this context, suspensions are considered interim and expulsions are considered provisional because they are subject to being vacated, and the student is subject to having the interim student status changed, if such action is deemed appropriate following a hearing and any appeal of the finding and/or sanction.

2. Notice

The Associate Dean for Student Conduct Administration will prepare and send to the student a written notice of any interim measures imposed and the basis for them. This notice will be combined with the notice of the alleged violation required by Article VII, Section A, Paragraph 2 or Article VII, Section B, Paragraph 2.