

## I. APPROACH OF THE CODE

**A. PURPOSE.** As an academic community within a larger civil community, it is necessary for Rice University to articulate and enforce standards of behavior. These standards are not intended only to prohibit misbehavior and to punish violations but also to educate about behavior and character traits that the community wishes to promote or discourage; to protect community members from harm or unwarranted interference; to hold individuals and groups responsible for their actions and the consequences of their behavior; and to cultivate an environment conducive to our community's educational purpose. In short, Rice expects its students to behave—at all times—reasonably, respectfully and responsibly.

This Code is not a substitute for criminal or civil judicial proceedings and it is not intended to restrict or discourage any complainant from using criminal or civil justice systems. Disciplinary action under this Code does not preclude sanctions or remedies under criminal or civil laws. Rice University and individual complainants or victims may, wholly apart from this Code, refer suspected criminal law violations to the criminal justice system, pursue available remedies through civil court proceedings, and avail themselves of other forms of dispute resolution.

The information contained in this Code is intended to aid efforts to ascertain the facts of a disciplinary matter or allegation and to reach a just decision. The Code is not intended to—and does not—confer any contractual rights on any individuals involved. Circumstances can differ greatly between matters, and the Director of Student Judicial Programs may make necessary adjustments to the procedures in a particular matter in order to reach a timely and just decision.

**B. PHILOSOPHY.** The life and work of a Rice University student should be based on integrity, responsibility, and consideration and respect for others. In all activities each student is expected to be respectful of the rights and interests of the community and of others in the community and to be personally honest. Rice University, through appropriate policies and rules, expects mature and responsible behavior of its students and holds students responsible for behavior that violates the standards and expectations of the community. All students are expected to conduct themselves in a manner compatible with the University's function as an educational institution and with the rights of all members of the University community to attend, make use of, and enjoy the facilities and benefits of the University without undue interruption or disruption.

By entering Rice University, students accept several responsibilities: to respect the safety, dignity, and welfare of all persons in the University community and their guests, to refrain from misusing or harming property which belongs to the University or members of this community, to maintain an atmosphere conducive to education and scholarship, and other responsibilities as outlined in the Student Handbook and University policies. The University specifically emphasizes the expectation for students to behave respectfully in all interactions with other members of the community, including other students, faculty, and staff in every department of the University.

Failure to fulfill these responsibilities and expectations may result in the suspension of specific privileges, the withdrawal of the student's privilege of attending the University, or the imposition of other sanctions.

The remainder of this Code explains in more detail the mechanisms and procedures for maintaining and enforcing Rice University's standard for non-academic conduct. The Code explains the several bodies and officials that investigate and potential violations. It also provides examples of conduct that violates the Code, as well as the sanctions that may be imposed for Code violations. Also included is an explanation of the procedures typically used in adjudicating misconduct allegations and appeals.

**C. THE CONDUCT SYSTEM.** Rice University advocates student self-governance and imposes as few rules as possible; however, as in any community, certain expectations for behavior and conduct are necessary.

This Code, including the philosophy discussed above, applies to the non-academic conduct of all Rice University undergraduate students, transfer students, graduate students, professional students, visiting students, Class III students, Second Degree students, those auditing classes, and any other category of Rice University students, from the time they arrive on campus for orientation until they have graduated, permanently withdrawn, or resigned from the University. Academic conduct is addressed by the University's Honor Code, though the two systems may overlap at times and the processes under this Code can be used to effectuate Honor Code sanctions; suspensions for Honor Code violations are also disciplinary suspensions. Certain other areas and departments of the University (such as the library, parking and traffic enforcement, and Housing and Dining) also maintain additional rules and regulations that students are responsible for observing. Any department or office may refer a violation of University rules or policies to the student disciplinary system.

This Code applies to behavior on or off campus, including that which affects the University community's reputation, safety, or security. Student organizations and clubs are also subject to this Code and may be sanctioned under this Code. All enrolled students are subject to Rice University policies, rules and regulations, including this Code, whether they are on or off campus. All prospective students and guests of Rice University students are subject to Rice University policies, rules and regulations whenever they are on the Rice University campus or attending a Rice University function (even those away from the campus). Anyone may report a potential violation of the Code.

This Code and non-academic disciplinary actions are implemented by a system composed of several officials and bodies: the individual College Courts, the College Magisters, the University Court, the Director, the Associate Dean who serves as Chair of the Consultation and Assessment Team (Associate Dean), the Dean of Undergraduates, and the Dean of Graduate and Postdoctoral Studies. This Code remains in effect throughout the calendar year; it is not limited to the academic year.

The College Courts and University Court may enact their own procedures for implementing this Code, with the approval of the Magister or Director as appropriate, as long as such procedures are fair, reasonable, and not inconsistent with this Code. The Director and the Magisters may enact their own practices for implementing this Code as long as such practices are consistent with the principles and purposes of this Code.

The Dean of Undergraduates has general authority over the student disciplinary system. The Dean of Undergraduates and the Associate Dean provide consultation as needed to the Director of Student Judicial Programs, the Magisters, University Court, and others involved in the Rice conduct system. Student Judicial Programs is the primary administrative office concerning matters under the Code of Conduct, and the Director is the primary disciplinary official administering the disciplinary process under this Code. All powers and authority given to the Director under this Code may be exercised by the Dean of Undergraduates and the Associate Dean.

The Magisters, the Director, the Associate Dean, the Dean of Undergraduates, and the Dean of Graduate and Postdoctoral Studies may appoint designees in their discretion.

Provisions of this Code may be reviewed and amended at any time by the Dean of Undergraduates and the Associate Dean of Students, and are effective when approved by both. In addition, the Dean of Undergraduates will make, from time to time, a report to the Rice University Board of Trustees about the administration of the Code.

**D. OFFICIALS WHO ADMINISTER THE CODE OF CONDUCT.** Rice University conduct officials and bodies are not designed to and should not be expected to function as courts of law. The procedures are designed to treat all matters as individually and informally as possible and strive for fairness and reasonableness in all considerations. When feasible and appropriate, disciplinary cases will be referred to the student adjudicatory bodies, such as University Court and the College Courts.

1. **Associate Dean of Students.** The Associate Dean chairs the Consultation and Assessment Team, which convenes relevant offices and officials regularly to coordinate responses to behavioral matters, including coordinating disciplinary matters but also non-disciplinary behavioral matters. The Associate Dean has the authority to administer the Code when necessary, decides when mandatory assessments will be required for students, assists with the non-judicial resolution of behavioral matters as necessary and coordinates responses when cases have both significant disciplinary and non-disciplinary aspects.

2. **Student Judicial Programs.** Student Judicial Programs (SJP) is the primary conduct office of the University, and the Director of SJP is the primary conduct official. The Associate Director may serve as designee of the Director. SJP receives information and complaints concerning potential violations of the Code and decides which body, if any, will investigate and consider a matter. Decisions issued by bodies under this Code are recommendations to SJP, to be implemented and enforced under its authority.

a. SJP may assume authority over a matter directly rather than refer it to University Court or another body. These matters may include (but are not limited to):

i. matters where personal privacy is of a special concern (including but not limited to sexual misconduct or sex discrimination allegations);

ii. matters that require complicated, sensitive, or extensive investigative activities;

- iii. matters that are particularly serious and may, if substantiated, reasonably be foreseen to subject a student to suspension or expulsion from the University or other severe penalty;
- iv. matters where the student charged or the complainant or the University Court requests that SJP consider the matter; or
- v. other matters as appropriate and at the discretion of the Director.

b. SJP may also assume authority in times when the University Court docket is congested and requires assistance, including where there is a need to timely adjudicate allegations against graduating seniors before graduation can occur.

c. SJP may remove or refer matters already before the College Courts to the University Court.

3. **University Court.** The University Court is an adjudicatory body of undergraduate students, composed of four officers, one representative from each college, and two new student representatives.

a. Membership: The officers are elected by and from the membership of the court, except for the Chair, who is nominated by the court and elected through campus-wide undergraduate elections. The college representatives are selected by their colleges; the method of selection is determined by each college. The new student representatives are appointed by the officers in the fall. If vacancies occur, the Chair, with the approval of the SJP, may appoint members to fill them.

b. Types of cases University Court hears: The University Court may hear matters referred to it by SJP. The University Court may decline to hear a matter, in which case the matter is returned to SJP. Violations of college rules (College Infractions) are handled by the colleges as specified below. However, the College Courts or Magisters may (with the consent of SJP) refer matters to the University Court.

c. Student ombuds: For each case handled by University Court, the Chair designates an ombuds from the membership of the court. The ombuds monitors the meeting and process in a judicial matter before the University Court. The ombuds's duties include informing the student charged of what to expect at the meetings and to answer any questions the student may have. However, the ombuds does not act as an advocate at the meeting. The ombuds is responsible for pointing out any procedural errors and advising the student charged if grounds for appeal arise. Otherwise, the ombuds should be an impartial observer of the University Court.

d. Decisions and sanctions: Decisions and sanctions issued by University Court are recommendations to SJP, to be implemented and enforced under its authority.

4. **College Courts.** College Courts are adjudicatory bodies that may be established and operated by the Colleges. The College Chief Justice is head of the College Court and may act for the Court when permitted by the College Court procedures. If established and operational, a College Court has authority over certain infractions occurring on the College grounds or at the College's functions. These are College Infractions, and a student charged with such infractions will usually have a meeting before the College Court or other proceedings as determined by the College.

A College Court may choose to refer matters otherwise within its authority to the College Magister, SJP, or University Court (with SJP's consent).

Appeals from actions by the College Courts or other College actions are handled by the Magister, with a final appeal to SJP; appeals to the Dean of Undergraduates are not available for these matters.

In instances where the Housing and Dining Department believes that a student has caused damage to a building or other University property, the Department may send a bill for the damage to the student's college. The College Court may assume responsibility for the matter and may investigate and adjudicate the behavior of a particular student or students to pay such damage. The College Court may also refer handling of the matter to SJP, the Magister, or to the University Court (with SJP's consent).

When a student fails to fulfill college sanctions or damage assessments duly imposed by the College Court, the College Chief Justice or Magister may ask SJP to take steps to enforce the sanction, including by placing a hold on the student's account until the sanction is fulfilled.

5. **Magisters.** College Magisters are appointed by and derive their authority from the President of Rice University, and report to the Dean of Undergraduates. They are responsible for all aspects of student life in the Colleges, including the responsibility to support and advise the College Court. The Magisters may appoint designees as necessary.

a. Magisters' authority over matters within the College: Magisters may assume authority over any matter within their College whenever the health (including psychological health) and/or safety of a student is at issue, provided they have consulted with the Associate Dean and any other necessary and appropriate treating professionals regarding the issue. It is expected that the Magister, Associate Dean, and any other relevant professional staff members will work as a team to communicate and resolve the issue. When a Magister assumes authority over such matters, the Magister will, at the same time, inform the Associate Dean of the name of the student and the actions taken by the Magister (e.g., proscribing a student's privileges or movement in the College or mandating an assessment). To ensure continuity, the Magister may, after his or her initial action, refer the matter to SJP for implementation, follow-up or tracking of the student's compliance.

b. Magisters and the College Court: Magisters may bring matters to the attention of the College Court. Magisters may also assume jurisdiction over matters before the College Court, or refer matters before the College Courts to SJP or University Court (with SJP's consent). Magisters may hear appeals from decisions by the College Court.

c. Magister's Rustication: Magisters have the authority to summarily rusticate a student—socially or from the College—who is a member of that Magister's College. Magister's Rustication is a social action apart from sanctions described in this Code and derives from the Magister's role in making decisions for the welfare of the College and its students. It involves revocation of some or all of the privileges of living within the college system. It may be imposed only by the Magister but may be recommended to the Magister by other University officials, including SJP.

d. Magister's ban on a member of another College: Magisters have the authority to summarily ban a student who is a member of another College from the grounds and activities of the Magister's College.

e. Effect of a Magister's Rustication or ban on an SJP investigation: A Magister's Rustication does not prohibit investigation, charges, or sanctions by SJP even if the investigation arises from the same behavior that gave rise to the Magister's Rustication. In that case, if SJP finds the student "in violation" of the Code, SJP may take the rustication or ban into consideration when determining appropriate sanctions.

f. Appeals of Magister's Rustication or ban: Appeals from a Magister's decision to rusticate or ban a student may be made directly to the Dean of Undergraduates.

g. Administration of Magister's Rustications and bans: The Magisters will notify SJP when a student is rusticated or banned. Under its authority, SJP may also add prohibitions or proscriptions, including those that affect a student's participation in academic and non-academic Rice activities.

## **E. Immediate and Interim Actions by the Associate Dean and Student Judicial Programs.**

1. **Immediate Actions.** In addition to the other roles and responsibilities described in this Code, the Associate Dean and SJP (through the Director or other professional staff) may, either on a final or interim basis, immediately expel or suspend a student or proscribe the student's privileges or movement on campus. The suspension, expulsion, or proscription may issue on any of the following bases:

a. to ensure the safety and wellbeing of members of the University community or preservation of University property;

- b. as a response to a Title IX concern;
- c. to ensure the student's own safety or wellbeing;
- d. to maintain the reputation of the University;
- e. if the student poses a threat of disruption or interference to an individual or to normal University operations; or
- f. for other reasons specified in other sections of the Code.

The Director may implement a period of disciplinary probation and/or other restrictions as a condition of any readmission after a separation, except as otherwise determined by an appeal decision.

2. **Interim Separation or Suspension.** The Associate Dean and Director may intermly separate or suspend a student pending further disciplinary action under the Code. Interim separation or suspension may be used when the behavior of a student meets any of the criteria in section I.E.1. and as part of an interim action in cases alleging Title IX concerns. The action is taken pending further action under the Code. Interim suspensions may also be put in place when a student has withdrawn from the University before processes under the Code could be initiated or completed; in these cases, the interim suspension must be resolved before the student can return to Rice from the withdrawal.

Often, acute behavioral situations will manifest in multiple ways and include both conduct and psychological or other non-conduct behavioral aspects. In those situations, the response will be coordinated by the Associate Dean. The non-conduct aspects will be the primary initial focus for action. Conduct matters may be resolved after the non-conduct matters; the interim separation may be used in these circumstances to help ensure all aspects of the concerning behavior are addressed.

Intermly separated or suspended students must leave the University, including residential colleges, upon receipt of notice of the action or in the manner described in the notice. Participation in student activities on and off campus and use of Rice facilities, including the student center, the colleges, the playing fields and recreational facilities, and computer labs is not allowed.

3. **Appeal of Immediate and Interim Actions.** The student involved may appeal immediate and interim actions, including an interim suspension and expulsion, within 10 days, to the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate), who will decide the appeal within seven days of the appeal. During the appeal, the interim action(s) will remain in effect except as provided by SJP or the Associate Dean.

4. **Mandatory Assessments and Evaluations.** The Associate Dean of Students (either directly or through the Director or the professional staff of SJP) may require a student to receive an assessment or evaluation from the Rice Counseling Center, Student Health Center, or other appropriate provider. This may be done in conjunction with the sanctions for a student found in violation of this Code, but should not be viewed as a sanction.

The Associate Dean may also require an assessment or evaluation of any student when, in his or her judgment, the behavior of the student is cause for concern, regardless of whether the student has been found in violation of the Code. If appropriate, after an assessment or evaluation is completed under this section, the Director, Associate Dean, Dean of Undergraduates, or Dean of Graduate and Postdoctoral Studies may require that the student participate in necessary further assessment, treatment, education or follow-up, or can take other action if necessary to protect the health, safety, or welfare of any member of the Rice community.

## II. CONDUCT

**A. STANDARD OF CONDUCT.** Students are expected to govern their conduct by standards of considerate and ethical behavior so as not to harm or discredit themselves, the University, or any other individual. Moreover, just as the learning environment does not end at the classroom door, neither is the exercise of individual responsibility, civility, and honor limited to the academic domain.

In all disciplinary matters, the primary question is whether the student involved met (or failed to meet) the expectations Rice has for its students, as described throughout this Code and in other University policies, regulations and statements. Rice University reserves the right to take official notice of criminal convictions of, and accusations against, a student, whether the crime is committed on or off campus. This may then result in appropriate sanctions, including potentially expulsion from the University.

Some matters may involve allegations of violations of both Rice University rules or regulations and civil or criminal law. In these instances, proceedings concerning possible Code violations may progress on campus without regard to off-campus proceedings. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. The University does not presume to advise students accused of criminal law violations. Rice University provides no sanctuary from the consequences of illegal acts.

**B. PROSCRIBED CONDUCT.** The central standards for adjudication under the Code are the expectations for student behavior and conduct that are set out in this Code, the Student Handbook, and other University policies, regulations and statements. In addition, the following are specific examples of acts and behaviors that fall short of these expectations and are therefore unacceptable within the University community. This list is not all-inclusive.

Additional rules exist in the Student Handbook, the Rice Alcohol Policy, the Rice Honor Code, the General Announcements, Housing Agreements, and the policies and rules published by the University and administrative departments. Those rules and policies may be enforced by the procedures under this Code and the authority of this Code, by the Director, the Associate Dean, the Dean of Undergraduates, and the Dean of Graduate and Postdoctoral Studies.

### 1. University Violations (Class I).

a. Mental or Bodily Harm, Reckless Action or Disregard: Intentionally inflicting or attempting to inflict mental or bodily harm on any person, including on the charged student; taking any reckless action, or showing reckless disregard, from which mental or bodily harm could result to any person, including to the charged student. This includes, but is not limited to, actual or attempted behavior that includes

- i. physical abuse of all types, verbal abuse, threats, intimidation, harassment, coercion,
- ii. sexual assault, other forms of sexual misconduct, relationship violence, stalking, and sexual harassment and other forms of gender-based misconduct,
- iii. physically restraining any person (including but not limited to restraint by rope, handcuff, plastic tie, duct tape or other types of restraint),
- iv. driving while intoxicated or under the influence (whether on or off campus),
- v. use or distribution of dangerous substances (whether legal or illegal),
- vi. failure to provide aid or report a student or staff member in an emergency situation to RUPD, REMS, or other appropriate officials, and/or
- vii. other conduct that threatens or endangers the physical or mental health or safety of any person.

b. Violations of Published University Policies, Rules or Regulations, and Agreements: This includes but is not limited to the Rice Title IX Policy And Procedures Prohibiting Sexual Assault And Other Gender-Based Misconduct Involving Students, Sexual Harassment Policy, the Rice Weapons Policy, Housing and Dining Policies, and other housing agreements with Rice University.

c. Violations of Criminal Law.

d. Property Violations: Attempted or actual theft of property or services and/or damage to property of the University, a member of the University community, or any business or person that is located on University premises, or knowing possession of stolen property.

- e. Fire Safety Violations: including but not limited to creating a fire safety hazard in any University building, setting false fire alarms.
- f. Possession of Weapons or Other Dangerous Devices: possession of weapons, including all firearms (including legally registered ones), compressed air-guns, pellet guns, BB guns, clubs, illegal knives, other bladed weapons (including those intended for ceremonial or decorative uses), dangerous chemicals, or explosive devices (including fireworks) of any description. None of these items may be possessed in the residential colleges and none may be possessed on campus (other than as permitted in writing by the Chief of Police, as part of official ROTC activities conducted under supervision, and as allowed by Texas law) except as registered and stored at the Rice University Police Department. Students should also be aware of, and act in compliance with, Rice University's Weapons Policy and Texas state law.
- g. Disruption/Obstruction: Obstructing or interfering with teaching, research, administration, disciplinary proceedings, or other University functions or activities. This includes on-campus or off-campus functions and also includes authorized non-University activities occurring on campus.
- h. Discrimination: Intentional discrimination against a person on the basis of race, color, religion, national origin, sex, age, disability, veteran status, sexual orientation or gender identity, except where such distinction is required by law.
- i. Unauthorized Entry or Trespass: Unauthorized entry (whether forcible or otherwise) to any building, structure, construction site or facility, including an individual's room and/or unauthorized entry to or use of University grounds.
- j. Manufacture, Distribution, Sale, Offer for Sale, Possession, or other Unauthorized Use of Dangerous or Controlled Substances. This includes marijuana, other illegal or dangerous drugs, and unauthorized possession, distribution, sale, offer for sale, or use of prescription drugs.
- k. Unauthorized Use of Parking Permits, University ID Cards, or Meal Cards.
- l. Misuse of University Property or Equipment, including misuse of University Purchasing Cards.
- m. Misuse or Abuse of Computational Facilities, including:
- i. unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
  - ii. unauthorized transfer of a file;
  - iii. unauthorized use of another individual's identification and/or password;
  - iv. use of computational facilities to interfere with the work of another;
  - v. use of computational facilities to send obscene, abusive, harassing or threatening messages or to engage in stalking behavior or to repeatedly send unwanted email to individuals;
  - vi. use of computational facilities, including the Rice network facilities, to download or possess child pornography;
  - vii. use of computational facilities to interfere with the normal operation of the University's computing systems;
  - viii. use of computational facilities for file sharing or downloading in violation of copyright laws; or
  - ix. violation of policies of University computational facilities or networks.

n. Falsification of Records; Giving False Information; Use or Possession of False Identification Documentation:

i. Altering, tampering, forging, or knowingly using falsified documents or records (including Rice parking permits and identification cards as well as false or fictitious state-issued identification);

ii. being party to falsification;

iii. giving or providing false statements, written or oral, and/or providing false information during any University proceeding or to any University administrator or official (including to SJP);

iv. using false identification or identification that is not one's own to deceive University officials, including University police;

v. possession of false identification documentation.

o. Violations of the Rice University Alcohol Policy, including without limitation:

i. intentionally circumventing the spirit and/or purpose of the Alcohol Policy;

ii. violations by an organization, group or an individual hosting an event;

iii. use or possession of a false driver's license or other type of identification (including wrist bands) in order to procure or consume alcohol;

iv. providing false or misleading information on the event registration form, or failing to include important event information on the event registration form.

p. Alcohol Violations, including without limitation: public intoxication, minor in possession, driving while intoxicated, minor driving under the influence, and other alcohol related violations.

q. Unauthorized Access to University Records: regardless of where such records are located.

r. Unauthorized Access: Unauthorized possession, duplication, or use of keys or access devices to any University premises, facilities or equipment, or unauthorized entry to or use of any University premises or property.

s. Unauthorized Use of the Rice University Name or Logo.

t. Failure to Comply or Identify: Failure to comply with a direction of University officials or law enforcement officers acting in the performance of their University duties and/or failure to identify oneself to these persons when requested to do so.

u. Hazing and/or Abusive Affiliation: Any intentional, knowing, or reckless act, whether on or off campus, which endangers or adversely affects the mental or physical health or safety of a student, or which encourages or leads to conduct that otherwise violates the Code or Rice policies (such as consumption of alcohol or drugs), or which a reasonable person would perceive is purposefully demeaning or humiliating to the students who are the object of the conduct, or which destroys or removes public or private property, for the purpose of membership in, affiliation with, and/or association with a group, including pressuring students to engage in hazing conduct. Consent of the participants or objects of the hazing conduct is not a defense to a charge of hazing. The individual student(s) conducting the hazing, the group(s) associated with the hazing, the group's leadership, or others with knowledge of the planning of hazing activity and who do not notify SJP may all face sanctions under the Code. Students should also be aware that Texas state law also criminalizes the act of hazing and not reporting known hazing, as defined in the Texas Education Code § 37.151-37.152.

v. Disorderly Conduct: Disorderly, lewd, or indecent conduct; breach of peace.

w. Privacy Violations, including but not limited to:

i. Public disclosure of private information: publication or dissemination—in official or quasi official publications and without a legitimate university interest—of an individual’s private information that might reasonably cause harm, shame or humiliation. Examples of forums in which this type of violation can occur are: college governments minutes, college social media sites, and publications of colleges, university-affiliated organizations, teams and clubs. Responsibility for any alleged violation may apply to the individual, the college, the organization, team or club, and/or the officers.

ii. Creating, Storing, or Sharing/Distributing Unauthorized Surveillance, Photography, or Recordings:

a. Making unauthorized audio, video, or photographic images of a person in a location in which that person has a reasonable expectation of privacy, including (but not limited to) shower/locker rooms, residence hall rooms, and restrooms;

b. Making audio, video, or photographic images of a person in a manner that is meant to cause harm or embarrassment to the subject;

c. Unauthorized recording of administrative, faculty, or judicial meetings;

d. Storing, sharing, and/or other distribution of any such audio, video or images by any means.

x. Abuse of the University Judicial System: including but not limited to:

i. failure to appear before a judicial body or University official when requested;

ii. falsifying, distorting, withholding, or misrepresenting information before a judicial body or University official;

iii. disruption of or interference with the orderly conduct or with the progress of a judicial proceeding;

iv. knowingly instituting a judicial proceeding without cause;

v. attempting to discourage an individual’s proper participation in or use of the judicial system or retaliating against an individual for participating in or using the judicial system;

vi. attempting to influence the impartiality of a witness, student participant, University official, or member of a judicial body in connection with a judicial proceeding;

vii. harassment and/or intimidation (verbal or physical or electronic) of a University official or member of the judicial body or witness before, during, or after a judicial proceeding;

viii. influencing or attempting to influence another person to abuse the judicial system.

y. Commercial Use of Class Materials: Sale of class notes or other course-generated material for commercial collection or commercial purpose.

z. Failure to Fulfill Sanctions Imposed in an Earlier Proceeding.

aa. Repeated College Infractions or Failure to Fulfill College Infraction sanctions.

bb. Aiding and Abetting in Any of the Above Violations.

2. **College Infractions.** A College Infraction involves inappropriate behavior within the Colleges and on their grounds, which, though inappropriate, does not rise to a Class I disciplinary violation because it is relatively minor and primarily involves violation of College rules.

College Infractions by themselves are not considered disciplinary violations on students’ disciplinary records. Charging a student with a College Infraction does not necessarily mean the student will not be charged with a Class I violation. Behavior that amounts to a College Infraction and a Class I violation may be addressed through both systems. Nothing

about going through the College Infraction system prohibits SJP from addressing the behavior if it is later revealed that the matter should have been treated as a Class I violation; in that case, the matter will be handled using Class I procedures. Some examples of College Infractions include:

- a. Unauthorized Use of Property or Services Within the Colleges and Their Grounds.
- b. Disorderly Conduct: Disorderly, lewd, or indecent conduct; breach of peace on college grounds or at college functions.
- c. Failure to Comply or Identify within College Boundaries or at a College Function.
- d. Public Intoxication within College Boundaries or at a College Function.
- e. Violating College Rules: College rules are available from the College governments.
- f. Unauthorized Possession or Consumption of Alcoholic Beverages on College Grounds or at College Functions.
- g. Abuse of College Judicial System.
- h. Destruction of College Property.
- i. Aiding and Abetting in Any College Infraction.

**III. TITLE IX POLICY AND PROCEDURES PROHIBITING SEXUAL ASSAULT AND OTHER GENDER-BASED MISCONDUCT INVOLVING STUDENTS.** Rice University is committed to providing access to education, free from gender-based discrimination, for all students, regardless of gender, sexual orientation, or gender identity. Title IX of the Higher Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities. Consistent with Title IX, the University does not tolerate sex discrimination, including sexual misconduct and relationship violence. "Sexual misconduct" is the umbrella term federal regulators use to categorize behavior that includes sexual assault, unwanted sexual contact, and sexual harassment. While all these behaviors are abhorrent and damaging, Rice views sexual assault as particularly so and will sanction that behavior most severely. "Relationship violence" is the term federal regulators use to categorize behavior that includes intimate partner violence, stalking and similar behavior. All sex discrimination, including sexual misconduct and relationship violence, is harmful, violates the rights and dignity of those affected, and violates Rice standards, federal law, and possibly State of Texas criminal law.

In a manner respecting the dignity and intrinsic human worth of the individuals, the University will address all occurrences of sex discrimination that are reported to Rice. Rice encourages students to seek all remedies to these behaviors that they choose, in each venue or process that they choose. Rice will investigate occurrences reported to it, stop and appropriately sanction anyone who has engaged or is engaging in prohibited behaviors, and take steps to prevent these behaviors from reoccurring. Rice recognizes the trauma these behaviors can induce, and is committed to addressing the needs of both complainants and students responding to such allegations. To read the full text of the Title IX Policy and Procedures Prohibiting Sexual Assault and Other Gender-based Misconduct Involving Students, [please follow this link](#).

#### **IV. SANCTIONS**

**A. PHILOSOPHY OF SANCTIONS: CORRECTIVE AND EDUCATIONAL.** Sanctions are intended to be not only punitive, but also corrective and educational, while protecting the safety of the community and its members. Students found to have violated the Code should be challenged to evaluate their behavior and reflect on their actions and its effect on the community.

In matters handled by an adjudicatory body where a student is found to have violated the Code, that body will recommend sanctions to the Director. Except for in a Magister's Rustication, which is appealed as described in I.D.5.f., SJP may impose a different sanction than recommended. In determining an appropriate sanction, SJP may consider sanctions that the student has

received for prior academic or disciplinary violations, and other factors as appropriate. The Magister (in the case of College Infractions or Magister's Rustications) or SJP (in all other cases) accepts and implements the sanctions.

When a student receives a sanction listed in B.1-6 below, a notation of the sanction will appear on the internal disciplinary record. Expulsions will be reflected on the official Rice transcript. Resignations as described in Section V.(G) below, where a student is ineligible to return to Rice, will be reflected in the official Rice transcript. A student may petition for the removal of the resignation notation from the transcript by petitioning either the Dean of Undergraduates or the Dean of Graduate and Postdoctoral Studies, showing that good cause exists to remove the notation. The decision whether or not to grant the petition rests with the appropriate dean. In cases where the student has been found In Violation of behavior covered by the Sexual Misconduct Policy, the dean will consult with the Title IX Coordinator on the final decision.

The circumstances giving rise to a complaint under this Code may also result in a Magister's rustication, in addition to any disciplinary sanctions that may be imposed under this Code. A Magister's decision to rusticate is separate from the decision to investigate complaints under the Code.

**B. TYPES OF AVAILABLE SANCTIONS.** The following are specific examples of available sanctions for violations of this Code, including violations of the Title IX Policy and Procedures Prohibiting Sexual Assault and Other Gender-based Misconduct Involving Students; this list is not all-inclusive and the sanctions may be imposed in any combination.

1. **Expulsion.** Permanent Separation from the University. Under this Code, this penalty can be imposed only by the Director, the Associate Dean of Students, the Dean of Undergraduates, or the Dean of Graduate and Postdoctoral Studies.

2. **Disciplinary Suspension.** Suspension may be for a specified time or until specified conditions are met. Suspended students must leave the University within the timeframe specified by SJP. While suspended, students cannot attend classes, live on campus, or access any private areas of the residential colleges. Participation in student activities on and off campus and use of Rice facilities, including the student center, the colleges, the playing fields and recreational facilities, and computer labs, is limited to enrolled students.

Readmission following disciplinary suspension requires approval of SJP. Readmission after the term of the suspension is not automatic and may be denied, for example, when the specific terms of the suspension have not been fulfilled. Readmission from suspension may be accompanied by additional requirements to ensure the safety, success and wellbeing of the student.

3. **Loss or Suspension of Privileges.** A student may be prohibited from attending particular functions, public parties or private gatherings, or other locations or events where alcohol is served or consumed (whether on or off campus), or prohibited from consuming alcohol on campus, or being on campus under the influence of alcohol. When recommended by University Court, or implemented by SJP, the specific behaviors restricted will be explained to the student.

A student may also be prohibited from entering a particular campus area, facility, residence, or college by SJP; this is effectively a judicially proscribed "rustication." In that case, a student is prohibited from living on campus and participating in college life or activities, and other prohibitions as appropriate. Although this particular sanction must be initiated by SJP, the availability of these University-level sanctions does not affect the Magisters' ability to rusticate members of their colleges, or ban members of other colleges, as described in I.D.5. of this Code.

4. **Disciplinary Probation.** A written notice from SJP that further violations may result in suspension or other serious sanction, and that the student may not host private gatherings (per section (D)(2)(a) of the Rice Alcohol Policy), may not host or serve alcohol at public functions or parties (per section (D)(1) of the Rice Alcohol Policy), or be a candidate for or hold elective or appointed office in any University organization during the term of the probation. The term of the probation may be a specified period of time or remain indefinite. For students on disciplinary probation for a semester-specific amount of time, the probation remains in effect until the beginning of the first semester subsequent to the probation semester(s). Students on disciplinary probation may be required to meet regularly with appropriate University officials.

5. **Written Reprimand.**

6. **Fines or Equivalent Work Penalty.** Fines imposed by the College Courts will be paid to the College; all other fines will be collected by SJP and are payable to the University. The nature and terms of an equivalent work penalty, when used, will be specified by SJP.

7. **Restitution.** Restitution in money, or in kind, to the University, College, or individual for a loss caused by the student or organization found in violation.

8. **Required Community Service or Work Assignment.** The student (or organization) is required to engage in service to the community, an agency, an institution, or the University, or to participate in special educational programs or projects. At the discretion of SJP a corresponding work assignment may be substituted for or added to a monetary fine.

9. **Mandatory Educational Session/Counseling.** The student will be required to complete an educational program or counseling program.

10. **Mandatory Written Apology.** The student or group will be required to write an appropriate letter of apology, which must be approved by the Chair of the Court, Magister, or Director (as determined by the judicial official or body considering the matter).

11. **Discretionary Sanctions.** Additional educational activities, work assignments, such as community service, and any other related discretionary sanctions.

**C. SANCTIONS FOR COLLEGE INFRACTIONS.** A student found to have committed a College Infraction may be subject to a monetary fine, restitution, and loss or suspension of privileges within the Colleges (other than rustication) for a specified time. Fines for College Infractions will be paid to the College.

**D. RESULT OF FAILURE TO FULFILL IMPOSED SANCTIONS.** A student's failure to fulfill sanctions imposed may result in further proceedings and additional sanctions, including suspension or expulsion from the University. This is in addition to the imposition of any holds and in addition to the original sanctions.

**E. SJP HOLDS.** SJP may place a hold(s) on a student's account with the Office of the Registrar for not completing required sanctions, for nonpayment of college fines or other assessments after college judicial action, for not completing the Honor Council orientation required of incoming students, for not affirming the intent to follow the Honor Code, Code of Conduct, and Alcohol Policy, for not cooperating with the judicial process under this Code, for having pending Honor Council or Code of Student Conduct allegations, and for other causes as necessary.

In general, students with holds placed by SJP may not register for classes, receive copies of their transcripts or grades, have their transcript released to other parties, or, in some instances, graduate. A hold placed by SJP is an administrative action authorized by the Director and is not a disciplinary sanction under the Code.

**F. MEDICAL AMNESTY.** Any student may bring an intoxicated or drug-impaired person to Rice University Health Services or seek assistance from the Rice Emergency Medical Services or the Rice University Police Department. Neither the student who is impaired nor the student assisting the impaired student will face disciplinary action under this Code for the possession, use, or provision of alcohol (see exception below) or the possession or use of other drugs, so long as the student(s) receiving the amnesty completes a mandatory follow-up with their Residential College Magister or the Magister's designee or the Dean of Undergraduates or the office's designee. The designee in either case may be the Rice University Counseling Center or the Student Wellbeing Office.

Amnesty does not apply to other prohibited conduct, including but not limited to, providing hard alcohol to persons under 21 or the distribution of dangerous substances, whether legal or illegal. Amnesty may still be extended under these circumstances, but will be determined on a case by case basis, with consideration given to the student's intent, proactive steps taken to ensure the safety of the intoxicated peer, and other relevant factors. Amnesty does not apply in any case of assault, violence, or property damage.

Failure by a student, organization, or college to call REMS or RUPD when faced with an alcohol- or other drug-related emergency is a serious violation and may be sanctioned with rustication or loss of privileges, suspension, or expulsion.

To receive amnesty, a student must initiate a request for assistance before being confronted by Rice for possible alcohol or drug violations. Students may receive amnesty on more than one occasion. Because cooperation is crucial during emergency responses, any interference with REMS, RUPD, or others trying to provide care to an injured person is unacceptable and will be severely sanctioned. An intoxicated or drug-impaired student who is belligerent toward emergency responders will not receive amnesty.

**G. AMNESTY IN RELATION TO REPORTED INCIDENTS OF SEXUAL ASSAULT.** A student who, in good faith, reports being the victim of, or a witness to, an incident of sexual assault will not face disciplinary action under this Code for misconduct in relation to the incident. This amnesty does not apply to a student who reports the student's own commission of sexual assault or assistance in the commission of a sexual assault.

## V. PROCEDURES

**A. CHARGES, JUDICIAL BODY MEETINGS, AND CONSIDERATION BY JUDICIAL OFFICIALS.** The procedures used in a University Court or College Court meeting or by SJP are not those used in court cases and are not intended to create contractual rights, including any rights to due process as that phrase is used in courts of law. Formal rules of evidence and jurisprudence do not apply. The procedures under this Code are not adversarial processes but rather procedures for determining the facts regarding a charge and arriving at a fair and informed resolution of a charge. Decisions by adjudicatory officials and bodies in matters under this Code are based on whether a preponderance of the evidence supports the finding; i.e., whether the information shows the student is more likely than not to have committed the behavior at issue.

All parties have a duty to bring all pertinent information concerning the matter to the attention of the investigating individual or body so that an informed and fair decision can be made. Students are expected to be honest, respond to questions, and be forthcoming with relevant information. Students who withhold information or who are not truthful during the investigation may be charged with Abuse of the University Judicial System under this Code.

SJP, or the Magister in the case of College Infractions, may assume authority over a matter when either the student charged or the complainant so requests or at SJP's or the Magister's discretion. Examples of situations that may lead to SJP assuming authority are listed in section I.D.2., above.

1. **Notifying the University of a complaint.** A person wishing to make a complaint about a student's behavior should contact SJP as soon as practical after the event occurs. When practical and appropriate, SJP will meet with the complainant in person. SJP may ask the complainant to submit a written statement.

2. **Which body will adjudicate the matter.** When a complaint is brought to SJP, SJP determines whether the matter can appropriately be investigated by University Court, considering all the circumstances. If so, SJP may ask the student whose behavior is at issue for his or her preference as to who will adjudicate the matter, SJP or University Court. When appropriate and practical, SJP will refer matters to University Court, or resolve the matter in SJP, in accordance with the student's preference.

Unless the matter is being heard by University Court at the request of the student, at any time before the University Court holds a meeting on the merits of a charge, either the student charged or the complainant may request that the Director assume authority over the matter. When such a request is made, the Director may assume authority over the matter.

3. **Meetings with SJP.** Students may be asked to meet with SJP staff members a number of times, both before charges are decided on and after any charges, as part of an investigation and part of the adjudication process. Students are expected to be not only honest, but also forthcoming and responsive to questions. Students are further expected to be respectful and civil. SJP may record the meetings; in such cases, the staff member will tell the student the meeting is being recorded.

4. **Charges.** As soon as practical, SJP, University Court, or College Court (whichever has authority over the matter) will conduct an investigation to determine if there is sufficient information suggesting a potential violation to proceed. If there is sufficient reason to proceed, the student charged will be notified. If the matter is adjudicated by SJP, the student will

be notified of the charge(s), and the student will have an opportunity to respond to the charge(s) verbally and/or in writing, as described in section V.C. of this Code.

5. **University Court proceedings.** Judicial proceedings before University Court will be conducted according to its Constitution, Bylaws, and Investigation, Hearing, and Appeal Procedures, provided they are consistent with the principles of this Code. University Court will consult with SJP and have the Constitution, Bylaws, and Investigation, Hearing, and Appeal Procedures approved by SJP by October 15 of each academic year.

6. **Preliminary meeting before a College Court.** For matters before a College Court, if the student requests it or the College Court considers it useful, the College Court may hold a preliminary meeting. At that meeting, the student charged may accept responsibility for the charged behavior and accept the College Court's recommended sanctions. If the student does not accept responsibility for the behavior charged and/or the recommended sanction, the matter will be more fully investigated, and adjudicated, by the College Court or, where appropriate, referred to another judicial official or judicial body.

7. **Procedures for allegations of sexual misconduct or stalking and relationship violence.** Notwithstanding other procedures in this Code, in cases involving allegations of sexual misconduct (sexual assault, unwanted sexual contact, sexual harassment) or stalking or relationship violence, SJP or other offices will conduct an investigation, and SJP may charge a responding student under this Code. These charges may result regardless of the complainant's desire to pursue a disciplinary investigation. The Rice Title IX Policy and Procedures Prohibiting Sexual Assault and Other Gender-Based Misconduct Involving Students explains in greater detail when this might occur. Such disciplinary investigations serve to protect the individual complainant and the broader Rice community.

SJP will make every effort to complete an investigation as promptly as possible (with a goal of completion within 60 calendar days), but the investigation timeline will vary from case to case depending on the complexity of the particular factual situation. SJP will notify the reporting and responding students, as well as a Title IX official, if it appears the investigation will require more than 60 days. If an investigation is ongoing during school breaks or between school years, Rice will endeavor to continue the investigation during the break unless doing so would compromise the process.

**B. THE STUDENT IN UNIVERSITY COURT OR COLLEGE COURT PROCEEDINGS.** A student charged and called before University Court or a College Court may:

1. receive a statement specifying the nature of the alleged violation within a reasonable time before a meeting;
2. receive a postponement of the meeting if the request for postponement is reasonable;
3. ask that the University Court or College Court summon witnesses or require presentation of relevant documents or other information, offer information, and argue in support of her or his position;
4. have a student ombuds present as a procedural guide and an impartial observer of the proceedings;
5. have a support person (who must be a member of the University community or the student's immediate family) present for moral support. Other than to consult with the student charged, the support person may not participate in the proceedings;
6. not have legal representation present in any meeting, though students may consult an attorney outside of the meeting setting;
7. challenge the fairness or objectivity of a voting member of the court, if done before a meeting begins or any factual information is considered. A challenged member may disqualify herself or himself and will be replaced by another member. Otherwise, the Director will determine whether the challenge is valid, and, if so, the challenged member will be replaced by another member;
8. know the outcome of any disciplinary meeting and her or his right to appeal; and
9. appeal the outcome.

**C. THE STUDENT IN SJP PROCEEDINGS.** Students may be requested to meet with SJP before and/or after the student is charged with violations of the Code of Student Conduct. A mandatory meeting with SJP may occur to discuss concerns brought to SJP; it does not necessarily mean that the student will be charged with violations of the Code. A student who is charged with a violation(s) of the Code will be notified, before the decision, of:

1. The information available to SJP that enters into the decision to charge the student;
2. The specific sections of the Code the student is accused of violating;
3. The specific alleged behavior that causes concern that the student may have violated the Code;
4. The student's opportunity to review the disciplinary file, by appointment;
5. The student's opportunity to submit a response to charges, along with any additional information the student wants considered;
6. The general procedural steps in the disciplinary process, including the student's ability to appeal, as applicable.

In exceptional circumstances these notifications may be only communicated verbally.

**D. PRIVACY.** All participants involved in a matter under this Code are expected to keep the matter private in order to maintain the integrity of the proceedings, and to respect the dignity of the individuals involved. Students should keep in mind that under certain circumstances, sharing such private information might be a violation of this Code. Authorized members of the University administration, faculty and/or staff, with a need to know, may have access to information regarding disciplinary proceedings and results. The University may also be required to release such information in response to duly issued subpoenas in criminal, civil or administrative proceedings. Students are encouraged to seek support from the Student Wellbeing Office, Rice Counseling Center, and others in their support network.

**E. RECORDS.** Documents pertaining to matters involving Class I violations will be kept in the office of SJP for a period of ten years after the student graduates (or after the student's final separation from the University). Sanctions described in IV.B. will be recorded on an internal disciplinary record, which remains confidential and accessible by members of the Rice administration and faculty, such as SJP and the appropriate Magisters, only on a need-to-know basis. The official Rice University transcript will indicate any expulsion.

**F. APPEALS.** Decisions can be appealed by the student charged and, in some cases, by the complainant.

1. **Bases for appeals.** If an appeal is not based on one of these reasons, the appellate official may dismiss the appeal, at the official's discretion:

- a. to determine whether the decision by University Court, the College Court, or SJP was reached fairly in the light of the charges and information available;
- b. to consider new information that might have altered the result but was unknown to University Court, the College Court, or SJP, and could not have been reasonably discovered at the time of the adjudication;
- c. if the information submitted to University Court, the College Court or SJP did not support the decision; or
- d. if the sanctions imposed were inappropriate.

2. **Procedures for appeal.** Except as otherwise noted, a student eligible to appeal and who wishes to appeal must do so, in writing, within 10 business days of the date of the written notification of the decision. The student appealing should explain the basis of the appeal in writing. The judicial official or body may respond in writing. Normally there are no oral presentations during the appeals process; the appellate decision is made based on the written presentations and the record of the proceedings. An oral presentation may be made if the person deciding the appeal believes an oral

presentation would be helpful. Students should limit the page length of their appeal statement to five standard letter-sized pages or less. The path of appeals varies based on the decision-maker.

3. **Appealing a University Court decision.** All appeals from a decision by University Court are made to the Director of SJP. The timelines (notwithstanding V.F.2) and additional procedures for appealing a University Court decision may be specified in the University Court's procedures. A second appeal, to the Dean of Undergraduates, is available when the sanction involved is suspension or expulsion.

4. **Appealing a College Court decision.** All appeals from the College Courts are handled by the Magister. A second appeal to the Director of SJP is allowed.

5. **Appealing a Magister's decision.** All appeals from a decision of the Magister are handled by the Director of SJP, except decisions by a Magister to rusticate. A Magister's decision to rusticate a student may be appealed only to the Dean of Undergraduates. There is no further appeal.

6. **Appealing a decision by SJP.** Matters decided by SJP may be appealed to Dean of Graduate and Postdoctoral Studies (for graduate students), or to the Dean of Undergraduates (for undergraduate students and any other category of student). There is no further appeal.

7. **Judicial Affairs Committee recommendations.** When SJP takes action based on the recommendations or findings of a Judicial Affairs Committee, the student(s) may appeal to the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate). There is no further appeal.

8. **Result of appeal.** If an appeal is found meritorious, the Magister, Director, Dean of Undergraduates, or Dean of Graduate and Postdoctoral Studies may decrease or increase the sanction, or refer the matter back to the official or body that originally adjudicated the matter with instructions for reconsidering the original determination or sanction, as appropriate.

9. **Decisions are final pending appeal.** Decisions made in disciplinary matters are final, pending the appeal process. Sanctions other than rustication by a College Magister may be set aside by SJP, on petitions from the sanctioned student and at its discretion, until the appeal process is resolved. Only the Dean of Undergraduates may set aside a Magister's Rustication during the appeal process.

**G. UNAUTHORIZED WITHDRAWAL AND RESIGNATION.** A student charged under the Code, or where a charge is imminent, who leaves the University without permission to withdraw will be considered to have resigned and is no longer considered a student. Students who withdraw with or without permission while charged or where a charge is imminent may be placed on interim separation until the charge is resolved.

A student may resign from the University by notifying the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate) in writing. Resignation means the student is no longer a student at Rice, and will not return to Rice. A notation will appear on the student's transcript that indicates the student is ineligible to reenroll unrelated to academic or financial reasons. A resignation becomes effective when accepted by the Dean of Undergraduates or Dean of Graduate and Postdoctoral Studies (as appropriate). In general, if a student is under investigation for a potential Code of Student Conduct violation or has charges pending under the Code, those proceedings will terminate upon acceptance of the resignation by the appropriate Dean. However, this general rule does not apply if the resigning student has been charged with sexual assault, sexual harassment, dating violence, or stalking, or any other behavior that could result in expulsion.

Students who resign under any of these circumstances are generally not considered for readmission except under extraordinary circumstances and with permission from the appropriate dean.

**VI. INTERPRETATION.** Any question of interpretation regarding this Code will be referred to the Associate Dean or his or her designee for final determination.

**VII. AGREEMENT.** By virtue of their status at Rice University, students agree to be bound by the Code of Student Conduct and any amendments that may be enacted from time to time, as well as by other Rice policies including the Rice Alcohol Policy and the Rice Honor Code. This obligation is emphasized each time students register for classes but the agreement to be bound exists even when an electronic affirmation is not executed. This Code applies to all matters where the behavior occurs on or after August 12, 2019.