

# SMU Policies for Community Life

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SEE INSIDE FOR THIS IMPORTANT INFORMATION:

Student Code of Conduct

University Judicial Code

Honor Code

Vehicle Regulations

Safety and Security at SMU

Federal Law and Confidentiality of Student Records

Office of Services for Students with Disabilities

Smoking Policy

Sexual Harassment Policy

Sexual Assault Policy

Center For Alcohol Education

## ABRIDGED TABLE OF CONTENTS

1	<b>INTRODUCTION</b>	
5	<b>STUDENT CODE OF CONDUCT</b>	
5	Student Rights, Freedoms, and Responsibilities	
6	General Policies:	
6	• animals and pets	
6	• use of campus facilities and grounds	
8	• drugs	
10	• misuse of elevators and emergency equipment	
11	• guests and visitors	
11	• harassment	
12	• sexual harassment	
13	• hazing	
15	• noise	
16	• campus protests and demonstrations	
16	• sales, distributions, and solicitation on campus	
18	• signs and posters	
19	• smoking restrictions	
19	• speaker's policy	
19	• weapons	
20	Residence Hall Policies:	
20	• bicycle policies	
20	• building lock-up policy	
20	• alcohol in the residence halls	
21	• residence hall guests	
21	• sports in the residence halls	
21	• property damage/vandalism	
22	• health, safety, security, and fire regulations	
23	Policies for Campus Organizations	
27	Policies for Social Fraternities and Sororities:	
27	• rush policies	
28	• Greek housing	
28	Policies for Student Groups and Organizations	
29	<b>THE UNIVERSITY JUDICIAL CODE</b>	
29	Philosophy and Purpose	
29	Judicial Code	
30	Judicial System Outline	
30	Judiciary Organization and Responsibilities	
31	The University Judicial Council	
		32 Basic Procedures
		34 Serious Offenses:
		36 • irresponsible conduct
		37 • dishonesty
		37 • sexual misconduct and/or sexual assault
		38 Disciplinary Sanctions:
		38 • expulsion and suspension
		39 • fines and other sanctions
		40 Hearing Procedures
		42 Disciplinary Records
		42 The Appeals Process
		45 <b>THE HONOR CODE</b>
		45 Purpose and Constitution
		46 Jurisdiction, Ratification, and Amendments
		47 Council Composition and Authority
		47 Prehearing Procedures
		48 Hearing Rules and Procedures
		49 Penalties
		50 The Appeal Process
		50 Records
		51 <b>VEHICLE REGULATIONS</b>
		51 Policies and Definitions
		56 Fees
		56 Traffic and Parking Violations
		58 Motorcycles and Bicycles
		61 The Texas Education Code
		61 General Information
		63 <b>SAFETY AND SECURITY AT SMU</b>
		64 • procedures for reporting crimes and other emergencies
		64 • serious crimes
		65 • campus crime security act report
		66 <b>SAFE AND SOUND ADVICE</b>
		67 <b>FEDERAL LAW AND CONFIDENTIALITY OF STUDENT RECORDS</b>
		69 <b>OFFICE OF SERVICES FOR STUDENTS WITH DISABILITIES</b>
		71 <b>SMOKING POLICY</b>
		73 <b>SEXUAL HARASSMENT POLICY</b>
		77 <b>SEXUAL ASSAULT POLICY</b>
		79 <b>CENTER FOR ALCOHOL EDUCATION</b>
		83 <b>CAMPUS MAP</b>

“One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty.” *MARTIN LUTHER KING JR.*

## Student Code of Conduct

SOUTHERN METHODIST UNIVERSITY's Student Code of Conduct exists to identify and explain to the student body those University policies that most directly affect student life. The Student Code is received and evaluated by the Student Senate, which is the legislative body representing student interests. The writing of the Student Code involves students, is for students, and is the expression of the student body's relationship to the rest of the University. Hence, the Student Senate may at any time make recommendations to the code and the senate shall be asked to endorse it. Changes to the Student Code adopted by the Student Senate are subject to approval of the president of the University. Having voluntarily enrolled as students at Southern Methodist University and assuming a place in the University community, all students are presumed to be knowledgeable of, and to have agreed to abide by, the rules and regulations set forth in this Student Code of Conduct.

Based on the action of the Board of Trustees, the president of the University is authorized, at his discretion, to review all decisions of the Student Senate and all other student organizations, and all decisions of the University judiciary, including the University Judicial Council and all other judicial bodies. Such review shall include the power to take any action deemed appropriate, including reversing, amending, or remanding with instruction such decisions. The president's power of review as stated herein is not limited in any way, and the president is authorized to act at his sole discretion in conducting such review and in deciding what action is appropriate.

This code is subject to the articles of incorporation and bylaws of Southern Methodist University as well as any and all resolutions, policies, and regulations of the University. In the event of conflict between this code and said articles, bylaws, resolutions, policies, and regulations of the University, the University articles, bylaws, resolutions, policy, or regulation in question shall be controlling.

### **STUDENT RIGHTS, FREEDOMS, AND RESPONSIBILITIES**

In recognition of Southern Methodist University's long history of dedication to the best principles of higher education in a democratic society, the following rights, freedoms, and responsibilities are set forth:

1. All students of the University are citizens of the community and members of the University, and as such are guaranteed freedom of expression, inquiry, and assembly. Students have the right to organize groups or to join associations in support of any cause or common interest as long as that support is voiced in an orderly manner that does not disrupt the regular operation of the University.

2. The student press is to be free of censorship except as applicable under appropriate laws.
3. The role of student government and its responsibilities shall be made explicit, and clearly defined means shall be provided to ensure student expression in the formulation and application of institutional policies affecting academic and student affairs where appropriate.
4. The authority to allocate student activity fees for use by campus organizations shall be delegated to the Student Senate.
5. A student, group, or organization may distribute written material on campus, with prior approval, according to the code's distribution policy if the distribution does not disrupt the regular operations of the University.
6. All applicable local, state, and federal laws shall be upheld by the SMU community.
7. The student is bound by the Student Code and all University policies.
8. Students accused of violating institutional regulations or laws upheld by SMU retain the following rights:
  - a. Upon arrest by authorized University officials, students will be informed of their rights in accordance with all federal, state, and local laws.
  - b. Students will not be subject to any form of harassment.
  - c. No searches of residence hall rooms, Greek housing, University apartments – hereinafter referred to as student living areas – properties whose tenants are students, and private property will be conducted unless such an order is issued upon reasonable cause. Searches may be conducted of student living areas by the residence hall staff, University officials and/or the Department of Public Safety, and their entrance shall not be denied. (See Sec. II, M for Residence Hall policy.) Nothing herein shall be construed to deny the University the right at any reasonable time to conduct inspections of student living quarters to determine compliance with health and safety regulations.
  - d. Every student shall be granted a fair hearing before an impartial judiciary body of peers, or an administrative official, whichever is deemed by the judicial officer as appropriate to the offense.
9. Students will, at all times and in all activities, respect the rights of others, maintain responsible behavior conducive to the teaching and learning environment, and uphold the integrity of the University both on and off campus.
10. Students assuming leadership roles on campus will accept special responsibilities to uphold and support the Student Code.
11. When behavior deemed to be in violation of or not in accordance with the Student Code, University policy, or any law upheld by SMU comes to the attention of the University, the University has the right to take disciplinary and/or civil action against those involved.
12. The privacy and confidentiality of all student records shall be preserved, in accordance with the Family Educational Rights and Privacy Act of 1974 as amended.

#### GRIEVANCES

1. Unless otherwise specified in the Student Code, requests for changes to the Student Code are made by the Student Senate. Requests for changes may be submitted to the student body secretary to investigate.
2. The Student Issues Committee is established by the Student Senate to deal with individuals' concerns, questions, or problems. The committee can be contacted through the committee chair.

#### I. GENERAL POLICIES

- A. **ANIMALS/PETS** It is the policy of the University to prohibit the presence of animals/pets in all University buildings. Animals used to aid persons with disabilities are allowed.
- B. **CAMPUS FACILITIES**
  1. **USE OF BUILDINGS**
    - a. A record of class times and locations is maintained in the registrar's office.

- b. Many classes continue until 10 p.m. on weeknights. Officers will investigate any activities in classroom buildings after 10 p.m.
  - c. Use of common space in residence halls must be approved through the Office of Housing and Residence Life. (See Sec. II for Residence Hall policy.)
  - d. The Student Center director coordinates the programs, meals, meetings, and general operation of the Student Center.
  - e. Arrangements at Moody Coliseum are handled through the Athletics Department during the academic year and through the Office of Conference and Event Services during the summer months.
  - f. The manager of McFarlin Auditorium is responsible for handling the arrangements at McFarlin Auditorium.
  - g. The Office of the Director of the Dodman Center for Lifetime Sports is responsible for handling the scheduling of facilities within the Dodman Center.
  - h. Permission to sleep or reside in any part of any building needs prior approval.
2. **USE OF GROUNDS** Activities taking place during the academic year on the streets and grounds must be approved in the Office of Student Activities, which, in turn, will notify the Physical Plant Department and the Department of Public Safety. During the summer months the Office of Student Activities will approve the use of grounds by campus groups in consultation with the Office of Conference and Event Services. Specific requests for the use of campus grounds that may be considered extraordinary by the University may, upon approval of the vice president for student affairs, be approved at sites other than those designated below.
- a. Groups requesting the use of campus grounds must obtain a request form in the Student Activity Center. The completed form must be delivered to the Physical Plant Department at least seven days prior to the date of the requested event. This will allow ample time to make special arrangements to accommodate the event. Once a signature is obtained from the Physical Plant, the form is presented by the requesting group for signature to the SMU Department of Public Safety. The requesting group also may be required to obtain signatures from other offices on campus dependent upon the location requested. Activities that involve contractual agreements will be subject to all pertinent policies contained in Section III-B and therefore will require at least 30 days notice.
  - b. Programs or activities that require the usual setup (e.g., staging, chairs, tables, power hookup) or advertising through small, temporary signs are subject to the following procedures:
    - (1) Only one event may be held in a specific location at one time. Events scheduled for the same time must be located at least 100 yards apart.
    - (2) The event must allow for reasonable access around it and may not constrain access to any campus facility.
    - (3) The event must conform to the size of the location in which it is placed and must not unreasonably inconvenience members of the University community or become an obstruction to normal activity on the campus.
    - (4) If the event becomes disruptive of the normal operation of the University, it may be cancelled at any time before or during the event by the director of student activities.
    - (5) A deposit may be required by the Physical Plant Department to assure compliance of all conditions applied to this event by University departments. The amount will be determined by the Physical Plant Department.
  - c. Events requiring construction and/or more elaborate setup are subject to the following additional procedures:
    - (1) Structures or events approved in this area may not block the emergency vehicle access lane.
    - (2) Structures must be located at least 20 feet from any existing building.
    - (3) Groups wishing to have events or structures on campus for more than a week must present rationale to approving officers. The officers will evaluate each request on its own merit and grant extended time periods when they feel the program warrants it.

- (4) Groups wishing to construct a temporary structure must contact the city of University Park to inquire as to the necessity for a building permit. If a building permit is required, groups must purchase a building permit and attach a copy to the request form. If no permit is required, the group will be responsible for obtaining written documentation from the city, noting such and attach same to the requested form.
- (5) A certificate of flame retardancy is required for all structures constructed on campus. Information pertaining to fire proofing can be obtained through the Physical Plant Department.
- (6) Approved structures must comply with all requirements of the city, e.g., having fire extinguishers on the site, posting no smoking signs, etc.

### 3. USE OF THE UNIVERSITY FLAGPOLE

- a. The flagpole is for the use of flying the colors of the United States. Generally, no other flag is permitted. Requests to fly other flags must be approved by the president or his designee.
- b. The flag may be flown at half-staff when a member of the University community or a public official dies, or when the president of the United States declares flags to be flown at half-staff.

- ### 4. LOADING OF BUSES ON CAMPUS
- Students or student organizations loading buses on campus to transport them to events off campus must use the Dedman Center parking lot to load the buses when leaving campus and unload the buses when returning to campus. Permission may be granted by the director of student activities for buses to load and unload from other locations on campus. Requests shall be made on the Use of Campus Grounds form. Alcoholic beverages may not be loaded onto buses while they are on University property.

- ### C. DRUGS
- Every person subject to the jurisdiction of this code shall be responsible for compliance with all local, state, and federal laws regarding controlled substances including, but not limited to, their use, sale, distribution, possession, or manufacture. Violations of any local, state, or federal law regarding controlled substances may subject the person to disciplinary proceedings in the University Judicial System without regard to any proceedings in local, state, or federal courts.

#### 1. ALCOHOL

- a. **POLICY** The possession and consumption of alcoholic beverages in public places on campus is prohibited. The definition of public places includes, but is not limited to, any outdoor area, cafeteria, lobby, hallway, lounge, study area, or rest room of on-campus buildings, Greek housing, and University properties. All members of the SMU community should at all times be cognizant of and comply with state and local liquor laws. It is unlawful in the state of Texas for any person under the age of twenty-one (21) to possess, purchase, or consume alcoholic beverages, except when with either a parent or adult spouse. Possession of a fake identification card violates Texas state laws (a Class C misdemeanor) and violates University policies.

The University expects that each individual and group within the University community will obey these laws. Failure to do so subjects the offender(s) to the possibility of University judicial action and/or action by civil authorities.

Consumption or possession of alcoholic beverages by minors, regardless of location, is a violation of this policy. Provision of alcohol to minors other than where the law provides (by parent or adult spouse) also is prohibited.

- (1) The Board of Trustees of Southern Methodist University has affirmed its conviction that abusive use of alcoholic beverages and the corresponding effects upon persons constitute one of the most serious problems in our nation.
- (2) In conscience and recognition of the University's heritage as an institution affiliated with the United Methodist Church, all community members have been urged to consider alcoholic beverages with responsibility, prudence, and moderation.

- (3) As a University community that espouses the value and worth of persons in an environment of free and open inquiry and expression, it is recognized that mature individuals must be free to follow their own conscience regarding the use of alcoholic beverages. Freedom of conscience does not imply license to violate the law or University policy. Students violating the code should appreciate that their conduct may result in the imposition of penalties upon other students and/or student organizations.

- (4) All members of the SMU community are expected to maintain self-control and to uphold their dignity and that of the University at all times, in all places, on or off campus. Conduct should be consistent with ideals of excellence of mind, healthy bodies, and responsible social behavior, including recognition of the rights of others. Intoxication and alcohol abuse mitigate against the spirit of university and community and will not be tolerated. In recognition of this fact, the University reserves the right to initiate disciplinary action when individuals and groups neglect or abdicate their responsibility to observe the Student Code of Conduct of which this policy is a part.

- b. **GUIDELINES** Recognizing that the above policy is broadly stated and that it is not possible to foresee every contingency that would require policy interpretation, the administration sets forth the following guidelines for implementation:

- (1) The University upholds the law; it recognizes the seriousness of the problems caused by beverage alcohol, and it stresses the role of conscience and personal responsibility in dealing with those problems. Violation of the law constitutes a violation of the code. Violations of the code and University policy will be grounds for University disciplinary action.
- (2) The University prohibits the possession and consumption of alcoholic beverages on campus, with the exception of individual residential rooms of persons 21 years of age or older. Kegs and any other similar containers – including but not limited to 1/2 kegs, party balls, or pony kegs – are not permitted anywhere on campus. The Faculty Club and the Alumni Center will continue to operate under special policies.
- (3) SMU is located within the city of University Park, Texas, which is a "dry" area. By statute, dry area means it is illegal to sell alcoholic beverages in University Park. In addition, transportation and/or possession of more than 24 12-ounce bottles of beer, or more than one quart of hard liquor, is considered *prima facie* evidence of intent to sell, and, therefore, evidence that the law has been violated. Alcoholic beverages that are transported into a dry area may not be transported back out of the dry area.
- (4) With the approval of the president or vice president for student affairs, alcoholic beverages may, on exceptional occasions, be served on University property (including common areas of residence halls, fraternities, or sororities), subject to University guidelines and all applicable laws of the state of Texas and the city of University Park. Such exceptions shall be for the purpose of hosting alumni, parents, other visitors to campus, faculty, staff, and students 21 years of age or older at receptions related to special campus or organizational events. Measures must be in place to ensure that underage attendees are not served nor consume alcoholic beverages. The charging of any admission fee or sale of advance tickets to any on-campus activity or event is prohibited if alcohol is being served. Guidelines for conduct of such exceptional occasions will be determined from time to time as may be deemed appropriate.
- (5) Sponsoring organizations may publicize on campus an off-campus event at which alcoholic beverages will be served and make tickets available for sale. There are state laws governing events and philanthropic activities where alcohol is served or sold. Off-campus events must adhere to the following University guidelines:
  - (a) For off-campus events where alcohol is served in a "wet" area, tickets to

the event may be sold on campus only if the alcohol is sold separately at the event.

- (b) The price of the ticket may not include alcohol if the tickets are sold on campus.
- (c) Tickets for an event at which alcohol will be distributed free of charge can be sold on campus, provided the event will be held in a wet area. The Dallas Parks and Recreation Department does not permit sales on public property.
- (d) On-campus advertising of the event may not include reference, in any manner, to the sale or availability of alcohol.

#### **c. HOSTING GUIDELINES**

**IN GENERAL:** The following guidelines are required of all approved on-campus events where alcoholic beverages are to be served. Although the University does not sponsor or approve off-campus activities of students and/or student organizations involving alcohol, the following hosting guidelines are recommended for such events.

If it becomes apparent that these guidelines cannot be met before or during an event, the host is required to cancel the event. If the University learns that organizations or individuals are planning or have sponsored activities that violate state law or policies of the University, regardless of where held, the University may respond through administrative and/or judicial actions.

#### **GUIDELINES:**

- (1) Any participant wishing to obtain an alcoholic beverage must be of legal drinking age in the state of Texas. Individuals expecting to consume alcoholic beverages are required to carry and, upon request, produce verification of age.
  - (2) Precautions should be taken to ensure that of-age participants are in no way providing alcoholic beverages to others not of age.
  - (3) Alternative beverages are to be made readily available to all participants and are to be made available in sufficient quantity as to ensure constant availability throughout the event.
  - (4) Food is required at all events where alcoholic beverages are available.
  - (5) Access to the event area shall be controlled and should be open only to members and/or guests of the sponsoring unit/organization. It is assumed that facilities such as the Dallas Hall Rotunda, the foyer of Meadows School of the Arts, and lounge and public spaces of the Student Center cannot be adequately controlled to meet these standards. The director of student activities in consultation with the Department of Public Safety will determine the number of uniformed officers that will be assigned to the function. If the director of student activities is recommending more than one uniformed officer per 100 participants, the final decision on the acceptable number of officers will be made in consultation with the sponsoring group(s).
  - (6) No promotion and/or invitation to the event may mention the availability of alcoholic beverages.
  - (7) All alcoholic beverages at the event must be kept in a secure, designated area controlled by event hosts or a bartender holding a certificate from a state of Texas accredited school for bartending.
  - (8) No guest who is determined to be at or near the point of intoxication is to be served alcoholic beverages.
  - (9) Alcoholic beverage consumption on campus is usually limited to wine and beer.
- FAILURE TO FULFILL ANY OF THE ABOVE CONDITIONS WILL RESULT IN ADMINISTRATIVE REVIEW AND/OR REFERRAL TO CAMPUS JUDICIARY FOR INDIVIDUALS AND ORGANIZATIONS INVOLVED IN VIOLATING ANY OF THE ABOVE AGREED CONDITIONS.**

**D. EMERGENCY EQUIPMENT** Tampering with or misuse of fire-fighting equipment, call boxes, emergency exits, warning devices, etc., or any hindrance of emergency proce-

dures is a threat to the community and is grounds for immediate judicial action, fines, and other University response as may be appropriate.

- E. ELEVATOR** Tampering with elevators and/or elevator equipment such as forcing open the doors, riding outside the cab, or performing any other activity that endangers personal safety or affects the functioning of the elevator is strictly prohibited. A student found responsible is subject to expulsion from the University.
- F. ELECTRONIC MEDIA** All students are strongly encouraged to maintain and periodically check their University e-mail account. Pertinent information will be distributed by University officials through the e-mail system, and this will be a means of notification of students by the University.
- G. EVENT POLICY** All members of the SMU community are expected to maintain self-control and to uphold their dignity and that of the University at all times on University property. Conduct should be consistent with ideals of excellence of mind, healthy bodies, and responsible social behavior, including recognition of the rights of others. Recognizing the above, SMU prohibits entertainment on campus by strippers or other such dancers whose activities fall outside of the educational mission of the University.
- H. GAMBLING** Every person subject to the jurisdiction of this code shall be responsible for compliance with all local, state, and federal laws regarding gambling. Violations of any local, state, or federal law regarding gambling may subject the person to disciplinary proceedings in the University Judicial System without regard to any proceedings in local, state, or federal courts. Raffles, which are sponsored by any University group or organization and/or benefit any University group or organization and/or are connected to the University in any way, are prohibited.
- I. GUESTS/VISITORS** Any visitor who is not on official business must be a guest of a University student, faculty member, or staff member.
  - 1. Guests are subject to all applicable rules and policies as are members of the University.
  - 2. A guest must identify him/herself when called upon by a University official, including residence hall staff, and to identify his/her host.
  - 3. The conduct of the guest of the University is the responsibility of the student serving as host.
  - 4. See rules regarding Guests in Residence Halls (Section II, G).
  - 5. The University provides parking for guests in designated areas of campus. Members of the University community or their guests may contact the SMU Department of Public Safety to obtain maps showing designated visitor parking areas. Guests are subject to the same parking regulations as members of the SMU community.

#### **J. HARASSMENT**

- 1. The University will not tolerate disrespect for the rights of anyone but will maintain the University as a forum for the free expression of ideas under the laws of the state and nation. All members of the University community are protected from harassment, including, but not limited to, members according to their race, ethnicity, age, gender, disability, sexual orientation, and religion. Any words or acts deliberately designed to disregard the safety or rights of another, and which intimidate, degrade, demean, threaten, haze, or otherwise interfere with another person's rightful action will not be tolerated on the basis of the standards of the SMU community. Such physical, psychological, verbal, electronic, and/or written acts directed toward an individual or group of individuals are prohibited and therefore may be subject to judicial sanction. Due to the University's commitment to freedom of speech and expression, harassment is more than mere insensitivity or offensive conduct that creates an uncomfortable situation for certain members of the community.
  - a. Students with complaints of harassment should report them to the Office of the Dean of Student Life or to the Affirmative Action Office.
  - b. Rights of the accuser of harassment:
    - (1) To decide whether he or she wishes to press charges.
    - (2) To have a person of his or her choice accompany him or her during the disciplinary proceedings should there be sufficient evidence to go forward with

disciplinary proceedings. Such person is present for moral support and must maintain the confidentiality of the parties.

- (3) To request to have his or her living arrangements (if in campus housing) modified pending the outcome of the judicial proceedings should the accused and the accuser live near one another.
- (4) To remain present during the proceedings.
- (5) To make an "accuser's impact statement" during the sentencing stage, only after guilt or innocence has been found.
- (6) To be informed immediately of the outcome of the proceedings, yet remaining bound to the standards of confidentiality that apply to all the participants during the hearing proceedings, regardless of the outcome.
- (7) To have the nature of the alleged offense be kept confidential during the preliminary interviewing of the witnesses.

c. Rights of the accused of harassment:

- (1) To be informed about the nature of the complaint before the case proceeds to the formal hearing process, if there is sufficient evidence to go forward with disciplinary proceedings.
- (2) To have a person of his or her choice accompany him or her during the disciplinary proceedings. Such person is present as moral support and must maintain the confidentiality of the parties.
- (3) To request to have his or her living arrangements (if in campus housing) modified pending the outcome of the judicial proceedings if the accused and the accuser live near one another.
- (4) To remain present during the proceedings.
- (5) To make an "accused impact statement" during the sentencing stage, only after guilt or innocence has been found.
- (6) To be informed immediately of the outcome of the proceedings, yet remaining bound by the standards of confidentiality that apply to all participants in the hearing proceedings, regarding the outcome.
- (7) To have the nature of the alleged offense be kept confidential during the preliminary interviewing of witnesses.

## 2. SEXUAL HARASSMENT

a. SMU prohibits sexual harassment of its students, employees, and those who seek to join the campus community in any capacity. Sexual harassment includes such behavior as unwelcome or forced sexual advances, requests for sexual favors, and other verbal, psychological, and/or physical conduct of a sexual nature directed toward employees, students, or applicants, particularly when any of the following circumstances are present:

- (1) Tolerance of the conduct is an explicit or implicit term or condition of employment, admission, or academic evaluation.
- (2) Submission to or rejection of such conduct is used as a basis for personnel or academic evaluation affecting the individual.
- (3) Such conduct has the purpose or effect of interfering with an individual's work or academic performance or which creates an intimidating, demeaning, hostile, or offensive residential, work, or academic environment.

b. Students with complaints of student-to-student sexual harassment should report such complaints to the Office of the Dean of Student Life.

c. Students with complaints of faculty/staff-to-student sexual harassment should report such complaints to the Affirmative Action Office.

d. The rights of the accuser of sexual harassment are the same as those listed for the accuser of harassment. Also as an included right:

- (1) Not to have his or her sexual history discussed during the hearing.

e. The rights of the accused of sexual harassment are the same as those listed for the accused of harassment. Also as an included right:

- (1) Not to have his or her sexual history discussed during the hearing.

f. Students wishing to receive counseling/advice prior to filing a formal complaint may contact the Coordinator of Psychological Services for Women and Gender Issues at the Human Resource/Women's Center.

**K. HAZING** The following is taken from the Texas state statutes, *Education Code Sec. 4.51 et seq.* The University reserves the right to initiate disciplinary action when individuals and groups neglect or abdicate their responsibility to observe the Student Code of Conduct, of which this policy is a part.

**SUBCHAPTER A. HAZING Sec. 4.51 DEFINITIONS.** In this subchapter:

- (1) "Educational institution" includes a public or private: (A) high school, or (B) college, university, or other postsecondary educational establishment.
- (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who: (A) is registered in or in attendance at an educational institution; (B) has been accepted for admission at the educational institution where the hazing incident occurs; or (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club or service, social, or similar group, whose members are primarily students at an educational institution.
- (6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include, students at an educational institution.

The term includes, but is not limited to:

- (A) any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- (B) any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection;
- (E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

### SECTION 4.52. PERSONAL HAZING OFFENSE:

- (a) A person commits an offense if the person:
  - (1) engages in hazing;
  - (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
  - (3) intentionally, knowingly, or recklessly permits hazing to occur; or
  - (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing

incident has occurred, and knowingly fails to report said knowledge in writing to the dean of students or other appropriate official of the institution.

- (A) The offense of failing to report is a misdemeanor punishable by a fine not to exceed \$1,000, confinement in county jail for not more than 180 days, or both such fine and confinement.
- (B) Any other offense under this section which does not cause serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, confinement in county jail for not less than 90 days nor more than 180 days, or both such fine and confinement.
- (C) Any other offense under this section which causes serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$5,000, confinement in county jail for not less than 180 days nor more than one year, or both such fine and confinement.
- (D) Any other offense under this section which causes the death of another is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, confinement in county jail for not less than one year nor more than two years, or both such fine and confinement.
- (E) Except when an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on community service probationers by Subdivision (1), Subsection (e), and Subsections (c), (d), (g), and (h) of Section 10 A, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

#### **SECTION 4.53. ORGANIZATION HAZING OFFENSE:**

- (a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
- (b) An offense under this section is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, or if a court finds that the offense caused personal injury, property damage, or other loss, the court may sentence the organization to pay a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of such injury, damage, or loss.

**SECTION 4.54. CONSENT NOT A DEFENSE.** It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

**SECTION 4.55. IMMUNITY FROM PROSECUTION AVAILABLE.** In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from liability, civil or criminal, that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting an incident in bad faith or with malice is not protected by this section.

**SECTION 4.56. OFFENSES IN ADDITION TO OTHER PENAL PROVISIONS.** This subchapter does not affect or repeal any penal law of this state. Nothing in this subchapter shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

**SECTION 4.57. REPORTING BY MEDICAL AUTHORITIES.** Treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials, and the doctor or medical practitioner so reporting shall be immune from civil suit or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith and with malice.

#### **SECTION 4.58. PUBLICATION OF SUBCHAPTER.**

- (a) Each post-secondary educational institution shall cause to be published or distributed to each student during the first three weeks of each semester a summary of the provisions of this subchapter.
- (b) The institution shall publish or distribute in the same manner a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the previous three years.
- (c) If the institution publishes a general catalog, student handbook, or similar publication, it shall publish a summary of the provisions of this subchapter in each edition of that catalog, handbook, or similar publication.

**L. IDENTIFICATION CARDS** Student ID cards are the property of SMU and are not transferable. Accounts assigned to a student are the property of the student and may be used on campus at his/her discretion, pursuant to the rules under which the accounts are formed.

- 1. SMU IDs may not be used by anyone but the student pictured on the ID card for use of SMU facilities including:
  - a. libraries
  - b. computer labs
  - c. SMART terminals
- 2. Personal Accounts programmed onto Student ID cards are for use on campus at the discretion of the student, pursuant to the rules under which the accounts were formed, including Pony Express Accounts. For purchases exceeding \$25, the student using the card must provide a valid Student ID and sign for the purchase.

**M. NOISE** The following procedures will be required for any activities that have the potential for excessive noise and activities that involve sound amplification equipment.

- 1. All outdoor events must be approved by the Office of Student Activities. Generally, large, outdoor events will be approved only on weekends; however, permission may be granted at other times for spirit-related activities or events that do not disturb the occupants in surrounding facilities.
- 2. Any outdoor event that involves sound amplification equipment must be approved by the Office of Student Activities.
- 3. Any noise of exterior or interior origin that creates or causes an unreasonable or offensive noise level inside the room or living quarters of the complainant, any SMU classroom, office, or library building is prohibited at all times.
- 4. Any noise level that creates or causes an unreasonable or offensive noise level, given the time of day on the property line at the source of the noise, is prohibited. Those producing such unreasonable or offensive noise can be required to cease.
- 5. Violations may be referred for judicial action.

#### **N. OFFICIAL NOTICES**

- 1. Students shall respond immediately to any reasonable request from any University official, who properly identifies himself/herself as such.
- 2. When asked for their ID cards, students are required to surrender their student ID card and to comply with the request of the officer, administrator, staff, or faculty member.
- 3. If, after responding, a student feels that the authority made an unfair request, he/she may submit a formal complaint to the Student Senate Student Issues Committee and/or the dean of student life.
- 4. Students shall respond promptly to all correspondence from the University and its officials. All correspondence is sent to the address the student has provided the University registrar. The University will consider notice served if delivered to the address provided the registrar. Students have a responsibility to maintain a current address on file with the Registrar's Office at all times.

**O. NOTICE OF NONDISCRIMINATION** Southern Methodist University does not discriminate on the basis of race, color, national or ethnic origin, sex, age, or disability. The Director of Affirmative Action has been designated to handle inquiries regarding the nondiscrimination policies.



## P. PROTESTS AND DEMONSTRATIONS

1. Peaceful demonstrations may take place on campus provided that:
  - a. A permit is obtained from the director of student activities three days prior to the demonstration to ensure the rights and safety of all involved.
  - b. The normal function of the University is not disrupted.
  - c. Respect for the rights of others is maintained.
2. Students are encouraged to use the proper channels to seek audiences to express grievances. Appropriate persons and officials are encouraged to discuss the grievances of demonstrating students or chartered student organizations with the group or its representatives.
3. Visitors to the SMU campus who are not on official business must be a guest of a University student, faculty member, or staff member, and normally will be welcomed; however, non-SMU personnel must abide by all University and civil regulations. The University reserves the right to order from the campus any non-University protestors disrupting the campus.

Any questions or appeals of decisions regarding permits should be directed to the vice president for student affairs.

Please refer to Section I, B. Campus Facilities for additional requirements for use of grounds.

## Q. SALES, DISTRIBUTIONS, AND SOLICITATION

1. **SOLICITATION** Solicitation of off-campus donors or sponsors, including solicitation of goods and merchandise, must be approved by and coordinated with the vice president for development and external affairs; the vice president for business and finance; and the vice president for student affairs.

2. **SALES PROJECTS AND SOLICITATIONS** Any solicitation, sale, or offer of any products, goods, food, beverages, or service on campus is subject to prior authorization from the director of student activities or his/her designee, and must be conducted in accordance with regulations established by the staff operating the facility in which the activity takes place. For purposes of regulation, distinction is made between "commercial" and "noncommercial" activities.

Commercial activity is defined as any sale or offer of sale for the purpose of securing a profit for the benefit of an individual or group. Such activities will generally be prohibited unless the University does not offer the service or goods and/or it is determined that the activity is necessary to the educational mission of the University.

Noncommercial activity is defined as any sale or offer of sale for the purpose of securing a profit for the benefit of any nonprofit organization. (Fund-raising activities of campus organizations are treated as noncommercial activities.) If any portion of the proceeds from such sales is used to the benefit of any individual making or soliciting the sale, the activity can be treated as a commercial activity.

- a. Any individual or agency wishing to sell on the SMU campus must be sponsored by a University department or chartered student organization.
- b. Any items that are illegal may not be sold.
- c. Organizations must request permission to conduct sales through the director of student activities or his/her designee. Request forms may be obtained in the Student Activity Center and must be returned at least 14 days prior to the requested date of the sale. Sales will be governed by the following policies:

### (1) Sales and solicitation in the Hughes-Trigg Student Center:

- (a) The offer of sales of goods and services that is not part of a program may be conducted only from the Crossing, located on the main level of the Student Center. Persons/organizations wishing to sell must make a reservation through the Hughes-Trigg Student Center reservation office. Persons/organization must be sponsored by an SMU department and/or campus organization. Sales in other parts of the Student Center will be conducted according to procedures established for the facility.
- (b) Sales and distributions will be conducted only on weekdays between the hours of 10 a.m. and 4 p.m.

- (c) Groups will be allowed to request booth space for up to three consecutive days, twice a semester.
- (d) Commercial vendors will be charged a flat fee of \$50 or pay 20 percent of their gross sales (whichever is greater) for use of the booth.
- (e) Sales in other parts of the Student Center will be conducted according to the procedures established for the facility. As a general rule, sales may only be conducted when they are part of a program.
- (f) All sales and solicitation must be conducted from tables specifically designated for that purpose.

- (2) **SOLICITATION OF GREEK HOUSES** Vendors are not allowed to make direct contact with the Greek houses. Vendors wishing to provide information to fraternities and sororities should submit written information to the Student Activity Center, which will distribute it to the chapters. Groups interested in the product/service may invite the vendors to make presentations to their memberships.

- (3) **SOLICITATION IN RESIDENCE HALLS** No solicitation is allowed in the residence halls. Under some circumstances, exceptions may be made by the Office of Housing and Residence Life and the University Residence Hall Association. (See Section II, P.)

### (4) SALES IN OTHER CAMPUS FACILITIES

- (a) Sales of goods and services in all academic buildings is prohibited.
- (b) Sales in other campus facilities, as with all sales, must have the consent of the director of student activities or his/her designee and are governed by the policies established for the area of campus in which the sale will be conducted, and by the nature of the sale.
- (c) Sales on the streets and grounds are approved through the Office of Student Activities and are governed by the policies established for use of campus grounds.

## 3. DISTRIBUTION OF WRITTEN MATERIAL

- a. Any individual or agency wishing to distribute written material on the SMU campus must be sponsored by a University department or a campus organization.
- b. Any illegal items may not be distributed.
- c. Items to be distributed must be approved by the director of student activities or his/her designee.
- d. Distribution shall be orderly and not interfere with the rights of students or other members of the University community and must be conducted by members of the sponsoring organization. Distributors must supply a trash receptacle at the site of distribution and are responsible for all distributed material discarded on campus grounds.
- e. Distribution in the Student Center may be done only from a reserved area. Reservations must be made through the Student Center reservations office.
- f. Distribution in residence halls must have prior approval by the Office of Housing and Residence Life. (See Section II, P.)

## 4. COLLECTIONS AND DONATIONS

- a. Two annual solicitations for charitable purposes have been approved by the University: The United Way and Sustentation.
- b. No other collection or solicitations of donations are permitted without approval from the director of student activities for chartered student organizations and the vice president for development and external affairs, the vice president for business and finance, and the vice president for student affairs for nonstudent, off-campus requests.

## 5. SOLICITATION OF TRIPS

- a. All "official" SMU trips will be sponsored by the Mustang Club, the Alumni Association, Program Council, or appropriate SMU office or department. All other trips are not sponsored or endorsed by SMU.

- b. For any student-sponsored trip, Program Council will sponsor and coordinate the trip in accordance with guidelines set by the director of student activities.
- c. Any question regarding the official status of SMU sponsorship or endorsement should be forwarded to the Office of Alumni Relations, the Mustang Club, the Office of Student Activities, or the Office of Student Life.

**6. SURVEY** Groups wishing to survey members of the SMU community must be sponsored by a chartered student organization or University department. An outline of the way in which the results will be used and a copy of the actual survey must be approved by the Office of Student Activities.

#### **R. SIGNS AND POSTERS**

1. All posters and signs must bear the name of the sponsoring individual, organization, or department.
2. No more than one copy of the sign or poster may be placed on each bulletin board or in each specified place.
3. Signs on bulletin boards may not be larger than 24 inches x 24 inches.
4. Posters, flyers, notices, and messages must be posted on appropriate bulletin boards or spaces specified for that purpose.
5. Non-campus commercial-quality materials must be approved for posting and signed by the manager of facilities services before posting.
6. All signs related to campus organizations must be stamped in the Student Activity Center of the Hughes-Trigg Student Center.
7. Good judgment is asked to be exercised in the contents of signs.
  - a. Signs should not be in bad taste or be blatantly offensive to any group on campus as judged by the director of student activities.
  - b. No sign shall make any reference to the availability or sale of alcoholic beverages.
  - c. Content of material on clothing must comply to policies of this section.
8. Signs are not permitted on glass, brick, painted, vinyl or papered walls, or wood surfaces. Signs may be posted on bulletin boards, using fasteners appropriate to the individual board.
9. Policies governing posting of signs in specific areas of campus are as follows:
  - a. Residence Halls
    - (1) Signs are authorized by the Office of Housing and Residence Life (Boaz Hall first floor, west wing).
    - (2) Authorization is granted only when there is clear evidence of student organization sponsorship and when signs are brought in by 1 p.m. Friday. Signs brought in by this designated time will be posted by 4 p.m. on the following Sunday.
    - (3) Authorization may be refused for those signs deemed inappropriate under University policies and regulations or found to be in bad taste/blatantly offensive to any group on campus.
    - (4) Signs advertising sales or job listings will not be approved, regardless of student organization sponsorship.
    - (5) Signs may be posted only by residence hall staff. The maximum number of signs that can be approved and posted by the Office of Housing and Residence Life are as follows: one 8-1/2 inches x 11 inches flyer per floor (54 undergraduate floors); one 8-1/2 inches x 11 inches flyer or one 26 inches x 26 inches poster per hall (13 undergraduate halls and 4 graduate halls). Staff will post signs on designated bulletin boards only.
    - (6) All signs will be posted until the event has occurred. In the case where the sign does not refer to a specific event, the organization may request its signs be posted indefinitely; however, the Office of Housing and Residence Life reserves the right to remove the sign after one week.
    - (7) Signs that exceed specifications will only be approved if sponsored by the

Office of Housing and Residence Life and may not exceed the size of the bulletin board. Hanging banners are prohibited by the University Park fire marshal.

- (8) Posting of any type of sign on residence hall student room doors is not allowed. Residence hall staff may affix name tags to student doors according to the Office of Housing and Residence Life policy.
- (9) Failure to observe policies regarding posting in residence halls will result in SMU Student Senate's Organization Committee disciplinary action and/or denial of posting rights of one academic semester.
- (10) Flyers or other materials may not be slipped under students' doors, hung on doorknobs, or placed in common areas of the residence halls.

#### **b. Hughes-Trigg Student Center**

- (1) Signs can measure no bigger than 2 inches x 6 inches or 3 inches x 4 inches.
- (2) Signs must have smooth, clean edges and be attached with thumb tacks.
- (3) Event signs must show the name of the sponsoring group and be stamped by the Activity Center staff.
- (4) Signs for the sale of goods and services are stamped by the Student Activity Center staff.
- (5) Groups are responsible for posting their own signs.
- (6) All signs will be removed by the student center staff on a regular basis.
- (7) Signs observed to be in violation of these policies will be removed by Student Center staff. Groups repeatedly violating the sign policy will lose their privilege to post.
- (8) Signs may be posted in stairwell landing, north wall outside Post Office, and west wall outside Promenade Lounge.

#### **c. Signs Posted Outside of Buildings**

- (1) Signs or decorations may not be attached to any building exterior or tree.
- (2) Any posting of signs or decorations outside the campus buildings must be approved by the director of student activities or his/her designee. Signs may not be posted on trees, lamp posts, trash cans, windshields, signs, etc.
- (3) If a sign or display is larger than a small, temporary one, the grounds section of the Physical Plant Department must be notified in order to provide safe and proper erection of the display.

10. Failure to comply with these rules may result in removal of signs without warning and referral of the sponsoring group to the judicial officer.

#### **5. SMOKING RESTRICTIONS ON CAMPUS**

1. Smoking is strictly prohibited in all places of formal instruction on campus, including, but not limited to, classrooms, laboratories, lecture halls, auditoriums, and all hallways within campus buildings, the Hughes-Trigg Student Center, all residence halls, and all Greek houses.
2. Smoking is prohibited in the Hughes-Trigg Student Center and in all residence halls.

**T. SPEAKER'S POLICY** Any member of the student body, or any individual who is sponsored by a chartered student organization, may address any group on campus, subject only to reasonable regulations for time, place, and manner. These regulations are not imposed to prohibit any speaker except in the rare circumstances when it is shown that the speaker constitutes a clear and present danger of disruption or violence. This determination is to be made by the person charged with the duty of approving the use of the location of the activity. Any questions should be presented to the director of student activities.

Organizations having speakers for regularly scheduled meetings are not required to make special arrangements beyond the normal scheduling of the use of the facility.

#### **U. WEAPONS**

1. Students are prohibited from the use and possession of dangerous weapons or facsimiles of dangerous weapons on University property. Concealed handguns and/or other weapons covered under the Texas firearms statute taking effect on

January 1, 1996, are not permitted on campus. Self-defense sprays legally sold over the counter for personal defense are permitted on campus.

2. Student-owned sporting firearms or other weapons (including all BB and pellet guns) must be registered and stored through arrangements with the SMU Department of Public Safety.
3. Any violation of this policy is considered a serious offense and will be dealt with accordingly by:
  - a. SMU Department of Public Safety
  - b. SMU Judiciary
  - c. Office of the Dean of Student Life
4. Members duly authorized by University or other accredited law enforcement offices may carry firearms in performance of their duty.
5. If weapons or reasonable facsimile of weapons are used, pursuit and attack games including, but not limited to, Gotcha, Assassin, war games, and Dungeons & Dragons are not permitted on campus.

## II. POLICIES PERTAINING TO RESIDENCE HALLS

The University community establishes and maintains residence halls with the intent of enhancing student life and fostering a learning environment while housing large numbers of students. It is necessary to provide some guidelines that establish minimum expectations of the behavior of residents.

If a student fails to respond appropriately, these guidelines will be enforced via administrative action and/or judicial action (for further reference, see Judicial Code). The Office of Housing and Residence Life has the right to decide which track would be most productive. *NOTE:* Offenses involving multiple, simultaneous violations (as well as repeated offenses) are considered more severe infractions and usually result in a stronger response (e.g., Level II). Consult your residence hall staff if you have any questions. Examples of residence hall regulations are listed below.

- A. **BICYCLES** Students may not keep bicycles, mopeds, or motorcycles in their rooms or in the entrance areas or secured to railings at the entrance of buildings. Bicycle lockers (outside storage bins) are available during the year for rent (on a first come, first-served basis) from the Office of Housing and Residence Life.

Gasoline-powered vehicles are not permitted in residence halls at any time and must be parked at least 15 feet from the exterior of any University building.
- B. **BUILDING LOCK-UP POLICY** The Office of Housing and Residence Life has established a policy whereby the outside doors of the residence halls are locked 24 hours daily. This policy is for the purpose of safety and security. Any student who knowingly props open a door, defeats the door's locking mechanism, or otherwise takes any action to defeat the purpose of this policy will be referred for judicial proceedings and will receive a fine of \$100. In addition, removal from the residence hall via administrative action will be considered. Students allowing entry into a residence hall by nonresidents or individuals who are not their personal guests may be subject to any or all of the above mentioned sanctions.
- C. **DRUGS**
  1. **ALCOHOL**
    - a. All provisions of the University Alcohol Policy apply in the residence halls. While not inclusive of the total University Alcohol Policy, some examples of violations of this policy are: a) public intoxication, b) underage possession of alcoholic beverages, and c) underage consumption of alcoholic beverages.
    - b. No kegs, beer balls, or any other similar containers are allowed in residence halls.
    - c. The University prohibits the use of alcoholic beverages in all public places on campus. Some examples of public areas include, but are not limited to, all dining areas, stairways, bathrooms, lounges, basements, hallways, laundry rooms, computer rooms, and entrance lobbies of the residence halls.
  2. **OTHER DRUGS** All incidents will be referred to Level II judicial board.

- D. **ELEVATORS** Tampering with elevators and/or elevator equipment such as forcing open the doors, riding outside the cab, or performing any other activity that endangers personal safety or affects the functioning of the elevator is strictly prohibited.
- E. **EMERGENCY EXIT POLICY** Each SMU residence hall has a number of designated emergency exits that are to be used for emergency purposes only. Students found using these doors for nonemergency purposes will be subject to a mandatory \$100 fine, and possible disciplinary action. Any student who knowingly tampers with the lock mechanism or alarm mechanism on an emergency exit will be subject to a \$250 fine and possible removal from the residence hall via administrative action.
- F. **FAILURE TO RESPOND/VERBAL ABUSE** All provisions of the Official Notices policy apply in the residence halls. Failure to respond to and/or verbal abuse of a staff member will result in additional judicial action.
- G. **GUESTS** Guests of the same sex may stay in the residence rooms with permission of both roommates and the hall director. Students are responsible for the actions of their guests; i.e., policy violations, vandalism, etc. There will be no charge if the guest stays in the unoccupied bed of a resident; however, permission must also be obtained from the absent resident prior to the guest's arrival. Guests may not stay longer than three nights without special permission from the Office of Housing and Residence Life. Residents hosting a guest must accompany their guest within the residence hall at all times. Guests may not stay overnight in any public area of the residence halls.
- H. **HALL SPORTS** Any sports activities within the residence halls that potentially could cause damages to University property in the residence halls, intentional or not, are prohibited and may result in disciplinary action.
- I. **NOISE** The hours from 9 p.m. to 9 a.m. are the official minimum daily quiet hours for students living in residence halls. The hours from 10 p.m. to 10 a.m. are the official minimum weekend (Friday and Saturday) quiet hours for the students living in the residence halls. The atmosphere at these times should be conducive to sleep or study. This is to be observed by all students and their guests. Actual time frames for quiet hours may be altered by Floor Community Unit Agreement with the understanding that each floor must have a minimum of 12 continuous hours of quiet per day. Regardless of quiet hours, any resident's ability to study or sleep on his/her residence hall floor will take precedence over other floor activities.
- J. **PETS/ANIMALS** The University's policy on pets/animals applies to the residence halls. Fish are allowed with the use of suitable equipment in fish tanks of 10 gallons or less. However, permission must be granted by the Office of Housing and Residence Life. The University will not be held responsible for damage to equipment or injury to animals.
- K. **PROPERTY DAMAGE/VANDALISM** Intentional damage to any University property in the residence halls will result in disciplinary action.
- L. **RESIDENCE HALL COMMON AREAS/LOUNGES** Residence hall lounges and/or common areas may be used only by residents of that particular building and their individual guests. Group meetings may be held in common areas/lounges only if sponsored by residence hall staff or the Residence Hall Association.

**REMOVAL OF UNIVERSITY FURNITURE FROM ROOMS OR COMMON AREAS IS PROHIBITED UNLESS PRIOR APPROVAL OF THE DIRECTOR OF HOUSING AND RESIDENCE LIFE IS OBTAINED.**
- M. **ROOM ENTRY BY RESIDENCE HALL STAFF** While respecting privacy, the right to enter and/or inspect rooms at times convenient to its staff or authorized agents is unconditionally reserved by the University. The University also reserves the right to make repairs and redecorations at times convenient to its staff.

Some examples in which a residence hall staff may enter or key into individual resident rooms are upon the request of the occupant, under circumstances that lead the staff member to believe a violation of University policy has occurred, during a fire alarm evacuation, and when the safety and/or well-being of an individual is believed to be in question.

**N. HEALTH, SAFETY, SECURITY, AND FIRE REGULATIONS** Besides being responsible for upholding all federal, state, and local laws and regulations, students and their guests are responsible for knowing, understanding, and upholding University regulations regarding fire safety and building security. Policies pertaining to security and fire prevention may be obtained from either the SMU Department of Public Safety or the Office of Housing and Residence Life. A breach of any of the policies referred to herein, whether or not they are specifically mentioned in this code, may subject the student to judicial proceedings for disciplinary action and/or removal from the residence hall by administrative action.

Violations of these regulations include, but are not limited to:

1. Throwing things from residence hall windows
2. Failure to evacuate during a fire alarm (This violation may result in a \$100 fine.)
3. Fireworks
4. Tampering with Fire-Safety Equipment/Fire Alarm Systems
5. Incendiary Devices (including, but not limited to, candles and incense)
6. Use of emergency exit during a nonemergency situation/Use of nondesignated entrances or exits from residence halls

**O. SIGNS AND POSTERS** (See Section I. General Policies, R. Signs and Posters, 9a for Residence Hall sign policy.)

**P. SOLICITATION** No solicitation is allowed in the residence halls. Residence hall rooms are to be used for study and living purposes and not as a sales room, office, service area, or for storage of merchandise. This policy prohibits the solicitation of funds, clothing, books, votes, opinions, signatures, memberships, subscriptions, or the like by non-University agencies, commercial enterprises, chartered student groups, and individual students. However, University students who are running in any election conducted by the SMU Student Senate may solicit signatures for petitions that will allow their names to appear on a ballot and to solicit votes for election to the office for which they are running, provided they have the proper identification and that they campaign within designated hours. Proper identification guidelines, hours of campaigning, and other policies related to elections will be provided and enforced by the Student Senate Elections Committee. In addition to exceptions made for student elections, the residence hall staff and the Residence Hall Association may be provided exception from the above policy.

**Q. VISITATION**

1. Visitation is defined as the privilege of entertaining a guest in one's living quarters on campus. The privilege of visitation is constrained by established visitation policies as outlined below and by the consent of the resident's roommate.
2. At all times, any resident's right to study, sleep, or privacy will take precedence over the privilege of visitation hours.
3. Guest must be escorted at all times by the hall resident he or she is visiting. On leaving the room the guest must be escorted to the lobby. Residents are responsible for the actions of their guest.
4. Visitation hours in residence halls designated as "first-year" halls shall be as follows:
  - a. Weekend visitation hours shall be from Friday noon until Sunday midnight.
  - b. Weekday visitation hours are from noon until midnight.
  - c. Individual floors may extend the hours of visitation until 2 a.m. on weekdays if a majority of the residents on the floor elect to change the hours.
5. Visitation hours in residence halls designated as "four-class," upper-class, and graduate halls shall be as follows:
  - a. Each floor in upper-class and graduate residence halls will determine the hours of visitation by a majority vote of the floor's residents. Should the floor elect a 24-hour visitation plan, this implies that restrictions on visitation are left up to the roommates themselves and are to be limited by their rights and needs.
  - b. Residents in the graduate halls may elect to have an escort policy on their individual floors by a simple majority.

6. Cohabitation is a violation of the contractual agreement with regard to housing fee paid for the use of facilities and is not permitted in university residence halls. Cohabitation shall be defined as unauthorized living in residence hall space and/or prolonged or patterned visits that extend beyond the normal understanding of visitation.
7. Individual visitation violations will be referred to Judiciary for further action and may result in possible suspension of all visitation privileges.

**APPENDIX:**

1. Removal from the residence hall community can be:
  - a. Transfer to another residence hall room or community.
  - b. Referral to Level II judiciary, if space is not available in another residence hall community.
  - c. Removal from the residence hall community to off campus with no refund of room rent.
2. At all times the Office of Housing and Residence Life has the right to change housing assignments in order to remedy a detrimental situation or create a more productive residential environment.

Additionally, the University reserves the right to cancel a residence hall contract in the interest of order, health, discipline, or other situations. When such action is provoked by the student, the termination will be deemed a breach of contract by the resident and monies will not be refunded. The student may request, in writing, that the director of housing and residence life review the cancellation of the residence hall contract.

3. Any resident who is removed involuntarily from the residence hall community will be banned from that community for the remainder of the academic year. A resident banned as a result of a University Judicial Board decision may only be reinstated at the discretion of the director of housing and residence life in conjunction with the University Judicial Board. A student removed as a result of administrative decision will only be reinstated through the approval of that administrator.
4. A signed contract is a legally binding commitment. Students and/or their parents will forfeit a \$100 deposit if students sign a contract and then decide not to live in residence hall. If a student checks in to a residence hall and then moves out, the student still is financially responsible for the full amount of the contract.

### III. POLICIES PERTAINING TO CAMPUS ORGANIZATIONS

**A. GENERAL DESCRIPTION** Campus organizations are formed to further the common interest of the members of the group and the SMU community. The work of campus organizations is an essential part of the learning environment at Southern Methodist University. Open to all students and facilitated through faculty and staff resource persons, these organizations develop many opportunities for experiential learning that supplement and reinforces the classroom activities for students.

There are two types of organizations at SMU — listed and chartered. Neither listed nor chartered organizations nor their members are authorized to act or make statements on behalf of the University, the SMU Students' Association, or the Student Senate.

**B. LISTED ORGANIZATIONS** Any campus organization can gain listed status by contacting the Office of Student Activities and identifying a contact person for the group. The purpose of this status is to identify all groups that are functioning on campus and to centralize information and resources related to campus groups. The process of becoming listed is simply to notify the Office of Student Activities as to the contact person for the organization.

**1. PRIVILEGES OF LISTED ORGANIZATIONS:**

- a. Be included on the Student Activity Center's directory of organizations for referrals to interested individuals.
- b. Can apply for mailbox in the Student Activity Center. Space will be assigned when available.

## 2. RESPONSIBILITIES OF LISTED ORGANIZATIONS:

- a. Inform the coordinator of student organizations as to changes in the group's leadership, contact person, or status. A group that is inactive for two consecutive years will lose listed status.
- b. If receiving student activity fees, must maintain records and administer fees in accordance with guidelines approved by the Appropriations Committee and the Student Senate.
- c. Any contract that is to be entered into by an organization authorized to spend University funds, including student activity fees, must be reviewed by the Office of Vice President for Legal Affairs and signed by the vice president for student affairs or any other office of the University authorized to sign contracts on behalf of the University. Contracts to be signed for an event sponsored by the organization must be sent to the vice president for legal affairs at least thirty (30) days prior to the date of the event.
- d. Neither the Students' Association, the Student Senate, nor the University is liable for the debts incurred by a listed organization.
- e. All equipment purchased with Students' Association funds is the property of the Students' Association upon request.

## C. CHARTERED ORGANIZATIONS

Chartered status is for student organizations that want privileges other than those associated with listed status.

A request for chartered status of a new organization may be made to the Student Senate Organizations Committee once during an academic year. This request can be made at any time during the fall and spring semesters. The Student Senate has the authority to deny or remove chartered status from any organization not in compliance with one or more of the stated privileges and responsibilities or any other rule set forth in this code or established by the University. If chartered status is ever removed from an organization through action of the Senate or the organization, all privileges granted to the chartered organization are forfeited. Following removal of chartered status, however, such reapplication is subject to all procedures outlined for new groups requesting chartered status.

### 1. PROCESS OF CHARTERING A NEW STUDENT ORGANIZATION:

- a. An application for chartered status and constitution and/or bylaws of the organization must be filed with the Student Senate Organizations Committee.
- b. The organization must be in compliance with "Responsibilities of Chartered Organizations" (III.C.3.a-n) at the time of application.
- c. A representative from the organization must schedule and attend an interview with the Senate Organizations Committee.
- d. At the next regularly scheduled senate meeting following the Organizations Committee interview, the Organizations Committee will present to the Student Senate a written report on the organization seeking to become chartered. The senate will vote on chartered status at the next meeting.
- e. Organizations wishing to request money during the fall or spring appropriations process must be chartered prior to the stated application deadline.

### 2. PRIVILEGES OF CHARTERED ORGANIZATIONS:

- a. May include "SMU" or "Southern Methodist University" as part of the name of the organization; however, the organization may not under any circumstances use the name "SMU" or "Southern Methodist University" in such a way as to represent to others that the organization is authorized to act on behalf of the University (e.g., when negotiating or signing contracts).
- b. May petition for office space in the Student Center through the Student Center Governing Board.
- c. Will be assigned a mailbox in the Student Activity Center through which all official communication with the organization will be conducted.

### 3. RESPONSIBILITIES OF CHARTERED ORGANIZATIONS:

- a. The purpose of the organization must be consistent with the goals and philosophies of Southern Methodist University.

- b. Membership must be open to all members of the SMU student body without respect to sex, sexual orientation, race, creed, disability, age, or national origin. This applies to all groups with the exception of those organizations specifically exempted in Title IX of the Educational Amendments of 1972. Organizations may establish additional membership and academic eligibility for their organizations.
- c. The majority of members must be SMU students. (Majority is defined as 50 percent plus one.)
- d. All persons holding office must be currently enrolled full-time students and may not be on academic probation. Each organization is expected to include within its constitution and/or bylaws additional academic requirements it feels are appropriate to hold office.
- e. Every chartered organization must have an SMU faculty or staff member serving as adviser. The adviser does not have the authority to control the policy or funds of the organization.
- f. The organization's current constitution and/or bylaws must be on file with the coordinator of student organizations.
- g. Religious organizations wishing to be chartered must have a written recommendation from the Campus Ministry Council (CMC) before appearing before the Organizations Committee. Generally, CMC convenes only one meeting per month. In order to be chartered, new religious organizations must be willing to participate as a member of the CMC. (Participation is defined as attending monthly CMC meetings.)
- h. Social Greek Letter Organizations wishing to be chartered must have a written recommendation from the Greek Council before appearing before the Organizations Committee. Generally, the Greek Council convenes twice per month. To be chartered, new Social Greek Letter Organizations that are not recognized by either the Interfraternity Council, National Pan-Hellenic Council, or Panhellenic Council must be willing to send one representative to Greek Council meetings.
- i. Groups designated as sports clubs must have waivers of liability for all members on file with the Assistant Director of Recreational Sports before participating in any activity of the group. Due to the unique nature and activity of sports clubs, additional requirements may be imposed before the University will sanction their activities.
- j. Membership must adhere to constitution, bylaws, and statement of purpose of the organization. Policies of a chartered organization must be in accordance with the Student Code and are subject to review by the Student Senate. Changes made in constitution, bylaws, or statement of purpose of the organization must be submitted within two weeks to the Organizations Committee for approval by the senate.
- k. The organization must be represented at the mandatory organizations meeting each fall and spring semester.
- l. To continue to receive any privileges once chartered, an organization must have its current leadership roster on file with the coordinator of student organizations. This is done by submitting an annual leadership update form with the Senate Organizations Committee within two weeks of changes in officers and/or adviser.
- m. Have all funds of the organization administered in accordance with the guidelines set by the Student Senate.
  - (1) Organizations receiving student activity fees
    - (a) All funds must be held in a Students' Association account and administered by the Students' Association comptroller.
    - (b) All appropriated student activity fee monies not encumbered at the end of the fiscal year shall revert to the Students' Association.
    - (c) All revenue generated by the organization shall be kept in an interest-bearing Students' Association checking account and shall be retained by the organization at the end of the fiscal year.

- (d) If a chartered organization disbands, all assets of the organization will revert to the Students' Association.
  - (e) Neither the Students' Association, the Student Senate, nor the University is liable for the debts incurred by a chartered organization.
  - (f) All equipment purchased with Students' Association funds is the property of the Students' Association. It is subject to inventory and must be surrendered to the Students' Association upon request.
- (2) Organizations not receiving student activity fees are not required to maintain funds in a Students' Association account. The organization must, however, submit its financial records to the Students' Association comptroller upon request.
- n. Any contract that is to be entered by an organization authorized to spend University funds, including student activity fees, must be reviewed by the Office of Vice President for Legal Affairs and signed by the vice president for student affairs or any other officer of the University authorized to sign contracts on behalf of the University. Contracts to be signed for an event sponsored by the organization must be sent to the vice president for legal affairs at least thirty (30) days prior to the date of the event.

**D. STUDENT ACTIVITY FEE ALLOCATION** Student activity fees are to be used to support programs and services for the benefit of the SMU student body. Student activity fees may be applied for through the Senate Appropriations Committee for review and recommendation to the Student Senate. To be eligible to apply for funds, one must be a chartered student organization or, for nonstudent organizations, be sponsored by an SMU academic or administrative department and be determined by the vice president for student affairs to have a "legitimate relationship" with the University. This legitimate relationship exists when the requesting organization has, in the opinion of the vice president for student affairs, a sufficiently similar academic or programmatic purpose as the sponsoring academic or administrative department. Funds allocated through this process are subject to guidelines approved by the Student Senate. These include, but are not limited to, accounting for all expenditures through documentation filed with the Students' Association comptroller before the end of the fiscal year.

**1. PROCESS FOR REQUESTING AND ADMINISTERING FUNDS**

**a. Chartered Organizations:**

- (1) Chartered organizations may submit a budget application within the time line and guidelines established by the Senate Appropriations Committee. Chartered organizations receiving student activity fees must have all organizational funds deposited in a Students' Association account and administered by the Students' Association comptroller.
- (2) Funds allocated through the appropriations process are governed by policies that restrict the use of those funds. Groups are expected to spend their appropriated funds in accordance with the way in which the funds were allocated. All expenditures must be credited to the line item designated for that type of expenditure. Groups will not be allowed to transfer money allocated in one line item to cover expenditures incurred in another line item without specific approval by the Student Senate. Groups found to be using appropriated funds for expenditures not specifically approved in their budget will be subject to disciplinary action and will jeopardize their funding in the future.

**b. Nonchartered Individuals and Groups:**

- (1) Individuals or groups that are not chartered and have been cleared through the Office for the Vice President of Student Affairs may request funding from the Student Senate provided they receive approval to apply for funding from the Senate Appropriations Committee. This application to request funds will include the justification for why the request should be considered and outline the proposed method for administering the funds. If the application to request funds is accepted, the group or individual may submit a budget application

within the time line and procedures established by the Student Senate. Allocations to individuals and nonchartered groups will be subject to guidelines approved by the Student Senate.

- (2) All student activity fees must be held in a Students' Association account. If a nonchartered group wishes to administer its appropriated funds in a manner other than through the Students' Association, it must submit a proposal outlining how the funds will be administered. If the request is granted, the organization will be responsible for accounting for all expenditures of funds and providing the Students' Association Comptroller with documentation on all financial transactions at the end of the fiscal year. Nonchartered groups are expected to spend their funds in accordance with the way the funds were allocated during the budget process. Any deviation from the approved budget requires approval from the Student Senate.

**IV. SOCIAL FRATERNITIES AND SORORITIES**

Fraternities and sororities derive their recognition through their invitation from the University president to establish a chapter on the SMU campus. It is the continuation of that invitation that legitimizes their existence at SMU, which enables them to utilize University property to house their members, and enables the University to establish rules and regulations to govern that housing. In addition, fraternities and sororities draw their rights and privileges from the Student Senate through the chartered status of the Interfraternity, the Panhellenic, and the Pan-Hellenic Councils. Specific regulations regarding rush and Greek system policies are established and supervised by those councils. These policies shall be in accordance with the policies of the Student Code as set forth by the Student Senate and the University. Questions regarding Greek system policies should be directed to the Interfraternity Council for men's groups or the Panhellenic Council for women's groups, and the Pan-Hellenic Council.

**A. RUSH**

- 1. Rush is defined as any contact between Greek affiliated and nonaffiliated students, the intent of which is to pledge or solicit affiliation of the non-Greek student to a particular fraternity or sorority.
  - a. A rush function is defined as any contact, on or off campus, between nonaffiliated students and fraternity/sorority members for the purpose of exploring the possibility of membership in a Greek organization.
  - b. The University allows contact between Greek affiliated and nonaffiliated students, but prohibits first-year student pledging during the student's first semester on campus.
- 2. **ELIGIBILITY FOR PLEDGING** Students interested in pledging a fraternity or sorority must have successfully completed 12 semester hours in a college or university in their last semester in college preceding the pledging period and must have earned a cumulative grade point average of 2.25 or above from that college or university.

**3. FORMAL AND OPEN RUSH**

- a. Formal rush will be held the week before classes of the spring semester.
- b. Structured open rush occurs for non-first-year students in the fall semester, usually in the first few weeks of September, and for all students in the first few weeks of the spring semester following the formal rush period. However, students who meet the eligibility requirements may pledge at any time at which an invitation for membership is extended by a group.
- c. Exceptions to the eligibility requirements for rush and pledging may be made to the vice president for student affairs through the coordinator of Greek affairs.

**B. EXPANSION OF THE GREEK SYSTEM** Procedure for expansion of the Greek system at SMU shall be specified in the Greek System Expansion Policy. Any questions regarding expansion should be directed to the coordinator of Greek affairs.

### C. POLICIES PERTAINING TO GREEK HOUSING

- 1. ROOM AND BOARD PAYMENT** Any student signing a residence contract or a sub-lease to live in Greek housing understands and agrees that the student's University records, including diploma and transcript, and the right to be readmitted to SMU may be withheld if the student is in arrears in bed rent or board payment.
- 2. ALCOHOL** See "Alcohol Policy," Section I, C, 1a.
- 3. BICYCLES AND MOTORCYCLES** See "Bicycles," Section II, A.
- 4. PETS** No pets are allowed in the Greek houses except guide dogs and fish. Fish are allowed with the use of suitable equipment in fish tanks of 10 gallons or less. The University will not be held responsible for damage to equipment or injury to fish.
- 5. FIRE AND SAFETY REGULATIONS** Each housed chapter is required to have a fire safety inspection as scheduled by the University Park Fire Marshal and to conduct a fire drill within the first month of each semester coordinated with the SMU Department of Public Safety.
- 6. VISITATION** Visitation hours are to be decided upon by each house. Cohabitation is not permitted in any of the Greek houses. Greek groups who are hosting guests or visitors for more than five (5) days should notify the coordinator of Greek affairs. Nonstudents may not live in Greek housing without the written consent of the University, requested through the vice president for student affairs.

### V. POLICIES PERTAINING TO STUDENT GROUPS AND ORGANIZATIONS

- A.** A student group or organization is any group as defined by Sections III and IV of this code as well as any organization approved by the president of SMU.
- B.** Student groups and organizations may be charged with violations of the code.
- C.** A student organization may be held accountable when violations of the code by those associated with the organization have received the tacit or overt consent or encouragement of the organization or of the organization's leaders, officers, or spokespersons.
- D.** When the actions of two or more members of an organization are brought before a Judicial Board, such actions may be seen as a reflection of the organization's failure to provide the leadership and atmosphere that promotes student growth and development and, when repeated (one or more occurrences), the organization may be subject to all possible penalties.
- E.** A student organization may be directed by the vice president for student affairs or a designee to take appropriate action designed to prevent or end violations of this code by the organization. Failure of the organization to make reasonable efforts to comply with the vice president or his/her designee's directive shall be considered a violation of the code.
- F.** Sanctions for group or organization misconduct may include revocation or denial of recognition or registrations, as well as other appropriate sanctions as indicated in the University Judicial Code, Section VI, Disciplinary Sanctions.

"A child becomes an adult when he realizes that he has a right not only to be right but also to be wrong." *THOMAS SZASZ - 1973*

## The University Judicial Code

### I. INTRODUCTION

Responsibility for student discipline is vested in the president by the Board of Trustees. To exercise this responsibility, the president established the University Judicial Council. Upon the recommendation of the University Judicial Council the president has accepted the following document delineating the judicial system of students at SMU:

- A. PHILOSOPHY AND PURPOSE** A university is a complex institution. It is distinctive from anything else in society and therefore, the focus of its norms is distinctive. Further, a private university is an elite institution. Admittance and attendance is a privilege granted on the assumption that the applicant who has voluntarily enrolled in the institution shares the university's values and goals and is committed to its purpose. If the student's values and goals are not consistent with those of the university, the privilege of attendance can be terminated.

The judiciary at SMU is a community judicial system established to provide a fair disciplinary procedure for the accused individual and the University, and to help induce maturity and learning by erring students while enforcing the behavior requirements deemed necessary to an academic institution. It also exists to protect the balance between the rights of the accused and those of the University community as a whole.

Because of the nature of SMU, the emphasis is on learning and behavioral change. For the same reasons, the judiciary is not an adversarial system of antagonists striving to best one another. It is more in the nature of a community seeking to learn if error has occurred and if so, deciding how best to act so that in the future there will be less error. Its watchwords are: serious in purpose, considerate in process, appropriate in response.

- B. JUDICIAL CODE** Members of the University judiciary pledge themselves to the following code:

To ensure that the policies of the University are maintained by conducting a fair hearing of violations of rules and policies of the University;

To provide an appropriate response and, as needed, penalize persons found responsible for violations of University regulations and policies;

To maintain an impartiality about the matter and/or person under consideration, and when unable to do so, readily withdraw from the consideration of that matter;

To not act as an advocate for the students nor for the University but to consider equally the needs of individual students and student groups and the needs of the University community as a whole;

To maintain confidentiality of all details pertinent to a matter and all actions related to

a hearing and refrain from comment on actions or persons involved in a judicial hearing;

To participate in training sessions and meetings which would normally include a fall training session and ongoing in-service programs;

To adhere to all provisions of the judicial code. Members charged in violation of the code or with a criminal offense may be suspended from the board by the University Judicial Council from a recommendation of the Dean of Student Life Office.

Members who may have been approached by other persons in an attempt to influence a judicial decision shall report such activity to the chair of the Judicial Council and the Dean of Student Life Office.

Board members who find they are unable to meet the requirements of the judicial system shall inform the Dean of Student Life Office and submit a letter of resignation to the University Judicial Council.

## II. OUTLINE OF THE JUDICIAL SYSTEM

This outline provides a basic overview of the judicial system and a quick guide to the responsibility of the various parts. For an accurate understanding of any part of the system, one must review the pertinent detailed text in the rest of this section. The majority representation on all boards are students. See A. "The Organization and Responsibilities of the Judiciary," for actual make up of each board.

### A. THE ORGANIZATION AND RESPONSIBILITIES OF THE JUDICIARY

**1. DELEGATION OF AUTHORITY** The vice president for student affairs may delegate any part or all of his/her authority from time to time, to any person or several persons, wherever in these procedures the vice president for student affairs is designated by the University Judicial Council. This person or persons is referred to as a University judicial officer.

**2. DISCIPLINARY CONFERENCES** All minor offenses and some major offenses are eligible for resolution through a disciplinary conference. These meetings will be held between a University judicial officer and the accused student in cases where a student accepts responsibility for his/her actions.

**3. ADMINISTRATIVE HEARINGS** In cases where accused students do not accept responsibility their case may be heard administratively.

**4. UNIVERSITY HEARING BOARDS** Hearing boards are composed of three students, one faculty member, and one staff member. Serious offenses will have a Law School faculty member serve as a chair. Any case that is a major or serious offense may be assigned to a hearing board.

**5. THE TRAFFIC APPEALS BOARD** The president will name the chairperson and the University Judicial Council will appoint, in consultation with the chairperson, four faculty members, four students, and one administrator to serve each year. A hearing may be held by three of the members if both faculty and students are represented. This board will hear cases appealing citations of the traffic and safety office for registered vehicles only. This is the board for final appeal for traffic citations.

Appeals of Traffic Appeals Board decisions to the University Judicial Council are limited to questions on procedure or policy of the Traffic Appeals Board. Questions of fact concerning the citation itself are resolved by the Traffic Appeals Board and are not subject to further appeal.

**6. GRADUATE HEARING BOARDS** The School of Law and the School of Engineering and Applied Science shall appoint each year, as may be necessary and appropriate, hearing boards composed of administrators, faculty members, and graduate students, to hear cases involving graduate students in their respective graduate schools. All charges against graduate students not enrolled in the School of Law and the School of Engineering and Applied Science will be heard through normal judiciary channels.

The rosters of the persons appointed to these boards shall be sent to the University Judicial Council during the first month of the academic year.

As with all other hearing boards, the result of a graduate hearing board may be appealed to the University Judicial Council.

**7. ALTERNATE DISPUTE RESOLUTION** Before assignment of a case, a judicial officer may recommend Alternate Dispute Resolution (ADR). Alternate Dispute Resolution is available to mediate cases between disputants when both parties and the University are in agreement. For more information on ADR, contact the Dean of Student Life Office.

**8. SELECTION OF UNIVERSITY HEARING BOARD MEMBERS** The University Judicial Council shall appoint a minimum of nine students for the University Hearing Boards. A minimum of three students shall be designated as chairpersons. The University Judicial Council also shall appoint a minimum of three faculty members and three staff members to serve on the hearing boards. All Hearing Board members will be appointed to serve on a hearing board on a rotational basis, whenever possible. Every attempt will be made to ensure that board members reflect the full diversity of the University. Board members will receive training in, but not limited to, judicial policies and procedures, hearing board members' responsibilities and ethical considerations, questioning techniques, and other relevant information as determined by the Dean of Student Life Office.

### B. THE UNIVERSITY JUDICIAL COUNCIL (UJC)

The Judicial Council, as the basic unit responsible for judicial action in response to student disciplinary problems, is accountable to the president of the University. This council shall be composed of two administrators, two faculty members (of whom at least one shall be from the School of Law), three students (ideally two undergraduates and one graduate student), and two student alternates. Student alternates may participate in all regularly scheduled meetings but do not have voting rights or the right to serve in an appellate hearing unless as a designated substitute for one of the three student members who is unable to serve. The chairperson of the Judicial Council shall be elected by the Judicial Council from the faculty and administrative members serving on the Judicial Council. A vice chairperson of the Judicial Council shall be elected by the Judicial Council.

**1. SELECTION OF STUDENT MEMBERS** Selection of student members shall be accomplished in the spring of the year and appointment shall be for the succeeding academic year. Student members may, with agreement of the other council members, be appointed to succeed themselves. Students shall be limited to three consecutive one-year terms. Members may not simultaneously serve on any other judicial body or in student government as an officer or student senator.

The chairperson of the University Judicial Council and the Dean of Student Life Office will initiate contact with the Student Senate. The senate will have seven working days to nominate up to five candidates to be interviewed by the Judicial Council. The Judicial Council will also nominate up to five candidates. The Judicial Council and two representatives from the Student Senate will interview all candidates and send its recommendations to the president of the University. The president will appoint.

**2. SELECTION OF FACULTY MEMBERS** The chairperson of the Judicial Council and the Dean of Student Life Office will initiate contact with the Faculty Senate. The Faculty Senate will have seven working days to nominate three candidates. The Judicial Council also may nominate candidates. The Judicial Council and two members of the Faculty Senate will interview all candidates and send recommendations to the president of the University. The president will appoint.

Faculty appointments are for three years and shall be staggered so that members are being appointed in different years.

**3. SELECTION OF STAFF MEMBERS** The chairperson of the Judicial Council and the Dean of Student Life Office will initiate contact with the vice president for student affairs. The vice president will nominate three candidates to be interviewed. The council will send its recommendations, including the nominations from the vice



president for student affairs, to the president of the University. The president will appoint.

Administrator appointments are for three years and shall be staggered so that members are being appointed in different years.

Replacement of members leaving early will be for the balance of the term. Faculty and administrator appointments may serve for more than one three-year term. Terms may not be consecutive. Exceptions to the above may be granted by the president of the University.

### C. THE UNIVERSITY JUDICIAL COUNCIL HAS FOUR BASIC RESPONSIBILITIES:

1. **ADMINISTRATIVE BODY OF THE JUDICIARY:** As such, it is responsible for the establishment and maintenance of the University Hearing Boards and the operating procedures of the judicial system. Decisions regarding the administration of the Judicial System are made by a majority of members present at UJC meetings.

2. **APPELLATE BOARD** The members of such an appellate board are drawn from the University Judicial Council. All seven members may serve at any hearing, but an official quorum for a disciplinary appeal consists of a minimum of four members which include at least one student, one faculty member, and one administrator. An official quorum for an Honor Council appeal consists of a minimum of four members, which include at least two faculty members, one student, and one administrator.

This board convenes solely as an appeal board to consider appeals referred from Honor Council Hearing Boards; University Hearing Boards, including serious offenses; and administrative hearings.

Appeals of Traffic Appeals Board decisions shall be limited to questions about procedure or policy of the Traffic Appeals Board. Questions of fact shall be resolved by the Traffic Appeals Board and are not subject to appeal.

3. **STUDENT GOVERNMENT CONSTITUTION** Constitutional questions concerning the student government may be resolved by the Judicial Council. Such questions must be brought as a written petition to the council for consideration. If the council agrees to hear the question, it will meet as an Appellate board at which both sides will be represented and a binding decision will be rendered. Petition for such a hearing may originate from any student government officer or senator or by referendum of the student body.

4. **SPECIAL INVESTIGATIVE AUTHORITY** The University Judicial Council has the power to name a Special Investigative Committee in cases in which an alleged offense presents a highly volatile context: e.g., group tensions, sexual discrimination, or an interracial situation. The powers of the Special Investigative Committee shall be defined at the time of its appointment by the University Judicial Council. Both the students who bring a charge and those accused shall submit to the vice president for student affairs two names of persons within the SMU community, who are not involved in the incident, to serve on the Special Investigative Committee. The Office of the Vice President for Student Affairs shall appoint a fifth member to the committee and shall select one of the five as chairperson. The Special Investigative Committee will act in an advisory capacity to the appropriate judiciary hearing body to which the case is assigned. Any of the parties involved may petition the University Judicial Council for the establishment of a Special Investigative Committee and the council shall determine its necessity.

## III. BASIC PROCEDURES

A. **INTERVIEWING/INVESTIGATION** A written formal complaint may be filed with the University through the Dean of Student Life Office. Nonetheless, without formal written complaint, the University, in its discretion, may proceed with the student judicial process as outlined herein. A University judicial officer will investigate alleged student code violations whether they occur on or off campus and interview participants/witnesses as necessary. Failure to cooperate with the investigation (e.g., failure to meet and/or speak with the judicial officer) will require the officer to make a decision on assignment of the case without the benefit of the accused's or witnesses' testimony. In

addition, a student who refuses to schedule an appointment with a judicial officer when requested to do so or who fails to keep an appointment with a judicial officer may be charged with "Failure to Respond," a violation of the student code.

B. **ASSIGNMENT OF CASE** If a University judicial officer determines that it is probable that a rule has been violated, he/she shall assign cases to either the University Hearing Board or an Administrative Hearing.

As a general policy, cases assigned to a University Hearing Board fit one or more of the following criteria: (1) the alleged offense is major, (2) the alleged offense has resulted in a substantial interference with the proceedings of the University, (3) the offenses are unacceptably repeated, or (4) the alleged offense caused an unacceptable infringement upon the personal or property rights of others.

The University reserves the right to consider all violations of its student code in its judiciary as well as referring them to off-campus authorities. The University recognizes that some violations may be handled concurrently by the University and the criminal court system, including, but not limited to, felonies and misdemeanors. The University Judicial System is separate and distinct from the criminal court system; it only determines violations of its student code and imposes sanctions within the University community. As such, a concurrent action by both systems does not constitute double jeopardy.

These criteria serve as guidelines, and the judgment of the vice president for student affairs is the final determinant as to the University's response to any student behavior.

Cases of academic dishonesty and traffic citations are assigned to their respective boards of jurisdiction.

C. **NOTICE OF VIOLATION** Every effort will be made to comply with the time requirements outlined herein. However, the University community recognizes that due to time constraints within the academic calendar, there may be some variation from time to time. A University judicial officer shall give notice in writing to the student of the complaint against the student. Such notice shall include: a short, plain statement of the conduct alleged to have been in violation of the regulations including the time, place, and date of the occurrence(s), and a reference to those pages of the Student Code of Conduct which set forth the regulation the accused is alleged to have violated; the time and place of hearing; and the particular hearing process to which the case is assigned. Notice shall be given to the student a minimum of 72 hours prior to the hearing. This delay may be waived by the mutual agreement of the accused and a University judicial officer. The hearing will be held even if the accused student fails to attend.

D. **EXCHANGE OF WITNESS LIST** A minimum of 72 hours prior to the hearing, the accused will be given a list of those witnesses whose testimony will be presented in person or by summation through a University judicial officer and a brief summary of the anticipated testimony. The accused shall present to a University judicial officer a list of witnesses including a brief summary of the testimony that it is anticipated they will give and a copy of all documents to be submitted to the board a minimum of 60 hours prior to the hearing. However, additional witnesses may be called by the hearing board in its discretion. The University will attempt to notify all witnesses, in writing, of the time, place, and date of the hearing and shall notify members of the student community that failure to appear as a witness may result in a charge against them of "Failure to Respond."

E. **DISCIPLINARY CONFERENCE** At the option of the University judicial officer and if the student and officer agree on the appropriate sanctions, a student may choose to accept responsibility for an incident in a meeting called a disciplinary conference, with a University judicial officer. In accepting responsibility and sanctions, the accused student waives her/his right to a hearing. The results of a disciplinary conference may not be appealed. All such conferences are reviewed at the end of each semester by the University Judicial Council.

F. **ADMINISTRATIVE HEARINGS** A University judicial officer may choose to hold an "administrative hearing" in lieu of a board hearing at any time. The accused student also

may request an administrative hearing. Decisions reached in administrative hearings are appealed in the same manner as the University Hearing Board decisions.

- G. ACTION PENDING A JUDICIAL HEARING:** If a behavior or activity endangers the safety of the student, a group, or others, a University judicial officer may impose such sanctions as he/she may deem appropriate pending a judicial hearing.

#### **IV. SERIOUS OFFENSES-STUDENT JUDICIAL PROCEDURES**

Southern Methodist University is a community of trust whose very existence depends on adherence to standards of conduct set by its members. The University Student Judicial System is designed to be thorough and effective while affording those due process procedures that ensure fairness for all. It is a system that works well in the majority of cases. However, it is recognized that some student judicial cases are so complex and/or require certain levels of knowledge by the judicial hearing board available only through specialized training; therefore, separate and distinct procedures are required consistent with fundamental rules of fairness for the treatment of both the complainant and the accused.

- A. ASSIGNMENT OF CASE** Incidents involving alleged conduct posing a threat of physical or serious psychological harm, including but not limited to sexual assault and misconduct cases will also be heard by the University Hearing Board.

- B. PRELIMINARY INTERVIEWING/INVESTIGATION** The complainant will make an appointment with a University judicial officer to file charges, if so desired. During this meeting, a University judicial officer will explain the University Student Judicial System and, if the complainant alleges sexual misconduct/sexual assault, refer the complainant to a counselor in the Human Resource/Women's Center or Counseling and Testing Center for advice, counseling, and information on all available procedural options and alternatives.

A University judicial officer will immediately notify the accused of the charge alleged. A University judicial officer will explain the University Student Judicial System and, if the charge alleged is sexual misconduct/sexual assault, refer the accused to a counselor in the Counseling and Testing Center.

A University judicial officer will conduct, with all due urgency, a preliminary investigation of the charge alleged, whether it occurred on or off campus. Such investigation may include consultation with the Department of Public Safety.

The accused has the right to remain silent and to make a statement regarding her/his reason for choosing to remain silent. Failure to cooperate with the investigation (e.g., failure to meet and/or speak with a University judicial officer) will require the judicial officer to make a decision on assignment of the case without the benefit of the accused's testimony.

If a University judicial officer determines that it is probable that a violation defined by the SMU Judiciary and/or the Student Code of Conduct has occurred, s/he shall make a recommendation to the vice president for student affairs on assignment of the case. Upon receipt of the vice president's decision, the Dean of Student Life Office will notify the complainant and the accused, in writing, that the complaint has been assigned to a University Hearing Board.

- C. INVESTIGATION** The University judicial officer will thoroughly investigate the alleged complaint. A Special Investigating Committee can be appointed by the University Judicial Council if necessary. If there is sufficient evidence to go forward at the conclusion of the investigation, an amended notice of charges, if necessary, will be sent to the complainant, the accused, and the chair of the hearing board within 24 hours of the conclusion of the investigation.

The hearing will take place as soon as possible after the complainant's and accused's comments are received, but no earlier than 96 hours or four school days, and no later than seven school days, after their comments are received by the University judicial

officer. The Dean of Student Life Office shall notify the complainant and the accused of the date, time, and place of the prehearing briefing and the hearing. A minimum of 96 hours prior to the hearing, the complainant and the accused will deliver to the Dean of Student Life Office a list of those witnesses whose testimony will be presented in person and a copy of all documents to be submitted to the hearing board. A minimum of 72 hours prior to the hearing, a University judicial officer will conduct a prehearing briefing with the complainant and the accused. At that time, each will receive a copy of the other's list of witness(es) and documents as well as the list of witness(es) to be called and documents to be submitted to the hearing board. Once the hearing begins, the hearing board may call persons named in the confidential Investigative Report, as well as additional witnesses, in its discretion.

- D. THE HEARING** Members from the University Hearing Board will be selected to serve as hearing board members on a rotational basis, whenever possible. The complainant and the accused may challenge any member of the hearing board on grounds of prejudice. In closed session, the board, by majority vote (excluding the member being challenged) may remove a board member. If a member is excluded, an alternate member of the University Hearing Board Pool will be selected.

The chair will conduct the hearing utilizing broad powers to conduct a full and fair hearing including calling witnesses, and questioning and ordering the witnesses. The hearing chair will make final decisions regarding questions of procedural issues and admissibility of evidence in compliance with generally accepted administrative judicial procedures. The chair must be a Law School faculty member and will have completed specialized training. No one may serve as chair if he/she has not completed this training.

The chair is a nonvoting member of the board and may not participate in deliberations, except to answer questions regarding procedures, admissibility of evidence, etc. A quorum will consist of the chair and four board members. Should the chair withdraw from the proceedings for any reason, a new chair will be appointed.

A University judicial officer must be present in the hearing and will function as the official record-keeper of the hearing, as well as a resource person for the hearing board.

#### **E. THE PROCEDURES FOR THE HEARING WILL INCLUDE, BUT ARE NOT LIMITED TO:**

1. The complainant and the accused may be present at the hearing, plus their parents and one member from the SMU community. The hearing shall be closed to all others, except that the president of the University will have the authority to permit attendance of one or more University observers at any time during the course of the hearing.
2. The hearing chair shall conduct the hearing through questioning, in a manner as to bring forward all relevant evidence.
3. Members of the hearing board, the complainant, and the accused may direct questions to and cross-examine witnesses. The chairperson of the hearing board, at his/her discretion may require that questions for cross examination be submitted to him/her who will then direct the question to the witness(es).
4. Hearing board members will be advised that the complaint being presented is very serious in nature, one which may well be repugnant to them. Nevertheless, members of the hearing board must hear the evidence objectively and dispassionately. Any hearing board member who in good conscience cannot comply with this mandate must remove herself/himself from participation in the hearing. Hearing board members are reminded that neither the accused nor the complainant is represented by an attorney at the hearing and that basic rules of legal evidence do not apply. A hearing board member may vote "responsible" of the alleged offense only with the conviction that responsibility has been shown by the preponderance of the evidence.
5. Each party in the case will have the right to an opening and a closing statement. The complainant may give the first opening statement. The accused may give the last closing statement. The complainant and the accused may include a statement of the impact of the alleged assault or misconduct, or the allegation thereof as a part of a closing statement.

4. Once the hearing has concluded, the hearing board will deliberate in closed session to reach a decision. The hearing board's decision will be presented in writing within three working days and will include findings of fact, responsibility or nonresponsibility, and if found responsible, impose sanctions. The board will reconvene after their decision has been written, to announce and submit their decision to the complainant and the accused.

7. The sanctions resulting from serious offense cases will parallel the sanctions found in the University Judicial Code, Section VI, Disciplinary Sanctions.

**F. RIGHTS OF THE COMPLAINANT ALLEGING SEXUAL MISCONDUCT AND/OR SEXUAL ASSAULT INCLUDE:**

1. To be informed of all alternatives and options by a counselor in the Human Resource/Women's Center.
2. To decide whether he or she wishes to press charges through the Student Judicial System.
3. To have parents and a member of the SMU community accompany him or her during the student judicial proceedings. Such persons are for moral support and have the same responsibilities as described for rights of the accused to have companions. (See University Judicial Code, Section VII, Conduct of the Hearing.)
4. To challenge any member of the University Hearing Board on grounds of prejudice.
5. To request to have his or her living arrangements (if in campus housing) modified pending the outcome of the student judicial proceedings if the accused lives close to the victim.
6. To remain present during the proceedings.
7. Not to have his or her sexual history discussed during the hearing. However, evidence of a recent sexual relationship between the accused and the accuser may be considered if the accused asserts consent as a defense.
8. To be informed of the hearing board's decision within three working days following the hearing.

**G. RIGHTS OF THOSE ACCUSED OF SEXUAL MISCONDUCT AND/OR SEXUAL ASSAULT:**

1. To be informed of the accusation and all alternatives and options by a counselor in the Counseling and Testing Center.
2. To remain silent, before, during, and after the hearing and to make a statement explaining the reasons for remaining silent.
3. To have parents and a member of the SMU community accompany him or her during the student judicial proceedings. Such persons are for moral support and have the same responsibilities as described for rights of the accused to have companions. (See University Judicial Code, Section VII, Conduct of the Hearing.)
4. To challenge any member of the University Hearing Board on grounds of prejudice.
5. To remain present during the proceedings.
6. Not to have his or her sexual history discussed during the hearing. To present evidence of a recent sexual relationship between the accused and the accuser only if the accused asserts consent as a defense.
7. To be informed of the hearing board's decision within three working days following the hearing.
8. To appeal the decision of the hearing board to the University Judicial Council.
9. To request to have his or her living arrangements (if in campus housing) modified pending the outcome of the student judicial proceedings if the accused lives close to the victim.

**V. THE FOLLOWING VIOLATIONS HAVE BEEN ESTABLISHED AND DEFINED BY SMU JUDICIARY:**

**A. IRRESPONSIBLE CONDUCT:** An individual or group's behavior is deemed irresponsible and unacceptable to the student community. The individual and/or group is subject to all possible penalties. When the actions of two or more members of an organization are brought before a judicial body, such actions are also a reflection of the organization's

failure to provide the leadership and atmosphere that promotes student growth and development. Repeated examples of an organization's failure shall constitute Irresponsible Conduct or Irresponsible Conduct with Aggravating Circumstances, and the organization may be charged and, if found responsible, subject to all possible penalties. Effective corrective action on the part of the organization shall be viewed as the fulfillment of leadership responsibility.

**IRRESPONSIBLE CONDUCT WITH AGGRAVATING CIRCUMSTANCES:** An individual or group's behavior is not only irresponsible, but intensely so, and involves significant infringements on the personal or property right of others. A repeated violation of any student code/University policy as well as failure to complete judicial sanctions will be an aggravating circumstance. Any of the penalties can be imposed.

**C. DISHONESTY:** An individual or group's action, or omission of actions, are intended to mislead, defraud, or deprive University officials, hearing boards, students, faculty members, or members of the community at large of rights to information, accuracy of record, or property. Some of the examples of dishonesty are: forgery; falsification of records; lying; falsification of checks, money orders, etc.; theft; unauthorized entry to University facilities; counterfeiting of University documents, permits, or other official material of the University; and falsification and/or manipulation of computer data. The individual or group is subject to all the possible penalties.

Possession and/or use of a fake identification card represents falsification of identification and is a violation of Texas state laws (a Class C misdemeanor) and University policies.

**D. ACADEMIC DISHONESTY:** See the section on HONOR COUNCIL.

**E. ASSAULT:** Physical abuse and/or other conduct which endangers the health or safety of any person. Examples include, but are not limited to: fighting or "roughing up" or assault in any form. All combatants may be charged. The individual(s) or group found responsible is subject to all of the possible penalties.

**F. HARASSMENT/INTIMIDATION:** Behavior which is a harm or threat to the physical, mental, or social well-being of another person or group of persons. Examples of such behavior include, but are not limited to: written or oral threats, harassing telephone calls, coercion, stalking, or destruction of personal property. The individual or group found responsible is subject to all of the possible penalties.

**G. SEXUAL MISCONDUCT AND SEXUAL ASSAULT:**

1. Sexual Misconduct includes:
  - a. Intentionally or knowingly touching or attempting to touch another person's intimate parts, including but not limited to, the genitalia, groin, breast, or buttocks, or the clothing covering them, without the other person's consent.
  - b. Intentionally or knowingly causing or attempting to cause another to touch a person's intimate parts without the consent of the person who does the touching.
2. Sexual Assault is the engaging in sexual intercourse, sodomy, or oral copulation with another, or the penetration (however slight) of another person's anal or genital opening with any object, without the other person's consent, or any attempt to do so.
3. "Consent" means knowing and voluntary assent in fact, whether express or implied.
4. An accused may be found to have committed the offense of sexual misconduct or sexual assault only if the other person did not consent to the sexual conduct and the accused either knew or was aware of a risk that the other person had not consented.
5. In determining whether a person consented to the sexual touching or other conduct by the accused, the following factors may be taken into consideration as well as other factors relevant to the case:
  - (a) whether the person was physically or mentally impaired;
  - (b) whether the person was unaware that the sexual contact was occurring;
  - (c) whether the person's power to appraise or control his or her conduct or to consent was substantially impaired for any reason, including but not limited to, the ingestion of drugs or alcohol; or
  - (d) whether the person by word or conduct attempted to resist the accused.

6. In determining whether the accused was aware of a risk that the other person was not consenting, the accused's subjective awareness of the following may be considered as well as other factors relevant to the case:

- (a) that the other person might have been physically or mentally impaired;
- (b) that the other person might have been unaware that the sexual contact was occurring;
- (c) that the other person's power to appraise or control his or her conduct or ability to consent might have been substantially impaired for any reason, including, but not limited to, the ingestion of drugs or alcohol; or
- (d) that the other person had by word or conduct attempted to resist the accused.

7. If the accused's failure to be aware of a risk that the other person was not consenting resulted from the accused's voluntary and knowing ingestion of any substance, such as drugs, [medicine], or alcohol, the accused's failure to perceive the risk is not a defense to a charge of sexual misconduct or assault.

#### H. ALCOHOL POLICY VIOLATIONS AND SANCTIONS:

- a. Minor violations: incidents that will be considered as minor offenses of the University Alcohol Policy include, but are not limited to, underage possession of alcoholic beverages, underage consumption of alcoholic beverages, possession of alcoholic beverages in a public area, and some forms of intoxication.
- b. Major violations: incidents that will be considered as major offenses of the University Alcohol Policy include, but are not limited to, unauthorized parties involving alcoholic beverages, intoxication of persons with aggravating circumstances, distribution of alcohol to minors, and some multiple offenses.
- c. Alcohol Policy Violation Sanctions: any violation of the University alcohol policy can result in one or more sanctions including, but not limited to, the following sanctions:
  1. a minimum fine of \$100 for a minor alcohol violation;
  2. referral to the Office of Alcohol and Drug Abuse Prevention;
  3. assignment of mandatory community service hours; and/or
  4. notification of parents.

ALL OF THE ABOVE VIOLATIONS ARE RELATED TO BOTH "GENERAL POLICIES" AND "RESIDENCE HALL POLICIES" DESCRIBED IN THE STUDENT CODE OF CONDUCT. REVIEW THOSE PAGES FOR EXPLANATION.

#### VI. THE FOLLOWING SANCTIONS HAVE BEEN ESTABLISHED AND DEFINED BY SMU JUDICIARY:

The following sanctions may be implemented individually or in any combination by the hearing boards. The University Hearing Board should understand that the president reserves the right to raise or lower sanctions imposed in the judicial process.

- A. **DISCIPLINARY DISMISSAL (EXPULSION):** An individual or group will be separated from the University on a permanent basis. An individual's dismissal will be permanently recorded on his/her academic transcript. Before this penalty is enforced, the president of the University will review it. A student expelled from the University may not enter campus grounds for any reason without the express written permission of the Dean of Student Life Office. A student expelled from the University will not receive a refund of any monies paid, including tuition, fees, and room and board.
- B. **SUSPENSION:** An individual or group will be dismissed from the University for an assigned time period, and under the conditions deemed necessary by the judiciary. Before this penalty is enforced, the accused student or student group may request the University Judicial Council to review it. Requests must be submitted in writing via the appeal process (See University Judicial System, Sections VI, II) A student suspended from the University may not enter campus grounds for any reason during the period of her/his suspension without the express written permission of the Dean of Student Life Office. A student suspended from the University will not receive a refund of any monies paid, including tuition, fees, and room and board. In addition, no academic credit earned during the period of suspension at any other institution may be transferred to SMU.

A disciplinary suspension and its effective dates are recorded on a student's academic transcript. The notation remains for the time the student is enrolled in the University and is removed three years after graduation. If the student leaves the University before graduation, the notation is removed three years after the anticipated date of graduation from the University.

- C. **CANCELLATION OF THE HOUSING CONTRACT:** A student removed from the residence halls for an assigned time period or expelled from the residence halls on a permanent basis may not enter any residence hall without the express written permission of the Office of Housing and Residence Life. A student who is reassigned to a residence hall due to disciplinary action may only enter the newly assigned residence hall. The reassigned student may not enter any other residence hall without the express written permission of the Office of Housing and Residence Life. If the student's housing contract is still in force at the time of the suspension or expulsion, no refund of the housing deposit or fee will be made.
- D. **FINE:** An individual can be fined any amount not exceeding \$250. An organization can be fined any amount commensurate with the severity of the offense.
- E. **DISQUALIFICATION FROM HOLDING OFFICIAL STUDENT POSITIONS OR PARTICIPATING IN UNIVERSITY ACTIVITIES:** An individual or group will be restricted from either representing the University in an intercollegiate activity, or from participation in any University activity or organization.
- F. **RESTITUTION:** An individual or group will be required to pay for damages to the person or institution for property destroyed.
- G. **CREATIVE DISCIPLINE:** The objective of this penalty is education and rehabilitation. Discipline selected will be commensurate with the offense.
- H. **JUDICIAL REPRIMAND:** The individual or group will be given formal notice by the judiciary that they have violated the student code/University policy. If the individual or group is found guilty of a further offense, that case will be considered more seriously.
- I. **DISCIPLINARY VIOLATION (DV) TRANSCRIPT RECORD:** If the nature of the offense so warrants, the hearing board will record an individual's violation on his/her academic transcript. The notation will remain for the time he/she is enrolled at the University and for three years following his/her graduation. If the student leaves the University before graduation, the notation is removed three years after the anticipated date of graduation from the University.
- J. **NOTIFICATION OF PARENTS/NATIONAL ORGANIZATIONS/AUTHORIZING BODY:** Students found responsible for violation of the Student Code of Conduct may be required to inform their parents of their involvement in the policy violation unless the student has declared financial independence with the University Registrar. The University determines financial independence by the Internal Revenue Code and assumes that all undergraduate students are dependent unless the student provides a written statement to the University Registrar and proof of financial independence. It is also necessary that his/her parents call the designated University staff member to verify that they have been informed. Whichever a student is found responsible for a major or serious offense judicial violation, the Dean of Student Life Office will automatically inform the parents, in writing, of the violation and sanctions. The Dean of Student Life Office will ask the director of student activities to notify a group's national organization or the appropriate University authorizing body of the group's involvement in the policy violation.
- K. **SUSPENSION OF PRIVILEGE:** An individual or group will lose privileges that allow them to participate in specific activities, use specific facilities, or exercise specific privileges.
- L. **PROBATED PENALTIES:** An individual or group's penalty may be probated (not enforced). Probated terms, i.e., conditions of the probation and its duration, will be set by the judicial body which imposed the sanction. If a succeeding judicial body finds the student responsible for violating the terms of probation during the period set up by the preceding judicial body, the probation must be lifted and the previously imposed probated sanction enforced. In addition, further penalties may be imposed. In no case may a student have more than one probated sanction.

## VII. CONDUCT OF THE HEARING

- A. QUORUM** At least four members of the hearing board shall be present throughout the hearing. If less than the required number are present at the opening of the hearing, the hearing shall be postponed until four members can be convened. These requirements may be waived upon agreement of all parties. If a hearing board member, once the hearing has commenced, should need to withdraw for a period of no less than 30 days, the hearing shall recess until all members can be present. If a hearing board member, once the hearing has commenced, should need to withdraw for a period of more than 30 days or permanently, the accused may request that the hearing continue with the remaining hearing board members if the complainant agrees. Otherwise, a new hearing will be scheduled. All members may vote, and all determinations shall be by majority vote. A failure to vote shall be registered as a "not responsible" vote. For Serious Offense Cases, the Quorum is four board members, composed of students, faculty and staff, plus the chair. Should the chair withdraw for any reason, a new chair will be appointed.
- B. QUORUM-UNIVERSITY JUDICIAL COUNCIL APPELLATE BOARD** At least four members, including at least one student, one faculty member, and one staff member, shall be present throughout the Appellate Review for an Appellate Board Hearing. For Serious Offense Cases, a quorum will consist of the chair and four board members. Should the chair withdraw from the proceedings for any reason, a new chair will be appointed. At least five members, including at least two faculty members, two students, and one administrator shall be present through the Appellate Review for an Honor Council Hearing. Only members who have been present throughout the hearing may vote, and all determinations shall be by majority vote. A failure to vote shall be treated as a "not responsible" vote. On the question of responsible or not responsible, a tie vote shall be treated as vote to acquit.
- C. DISQUALIFICATION** Any member of a hearing board, upon considering any challenges from the accused concerning his/her impartiality, may withdraw voluntarily. In such cases, the accused may waive the quorum and the hearing proceed. If the accused chooses not to waive the quorum, the next person in rotation shall serve on that board, and the hearing will be rescheduled.
- D. COMMENCEMENT** No hearing shall begin until at least 72 hours have elapsed from the day of service of notice on the accused. This period may be waived at the mutual agreement of the accused and a University judicial officer. Notice will have been considered served if it was mailed from the University post office in the Hughes-Trigg Student Center at least 96 hours before the day of the hearing to the student's local address on file with the University Registrar. Students are required to maintain a current local address and telephone number with the University Registrar at all times. Notice sent to the local mailing or e-mail address on file with the University Registrar will have been considered delivered as addressed. Such notice is not required to be sent certified or registered mail.
- E. DECORUM** The chairperson of the hearing board shall maintain order for the proper conduct of the hearing. When necessary, the chair may expel disruptive individuals or adjourn the hearing to a later time to assure the full development of the facts in a calm, deliberate setting.
- F. ATTENDANCE AT HEARINGS** All judicial hearings shall be closed and private. Only members of the hearing board, judicial members-in-training, the accused, University administrators-in-training, a University judicial officer presenting the University's case, any University official called by a University judicial officer, the complainant presenting his/her testimony, the parents of the accused and the complainant, and one support person each may be admitted. The support person, if selected, must be a member of the University community. Parents and/or a community support person are for moral support of the accused and the complainant and may not participate in the hearing unless called upon as witnesses.

- G. JOINDER AND SEVERANCE** In hearings involving more than one accused student, a University judicial officer, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
- H. REPRESENTATION BY AN ATTORNEY** The accused may not be represented by an attorney at any hearing.
- I. PRESENCE AT THE HEARING-CONFRONTATION OF WITNESSES** The complainant and the accused and a University judicial officer shall have the privilege of presenting witnesses, subject to the right of cross examination. The chairperson of the hearing board, at his/her discretion may require that questions for cross examination be submitted to him/her who will then direct the question to the witness(es).
- J. PRESENTATION OF EVIDENCE** Ordinarily, the complainant shall proceed first with his/her case followed by the presentation of the accused. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the hearing board at the discretion of the chairperson.
- K. RULES OF EVIDENCE AND BURDEN OF PROOF** Legal rules of evidence do not apply to hearings, and a hearing board shall have discretion with respect to admissibility of testimony and documents.  
Upon a hearing of the charges, the Dean of Student Life Office has the burden of going forward with the evidence and the burden of proving the charges by a preponderance of the evidence – that it is more likely than not that the accused violated the Student Code of Conduct.
- L. EXTENSION TIME** The chairperson of the hearing board may, at his/her discretion, grant extensions of time, at any point in time, as may be reasonably necessary to permit the accused student sufficient time to prepare his/her defense. The chairperson may also in his/her discretion grant an extension to the complainant and accused student, at any moment in time, so that additional evidence may be made available to the hearing board. If after the hearing has commenced the hearing board discovers the need for more preparation or more time to hear testimony, the chairperson shall recess the hearing to a later time. The hearing board may then direct any further investigation for its proper disposition of the case.  
Inability to obtain witnesses shall not be justification for undue delay in commencing a hearing.
- M. PROCEDURAL ISSUES** The chairperson of the hearing board will resolve within his/her discretion any procedural issues raised.
- N. CHANGE IN ALLEGATIONS** Any change in the allegation against a student shall be regarded as a new complaint subject to the process for handling complaints in the first instance.
- O. FINDINGS** The hearing board shall conduct its discussions in executive session and deliver its written findings to the Dean of Student Life Office which shall inform the accused and the complainant of the board's decision as soon as feasible. The hearing board's decision will be presented in writing and will include responsibility or nonresponsibility, and if responsible, impose sanctions. If found not responsible, the accused may not be retried for the same incident at any future date.
- P. REPORTING OF PROCEEDINGS** Any publication from within the University (including *The Daily Campus* and other publications by students) related to a judicial hearing must abide by the following guidelines:
1. The privacy and confidentiality of all student records shall be preserved, in accordance with the Family Education Rights and Privacy Act of 1974 as amended.
  2. Should the accused and/or responsible party (parties) go "public" regarding a hearing, this action will free the University to comment on any such statements and/or the matter being discussed.

## VIII. RECORDS

The following policies concerning records and the release of information are in compliance with the Family Education Rights and Privacy Act of 1974 (The Buckley Amendment).

- Records of the Dean of Student Life Office shall contain all information; data, correspondence, findings, and records of official action concerning student discipline.
1. A judiciary case will remain on a student's record until it is erased three years after graduation. If the student leaves the University before graduation, the notation is removed three years after the anticipated date of graduation from the University.
  2. If an offense is found to be a minor offense, the information stays within the University community.
  3. If an offense is found to be a major offense, the case will remain a part of the student's record until destroyed. This information is used to answer recommendation forms where questions related to disciplinary action are asked.
  4. Beginning with their senior year, students may request to have their disciplinary records expunged by the Dean of Student Life for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:
    - a. the present demeanor of the respondent.
    - b. the conduct of the respondent subsequent to the violation.
    - c. the nature of the violation and the severity of any damage, injury, or harm resulting from it.

There will be no appeal of the decision of the Dean of Student Life.

## IX. APPEALS

An accused who has been found responsible shall have the right to request an appellate review. Such written request must be received in the Dean of Student Life Office within 72 hours of the student's receipt of the written decision of the original hearing board. A quorum of the University Judicial Council, which has participated in the training provided to all University Hearing Board members, shall sit as the appellate body. In no case may a member of the University Judicial Council sit to hear the appeal if he/she has not completed this training. The accused may request an appeal on the following grounds:

1. Clearly erroneous findings of fact;
2. Significant procedural irregularities that denied the accused a fair hearing;
3. Substantial new relevant evidence not available at the time of the hearing;
4. Evidence presented at the hearing for a finding of responsibility clearly insufficient;
5. Evidence of offense sufficient, but sanction unreasonably harsh.

Only in a case of clear miscarriage of justice shall an appeal be granted. The appellate body shall base its decision to grant or deny the appeal based solely on the student's written request for an appellate review, and the written findings of fact developed by the University judicial officer in consultation with the hearing chairperson, and the decision of the original hearing board. The standard of proof is responsible by a preponderance of the evidence.

If the accused student is appealing a University Hearing Board decision on the basis of "Clearly erroneous findings of fact" or "Evidence presented at the hearing for a finding of responsibility clearly insufficient," the appellate board will have the following additional information for consideration:

- a. Fact Statement: A statement of the facts that were presented at the original hearing will be prepared by a judicial officer, who may consult with the chairperson of the original hearing board to do so.
- b. Disputed Fact Statement: The Fact Statement will be made available for review to the accused and the complainant in the Dean of Student Life Office. At that time either or both may prepare a Disputed Fact Statement setting forth any facts which he or she believes were omitted from the Fact Statement. A judicial officer

may participate in preparation of the Disputed Fact Statement(s) and may request the participation of the chairperson of the original hearing board.

The Fact Statement will be signed by the judicial officer, the accused, and the complainant. The Disputed Fact Statement(s) will be signed by the judicial officer and the student preparing it. The Dean of Student Life Office will forward the Fact Statement and any Disputed Fact Statement(s) to the appropriate appellate body with copies to both sides of the appeal.

When the parties' statements are concluded, the appeals board will deliberate in closed session and render its decision in writing, as did the original hearing board.

- A. **OPTIONAL PRESENTATION** In an appellate review, the University Judicial Council may allow the complainant and the accused to present an oral statement. The amount of time allowed for each statement will be determined by the University Judicial Council.
- B. **DETERMINATION OF APPEAL** The University Judicial Council may dismiss the case because there were such procedural irregularities as would irreparably deny the student a fair hearing if the case were presented to a new panel, or dismiss or remand for clearly erroneous findings of fact or finding of facts clearly insufficient to support the charge. Moreover, it may remand the case to the original hearing board if there is substantial new relevant evidence that was not available at the time of the hearing.

The University Judicial Council serves as a board of final appeal for appeals originating from University Hearing Boards.

- C. **APPEAL OF ADMINISTRATIVE HEARING** All cases heard administratively can be appealed to the University Judicial Council.
  - D. **TRAFFIC APPEALS BOARD** The Traffic Appeals Board will hear cases involving appeal of citations from the Traffic and Safety Office. Appeals must be made to the chair of the board, through the Traffic and Safety Office, within 15 days after issuance of the citation. This is the only appeal granted concerning disputes of fact with the citation.
  - E. **APPEAL OF UNIVERSITY HEARING BOARD** All cases heard by University hearing boards may be appealed by either the accused student or student organization to the University Judicial Council. All appeals are reviewed for determination by at least a quorum of University Judicial Council members. The University Judicial Council serves as a board of final appeal for all appeals originating from all University Hearings.
  - F. **APPEAL OF HONOR COUNCIL HEARINGS** All requests for appeal of the hearing board's decisions shall be submitted to the University Judicial Council in writing no later than three class days after the hearing. Requests must set out detailed reasons for the appeal. The hearing board shall submit a response to the appeal to the University Judicial Council. For this purpose, a quorum of the University Judicial Council shall convene a closed informal hearing within a timely manner to discuss the merits of the appeal. The standard of appellate review is very stringent, and only in cases of a clear miscarriage of justice shall an appeal be granted.
- The University Judicial Council may dismiss the case due to such procedural irregularities as will forever deny the student a fair hearing or grant the appeal and remand for a *de novo* hearing, with a new hearing board, for insufficient evidence, significant procedural irregularity, or substantial new evidence.

## X. REHEARINGS

At the urging of the accused or upon presentation of significant new evidence, the dean of student life, after consultation with the chair of the board, and the chair of the University Judicial Council may order a case to be reheard. The rehearing will be at the same level as the original hearing. After such a rehearing, the accused shall be entitled to the same rights of appeal as in any case.

“To keep your character intact you cannot stoop to filthy acts. It makes it easier to stoop the next time.” *KATHERINE HEPBURN - 1974*

## The Honor Code of SMU

Intellectual integrity and academic honesty are fundamental to the processes of learning and of evaluating academic performance, and maintaining them is the responsibility of all members of an educational institution. The inculcation of personal standards of honesty and integrity is a goal of education in all the disciplines of the University.

The faculty has the responsibility of encouraging and maintaining an atmosphere of academic honesty by being certain that students are aware of the value of it, that they understand the regulations defining it, and that they know the penalties for departing from it. The faculty should, as far as is reasonably possible, assist students in avoiding the temptation to cheat. Faculty members must be aware that permitting dishonesty is not open to personal choice. A professor or instructor who is unwilling to act upon offenses is an accessory with the student offender in deteriorating the integrity of the University.

Students must share the responsibility for creating and maintaining an atmosphere of honesty and integrity. Students should be aware that personal experience in completing assigned work is essential to learning. Permitting others to prepare their work, using published or unpublished summaries as a substitute for studying required materials, or giving or receiving unauthorized assistance in the preparation of work to be submitted are directly contrary to the honest process of learning. Students who are aware that others in a course are cheating or otherwise acting dishonestly have the responsibility to inform the professor and/or bring an accusation to the Honor Council.

Students and faculty members must mutually share the knowledge that any dishonest practices permitted will make it more difficult for the honest students to be evaluated and graded fairly and will damage the integrity of the whole University. Students should recognize that both their own interest, and their integrity as individuals, suffer if they condone dishonesty in others.

### THE CONSTITUTION OF THE HONOR COUNCIL OF SOUTHERN METHODIST UNIVERSITY

**PREAMBLE AND DEFINITIONS** We, the students of Southern Methodist University, with the approval of the provost and the dean of student life, establish the Honor Council to uphold the standards of academic integrity set forth in the Honor Code. Acts punishable under the code include, but are not limited to the following:

**CHEATING** Intentionally<sup>1</sup> using or attempting to use unauthorized materials, information, or study aids in any academic exercise.<sup>2</sup>

**FABRICATION** Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.<sup>3</sup>

**FACILITATING ACADEMIC DISHONESTY** Intentionally or knowingly helping or attempting to help another to violate any provision of the Honor Code.<sup>4</sup>

**PLAGIARISM**<sup>5</sup> Intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

**IMPEDING HONOR COUNCIL INVESTIGATION** Impeding the investigation of the council, lying to the council, or in any way failing to cooperate with the council.

## ARTICLE I - JURISDICTION, RATIFICATION, AND AMENDMENTS

**SECTION 1:** The Honor Council shall oversee the academic conduct of all undergraduate and graduate students with the exception of those students enrolled in the schools of Law or Theology of Southern Methodist University.

**SECTION 2:** Ratification of this constitution shall be by majority vote of the Student Senate, the Faculty Senate, and the approval of the provost and dean of student life.

**SECTION 3:** Amendments may be proposed by a student senator, faculty senator, member of the council, or by petition of no less than 10 percent of the student body. Passage shall require a majority vote of the Student Senate, the Faculty Senate, and the approval of the provost and the dean of student life.

The general principles for all honest writing can be summarized briefly.

Acknowledge indebtedness:

1. Whenever you quote another person's actual words.
2. Whenever you use another person's idea, opinion, or theory, even if it is completely paraphrased in your own words.
3. Whenever you borrow facts, statistics, or other illustrative material - unless the information is common knowledge.

Plagiarism also encompasses the notions of citing quotations and materials from secondary sources that were not directly consulted in the preparation of the student's work, and copying the organizational and argumentational structure of a work without acknowledging its author.

<sup>1</sup>Labeling a student as being "dishonest" constitutes a form of moral condemnation, which can be a legitimate sanction in itself. Such moral condemnation, however, is not normally imposed for a simple act of negligence (e.g., a typographical error resulting in a miscited source) but only for an act with requisite intent. "Intent" is a question of fact. A student who cites long passages from a book without acknowledgment cannot expect to convince the decision maker that the omission was merely "negligent." Also, requiring a showing of intent is not to be confused with excusing students who claim they were unaware of the rules. Such ignorance is not a valid defense. Not knowing what one has done (e.g., inadvertently omitting a footnote) is to be distinguished from knowingly doing something while ignorant of a rule.

<sup>2</sup>The term "academic exercise" includes all forms of work submitted for credit or honors at the University, as well as materials submitted to other institutions or organizations for evaluation or publication.

<sup>3</sup>For example, a writer should not reproduce a quotation found in a book review and indicate that quotation was obtained from the book itself. Likewise, it would be improper to analyze one sample in a laboratory experiment and covertly "invent" data based on that single experiment for three more required analyses.

<sup>4</sup>For example, one who provided term papers or examinations to other students while knowing or having reason to know that such materials would be used in violation of the Honor Code would be responsible for "facilitating academic dishonesty."

<sup>5</sup>The University subscribes to the statement on plagiarism which appears on page six of William Watt's *An American Rhetoric* (1955).

## ARTICLE II - HONOR COUNCIL COMPOSITION AND AUTHORITY

**SECTION 1: MEMBERSHIP** If possible, the Honor Council shall be composed of 31 members apportioned in the following manner:

- (a) Four first-year students
- (b) Five sophomore students
- (c) Six junior students
- (d) Seven senior students
- (e) Four graduate students from schools under the council's jurisdiction
- (f) Five members nominated by the Faculty Senate and appointed by the provost.<sup>6</sup>

**SECTION 2: AUTHORITY** The Honor Council has the following powers and responsibilities:

- (a) to develop its own bylaws and procedures, subject to approval by the provost, the dean of student life, and vice president for legal affairs for legal sufficiency and compliance with the standards set by the Honor Council Constitution;
- (b) to serve on and constitute the hearing boards, as specified in Article IV of this constitution;
- (c) to advise and consult with faculty members and administrative officers on matters related to academic integrity standards, policies, and procedures;
- (d) to foster and promote programs alerting students to the importance of academic integrity and the penalties for its violation;
- (e) to issue an annual report to the campus community, to include a statistical review of the nature, volume and disposition of charges heard, academic integrity standards, policies, and procedures, including recommendations for appropriate changes;
- (f) any additional duties or responsibilities delegated by the provost or dean of student life.

## ARTICLE III - PREHEARING PROCEDURES

**SECTION 1: FACULTY DISPOSITION OF A SUSPECTED HONOR VIOLATION** A faculty member who suspects that a student has committed an act of academic dishonesty may take either or both of the following courses of action:

- (a) determine to handle the situation privately with the student, in which case these procedures should be followed:
  - (i) the faculty member shall inform the student of the alleged misconduct and, after discussing it with him or her, determine guilt or innocence;
  - (ii) the faculty member shall inform the student of the sanctions for a determination of guilt, which may be as severe as a failing grade in the course;
  - (iii) the faculty member shall determine whether to notify the dean of student life of the action taken using the form designated for this purpose and available from the Honor Council. Faculty members are encouraged to use this reporting mechanism, as it serves two purposes: first, it enables the University to track the number and severity of honor code violations; second, it preserves a record of a particular student's violation of the Honor Code in the event the student is charged with other alleged violations in the future.
- (b) determine that the matter should be referred to the Honor Council, in which case the charge must be filed and received by the Honor Council within 22 class days from the date of discovery of the alleged violation. The procedures outlined in Section 2, below, will be followed.

### SECTION 2: NOTIFICATION OF STUDENT AND PREHEARING PROCEDURES

- (a) A person who suspects an Honor Code violation shall notify the president of the Honor Council (hereafter referred to as "the president") of the alleged act in writing on the standard form established for that purpose. (The form is appended as Exhibit B.)

<sup>6</sup>The provost will select faculty members designated in advance by the Faculty Senate. Although selection may be made on a case-by-case rotating basis, the provost should retain discretion to make selections, which will insure representation of appropriate academic disciplines, if necessary in each case.



- (b) The president or the president's designee shall immediately send written notice of charges to the accused student. All correspondence is sent to the address the student has provided to the University registrar. The Honor Council will consider notice served if delivered to the address provided to the registrar. Students have a responsibility to maintain a current address on file with the Registrar's Office at all times. The written notice of charges shall also be sent to the Dean of Student Life.
- (c) The president shall appoint an investigator who will collect information relevant to the case and write a summary report to be used at the hearing. The investigator must deliver the summary report and copies of all written evidence and exhibits which will be used at the hearing to the vice president of the Honor Council with a copy to the dean of student life at least three days before the hearing.
- (d) The president shall request the registrar to place a hold on the accused's transcript until the case has reached a final disposition.
- (e) The president shall convene a Hearing Board, composed of four students and one faculty member, within a reasonable period of time but no earlier than 10 days<sup>4</sup> after the accused student receives notice of the allegation.

### SECTION 3: ADVISING THE ACCUSED STUDENT

- (a) The vice president of the Honor Council or his/her designate (hereafter referred to as "the vice president") shall serve as liaison to the accused student. The vice president shall document every attempt by phone and mail to contact the student to schedule a meeting to review the accused's rights and the Honor Council procedures. It is the student's prerogative whether to attend this meeting. At the meeting, the vice president will ensure the student has written notice of the charges and copies of the Honor Code, the Honor Council Constitution, and the Hearing Procedures. The vice president will describe the hearing procedures to the accused and answer questions. The vice president will also provide a copy of the investigator's summary report to the student and all written evidence or exhibits to be used in the case at least three days before the hearing. The vice president shall inform the student of the hearing date, time, and place. Training for the vice president shall be provided by the dean of student life.
- (b) The vice president shall inform the student that he or she may bring one person from the SMU community and his or her parents. Parents and/or community support person are for moral support only and may not participate in the hearing unless called upon as a witness.

## ARTICLE IV - HEARING RULES AND PROCEDURES

### SECTION 1: GENERAL HEARING RULES

- (a) The president or his/her designee shall act as the nonvoting presiding officer of the hearing.
- (b) The accused may challenge any board member's eligibility to sit on the panel; however, the hearing board by majority vote, will have the final decision regarding the panelist's eligibility.
- (c) Hearings will be closed to the public, except for the accused student's parents, the community support person accompanying the accused student, and Honor Council members-in-training. The accused student may request an open hearing, which may be held at the discretion of the president. Open hearings will waive all rights to confidentiality.
- (d) Any person, including the accused student, who disrupts a hearing or who fails to adhere to the rulings of the president may be excluded from the proceeding.
- (e) All proceedings are confidential.<sup>5</sup> Violations of the policy on confidentiality will result in a board member's removal from the council as well as subject the board member to possible judicial action.

<sup>4</sup>"Ten days" shall be counted as class days. Exam days, holidays, and summer vacation days are not included. Hearing boards ordinarily will not convene during these times.

- (f) In accusations involving more than one student, the president will determine whether separate hearings will be held. If a single hearing is held, the accused students may be asked to testify with the other(s) out of the hearing room. Guilt or innocence and penalties will be assigned separately.
- (g) If the accused withdraws from school pending a hearing, the Honor Council retains jurisdiction to render a finding of guilt and apply sanctions.

### SECTION 2: HEARING PROCEDURES

- (a) A hearing board will be comprised of four students and one faculty Honor Council member. The quorum for a hearing shall be four members. For a hearing to commence, the complainant or a statement by him or her, and the investigator must be present. The accused does not have to be present for the case to proceed. Training for hearing board members will be jointly planned and implemented by the faculty adviser and the dean of student life.
- (b) Prospective witnesses, other than the complainant and the accused student, shall be excluded from the hearing during the testimony of other witnesses.
- (c) Formal rules of evidence shall not be applicable in the hearing. Unduly repetitious or irrelevant evidence may be excluded. Circumstantial evidence and hearsay are admissible.
- (d) Accused students shall be accorded an opportunity to question the complainant and those witnesses who testify for the complainant at the hearing.
- (e) In like manner, the complainant shall be accorded an opportunity to question the accused student and those witnesses who testify for the accused student at the hearing.
- (f) The burden of proof shall be upon the complainant, who must establish the guilt of the accused student by clear and convincing evidence.
- (g) All parties, the witnesses, the investigator, and the public shall be excluded during panel deliberations. Honor Council members-in-training, if any, will be allowed to stay for deliberations but may not contribute to the discussion of the board.
- (h) A four out of five vote is necessary for a verdict of guilty to enter. If only four members are present, a unanimous four to zero vote is necessary for a verdict of guilty. Any vote short of the requirement will exonerate the accused and the board will dismiss the charge.
- (i) If the accused is found guilty of an Honor Code violation, the president will inform the board of any prior Honor Code or Judicial Code violations by the accused. The hearing board will then determine the sanction(s) to apply. (See Article V., Section 3.)
- (j) A brief, written statement of reasons for finding a student responsible or not responsible for an offense and the sanctions imposed will be provided by the president or his/her designee. A copy of this statement, called a Hearing Summary, must be signed by the student and the president and given to the accused in person or sent via certified mail if the accused is not present, or refuses to accept his or her copy. The decision of the hearing board will be available to the accused and accuser(s) no earlier than 24 hours after decision has been reached.

## ARTICLE V - PENALTIES

**SECTION 1:** The recommended minimum penalty for a violation of the Honor Code shall be an Honor Violation (H.V.) and a probated suspension from the University for the remainder of the student's academic career. The suspension will be invoked for a finding of guilt of an Honor Code violation or responsibility for a Level II judicial offense. The Honor Council shall authorize the University registrar to place an H.V. on the transcript. The H.V. shall remain on the student's transcript for three years after graduation or expected date of

<sup>5</sup>Hearing board members may discuss the case issues in general with other Honor Council members at their regular meeting for purposes of training, but no identifying information may be discussed.

graduation. It shall then be removed from the transcript. Although it is presumed that a guilty verdict would result in assignment of a grade of F, the faculty member retains complete discretion to award a grade for the course he or she deems appropriate.

**SECTION 2:** In lieu of, or in addition to, the above recommended Honor Violation, the following penalties may be given:

- (a) suspension from the University for a term to be set by the hearing board (during which, credit gained at another institution cannot be transferred back to SMU);
- (b) expulsion from the University.

**SECTION 3:** The criteria on which penalties are based include but are not limited to:

- (a) truthfulness and cooperation in the investigation and hearing;
- (b) premeditation and seriousness of the offense;
- (c) previous University Honor Council or Judicial Council record;
- (d) harassment of the complainant or any witness.

**SECTION 4:** For a period of one year, no student with an H. V. on the transcript will be permitted to represent the University in any extracurricular activity, or run for or hold office in any recognized student organization, including, but not limited to, participating as a member of an athletic team, in performances conducted under University auspices, serving as a member of the Mustang Band, the debate teams, an officer of a sorority or fraternity, a member of the Student Senate, a member of the Student Foundation, or in similar capacities. If students so sanctioned fail to remove themselves from such activities voluntarily, the Honor Council will contact the relevant student or administrative officials to force such action. In exceptional situations, this penalty may be waived at the discretion of the hearing board.

**SECTION 5:** For a period of one year, no student with an H. V. on his or her record shall be entitled to a scholarship based on any factor other than need.

## ARTICLE VI - APPEAL

**SECTION 1:** Grounds for appeal are the following:

- (a) substantial new relevant evidence not available at the time of the original hearing;
- (b) significant procedural irregularities which denied the student a fair hearing.

**SECTION 2:** Only the accused student has the right to appeal.

**SECTION 3:** All requests for appeal of the hearing board's decision shall be submitted to the All University Judicial Council in writing no later than three class days after the hearing. Requests must set out detailed reasons for the appeal. The hearing board shall submit a response to the appeal to the All University Judicial Council. For this purpose, a quorum of the All University Judicial Council shall be two faculty members, two students, and one administrator. The council shall convene a closed informal hearing within a timely manner to discuss the merits of the appeal. The standard of appellate review is very stringent and only in cases of a clear miscarriage of justice shall an appeal be granted.

**SECTION 4:** The All University Judicial Council may dismiss the case due to such procedural irregularities as will forever deny the student a fair hearing, or grant the appeal and remand for a *de novo* hearing, with a new hearing board, for insufficient evidence, significant procedural irregularity, or substantial new evidence.

## ARTICLE VII - RECORDS

**SECTION 1:** All correspondence with the student and records of board decisions and all board correspondence will be kept permanently in the Honor Council file. Copies will also be maintained in the permanent file in the Dean of Student Life Office, in accordance with policies established for maintaining of student judicial records.

**SECTION 2:** If the student is found not guilty, the Honor Council president will expunge identifying information from the case file in the Honor Council Office.

The code was derived in part from Ebert, W., Niss, E., Patterson, B., and Pavelski, G., *Academic Integrity and Student Development: Legal Issues, Policy Issues* (College Administration Publications, Inc., 1988).

"Experience teaches slowly, and at the cost of mistakes." J.A. FROUDE

## Parking Regulations

### POLICY STATEMENT

1. The University has enacted the following traffic rules and regulations for the safety and security of the SMU community. They apply to all students, faculty, staff, and visitors. The parking rules, approved by the vice president of business and finance, will be on file in the offices of each vice president, each dean, the Student Senate, and the Department of Public Safety.
2. DPS' objective is to obtain voluntary compliance with the regulations rather than to assess penalty fees. Penalty fees have been enacted to deter violations.
3. The plan provides parking spaces as conveniently as possible within the available limits. No one is guaranteed a parking space on campus.
4. Students, faculty, and staff are expected to be familiar with and to abide by these regulations at all times and to advise visitors of them. The fact that a violation notice is not issued when a vehicle is illegally parked does not mean nor imply that the regulation or law is no longer in effect. The motor vehicle operator is responsible for being informed about the laws and regulations in force.
5. Penalties consist of fees and, after six violations, the loss of the parking privilege on campus. Persons with registered vehicles are responsible for any citations issued to their vehicles. Lack of convenient parking space is not justification for violation of parking rules. Adequate space is always available at the W-5 parking lot near Dedman Center for Lifetime Sports on Airline Road. Vehicles parking on campus without a decal will be cited. Repeated violations (three or more) can result in the vehicle being towed or mechanically immobilized (booted).
6. All appropriate Texas criminal laws and motor vehicle laws, in addition to University regulations, are in effect on SMU property. University police officers have jurisdiction to enforce regulations and the authority to remove or impound any vehicle operated or parked in violation of the regulations.
7. Throughout the year the campus hosts several major special events that require reserved parking for the patrons. To facilitate reserved parking demands for event patrons, parking lots normally designated for student, staff, and faculty use will be closed. This may result in some inconvenience to the campus community but does not authorize drivers to park in violation of campus, state, or city ordinances.
8. Questions regarding interpretation or classification of these regulations should be directed to the SMU Department of Public Safety, 214-768-2487.

### VEHICLES ON CAMPUS

Motor vehicles parked at any time on University property or streets by students, faculty, or staff must display a current permit, which is obtained from the SMU Department of Public Safety. The only exception to this is in the spaces designated timed parking (e.g., "30 Minute

Parking"). Any vehicle, with or without a decal, may be parked in a timed parking space for the allotted time limit or in the W-5 Lot (south of Dedman Center). Permits must not be falsified, transferred to another person or vehicle, forged, or altered.

## STUDENT VEHICLES

When a vehicle is parked on the campus, the parking permit must be displayed on the outside of the rear windshield on the driver's side near the lower corner of the glass. Vehicles that are not equipped with rear glass will display the decal on the rear bumper, driver's side. Decals for motorcycles will be displayed on any conspicuous place.

## FACULTY AND STAFF VEHICLES

Motor vehicles parked on University property or streets by faculty or staff members must display a permit, which is obtained from the SMU Department of Public Safety Office. The permit will be displayed on the rear windshield, driver's side. If there is no rear window available, the permit will be affixed to the rear bumper, driver's side. On motorcycles, the permit should be displayed in any conspicuous place.

## VISITORS' PARKING

Visitors to SMU should be given parking guidance by the person or organization inviting them to campus.

1. Campus visitors may obtain a Special Guest Permit from the SMU Department of Public Safety. The permit usually is good for one day; parents may obtain weekend passes. The permit not only allows guests to park on campus, but also gives DPS an opportunity to explain campus regulations and suggest areas where visitors may park.
2. Visitors and guests of the University may park in the W-5 Lot (south of Dedman Center), the parking garage at the corner of SMU Boulevard and Airline Road, the visitors' parking area in the lot between the Edwin L. Cox School of Business and Don Hall, the visitors' area at Ownby Stadium, the spaces west of Harmon Library/Grove Garson Theatre, and any timed parking space on campus for the designated period of time. Occasionally some of these lots may be designated for special events parking, in which case one of the alternate lots listed above should be used. Lack of a visible parking space close to the building that is being visited is not grounds for parking illegally.
3. Visitors are subject to the same rules and regulations as the campus community.
4. Visitors who violate traffic laws and ordinances may be cited in University Park City Traffic Court. Discussion about the citation will be done at University Park City Hall.
5. Visitors can only park on campus during normal hours of operation (7 a.m. - midnight). Visitors may not leave their cars on campus overnight. If a vehicle needs to be left overnight or frequent visits are made to campus, the owner should use the W-5 Lot (south of Dedman Sports Center) or call DPS (214-768-3388 - 24 hours) for more information.
6. Faculty, staff, or students are not considered visitors, even during off-duty hours.
7. Campus members are responsible for the actions of their visitors on campus and should advise them as to the areas in which they are allowed to park. Traffic citations that result from visitor violations on campus will be charged to the account of the individual responsible for the guest.
8. SMU is not responsible for any damage that may occur to vehicles parked on campus or to vehicles entering or leaving SMU parking lots.

## FLOOD WARNING

Certain low-lying areas of the campus (especially the 3200 block of Binkley Avenue and the 5800, 5900, and 6000 blocks of Binkley Avenue) are prone to flooding in heavy rains. Concerns or questions about these areas should be addressed to the Department of Public Safety (214-768-3388).

## PARKING FOR THE DISABLED

1. SMU provides spaces throughout the campus for the parking needs of persons with disabilities. The campus honors any government-issued disability designation visibly displayed.
2. Guests on the campus, with proper state designation and with the disabled person in possession of the vehicle, may park in any legal parking space, including spaces designated for disabled parking. Permits or license plates denoting disability do not permit anyone to park in "Fire Lanes," "No Parking" areas, or "Reserved" parking spaces. If there is a question regarding special parking needs, contact DPS at 214-768-3388.
3. If necessary, faculty, staff, and students with disabilities will be provided parking space as convenient as practical to their primary destinations. Individuals should inform the Department of Public Safety.
4. Requirements for authorization to park a vehicle in a "Disabled" space are a state "Disabled" license plate, a state "Disabled" decal, or any disabled designation issued by a government entity.
5. SMU has provisions to issue either a temporary or permanent SMU Disabled Decal. Temporary Disabled Decals may be issued with written authorization from a physician. This issuance is done at the Service Desk in the Department of Public Safety. Temporary decals may be issued for a maximum of six (6) weeks. This provision will enable an individual to obtain a State Temporary Permit if the disability is expected to continue longer. There is no University provision for an extension past the six-week period. Permanent Disabled Permits are issued only to persons with state-issued license plates or identification cards.
6. An unauthorized vehicle in a space reserved for disabled persons will be towed away at the expense of the owner/operator.
7. Spaces designated for disabled persons may be used only by vehicles displaying an appropriate permit. The regulation applies AT ALL TIMES (24 hours a day, seven days a week). Vehicles improperly parked in such spaces will be towed away. A \$100 PENALTY FEE WILL BE CHARGED FOR EACH VIOLATION. THIS WILL BE IN ADDITION TO THE TOWING CHARGE.
8. Individually reserved spaces are available for disabled persons upon request, if the space will be utilized by the individual for a majority of the time.  
NOTE: Article 6672a, Sec. 1, Vernon's Texas Civil Statutes:  
Section 10. (a) A person commits an offense if the person is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person and parks a vehicle with such special device or displaying a disabled person identification card in a parking space or parking area designated specifically for the disabled by a political subdivision or by a person who owns or controls private property used for parking for which a political subdivision has provided for the application of this section under Subsection (c) of Section 6A of this Act.  
Section 11. Presumption. In a prosecution of an offense under Section 10 of this Act, it is presumed that the registered owner of the motor vehicle that is the subject of the prosecution is the person who parked the vehicle at the time and place the offense occurred.

## PARKING METERS

Parking meters have been installed on campus. The hours of operation are from 7 a.m. to 7 p.m. After hours, the areas controlled by meters are open parking to anyone. Citations will be issued to vehicles parked in spaces controlled by meters showing expired time. Maximum time to pay is one (1) hour, but a space may be used as long as the meter is reactivated.

## PARKING PERMITS

There are many types of permits issued by SMU.

- 1. RESIDENT PERMITS (YELLOW)** Persons who reside in campus housing (residence halls) are authorized to park in the resident areas indicated on the map.  
NOTE: The map referenced throughout this section is provided free of charge by the Department of Public Safety. Each parking designation is identified on the color-coded map.
- 2. SORORITY/AUXILIARY (YELLOW/BLACK STRIPES)** Residents who live in sorority and auxiliary housing units are authorized to park in the sorority and auxiliary areas along Daniel Avenue and University Boulevard as indicated on the map or, in some special cases, in parking provided adjacent to the house. All sorority parking owned by SMU requires an SMU permit.
- 3. FRATERNITY (YELLOW/RED STRIPES)** This decal is only for fraternity members who live in one of the houses on SMU Boulevard or Dyer Street. This is for designated parking in front of and, if applicable, behind the house. This decal also allows the vehicle to be parked in the parking garage. All parking adjacent to fraternity houses (front and rear) requires an SMU permit.
- 4. COMMUTERS (GREEN)** Commuters must park in the areas indicated in green on the map. This includes the lot on University Boulevard at Airline Extension, the 3000 block of East Binkley Avenue (north of Moody Coliseum), the lot at the north side of Highland Park United Methodist Church, the L-1, L-2, and L-3 lots (west of Ownby Stadium), and the small lot in the 6400 block of Airline Road. Commuters also may use the parking garage and the W-5 Lot (south of Dedman Center).
- 5. SENIORS AND GRADUATE STUDENTS (BROWN)** This permit authorizes parking on Fraternity Row, the gravel lot at Fraternity Row and SMU Boulevard, and street parking on SMU Boulevard between Airline and Fraternity Row. The permit also is authorized for any commuter lot in addition to the reserved senior/graduate student lot. If the senior/graduate student is also a resident, the student has the choice of a resident decal or a senior/graduate decal, whichever he or she prefers.
- 6. MBA (GOLD)** This decal is used the same as a senior/graduate decal.
- 7. LAW SCHOOL (BROWN/GOLD STRIPES)** This decal is used the same as a Senior/Graduate decal but can be used on the student law school lots. It also can be used on commuter and Senior Graduate lots. Only vehicles with this decal can use law lots.
- 8. EVENING STUDENTS (SILVER)** Students enrolled in any credit program, undergraduate or graduate, should receive a parking decal from DPS to permit them to park on campus. All students (day or night, full-time or part-time) must have a parking decal in order to park on University property.
- 9. MALE FIRST-YEAR STUDENTS (RED)** Male first-year students are authorized to park *only* on the fourth and fifth levels of the parking garage or on the W-5 Lot (south of Dedman Center) as indicated on the parking map. Male first-year students may park in the timed parking areas for the designated times.
- 10. FACULTY AND STAFF (BLUE)** Faculty and staff members are authorized to park in blue areas on the map and in the parking garage.
- 11. PERSONS WITH DISABILITIES (WHITE and BLUE)** This decal, which is nonexpiring, is for faculty and staff members with disabilities. Requirements for authorization to park a vehicle in a "Disabled" space are a state "Disabled" license plate or a state "Disabled" decal or any disabled designation issued by a government entity. A vehicle with this decal may be parked in any legal space. It may not be parked in a "Reserved" space, "No Parking" area, or "Fire Lane."
- 12. PARKING GARAGE** All permits (except W-5) are authorized to use the parking garage. Access is gained by the use of the SMU identification card.
- 13. FREE UNIVERSITY PARKING (GREEN/BLACK STRIPES)** Any member of the University community may park without charge in the W-5 Lot (south of Dedman Center), provided that a University vehicle identification permit is displayed. Male first-year students also may use the Dedman parking area. The W-5 decal does not authorize the owner to park in any other campus area.

- 14. ALL UNIVERSITY PARKING (RED AND WHITE AREAS)** These parking areas are located immediately south and east of Dedman Center and west of Ownby Stadium. They are reserved for any "paid" SMU decal, except for male first-year undergraduates, who are restricted to Level 4 and Level 5 of the parking garage.
- 15. SMU APARTMENTS** Residents of all SMU owned apartments must register their vehicles. A special decal is provided for parking in the apartment lots. The residents of the Binkley Apartments will register at the SMU Department of Public Safety. Other apartment residents should contact the office (214-750-4777) where they signed their contract and ask about a parking decal. These decals are designated for parking at the assigned apartment only and *do not authorize* the vehicle for on-campus parking. A campus decal must be purchased if the vehicle is brought to campus. Fraternities and sororities under SMU property management must obtain a campus decal.  
NOTE: Campus decals do not authorize a vehicle to park in any of the SMU apartment lots. Nonresident vehicles will be towed away at the owner's expense.
- 16. CONTRACTOR'S VEHICLES (PAPER - BLUE HANG TAG)** These vehicles are issued temporary, distinguishing permits denoting the vehicle use (service and delivery, contractors, special guests, trustee parking, visitors, etc.). The permit must be displayed on the rearview mirror.
- 17. TEMPORARY (PAPER - YELLOW)** This is used on a temporary basis as a substitute for any other permit.
- 18. SERVICE & DELIVERY (PAPER - WHITE HANG TAG)** This permit is to be used by vendors and campus employees who make deliveries to various campus areas. It is available only for temporary parking situations.
- 19. SPECIAL GUEST (PAPER - WHITE/RED HANG TAG)** This permit is used to designate the vehicles of a campus visitor and allows the vehicle to be parked in any legal space.
- 20. RETIRED FACULTY/STAFF (PAPER - WHITE/BLUE HANG TAG)** Individuals who have retired from SMU may obtain this permit, which allows them to park in any legal space. The permit is available through the Retired Faculty Association or the Retired Staff Association.
- 21. FRATERNITY/SORORITY PARKING** Some Greek houses are operated under SMU property management and others have their own management organization. However, all parking related to fraternity, and sorority houses is restricted to members who actually live in the house. All vehicles parked in these areas must have an SMU decal.

## REGISTERING FOR PARKING

- Student registration for parking begins with paying for a permit at the Cashier's Office in the Perkins Administration Building. The student then goes to the SMU Department of Public Safety, located on the second floor of Patterson Hall, 3128 Dyer, and presents proof of payment for the parking permit. The student also must present his or her driver's license and license plate number to register. DPS personnel will issue the appropriate decal to each person. A parking permit must be affixed to the outside of a vehicle's rear windshield, driver's side, in the lower portion of the glass in such a manner that the identifying number is visible and legible. For a vehicle without a rear window or one with louvers on the rear window, a permit may be placed on the rear bumper.
- In certain cases, a person not officially registered to park on campus may be issued a temporary permit. This permit must be affixed to the rear of the vehicle with the time of authorization indicated on the face of the permit. Inquiries regarding temporary permits should be directed to the Department of Public Safety at 214-768-2487.
- No parking fee will be charged to students enrolled in University noncredit courses. However, a parking decal is required and will be distributed at the time of registration by the Department of Evening, Summer, and Continuing Studies.
- Faculty and staff parking fees for permanent permits will be deducted from the individual's pay on a regular basis. Payroll deductions will be continued unless the individual desires to cancel the parking privilege and returns the permit and assigned parking pass card, if applicable, to the Department of Public Safety.

5. Giving false information to register a vehicle (e.g., incorrect vehicle owner) is a violation of University policy.

## FEES

Parking fees per school year (September 1-August 31) are as follows:

### 1. Students

*Full-time (more than 9 credit hours)*

Full year-\$80

Spring Semester-\$40

Summer Semester-\$15

*Part-time (9 or fewer credit hours)*

Full year-\$40

Spring Semester-\$20

Summer Semester-\$15

### 2. Faculty/Staff-\$8 a month

### 3. Exchange of car (2nd permit)-\$2

### 4. Replacement of lost or stolen permit-\$2

### 5. Contract employees with personal vehicles-\$8 monthly

### 6. Deposit for parking gate trip card-\$10

### 7. Temporary permit-\$8 monthly

### 8. Dedman Center W-5 lot (large lot south of Dedman Center) - NO CHARGE

## REFUND POLICY - PARKING FEES

Parking fees will be refunded if a request is made within the first thirty (30) calendar days of the beginning of a semester. If a decal has been issued, it must be returned.

## TRAFFIC AND PARKING VIOLATIONS

University parking and traffic regulations, state laws, and City of University Park ordinance are in effect on the SMU campus at all times.

## PENALTY FEES

1. A penalty fee of \$20 will be charged for all minor violations.
2. The penalty fee for a moving violation is \$25.
3. Violation of parking in a space designated for the disabled without visible authorization or blocking a ramp for the disabled will result in a \$100 penalty fee. In addition, the vehicle will be towed at the owner's expense.
4. Suspension of parking privileges occurs after six citations. The suspension is automatic as determined by DPS records. The penalty fee for violation of suspension is \$25 per incident. Vehicles parked on campus in violation of suspension will be towed or immobilized at the owner's expense.
5. Fire lane and fire plug violations are \$50 each.

## VIOLATIONS

1. The maximum permissible speed on campus streets is 20 MPH. The speed limit in all parking lots is 5 MPH.
2. Vehicles must stop for pedestrians at all intersections and in marked crosswalks on campus. Pedestrians always have the right of way in any situation.
3. A motor vehicle shall not be operated while any person is sitting on, holding onto, or otherwise positioned on the outside of the vehicle, except pick-up trucks, in which passengers may be seated in the truck bed if the passenger is not in violation of minimum age as defined by state law.
4. When loading or unloading unusually heavy items, or when a vehicle is temporarily inoperative, a note shall be placed on the dashboard on the driver's side, signed by the driver, stating the situation (loading or unloading, or inoperative vehicle), and the time

or day. A maximum of twenty (20) minutes parking will be granted in these instances. Inoperative vehicles must be moved as soon as possible, and DPS (214-768-3388) must be notified. The vehicle involved in loading or unloading must be parked in a parking space or loading zone and must be moved immediately upon completion of the loading or unloading operation. The procedure does not convey the right to park in a "Fire Lane," a space designated for a "Disabled Person," a "No Parking" zone, or a "Reserved" space.

3. It shall be a violation for any person to drive by, through, beyond, or to move a barricade, a road block, or parking cone that is officially erected on the campus.
6. Parking in a fire lane.\*
7. Blocking a driveway.\*
8. Double parking.\*
9. Parking in a space designated for persons with disabilities.\*
10. Parking in a crosswalk or yellow-painted zone.
11. Moving traffic violation (includes driving motorcycles and mopeds on sidewalks).
12. Failing to yield the right of way to a pedestrian.
13. Overtime parking (this includes areas controlled by parking meters).
14. Parking in an unauthorized area, no permit or incorrect permit, and spaces designated "Visitors."\*
15. Parking outside the defined limits of a parking space (taking two spaces).
16. Parking on sidewalks or grass, mall, or lawn.
17. Parking a trailer or boat on campus.
18. Failure to properly display a parking permit.
19. Improper use of traffic citation.
20. Bicycle violations (e.g., blocking ramps for the disabled, handrails, chained to trees or lamp posts).\*
21. Students, faculty, or staff parking in any area designated "Visitors."\*
22. Parking in a "Reserved" parking space or area.\*

\* Note: Towing action is at owner's expense. The towing fee is in addition to the Violation Penalty Fee.

## OTHER REQUIREMENTS

1. Parking is regulated by posted signs and curb markings, which take precedence over colored stop indications.
2. Limited-time parking areas (e.g., 30-minute) may be used by anyone (including male first-year students).
3. Sevens provided for disabled persons are indicated by posted signs.
4. In the event of conflict between traffic signs and the painted regulations, the signs will govern.

## HOURS OF RESTRICTION

Many of the campus parking areas are restricted by the type of decal 24 hours a day, while others are designated as restricted from 7 a.m. to 5 p.m. Drivers should be aware of the signage restricting the area before attempting to park their vehicles.

1. During the hours of restriction, a vehicle may be parked only in the parking area in which the vehicle has been assigned and for which a permit has been issued. If restrictions are posted with no time designation, the restriction is enforced 24 hours a day. On Saturday and Sunday and official school holidays, only posted restrictions are in effect.
2. When restrictions are not in effect, vehicles bearing a current SMU parking permit (except W-5) may be parked in any space that is not in violation of state and local statutes or is not controlled by signs or curb markings indicating special provisions. Reserved parking areas (e.g., Peyton Parkway, etc.) are reserved 24 hours a day, seven days a week.

## ENFORCEMENT

1. Citations will be issued by the Department of Public Safety for violation of traffic and parking regulations; a copy will be affixed to the vehicle in violation.
2. A sixth traffic citation will result not only in a violation fee but also in the suspension of parking privileges. Suspended vehicles may be parked only in the W-5 Lot (large lot south of Dedman Center).
3. Students securing a parking permit using fraudulent registration information or displaying a fictitious permit will result in the suspension of parking privileges and referral to the dean of students for further action.
4. Improperly parked vehicles that interfere with usual staff functions, such as maintenance, delivery, emergency vehicles, etc., will be towed. Vehicles that damage lawns or other landscape will be towed.
5. In situations where the violation warrants, a vehicle either may be towed or immobilized by the use of a mechanical "boot." If the "boot" is used, the violator must not under any circumstances try to move the vehicle. Any attempt to move the vehicle will result in damage to the locking device and/or the vehicle. **SMU IS NOT RESPONSIBLE FOR THE DAMAGE TO A VEHICLE THAT IS MOVED WHILE SECURED BY A BOOT. ANY DAMAGE TO THE "BOOT" WILL BE CHARGED TO THE VEHICLE OWNER.**

## MOTORCYCLES

There are special regulations and state statutes applying to motorcycles, mopeds and motorbikes. Operators of these vehicles must be registered with the Department of Public Safety and must display a parking permit. The same penalties for violations of regulations apply to them as to other motor vehicles. Parking and traffic regulations for motorcycles are identical, with the following exceptions:

1. Motorcycles may be driven only on the streets and driveways of the campus and are explicitly prohibited from sidewalks, lawns, flower beds and shrubbery, inside of buildings except garages, and areas where they are prohibited by posted signs.
2. Motorcycles may be parked in any area authorized for automobiles except parking lots.
3. No more than one passenger may be transported on a motorcycle.
4. Helmets are required.

## BICYCLES

Bicycles must be ridden in accordance with state and local laws pertaining to them. The Department of Public Safety will provide a synopsis of such laws upon request.

1. As a deterrent to theft and to aid in prompt identification of a lost or stolen bicycle, the Department of Public Safety will provide a FREE registration decal to an owner supplying the serial number or identification number of the bicycle. Registration of bicycles is mandatory.
2. A bicycle may not be parked or stored on any campus street or lawn or other areas where pedestrians may walk, including sidewalks, inside buildings, garages, any landscape improvements not open to pedestrian use, malls, flower beds, hedges and shrubbery, any outside area designated for other than pedestrian use, or where official signs prohibit parking or riding. Bicycles must be ridden on streets only and pushed on sidewalks. Designated bike paths may be used.
3. The operator of a bicycle must give the right of way to pedestrians at all times.
4. Bicycles may not be secured to any tree, shrub, or plant, including average step railings, or any structure NOT designated as a bicycle rack or locking facility. An exception is a chain-link fence.
5. Bicycles may not be left unattended on any sidewalk, street, driveway, loading zone, fire lane, building, porch or patio, or pedestrian mall.
6. Violations of these regulations will result in the removal of the bicycle by the Department of Public Safety; the owner may retrieve it after showing proper identification.

7. All violations on campus are per se registered and assessed the current violation penalty fees will be assessed accordingly.
8. State law requires bicycle riders to obey all traffic control devices, stop signs, etc.
9. Special bicycle lockers located near dormitory areas are available through the Housing and Residence Life Office for a small fee per semester.

## IN-LINE SKATES

1. The use of in-line skates on University property will be restricted to members of the campus community (faculty, staff, or regularly enrolled students) and/or their guests. Guests who are invited to skate on campus property must be eighteen (18) years of age or older.
2. All persons who are engaged in the activity of in-line skating must do so with proper safety equipment. The minimum safety equipment required are wrist braces, knee pads, elbow pads, and a helmet that has been certified to meet the ANSI or Snell testing standards. Other procedural requirements, adapted from materials of the International In-Line Skating Association, may be obtained from the DPS offices.
3. In-line skating can only be practiced during daylight hours. In-line skating in the streets must be directed in the flow of the vehicular traffic.
4. In-line skating is not allowed in buildings, on steps, in the parking garage, on ramps designated for the disabled, on raised areas such as fountains or decorative architecture, on surfaces that can be damaged by the activity, in construction areas or areas restricted by roadblocks or cones, or in an area where a reasonable person would consider this activity to be unsafe.
5. Any violation of this policy by a member of the campus community will result in a written warning on the first offense. A second offense will result in a citation and a \$20 violation fee. A third violation will result in an issuance of written notice that revokes the violator's privilege to skate on campus. In the case of students, the case will be referred to the student judiciary in addition to any other sanctions imposed.

## RESOLVING CITATIONS

The operator of a vehicle in violation of regulations will receive a traffic citation either in person or attached to the vehicle. A traffic violation fee is a University fee and must be paid within 15 days from the issue date at the Cashier's Office. Failure to pay the traffic violation fee will result in delays for students in receiving degrees and transcripts and in refusal of permission to register.

## APPEALS

1. A traffic citation may be appealed by contacting the Support Services Division of the Department of Public Safety, located on the second floor of Patterson Hall, 3128 Dyer, within 15 days of the citation date. The request for an appeal must be made in person.
2. After an appearance date is set, the individual appealing the citation must appear at the designated time and date. If the individual cannot appear, a written appeal may be submitted. However, all written appeals must be submitted seven days prior to the hearing date. Failure to appear constitutes forfeiture of the appeal.
3. Decisions made by the Traffic Appeals Board are based on current published parking regulations. All board decisions are final.
4. Individuals who desire to question the current parking regulations may submit recommendations for changes to the DPS Advisory Committee or the Dean of Students.
5. The Appeals Board will consist of a minimum of three individuals representing faculty, staff, and students. Members of the Department of Public Safety will not participate on this board.

## UNIVERSITY PARK CITATIONS

In some instances, violators of the City of University Park fire, parking, or building ordinances will be issued City citations. These cases are filed in University Park Court and must be resolved by the judge of that court.

## SUSPENSION OF PARKING PRIVILEGES

1. When six parking and/or traffic citations are issued to an individual, that person's parking privileges will be suspended for the remainder of the academic year (until August 31). The suspended person will be required to surrender his or her permit. The suspension applies whether the person has paid the fees for the violations. The person will be issued a W-5 decal. During the parking suspension period, an individual may not park any vehicle on campus except at the large lot south of Dedman Center (W-5 Lot).
2. SMU DPS is not required to notify any person whose parking privileges have been suspended. Suspension should be considered automatic upon receipt of the sixth citation, even if the citation fees have been paid. However, reasonable effort is made to inform persons whose parking privileges have been revoked by mailing a notice to the address on record. *SMU cannot guarantee receipt of this notice.*
3. If a suspended vehicle is parked on campus (other than at the W-5 Lot), that vehicle will be impounded at the expense of the owner or person in charge.
4. Violation of the vehicle parking suspension will result in a penalty fee of \$25 for the violation in addition to any towing or impounding fee.
5. A person who has been placed on suspension can be reinstated only after a review of the circumstances by DPS and an interview of the individual involved to ensure that no further violations occur or by citation reversal from Appeals Board, which reduces the total citation amount to below six. Paying citations fees does not constitute reinstatement of a person's parking privileges.
6. Subsequent violation of a parking suspension will be referred to the University Judiciary System for action.

## TOWING/IMPOUND POLICY

Vehicles in violation of posted restrictions (i.e., suspended for parking on campus; cited three times or more for parking without a current decal; parked in a fire lane; occupying a space reserved for the disabled with no visible authorization; parked in a no-parking area, reserved space, in a service vehicle space without a hang tag; blocking traffic flow, or being a danger to the safety of others) will be towed or impounded at the owner's expense. All vehicles towed by SMU's Department of Public Safety are stored in an on-campus area. Arrangements to retrieve the vehicle must be made at the DPS office.

All tows are made by a licensed wrecker service. SMU is not responsible for any damage sustained as a result of a tow. The wrecker service accepts responsibility for the vehicle during the towing process. Towing fees are based on the charges of the wrecker service and the equipment needed to tow the vehicle.

## ABANDONED VEHICLES

Any vehicle parked on University property without University permission for a period of 48 hours or more is considered abandoned under state law and can be towed from the campus at the owner's expense.

After the vehicle is towed, the owner who is listed on the state registration of the vehicle will be informed about location of the vehicle via certified mail. Failure to claim the vehicle from the storage company within 20 days of the notice will result in the vehicle becoming the property of the storage company.

Vehicles that are not in driving condition are not allowed to be stored on University property. Vehicles that are under repair are not to be stored on SMU property.

## BOATS, TRAILERS, MOBILE HOMES, AND BUSES

Boats are not allowed to be stored or parked on campus, with or without a trailer.

Other types of trailers may be parked on campus only with the written permission of a representative of the Department of Public Safety.

Permission to temporarily park a mobile home (on the W-5 Lot only) on campus will be granted by the Department of Public Safety on a specific-need basis.

Buses are not allowed to park permanently on campus. Temporary arrangements involving special events can be made through the SMU Department of Public Safety (214-768-2490).

## UNIVERSITY CLOSING DUE TO BAD WEATHER

The decision to close the University due to weather conditions is made by the University president. The decision will be announced to the local television and radio stations by 6 a.m. Voice mail messages announcing the closing will be available by calling SMU-MAIL (214-768-6245) or SMU-INFO (214-768-4636).

## ARTICLE 51.212 (THE TEXAS EDUCATION CODE)

"The governing boards of private institutions of higher education, including private junior colleges, are authorized to employ and commission campus security personnel for the purpose of enforcing the law of the state on the campuses of private institutions of higher education. Any officer commissioned under the provisions of this section is vested with all the powers, privileges and immunities of peace officers while on the property under the control and jurisdiction of the respective private institution of higher education or otherwise in the performance of his assigned duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers and shall execute and file a good and sufficient bond in the sum of \$1,000.00 payable to the Governor, with two or more good and sufficient sureties, conditioned that he will fairly, impartially and faithfully perform the duties as may be required of him by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered." (Article 51.212 of the Texas Education Code.)

## GENERAL INFORMATION

1. All University officers are duly commissioned peace officers of the State of Texas. Upon the request of an officer of the University, any person on the campus is required by state law to identify himself or herself. Any member of the University who refuses to identify himself or herself upon request by a University Police Officer will be subject to removal from the University and disciplinary action.
2. All vehicle thefts, accidents involving vehicles, and other offenses such as criminal mischief or vandalism of vehicles that occur on campus should be reported to the SMU Department of Public Safety immediately. Accident reports should be made prior to moving the involved vehicles. One-vehicle accidents and inoperable vehicles also must be reported promptly. Abandoned vehicles will be removed from the campus at the owner's expense consistent with state law.
3. To secure the necessary traffic control measures, persons or organizations planning activities that involve campus streets should notify the Department of Public Safety at least one week before the event.
4. The Department of Public Safety, located on the second floor of Patterson Hall, 3128 Dyer, is open at all times. Officers patrol the campus day and night and also may be summoned by telephone, 911 for emergencies, 214-768-3388 for nonemergencies. For administrative matters, call 214-768-2486.

“We have not passed that subtle line between childhood and adulthood until we move from the passive voice to the active voice – that is, until we have stopped saying ‘It got lost,’ and say, ‘I lost it.’” *SYDNEY HARRIS - 1962*

## Safety and Security at SMU

Southern Methodist University is pledged to fulfill its promise as a private university of the highest quality. Toward that end, a variety of services and programs are offered which are conducive to the support of the learning that occurs in the classroom. Uppermost among the services and programs are those that promote the safety and security of the campus community.

### **MUNICIPAL LAW ENFORCEMENT JURISDICTION**

In addition to the SMU Department of Public Safety (DPS), the University Park Police Department has concurrent jurisdiction on the campus and, if needed, assists the SMU DPS. The University Park Police Department, which is within a few blocks of the SMU campus, provides fire fighting and emergency paramedic services to the campus. Through interagency agreements, the Highland Park Police Department and the Dallas Police Department also will provide assistance if the SMU Department of Public Safety requests it.

### **LAW ENFORCEMENT AUTHORITY OF CAMPUS SECURITY PERSONNEL**

The SMU Department of Public Safety is a fully empowered law enforcement agency that is certified by the state of Texas. Campus police officers are state-commissioned peace officers with full police authority, duties, and responsibilities. In addition to the campus police officers, the SMU Department of Public Safety has uniformed public service officers who provide dorm security and support for special event operations. The Department of Public Safety provides 24-hour emergency services with a minimum of three patrol officers and a dispatcher on duty at all times. The Department of Public Safety consists of 35 personnel, 22 of whom are commissioned peace officers. State law provides that only peace officers, trained security officers, and other governmental officers may carry a firearm on a



campus. All other persons are prohibited from possessing weapons on University property. The SMU Department of Public Safety has the responsibility and duty to enforce all local, state, and federal laws and to effect arrest and to provide for referral for prosecution of crimes to the city and county judicial systems. Any criminal violation against the University will be processed through the student judicial system and also may result in arrest and/or referral for prosecution in the state or federal criminal justice system.

#### PROCEDURES FOR REPORTING CRIMES AND OTHER EMERGENCIES

Fires, health emergencies, crimes, and violations of University policies and procedures should be reported to the Department of Public Safety either in person at 3128 Dyer Street, Room 200, Patterson Hall, or by telephone at 911 on campus or at 214-768-3333 from off-campus. Violations of University policies and procedures by students also may be reported to the Dean of Student Life Office at Room 302, Hughes-Trigg Student Center or by calling 214-768-4564. Conspicuously placed lighted emergency telephones with direct lines to the Department of Public Safety are located throughout the campus to facilitate reporting. (Please see campus map in this brochure.)

#### CAMPUS FACILITIES ACCESS

Visitors to residence halls and fraternity and sorority housing must be accompanied by the resident of the facility who is being visited. Visitors to the campus are welcome but are expected to adhere to all campus regulations and policies. Visitors are encouraged to stop by the Department of Public Safety located on the second floor of Patterson Hall for information on University regulations. The University reserves the right to restrict the access of any person who does not adhere to University policies and procedures. Any person may be required, upon request by the Department of Public Safety, to present identification while on campus.

#### MAINTENANCE OF CAMPUS FACILITIES

University facilities, lighting, and landscaping are maintained so as to reduce hazardous conditions. Malfunctioning lights and other unsafe conditions are reported to the Physical Plant for repair or correction on a daily basis.

#### RESIDENCE HALL SECURITY

Approximately 2,200 students reside on campus in residence hall facilities. Residence halls have doors that lock automatically 24 hours a day. Access is by a card key entry system that allows building residents to use their assigned cards for exterior entry only to their own assigned residence halls. If an exterior fire door of a residence hall is propped open, an alarm will sound alerting the building's residence life staff. The area desk in McElvaney Hall, located in the first-year quad, is staffed 24 hours. A security officer is on duty from midnight to 8 a.m., and a residence life and housing staff member is on duty from 8 a.m. to midnight. All other residence halls are covered at random by patrol 24 hours per day. Residents are encouraged to keep their residence hall room door locked at all times. Single-sex residence halls are available to students on request. Visitation hours are noon to midnight on weekdays (Sunday-Thursday) and 24 hours on weekends (Friday and Saturday). However, visitors must be accompanied by a resident at all times while in a residence hall. All residence halls have telephones located inside and outside the front door.

#### SERIOUS CRIMES

In the event a serious crime is committed on campus, the following procedures will be used to provide timely notice of the crime and warning to the SMU community within 24 hours of crime: 1) CAMPUS ALERT signs will be posted at major entrances to campus; 2) announcement posters will be displayed in the residence halls and major corridors on campus including Hughes-Trigg Student Center, Fondren Library, Umphrey Lee Cafeteria,

Fondren Science Building, and Dallas Hall; and 3) quarter-page announcements will be run in *The Daily Campus* student newspaper. The signs, posters, and newspaper announcements will prominently display a telephone number that members of the community may call to obtain information about the crime that occurred as well as information on any additional safety measures that have been implemented. These actions may be in addition to other measures and will depend on the particular circumstances of the crime.

#### CRIME STATISTICS FOR THE PERIOD ENDING JULY 31, 1995

Southern Methodist University has participated in the FBI's Uniform Crime Report since 1967. As part of SMU's ongoing commitment to provide information that students, faculty, and staff may need to help make their campus safe, and to comply with the 1991 Student Right to Know and Campus Security Act, the following are the reported crime statistics, as defined by the Act, for Southern Methodist University for 1993-94, 1994-95, and 1995-96. The first column provides the number of offenses reported to law enforcement officials in a given category. The second column provides the number of offenses cleared by the Department of Public Safety, and the third column provides the number of offenses that, after investigation by the Department of Public Safety, did not represent the offense as reported and were subsequently unfounded. The fourth column provides the number of offenses reported informally to student affairs professionals.

#### SOUTHERN METHODIST UNIVERSITY DEPARTMENT OF PUBLIC SAFETY CAMPUS CRIME SECURITY ACT REPORT

#### INCIDENT REPORTING COMPARISONS - REPORTING PERIODS JANUARY 1 TO DECEMBER 31

CRIME CATEGORIES	1994				1995				1996			
	R	C	U	SA	R	C	U	SA	R	C	U	SA
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	2	0	0	0	0	0	0	1	1	0	5
Robbery	0	0	0	0	0	0	0	0	1	0	0	0
Aggravated Assault	2	2	0	0	3	2	0	0	1	1	0	0
Burglary	6	0	2	0	1	0	0	0	3	0	0	0
Motor Vehicle Theft	6	2	1	0	11	2	0	0	8	5	0	0

#### ARREST CATEGORIES

	1994	1995	1996
Liquor Law Violations	0	5	0
Drug Abuse Violations	0	2	0
Weapons Violations	2	3	1

Legend—"R" means reported incident, "C" means an incident cleared by arrest or exceptional means under guidelines.

"U" means an incident unfounded under FBI/UCR guidelines.

"SA" means reported an incident informally to student affairs professionals. May overlap incidents reported to law enforcement officials.

## SAFE AND SOUND ADVICE

### GENERAL SAFETY TIPS

- Avoid walking alone, particularly after dark. Use the campus Escort Service or the Blue Angel Shuttle whenever possible. If walking alone is unavoidable, be aware of your surroundings and let someone know when to expect you.
- Avoid shortcuts. The shortest route is not always the safest route. Walk along the mid-point between curbs and buildings and away from alleys and bushes.
- Dress for mobility, particularly after dark.
- Avoid deserted areas, poorly lit streets, alleys, and pathways.
- Never jog alone.
- When walking or jogging, go against the flow of traffic; that makes it harder for motorists to bother you. (If harassed from a car, walk or run in the opposite direction. Scream if you are truly frightened.)
- Do not jog while wearing stereo headphones. It's important to be alert to what's happening around you.
- Carry your personal belongings in a backpack or similar container that will enable your arms and hands to be free at all times.
- Avoid approaching your car with bundles that restrict use of your arms. If you've been shopping, ask the store for assistance.
- Always have your keys ready to unlock the door to your car or residence and enter without delay. Lock the doors after you get inside.
- Before entering your car, look in the back seat and on the floorboard.
- Always lock car doors and windows when you leave or enter your car.
- Never leave belongings in plain view in your car. Lock them in the trunk.
- If someone in a vehicle attempts to stop you – even to ask for directions – do not get close to the vehicle.
- Register, engrave, mark, and/or photograph all your valuables including bicycles, stereos, jewelry, vehicles, computers, etc.
- Never get on an elevator with someone who looks suspicious. If someone who looks suspicious gets on, get off immediately.
- Avoid using ATMs in dark, isolated areas; it's best to use machines that are highly visible in public areas such as supermarkets.
- Never flash your cash. Always have "emergency" change for a phone call.
- Be responsible with alcohol. If you are intoxicated, you are less alert and an easier target for robbers and attackers.

### SECURITY IN THE RESIDENCE HALL

- Never leave your door open, even if you will be gone for only a few minutes; especially, never prop any door open. Always lock doors, screens, and windows to prevent uninvited access to your room.
- Don't mark your room key or key chain with your name, address, or telephone number.
- Do not give anyone a key to your room.
- Do not leave valuables in plain sight.
- Never let strangers into your hall. This puts you and others at risk.
- Be aware of suspicious persons and activities. If you observe someone or something suspicious, notify the hall staff and the SMU Department of Public Safety, 214-768-3333.

“It is time for a new generation of leadership, to cope with new problems and new opportunities. For there is a new world to be won.”

*JOHN F. KENNEDY - 1960*

## Federal Law and Confidentiality of Student Records

The Family Education Rights and Privacy Act of 1974, more commonly known as the Buckley Amendment, grants students the right to inspect, to obtain copies, to challenge, and – to a degree – control the release of information contained in their student records.

In general, this law also precludes releasing any student records – academic, medical, or disciplinary – to a parent or other third party without the student's written consent.

It is important to note that this is a federal law that all universities and colleges, including SMU, must obey. It is not a policy or a rule that is particular to SMU.

However, there are several exceptions – two of which are particularly important, **ONE:** *Information may be released to parents of undergraduate students whose current school of record is Dedman College, Cox School of Business, Meadows School of the Arts, or the School of Engineering and Applied Science, unless the student or parent provides a written statement to the University Registrar that the student is independent (not a financial dependent as defined by the Internal Revenue Service Code) and that information is not be released. The written declaration of independent status provided to the Registrar by any student may be released to the student's parents.*

**TWO:** *Student Information defined by SMU as Directory Information may be released unless the student specifically notifies the Office of University Registrar to the contrary. This information includes the student's name, local and permanent address, local telephone, date of birth, academic program (school of record, degree objectives, majors, minors, and anticipated date of graduation), classifications, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, previous educational agency/institution attended, and number of hours enrolled for a current or past semester.*

See also the University Judicial Code, Section VIII, Records.

“Learning is not attained by chance, it must be sought for with ardor and attended to with diligence.” *ABIGAIL ADAMS - 1780*

### Office of Services for Students with Disabilities

The mission of this office is to provide individual attention and support for students with disabilities, to assess the unique needs of students with disabilities, and to identify campus resources for them.

Students can get assistance with any aspect of their campus experience, from being evaluated for disabilities to learning about academic accommodations and accessibility to buildings.

The office is located in Hughes-Trigg Student Center, Room 302. Its telephone number is 214-768-4563.

“Liberty means responsibility. That is why most men dread it.” *GEORGE BERNARD SHAW*

## Smoking Policy

Southern Methodist University is dedicated to providing a healthy, safe, comfortable, and productive work, study, and social environment for students, faculty members, and staff. This goal can be achieved only through ongoing efforts to protect nonsmokers and by helping students and employees adjust to restrictions on smoking. Effective immediately, all areas in University buildings are smoke-free with the exception of residence halls.

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All members of the SMU community share the responsibility for adhering to and enforcing the policy. Any conflict should be brought to the attention of the appropriate supervisor and, if necessary, referred to the department head, dean, or vice president. The director of the Office of Environmental Health and Safety has the responsibility for interpreting policy and reviewing questions concerning smoking issues.

“Everyone is in favor of free speech. Hardly a day passes without it being extolled, but some people’s idea of it is that they are free to say what they like, but if anyone says anything back, that is an outrage.” *SIR WINSTON CHURCHILL - 1943*

## SMU Policy on Sexual Harassment

Southern Methodist University is committed to providing a work and study environment that encourages intellectual and academic excellence and the emotional well-being of its students, faculty, and staff. Circumstances, facts, and conduct that violate this policy contradict the University’s educational philosophy and standard.

Southern Methodist University expressly prohibits sexual harassment of its students, faculty, or staff, or of applicants who seek to join the University community in any capacity.

SMU strives to provide an educational and working environment for its students, faculty, and staff free of intimidation and harassment. The unprofessional treatment of students and colleagues in any form is unacceptable to the University community.

- Educational materials and programs designed to increase awareness and understanding of sexual harassment and ways to prevent its occurrence
- Prompt, effective grievance procedures that are fair to both the complainant and the accused
- Appropriate sanctions
- Reasonable action to protect complainants and others participating in the proceedings against retaliation
- Counseling and consultation services by professional counselors for those involved in sexual harassment complaints
- Informal proceedings that safeguard the identities of the persons involved and the outcome of the proceedings

### SEXUAL HARASSMENT

#### Definition

Sexual harassment includes, but is not limited to, such behavior as unwelcome sexual advances; requests for sexual favors; verbal or physical conduct of a sexual nature directed toward a student, member of the faculty or staff, or an applicant seeking to join the University

community, particularly when any of the following circumstances is present:

1. Tolerance of sexual harassment is made an explicit or implicit term or condition of status in a course, program, activity, academic evaluation, employment, firing, or admission;
2. Submission to or rejection of sexual harassment is used as a basis for academic evaluation or an employment decision affecting such individual;
3. The behavior described has the purpose or effect of creating an intimidating, hostile, or offensive environment for work or learning, or unduly interfering with an individual's work performance. For purposes of this policy, "undue interference" is defined as improper, unreasonable, or unjustifiable behavior going beyond what is appropriate, warranted, or natural.

#### EXAMPLES

- Physical assault
- Direct propositions of a sexual nature
- Direct statements regarding submission with promise of reward (i.e., higher grade, promotion, etc.) or threats of reprisal
- Implied statements regarding submission to sexual advances with promise of reward or threats of reprisal (i.e., "Meet me tonight for a drink, and I bet we can take care of your grade.")
- Subtle pressure for sexual activity (i.e., "How would you like to go to a conference in Minneapolis with me?")
- Pattern of conduct (not legitimately related to office business or the subject matter of a course) that causes humiliation or discomfort, such as sexually explicit or sexist comments, questions, anecdotes, or jokes

#### CONSENSUAL SEXUAL RELATIONSHIPS\*

##### Faculty/Student Relationships

It is a serious breach of professional ethics for a teacher to initiate or acquiesce in a sexual relationship with a student who is under the personal supervision of the faculty member. Therefore, Southern Methodist University prohibits consensual sexual relationships between a faculty member and a student enrolled in a course taught by the faculty member or whose academic work is supervised by the faculty member. This applies even when both parties appear to have consented to the relationship. A faculty member who is or has been involved in a consensual sexual relationship with a person should not enter into a student/teacher relationship with that person.

A consensual sexual relationship between a faculty member and a student, particularly when the faculty member is of power, will irreparably undermine the professional relationship between them. The issue of power and control over the student remains so strong in a sexual relationship that voluntary consent by a student is improbable and highly questionable. What one thinks is voluntary consent may be only forced consent that the hidden, subtle pressure stemming from the faculty member's position of power has transformed into a "voluntary" act. Such a relationship creates an inevitable conflict of interest when the teacher makes judgments about a student's work.

The appearance of impropriety to the University community, which such relationships produce, casts doubt on the faculty member's academic decisions concerning a particular student's performance, the faculty member's overall professionalism and credibility, and the genuineness of the student's accomplishments where the faculty member is directly supervising and teaching the student.

For purposes of this policy, a faculty member or a teacher is any member of the full-time or part-time faculty, a teaching assistant, an academic adviser, or any other person making academic judgments about a student's work.

- \* "Consensual sexual relationships" may include amorous or romantic relationships, and the term is intended to indicate conduct between a faculty or staff member and a student that passes beyond what a person of ordinary sensibilities would believe to be a collegial relationship.

#### STAFF/STUDENT RELATIONSHIPS

Consensual sexual relationships between staff and students are prohibited in cases where the staff member has authority or control over the student. Even where there is no power or authority of the staff member over the student, consensual sexual relationships are discouraged between the staff person and the student.

#### SMU GRIEVANCE PROCEDURES

The University has two levels of review — informal and formal proceedings. If after informal proceedings, the complainant and/or the person accused are not satisfied with the results, formal proceedings may be made.

Informal proceedings generally are handled by the alleged offender's principal administrator, in consultation with the affirmative action officer.

Formal proceedings involving a:

- faculty member, teaching assistant, or other instructional personnel . . . are submitted to the Faculty Senate Ethics and Tenure Committee for consideration;
- student . . . are handled by the University Judiciary System;
- staff or other member of the University community . . . are submitted to the vice president or person designated by the vice president, responsible for the unit in which the person is employed.

Details of these grievance procedures may be obtained from the Affirmative Action or any administrative office, and are listed under the University Policy Op-00-011, Sexual Harassment and Consensual Relationships.

#### OPTIONS FOR HANDLING SEXUAL HARASSMENT

- Know your rights. Sexual harassment is a violation of University policy and the Student Code. It is also prohibited under Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972. You have a right to an education or work environment that is free of bias, intimidation, or hostility.
- State your objections at the time. Express your objections to undesirable behavior clearly and firmly. Your response could prevent future harassment from the person especially if he or she did not realize the behavior was offensive.
- Tell someone. It is helpful to talk to a trusted friend, teacher, resident assistant, colleague, or counselor to help clarify the nature of the incident, receive support, and discuss alternative responses. Many victims of sexual harassment feel ashamed, angry, even frightened, and have a tendency to blame themselves for the incident. The staff of the Human Resource/Women's Center may be particularly helpful if you need emotional support and information on University policies and procedures. The services of the center are free and confidential.
- Document incidences. Note dates, times, places, persons involved, descriptions of the behavior, and how you responded in a journal or datebook. Keep notes or letters received from the person.
- Write a letter. A letter to the harasser can be an effective way to communicate one's objections to certain behaviors. Such a letter should state: (a) the facts of the situation, (b) the effects the behavior has had on the harassee, and (c) that the harassee would like the behavior to stop.
- Report the incidences on course evaluation forms. This option permits the complainant to report an incident anonymously to the faculty member and the chairperson of the department.
- Report the incident. The Affirmative Action Office — administratively neutral and knowledgeable — can be helpful if you need information or want to file an informal or formal complaint. You may remain anonymous up until the point that you may decide to request an official review of the charges.

#### CAMPUS RESOURCES

For General Information, Reporting Incidents, or Consultation on Grievance Procedures

Office of Affirmative Action  
221 Perkins Administration Building  
214-768-3601

For General Information, Reporting Incidents, Counseling, or Educational Programs

Human Resource/Women's Center  
3116 Fondren Drive  
214-768-4792  
Dean of Student Life Office  
302 Hughes-Trigg Student Center  
214-768-4564

Additional Counseling Options

Counseling and Testing Center  
Health Center  
214-768-2211

Mental Health Center  
Health Center  
214-768-2860

Office of the Chaplain

316 Hughes-Trigg Student Center  
214-768-4502

“A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury.” *JOHN STUART MILL*

### SMU Policy on Sexual Assault

SMU is a community of trust whose very existence depends on adherence to standards of conduct. Student conduct that violates these standards is handled through the University Student Judiciary. Cases of alleged student misconduct involving serious physical or psychological harm are referred to the SMU Student Judiciary Serious Offense Judicial Board. This includes cases involving sexual misconduct and/or sexual assault or attempted sexual assault. (What follows is a summary of SMU's policies and procedures on sexual misconduct and sexual assault. Please consult "The University Judicial Code" in *SMU Policies for Community Life* for these policies and procedures in their entirety.)

#### WHAT CONSTITUTES SEXUAL ASSAULT

Sexual assault offenses include the actual or attempted intentional touching of an unconsenting person's intimate parts (defined as genitalia, groin, breast, the buttocks, or clothing covering them) or forcing an unconsenting person to touch another's intimate parts; rape; forcible sodomy; forcible oral copulation; and forcible sexual penetration, however slight, of another's anal or genital opening with any object. These acts may be committed by a stranger or by acquaintance and must be committed either by force, threat, or intimidation, or otherwise without consent.

#### EDUCATIONAL PROGRAMS THAT PROMOTE AWARENESS

The Human Resource/Women's Center has a trained counselor who conducts educational programs on sexual assault for students through the Wellness Program, the Orientation Week Program, the Extended Orientation Program (EOP) in the residence halls, and seminars for specific groups. In addition, confidential, ongoing counseling for student survivors of sexual assault is available through the Human Resource/Women's Center, 3116 Fondren Drive. Confidential, ongoing counseling for faculty and staff survivors of sexual assault is available through the Counseling and Testing Center on a fee basis.

#### WHAT TO DO IF YOU HAVE BEEN SEXUALLY ASSAULTED

Students, faculty, and staff are encouraged to report sexual assaults to the SMU Department of Public Safety, whether the assault occurs on or off campus, no matter who the alleged assailant is. Students may report sexual assaults to the SMU Department of Public

Safety or the Dean of Student Life Office. Reporting a sexual assault to University officials or filing a police report does not automatically initiate criminal charges. It is important for persons who have been sexually assaulted to seek medical attention. A trained counselor from the Human Resource/Women's Center is available to accompany students who have been sexually assaulted to the hospital and for counseling, if desired. A medical examination called a "Rape Kit Test," conducted by an area hospital, will help preserve important evidence of the sexual assault if the person who has been sexually assaulted decides later to prosecute.

#### HOW TO FILE A SEXUAL ASSAULT COMPLAINT

Persons with complaints of sexual misconduct and/or sexual assault allegedly committed by students, whether occurring on or off campus, should report such complaints to the Dean of Student Life Office. If the complainant wishes to proceed with formal charges through the SMU Judiciary, an investigation is conducted, and the case is referred to the SMU Serious Offense Judicial Board, a group specially trained to hear serious offense cases. This board is composed of six members (three students, one faculty member, one staff member, and one nonvoting SMU Law School faculty member, who serves as chair). A hearing is held following the procedures outlined in the Serious Offense - Student Judicial Procedures section of *SMU Policies for Community Life*. Such procedures include opportunities for both the complainant and the accused: to attend the hearing and present evidence on their own behalf; to challenge any member of the Serious Offense Judicial Board on grounds of prejudice; to have their parents and one support person for the SMU community attend; to present either in writing or in person the testimony of witnesses; to cross-examine witnesses; to request to have her/his living arrangements (if living in campus housing) modified pending the outcome of the student judicial proceedings if the accused is living near the complainant; and not to have his or her sexual history discussed during the hearing. However, evidence of a recent sexual relationship between the accused and the complainant may be considered if the accused asserts consent as a defense. In addition, the accused has the right to appeal the decision of the Serious Offense Judicial Board to the University Judicial Council. Students found responsible for sexual misconduct or sexual assault face sanctions imposed by the student judiciary ranging from judicial reprimand to expulsion.

Filing formal charges through the SMU student judiciary does not preclude filing criminal and/or civil charges. Students who wish to file criminal and/or civil charges may receive information and assistance from the Dean of Student Life Office and the SMU Department of Public Safety.

"We only want that which is given naturally to all peoples of the world, to be masters of our own fate, only of our fate, not of others and in cooperation and friendship with others.

GOLDA MEIR - 1946

### Center for Alcohol Education

#### STANDARDS OF CONDUCT

Alcohol: A) The Student Code of Conduct prohibits possession and consumption of alcoholic beverages in public places on campus. B) The University strictly enforces the state law that prohibits the possession and consumption of alcohol by those younger than 21. Controlled substances (drugs): The Student Code of Conduct requires that all students be in compliance with all local, state, and federal laws regarding controlled substances to include, but not limited to, their use, sale, possession, or manufacture.

#### HEALTH RISKS OF ALCOHOL AND DRUGS

Alcohol: A) Acts as a depressant, affects mood, dulls the senses, and impairs coordination, reflexes, memory, and judgment. B) More serious effects may be damage to the liver, kidneys, pancreas, and brain. C) It is the leading cause of death among people ages 15-24. D) On average, heavy drinkers shorten their life spans by approximately 10 years.

Marijuana: A) Prolonged use and increased tolerance can lead to severe psychological dependence. B) An immediate increase in heart and pulse rate may cause an acute panic anxiety reaction. C) Impairment of memory, altered sense of time, and inability to concentrate. D) May cause apathy/loss of motivation.

Cocaine: A) Increase in heart rate, breathing rate, and body temperature. B) Chronic runny nose and membrane infections. C) Overdose may result in seizures, heart stops, coma, or death.

Opiates: A) Highly susceptible to physical dependence. B) May cause infections of the skin, liver, heart, and lungs.

Tobacco: A) Shortness of breath, nagging cough, and heart difficulties. B) Long-term effects may be emphysema, bronchitis, heart disease, and cancer.



## SMU SANCTIONS

When the standards of conduct regarding alcohol and drugs are violated, SMU will impose, at a minimum, the following sanctions:

**Alcohol:** A minimum of a \$100 fine. Additional sanctions will be assigned as deemed necessary by the appropriate judicial body. Additional sanctions may include, but are not limited to, notification of parents, assignment of community service hours, and referral to the Center for Alcohol Education. (See the University Judicial Code section).

**Drugs (illicit):** Sanctions will be imposed by the appropriate judicial body. Possible sanctions assignment include, but are not limited to, a fine, assignment to community service hours, notification of parents, probated suspension, time-frame suspension, or expulsion. (See the University Judicial Code section).

## LEGAL SANCTIONS

**Alcohol:** *Minors convicted of possession or consumption of alcoholic beverages* may be subject to fines ranging from \$25 to \$500 depending on the number of previous convictions. Convictions for selling to minors may subject individuals to fines of \$100 to \$1,000 and to a jail term of up to one year. *Convictions for driving while intoxicated* may subject individuals to fines of \$100 to \$2,000 and to a jail term of three days to two years. Fines and jail terms escalate with subsequent offenses.

**Controlled substances (drugs):** Sanctions upon conviction for possession, distribution, or manufacture of controlled substances range from fines to probation to imprisonment. Amounts of fines, terms of probation, or years of imprisonment generally are contingent upon the circumstances and amounts of drugs in possession, sale, distribution, or manufacture.

## SERVICES AVAILABLE TO THE CAMPUS COMMUNITY

The mission of the Center for Alcohol Education is threefold: 1) To provide students, faculty, and staff with a confidential source of help when confronted with alcohol or drug abuse or addiction issues. 2) To promote activities and programs with student support to focus campus attention on the problem of alcohol and drug abuse. 3) To help the student body claim ownership of alcohol and drug problems on campus and take charge of identifying solutions.

We have nine primary service functions on campus. They are:

- 1) **ASSESSMENT:** We meet with clients to assess the extent of their problem with alcohol and other drugs, which may range from careless misuse to abuse to addiction.
- 2) **INTERVENTION:** By working with friends, family, faculty, and staff, we reach out to people in trouble and provide them access to appropriate help.
- 3) **SHORT-TERM COUNSELING:** As appropriate, we provide counseling to students, faculty, or staff who can benefit from five or six therapy sessions.
- 4) **REFERRAL/AFTER-CARE:** Based on our assessment, we assist clients in finding specialized care. This may include outpatient therapy or inpatient treatment.
- 5) **CAMPUS AWARENESS:** We work with student organizations to coordinate projects to focus attention on the dangers of alcohol and drug abuse and the problems of dependency.
- 6) **SUPPORT GROUPS:** Our office directly supports self-help groups on campus such as Alcoholics Anonymous and ACOSTA or refers to a wide range of support groups in the community, as dictated by the needs of the individual.
- 7) **EDUCATION:** Professional staff as well as student interns give presentations on the effects of chemical dependency and/or alcohol and drug abuse.
- 8) **TRAINING:** Our office provides training for students and staff in dealing with others who they have cause to believe may be chemically dependent.
- 9) **PEER CONSULTANTS:** SMU supports a peer-to-peer program in which students in the residence halls and Greek houses are trained to recognize peers with abuse problems.

Additional information is available at the Center for Alcohol Education, Memorial Health Center, second floor, from 8:30 a.m.-5 p.m. Monday through Friday; 214-768-4021. Appointments also are available before and after regular business hours.