

SMU Policies for Community Life

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“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

SECTION 1.0 INTRODUCTION

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. 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 have agreed to abide by, the rules and regulations set forth in this Student Code of Conduct. 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.

Based on the action of the board of trustees the president of the University is authorized in 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. The University Policy Manual may be accessed at through the SMU web page under Administration.

SECTION 2.0 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:

- 2.1 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.

- 2.2 The student press is to be free of censorship except as applicable under appropriate laws.
- 2.3 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.
- 2.4 The authority to allocate student activity fees for use by campus organizations shall be delegated to the Student Senate.
- 2.5 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.
- 2.6 All applicable local, state, and federal laws shall be upheld by the SMU community. 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.
- 2.7 Students are bound by the Student Code and all University policies.
- 2.8 Students accused of violating institutional regulations or laws upheld by SMU retain the following rights:
 - 2.8(a) Upon arrest by authorized University officials, students will be informed of their rights in accordance with all federal, state, and local laws.
 - 2.8(b) Students will not be subject to any form of harassment.
 - 2.8(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.
 - 2.8(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.
- 2.9 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.
- 2.10 Students assuming leadership roles on campus will accept special responsibilities to uphold and support the Student Code.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 The Student Issues Committee is established by the Student Senate to deal with individuals' concerns, questions, or problems. The committee may be contacted through the committee chair.

SECTION 3.0 GENERAL POLICIES

- 3.1 **ALCOHOL** The University is dedicated to providing a healthy, safe, comfortable, and productive environment for students, faculty, staff, and guests. All members of the University community are expected to maintain self-control. Conduct should be consis-

tent with ideals of academic excellence, health, and responsible social behavior, including recognition of the rights of others.

In recognition of the University's being owned by the South Central Jurisdiction of the United Methodist Church, community members are urged to adhere to the Social Principles of the United Methodist Church which states:

We affirm our long-standing support of abstinence from alcohol as a faithful witness to God's liberating and redeeming love for persons.... Since the use of alcohol and illegal drugs is a major factor in crime, disease, death, and family dysfunction, we support educational programs encouraging abstinence from such use. (The Book of Discipline of the United Methodist Church, para.66).

It is also recognized that Southern Methodist University is a community of free and open inquiry in which adults are encouraged to make responsible decisions in their lives; including abstinence from or careful use of alcohol. The University recognizes the freedom of conscience that determines such issues, but cautions that such freedom does not imply license to violate the law or University policy.

- 3.1(a) All members of the University 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 or consumption of alcohol is prohibited on University property except where expressly permitted. 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 is also prohibited. A violation of this policy subjects the offender(s) to the possibility of University disciplinary process and/or action by civil authorities.
- 3.1(b) 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 restroom of on-campus buildings, Greek housing, and University properties.
- 3.1(c) The University prohibits the possession and consumption of alcoholic beverages on campus, with the exception of individual residential rooms of persons 21 year of age or older.
- 3.1(d) Kegs and 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.
- 3.1(e) 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.
- 3.2 **ANIMALS/PETS** It is the policy of the University to prohibit the presence of animals/pets on University property, except for fish and assistance animals necessary to help persons with disabilities. This includes dormitories, residence halls, apartments, classroom and administrative buildings, the Student Center, athletic facilities, and University grounds in general. Assistance animals and fish are allowed in the residence halls with the use of suitable equipment, if permission is granted by the Office of Residence Life and Student Housing.
- 3.3 **ASSAULT** Physical abuse and/or other conduct which endangers the health or safety of any person is prohibited. Examples include, but are not limited to: fighting or "roughing up" or assault in any form. All combatants may be charged.
- 3.4 **CAMPUS FACILITIES**
 - 3.4(a) **USE OF BUILDINGS** Students may not be in University buildings after 10:00pm without appropriate authorization. Permission to sleep or reside in any part of any building needs prior approval.

3.4(b) USE OF GROUNDS

- 3.4(b)(1)** 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 must be approved by the vice president for student affairs.
- 3.4(b)(2)** If the event becomes disruptive of the normal operation of the University, it may be canceled at any time before or during the event by the director of student activities.
- 3.4(b)(3)** Approved structures must comply with all requirements of the city, e.g., having fire extinguishers on the site, posting no smoking signs, etc.
- 3.4(d) USE OF THE UNIVERSITY FLAGPOLE** The flagpole in the main quadrangle is for the use of flying the colors of the United States. No other use may be made of the flagpole without the approval of the president or his designee.
- 3.4(d) 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.
- 3.5 DISHONESTY** Dishonesty is defined as an individual or group's action, or omission of actions, which 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. Dishonesty includes, but is not limited to: forgery, falsification of records, lying, falsification of checks, money orders, etc.; theft, unauthorized entry to University facilities; falsification and/or manipulation of computer data.
- 3.6 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.
- 3.7 EMERGENCY EQUIPMENT** Tampering with or misuse of fire-fighting equipment, call boxes, emergency exits, warning devices, etc., or any hindrance of emergency procedures is a threat to the community and is grounds for immediate judicial action, fines, and other University response as may be appropriate.
- 3.8 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 through the University Judicial System is subject to expulsion from the University.
- 3.9 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. Electronic correspondence must be consistent with the University's Policy on Harassment. In addition, all students must adhere to University policies regarding use of computers and other electronic media, including telephone-use policies.
- 3.10 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.

- 3.11 FAILURE TO COMPLY** Students who do not comply with reasonable requests from University staff or administrators or who do not complete their judicial sanctions may have their University records placed on hold.
- 3.12 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.
- 3.13 GUESTS/VISITORS** Any visitor who is not on official business must be a guest of a University student, faculty member, or staff member.
- 3.13(a)** Guests are subject to all applicable rules and policies as are members of the University.
- 3.13(b)** A guest must identify him/herself when called upon by a University official, including residence hall staff, and to identify his/her host.
- 3.13(c)** The conduct of the guest of the University is the responsibility of the student serving as host.
- 3.13(d)** See rules regarding Guests and Visitation in the *Community Standards and Student Conduct in University Residence Halls* section.
- 3.13(e)** 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 and explaining University parking regulations. Guests are subject to the same parking regulations as members of the SMU community.
- 3.14 HARASSMENT**
- 3.14(a)** 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 action. 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.
- 3.14(b) SEXUAL HARASSMENT** 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) Toleration 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.

Students with complaints of student-to-student sexual harassment should report such complaints to the Office of the Dean of Student Life. Students with complaints of faculty/staff-to-student sexual harassment should report such complaints to the Affirmative Action Office. Students wishing to receive counseling/advice prior to filing a formal complaint may contact the coordinator of psychological services for women at the Memorial Health Center.

15 HAZING The following is taken from the Texas state statutes, Education Code Sec. 37.151 *et seq.* Sec. 51.936 of the Education Code effectuates the application of this chapter to higher education and requires publication of a summary of the law in the University student handbook. 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 F. HAZING Sec. 37.151 DEFINITIONS. In this subchapter:

- (1) "Educational institution" includes a public or private high school.
- (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 37.152. 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 \$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 37.153. 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 one of not less than \$5,000 nor more than double the amount lost or expenses incurred because of such injury, damage, or loss.

SECTION 37.154. 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 37.155. 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 37.156. 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 37.157. 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.

- 3.16 IDENTIFICATION CARDS** Student ID cards are the property of SMU and are not transferable.
- 3.16(a)** SMU IDs may not be used by anyone but the student pictured on the ID card for use of SMU facilities. ID cards may not be altered.
- 3.16(b)** 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.
- 3.16(c)** Possession and/or use of a fake identification card is considered dishonesty.
- 3.17 NOISE** The following procedures will be required for any activities that have the potential for excessive noise and activities that involve sound amplification equipment.
- 3.17(a)** 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.
- 3.17(b)** 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.
- 3.17(c)** Exceptions must be approved by the director of student activities. However, under no circumstances may the decibel level exceed that permitted under University Park ordinances.
- 3.18 IRRESPONSIBLE CONDUCT**
- 3.18(a)** Individuals and groups shall behave in a manner that does not infringe on the personal or property rights of others and is appropriate for a community of scholars.
- 3.18(b)** Repeated or serious infringement on the personal or property rights of others will be considered aggravating circumstances leading to more severe sanctions. Failure to complete judicial sanctions will be an aggravating circumstance.
- 3.19 OFFICIAL NOTICES**
- 3.19(a)** Students shall respond immediately to any reasonable request from any University official, who properly identifies himself/herself as such.
- 3.19(b)** 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.
- 3.19(c)** 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.
- 3.19(d)** 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.
- 3.20 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.
- 3.21 PROTESTS AND DEMONSTRATIONS**
- 3.21(a)** Peaceful demonstrations may take place on campus provided that:
- 3.21(a)(1)** 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.
- 3.21(a)(2)** The normal function of the University is not disrupted.
- 3.21(a)(3)** Respect for the rights of others is maintained.
- 3.21(b)** 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 protesters disrupting the campus.

- 3.22 RESIDENCE HALLS** Policies pertaining to residence halls may be found in the *Community Standards and Student Conduct in Residence Halls*, published by the Office of Residence Life and Student Housing and the Residence Hall Association. Recommendations for revisions to these policies may be made to the Residence Hall Association.
- 3.23 SALES, DISTRIBUTIONS, AND 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.
- 3.23(a) 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 of 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.
- 3.23(a)(1)** Any individual or agency wishing to sell on the SMU campus must be sponsored by a University department or chartered student organization.
- 3.23(a)(2)** Any items that are illegal may not be sold.
- 3.23(a)(3)** 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 policies of the relevant facility in addition to the overall University policy.
- 3.23(b) SOLICITATION OF GREEK HOUSES** Vendors are not allowed to make direct contact with the Greek houses.
- 3.23(c) SOLICITATION IN RESIDENCE HALLS** No solicitation is allowed in the residence halls. Under some circumstances, exceptions may be made by the Office of Residence Life and Student Housing and the University Residence Hall Association. (See *Community Standards and Student Conduct in the Residence Halls*.)
- 3.23(d) SALES IN OTHER CAMPUS FACILITIES**
- 3.23(d)(1)** Sales of goods and services in all academic buildings is prohibited.
- 3.23(d)(2)** 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.
- 3.23(d)(3)** 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.
- 3.23(e) DISTRIBUTION OF WRITTEN MATERIAL**
- 3.23(e)(1)** Any individual or agency wishing to distribute written material on the SMU campus must be sponsored by a University department or a campus organization.
- 3.23(e)(2)** Any illegal items may not be distributed.
- 3.23(e)(3)** Items to be distributed must be approved by the director of student activities or his/her designee.

- 3.23(f)(1) 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.
- 3.23(f)(5) Distribution in the Student Center may be done only from a reserved area. Reservations must be made through the Student Center reservations office.
- 3.23(f)(6) Distribution in residence halls must have prior approval by the Office of Residence Life and Student Housing. (See *Community Standards and Student Conduct in the Residence Halls*.)
- 3.23(f) COLLECTIONS AND DONATIONS**
- 3.23(f)(1) Two annual solicitations for charitable purposes have been approved by the University: The United Way and the Annual Fund.
- 3.23(f)(2) 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.
- 3.23(g) **SURVEYS** 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.
- 3.24 SEXUAL MISCONDUCT AND SEXUAL ASSAULT**
- 3.24(a) SEXUAL MISCONDUCT INCLUDES:**
- 3.24(a)(1) 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.
- 3.24(a)(2) 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.
- 3.24(a)(3) 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.
- 3.24(b) Consent means knowing and voluntary assent in fact, whether express or implied.
- 3.24(c) 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.
- 3.24(d) 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:
- (1) whether the person was physically or mentally impaired;
 - (2) whether the person was unaware that the sexual conduct was occurring;
 - (3) 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,
 - (4) whether the person by word or conduct attempted to resist the accused.
- 3.24(e) 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:
- (1) that the other person might have been physically or mentally impaired;

(2) 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

(3) that the other person had by word or conduct attempted to resist the accused

- 3.24(g) 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 substances, 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.

3.25 SIGNS AND POSTERS

3.25(a) All posters and signs must bear the name of the sponsoring individual, organization, or department. The approval process for each facility must be followed before hanging any signs or posters. Specific guidelines for each facility may be found in the Student Organization Manual which is published by the Student Organization Committee of the Student Senate.

3.25(b) No more than one copy of the sign or poster may be placed on each bulletin board or in each specified place.

3.26 SMOKING RESTRICTIONS ON CAMPUS All areas in University buildings, including residence hall and greek houses are smoke-free.

3.27 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.

3.28 STUDENT ORGANIZATIONS The Student Senate has the authority to grant and review the charter of all student organizations and to establish policies that govern student organizations. Individual students and student organizations are expected to abide by these policies which may be found in the Student Organizations Manual, published by the Student Senate Organizations Committee, available in the Student Activities Center. The Organizations Committee will review these policies and recommend changes to the Student Senate.

3.29 WEAPONS

3.29(a) 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 1996, are not permitted on campus. Self-defense sprays legally sold over the counter for personal defense are permitted on campus.

3.29(b) 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.

3.29(c) If weapons or reasonable facsimile of weapons are used, pursuit and attack game including, but not limited to, Gocha, Assassin, war games, and Dungeons & Dragons are not permitted on campus.

SECTION 4.0 POLICIES PERTAINING TO CAMPUS ORGANIZATIONS

4.1 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 supplements and rein-

forces 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.

4.2 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.

4.2(a) PRIVILEGES OF LISTED ORGANIZATIONS:

- 4.2(a)(1) Be included on the Student Activity Center's directory of organizations for referrals to interested individuals.
- 4.2(a)(2) Can apply for mailbox in the Student Activity Center. Space will be assigned when available.

4.2(b) RESPONSIBILITIES OF LISTED ORGANIZATIONS:

- 4.2(b)(1) 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.
- 4.2(b)(2) If receiving student activity fees, must maintain records and administer fees in accordance with guidelines approved by the Appropriations Committee and the Student Senate.
- 4.2(b)(3) 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.
- 4.2(b)(4) Neither the Students' Association, the Student Senate, nor the University is liable for the debts incurred by a listed organization.
- 4.2(b)(5) All equipment purchased with Students' Association funds is the property of the Students' Association upon request.

4.3 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.

4.3(a) PROCESS OF CHARTERING A NEW STUDENT ORGANIZATION:

- 4.3(a)(1) An application for chartered status and constitution and/or bylaws of the organization must be filed with the Student Senate Organizations Committee.
- 4.3(a)(2) The organization must be in compliance with "Responsibilities of Chartered Organizations" (See Section 4.3(c)(1-13)) at the time of application.
- 4.3(a)(3) A representative from the organization must schedule and attend an interview with the Senate Organizations Committee.
- 4.3(a)(4) 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.

4.3(a)(5) Organizations wishing to request money during the fall or spring appropriations process must be chartered prior to the stated application deadline.

4.3(b) PRIVILEGES OF CHARTERED ORGANIZATIONS:

- 4.3(b)(1) 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).
- 4.3(b)(2) May petition for office space in the Student Center through the Student Center Governing Board.
- 4.3(b)(3) Will be assigned a mailbox in the Student Activity Center through which all official communication with the organization will be conducted.

4.3(c) RESPONSIBILITIES OF CHARTERED ORGANIZATIONS:

- 4.3(c)(1) The purpose of the organization must be consistent with the goals and philosophies of Southern Methodist University.
- 4.3(c)(2) 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.
- 4.3(c)(3) The majority of members must be SMU students. (Majority is defined as 50 percent plus one.)
- 4.3(c)(4) 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.
- 4.3(c)(5) 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.
- 4.3(c)(6) The organization's current constitution and/or bylaws must be on file with the coordinator of student organizations.
- 4.3(c)(7) 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.)
- 4.3(c)(8) Social Greek Letter Organizations wishing to be chartered must have a written recommendation from the Greek Presidents' Council before appearing before the Organizations Committee. Generally, the Greek Presidents' Council convenes once a 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 Presidents' Council meetings.
- 4.3(c)(9) 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.
- 4.3(c)(10) 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.

- 4.3(a)(11) The organization must be represented at the mandatory organizations meeting each fall and spring semester.
- 4.3(a)(12) 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.
- 4.3(a)(13) All funds of the organization must be administered in accordance with the guidelines set by the Student Senate. Organizations not receiving student activity fees are not required to maintain funds in a Student Association account; however, organizational financial records are subject to review by the Students' Association Comptroller upon request. Organizations receiving student activity fees must meet the following guidelines:
 - 4.3(a)(13)(i) All funds must be held in a Students' Association account and administered by the Students' Association comptroller.
 - 4.3(a)(13)(ii) All appropriated student activity fee monies not encumbered at the end of the fiscal year shall revert to the Students' Association.
 - 4.3(a)(13)(iii) 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.
 - 4.3(a)(13)(iv) If a chartered organization disbands, all assets of the organization will revert to the Students' Association.
 - 4.3(a)(13)(v) Neither the Students' Association, the Student Senate, nor the University is liable for the debts incurred by a chartered organization.
 - 4.3(a)(13)(vi) 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.
- 4.3(a)(14) 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.

4.4 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.

4.5 PROCESS FOR REQUESTING AND ADMINISTERING FUNDS

4.5(a) CHARTERED ORGANIZATIONS:

- 4.5(a)(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.
- 4.5(a)(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.

4.5(b) NONCHARTERED INDIVIDUALS AND GROUPS:

- 4.5(b)(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.
- 4.5(b)(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.

SECTION 5.0 SOCIAL FRATERNITIES AND SORORITIES

5.1 GENERAL DESCRIPTION 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.

5.2(a) **RUSH CONTACT** 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.

5.2(a) RUSH CONTACT

5.2(a)(1) 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.

5.2(a)(2) The University allows contact between Greek affiliated and nonaffiliated students, but prohibits first-year student pledging during the student's first semester on campus.

5.2(b) 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.

5.2(c) FORMAL AND OPEN RUSH

5.2(c)(1) Formal rush will be held the week before classes of the spring semester.

5.2(c)(2) 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.

5.2(c)(3) Exceptions to the eligibility requirements for rush and pledging may be made to the dean of student life through the coordinator of Greek affairs.

5.3 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.

5.4 POLICIES PERTAINING TO GREEK HOUSING

5.4(a) 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.

5.4(b) ALCOHOL See "Alcohol Policy," Section 3.1.

5.4(c) BICYCLES AND MOTORCYCLES 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 are available during the year for rent on a first-come, first-served basis from the Office of Residence Life and Student Housing. Gasoline powered vehicles are not allowed in Greek houses at any time and must be parked at least 15 feet from the exterior of any building.

5.4(d) PETS See "Animals/Pets" Section 3.2.

5.4(e) 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.

5.4(f) 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.

"A child becomes an adult when he realizes that he has a right not only to be right but also to be wrong." *THOMAS SZAZ - 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 for 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 may 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 act not as an advocate for the students nor for the University but to consider equally the needs of individual students, student groups, and the needs of the University community as a whole;

To maintain confidentiality of all details pertinent to a matter and of all actions related to a hearing and to refrain from comment on actions or persons involved in a judicial hearing;

To participate in training sessions and meetings;

Members charged in violation of the code or with a criminal offense may be suspended from the board by the University Judicial Council upon a recommendation of the Office of the Dean of Student Life. Members who may have been approached by persons in an attempt to influence a judicial decision shall report such activity to the chair of the University Judicial Council and the Office of the Dean of Student Life.

Board members who find they are unable to meet the requirements of the judicial system shall inform the Office of the Dean of Student Life 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.

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 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 an accused student does not accept responsibility, his/her case may be heard administratively by a University judicial officer.
4. **UNIVERSITY HEARING BOARDS** Hearing boards are composed of three students, one faculty member, and one staff member. Serious offense hearing boards will have a law school faculty member serve as chair. Any case that may result in a sanction of disciplinary probation or greater may be assigned to a hearing board.

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 Office of the Dean of Student Life.

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 any 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 of 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 each appoint every year, as may be necessary and appropriate, hearing boards composed of administrators, faculty members, and graduate students to hear cases involving graduate students enrolled in their respective graduate schools. All charges against graduate students not enrolled in the School of Law or the School of

Engineering and Applied Science 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 that this procedure be used. For more information on ADR, contact the Office of the Dean of Student Life.
8. **THE UNIVERSITY JUDICIAL COUNCIL (UJC)** The University Judicial Council (UJC), as the basic unit responsible for judicial action in response to student disciplinary problems, is accountable to the president of the University. The UJC shall be composed of two administrators, two faculty members (of whom at least one shall be from the SMU 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 as a member of an appellate hearing board unless as a designated substitute for one of the three student members who is unable to serve. The chairperson of the University Judicial Council shall be elected by the members of the UJC from the faculty and administrative members. A vice chairperson of the University Judicial Council shall also be elected by the UJC.
 1. **SELECTION OF STUDENT MEMBERS** Selection of student members shall be accomplished in the spring of the year and their 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. Student members may not simultaneously serve on any other judicial body or in student government as an officer or student senator. The Office of the Dean of Student Life will initiate contact with the Student Senate concerning student members. The senate may nominate up to five candidates to be interviewed by the University Judicial Council. The University Judicial Council may also nominate up to five candidates. The University Judicial Council and two representatives from the Student Senate may interview all candidates and send its recommendations to the president of the University. The president will appoint the student members.
 2. **SELECTION OF FACULTY MEMBERS** The Office of the Dean of Student Life will initiate contact with the Faculty Senate concerning faculty members. The Faculty Senate may nominate three candidates. The University Judicial Council also may nominate candidates. The University Judicial Council and two members of the Faculty Senate may interview all candidates and send recommendations to the president of the University. The president will appoint the faculty members. 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 Office of the Dean of Student Life will initiate contact with the vice president for student affairs concerning staff members. 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 the staff members. 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, however, exceptions to the above may be granted by the president of the University.
- C. **RESPONSIBILITIES OF THE UNIVERSITY JUDICIAL COUNCIL**
 1. **ADMINISTRATIVE SUPERVISION OF THE JUDICIARY** 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 University Judicial System are made by a majority of members present at UJC meetings.

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 must 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 must include at least two faculty members, one student, and one administrator. The appellate board venes solely as an appeal board to consider appeals referred from Honor Council Hearing Boards; University Hearing Boards, including serious offenses; Traffic Appeals Board; 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 resolved by the Traffic Appeals Board are not subject to appeal.

3. **STUDENT GOVERNMENT CONSTITUTION** Constitutional questions concerning the student government may be resolved by the University Judicial Council. Such questions must be brought as a written petition to the council for consideration. If the University Judicial 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. The University Judicial Council may allow oral presentations concerning constitutional questions. Petitions 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 names of two 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 UJC shall determine whether such a committee is necessary.

III. BASIC PROCEDURES

- A. **INTERVIEWING/INVESTIGATION** A written formal complaint may be filed with the University through the Office of the Dean of Student Life. Nonetheless the University, at its discretion, may proceed with the student judicial process as outlined herein without formal written complaint. A University judicial officer will investigate alleged violations of the Student Code of Conduct, whether they occur on or off campus, and/or violations of the Community Standards and Student Conduct policies of the Office of Residence Life and Student Housing and interview participants/witnesses as necessary. Such investigation may include consultation with the Department of Public Safety. The accused student has the right to remain silent and to make a statement regarding his/her reasons 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 the assignment of the case without the benefit of the accused student's testimony. A student who refuses to schedule or keep an appointment with a University judicial officer may be charged with a violation of Section 3.19, Official Notice, of the Student Code of Conduct.
- B. **ACTION PENDING A JUDICIAL HEARING** If a student's behavior presents an on-going threat of disruption to the community or is a danger to the safety of the student or others, a University judicial officer may impose such sanctions as s/he deems appropriate pending a judicial hearing.
- C. **ASSIGNMENT OF CASE** If a University judicial officer determines that it is probable that a rule has been violated, and the student does not accept responsibility for the violation, the University judicial officer shall assign the case to either the University Hearing Board or an

Administrative Hearing Board. The following criteria shall apply: (1) the alleged offense could result in a disciplinary probation or a more serious penalty, (2) the alleged offense has resulted in a substantial interference with the proceedings of the University, (3) the offenses are repetitive, 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.

- D. **DISCIPLINARY CONFERENCE** At the option of a University judicial officer and if the student and officers agree on the appropriate sanctions, a student may choose to accept responsibility for an incident in a meeting, 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 may be reviewed at the end of each semester by the University Judicial Council.
- E. **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 may be appealed in the same manner as University hearing board decisions.
- F. **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, this may not always be possible. A University judicial officer shall give notice in writing to the student of the complaint against the student. Such notice shall include: a short, concise 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 sections 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.
- G. **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 at the discretion of the hearing board. 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 Comply." (See Section 3.11 of the *Student Code of Conduct* section.)

IV. CONDUCT OF THE HEARING

- A. **UNIVERSITY HEARING BOARD PANELS** Whenever possible, members from the University Hearing Board pool will be selected to serve as hearing board members on a rotational basis. The complainant and the accused may challenge any member of the hearing board on grounds of bias. The board may remove a board member by majority vote (excluding the member

- B. **QUORUM - UNIVERSITY HEARING BOARD** 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. Once the hearing has commenced, if a hearing board member should need to withdraw for a period of no less than 30 days, the hearing shall recess until all members can be present. Once the hearing has commenced, if a hearing board member 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.
- C. **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 an Appellate Board Hearing. For serious offense cases, a quorum will consist of the chair and four other board members. Should the chair withdraw from the proceedings for any reason, a new chair will be appointed for that appeal. At least five members, including at least two faculty members, two students, and one administrator shall be present through an Honor Council Hearing. Only members who have been present throughout a 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 a board vote to acquit.
- D. **DISQUALIFICATION** Upon considering any challenges from the accused concerning his/her impartiality, any member of a hearing board 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.
- E. **COMMENCEMENT** No hearing shall begin until at least 72 hours have elapsed from the day of service of notice to 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.
- F. **DECORUM** The chairperson of a 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.
- G. **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.
- H. **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.
- I. **UNIVERSITY HEARING BOARD PROCEDURES** The University hearing board will include, but are not limited, to the following procedures.

1. The complainant and the accused may be present in the hearing, as well as their parents and one support 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 in a manner so as to bring forward all relevant evidence.
3. Members of the hearing board, the complainant, and the accused may direct questions and cross-examine witnesses. The chairperson of the hearing board, at his/ her discretion may require that questions for cross examination be submitted first to him/her who will then direct the question to the witness(es).
4. Each party in the case will have the right to make an opening and closing statement. The complainant may give the first opening statement. The accused may give the last closing statement. The complainant and the accused may each include a statement of impact of the alleged offense as part of a closing statement.
5. 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. If there is a finding of responsibility, the hearing board will impose sanctions.
- J. **REPRESENTATION BY AN ATTORNEY** Neither the accused nor the complainant may be represented by an attorney at any hearing.
- K. **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 first submitted to him/her who will then direct the question to the witness(es).
- L. **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.
- M. **RULES OF EVIDENCE AND BURDEN OF PROOF** Legal rules of evidence do not apply to hearings, and hearing board shall have full discretion with respect to admissibility of testimony and documents. Upon a hearing of the charges, the Office of the Dean of Student Life 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.
- N. **EXTENSION OF 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 of time to the complainant and accused student, at any moment in time, so that additional evidence may be made available to the hearing board. 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 hearing.
- O. **PROCEDURAL ISSUES** The chairperson of the hearing board will exercise discretion to resolve any procedural issues raised.
- P. **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.
- Q. **FINDINGS** The hearing board shall conduct its discussions in executive session and deliver written findings to the Office of the Dean of Student Life 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 the accused is found responsible, impose sanctions. If the accused is found not responsible he/she may not be retried for the same incident at any future date.

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.

V. SERIOUS OFFENSES-STUDENT JUDICIAL PROCEDURES

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 are assigned to the University Hearing Board with the following additional procedures:

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 Judicial System and, if the complainant alleges sexual misconduct/sexual assault, refer the complainant to a counselor in the 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 Judicial System and, if the charge alleged is sexual misconduct/sexual assault, refer the accused to a counselor in the Counseling and Testing Center.

C. INVESTIGATION The University judicial officer will thoroughly investigate the alleged complaint. A Special Investigating Committee may be appointed by the University Judicial Council if necessary. If there is sufficient evidence to go forward, 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.

D. NOTICE OF VIOLATION 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 Office of the Dean of Student Life 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 Office of the Dean of Student Life 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, at its discretion.

E. THE HEARING The chair will conduct the hearing utilizing broad powers to conduct a fair and equitable 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 SMU Law School faculty member who has 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.

1. HEARING BOARD DELIBERATIONS

The hearing board will deliberate in private and will submit their decision to the complainant and the accused.

6. 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 Counseling and Testing Center.
2. To decide whether he or she wishes to press charges through the University 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 *The University Judicial Code, Section IV, 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 complainant.
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.

8. RIGHTS OF STUDENTS 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 *The University Judicial Code, Section IV, 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 complainant.

VI. SANCTIONS ESTABLISHED AND DEFINED BY UNIVERSITY JUDICIAL COUNCIL

The following sanctions may be implemented individually or in any combination by the hearing boards or University judicial officer. The president reserves the right to raise or lower sanctions imposed by 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 Office of the Dean of Student Life. A student expelled from the University will not receive a refund of any monies paid, including tuition, fees, and room and board.

- D. 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 *The University Judicial Code*, Section IX). 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 Office of the Dean of Student Life. 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 Residence Life and Student Housing. 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 Residence Life and Student Housing. 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. DISCIPLINARY PROBATION** A student is given a warning that further violations will result in consideration of suspension. The student may be required to report to the University judicial officer on a regular basis during the period of the probation.
- E. JUDICIAL REPRIMAND** The individual or group will be given formal notice by the hearing board or the judicial officer that they have violated the Student Code of Conduct or University policy. If the individual or group is found in violation of a further charge, that case will be considered more seriously.
- F. FINES** An individual can be fined any amount not exceeding \$250. An organization can be fined any amount commensurate with the severity of the offense. Fines resulting from an alcohol policy violation will be a minimum of \$100.
- G. 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.
- H. RESTITUTION** An individual or group will be required to pay for damages to the person or institution for property destroyed.
- I. 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. Whenever a student is found responsible for an offense resulting in disciplinary probation or a more serious sanction, the Office of the Dean of Student Life will automatically inform the parents, in writing, of the violation and sanctions. The Office of the Dean of Student Life will notify a group's national organization or the appropriate university authorizing body of the group's involvement in the policy violation.
- J. 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.

- K. SUSPENSION OF PRIVILEGES** An individual or group will lose privileges that allow them to participate in specific activities, use specific facilities, or exercise specific privileges.
- L. CREATIVE DISCIPLINE** The objective of this penalty is education and rehabilitation. Discipline selected will be commensurate with the offense.
- M. DEFERRED SANCTIONS** An individual or group's sanction may be deferred (not enforced). Deferred 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 deferred sanction enforced. In addition, further sanctions may be imposed. In no case may a student have more than one deferred sanction.
- N. REFERRALS TO OTHER OFFICES** Students may be required to contact other offices on campus including, but not limited to, the Center for Alcohol Education and Drug Abuse Prevention, Counseling and Testing, and the Office of Volunteer Services.
- O. FAILURE TO COMPLETE SANCTIONS** Students who fail to complete their sanctions within the allotted time period will be subject to having a hold placed on their official university records which, among other things, will prohibit them from registering for classes.

VII. 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 Office of the Dean of Student Life shall contain all information, data, correspondence, findings, and records of official action concerning student discipline.

- A.** A disciplinary sanction 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.
- B.** If an offense results in sanctions less severe than disciplinary probation, the information stays within the University community. Disciplinary probation and more serious sanctions may be released as appropriate under the law when questions related to disciplinary actions are asked.
- C.** 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:
 1. the present demeanor of the respondent.
 2. the conduct of the respondent subsequent to the violation.
 3. 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.

VIII. APPEALS

- A. GROUNDS FOR APPEAL** An accused who has been found responsible shall have the right to request an appellate review. Such written request must be received in the Office of the Dean of Student Life within 96 hours from the mailing of the written findings to the student's address of record. 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; and
 5. Sanction unreasonably harsh.
 Only in the event of clear miscarriage of justice shall the result of a hearing be over-

turned. The appellate body shall base its decision to uphold or overturn the result of a hearing based solely on the student's written request for an appellate review, and the summary of the hearing prepared by the judicial officer or the hearing board chair. Such summary will include the decision, the reason for the decision, and the reasons for the sanctions assessed.

- B. STANDARD OF PROOF** The standard of proof for a finding of responsibility is a preponderance of the evidence.
- C. APPELLATE PROCEDURE** The procedure for the appeal will be as follows:
 - 1. At the conclusion of each hearing, the judicial officer or hearing board chair will submit the following documents to the Office of the Dean of Student Life: the decision, the reasons for the decision, and the reasons for the sanctions imposed.
 - 2. The student must file a written request to appeal with the Office of the Dean of Student Life. The request to appeal must include the grounds for the appeal and the basis for each.
 - 3. The hearing officer or chair will review the student's appeal and write his/her response to the student's appeal.
 - 4. The student will have the opportunity to review the hearing officer or chair's response and add any final documents.
 - 5. The appeals packet consisting of the above statements and documents and a copy of the original incident report or charge will be prepared for the University Judicial Council.
- D. OPTIONAL PRESENTATION** In an appellate review, the University Judicial Council may allow oral statements. The presenters and the amount of time allowed for each statement will be determined by the University Judicial Council.
- E. DETERMINATION OF APPEAL** The University Judicial Council may dismiss the case because there were such procedural irregularities at the hearing 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. The University Judicial Council may alter the sanctions imposed based on a finding that the original sanctions are unreasonably harsh. 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 and Administrative Hearings.
- F. APPEAL OF ADMINISTRATIVE HEARINGS** All cases heard administratively can be appealed to the University Judicial Council.
- G. 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.
- H. 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.
- I. APPEAL OF HONOR COUNCIL HEARINGS** All requests for appeal of the Honor Council'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 the Honor Council's decision be overturned. 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. The appellate body may alter the sanctions upon a determination that the sanctions were unreasonably harsh.

IX. REHEARINGS

At the writing 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. 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:

CREATING Intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.²

FABRICATION Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.³

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

PLAGIARISM 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.

¹Labeling 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 misquoted 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.

²The 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.

³For 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.

⁴For 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."

⁵The 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 appointed 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.⁶

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 whether or not the student is responsible for a violation of the Honor Code;
 - (ii) the faculty member shall inform the student of the sanctions for a determination of responsibility, 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.)

⁶The 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, as 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 days¹ 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 designee (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.⁴ 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.

¹"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 be present 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 short of the requirement will exonerate the accused and the board will dismiss the charges.
- (i) If the accused is found responsible for an Honor Code violation, the president will in 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 a decision has been reached.

ARTICLE V - PENALTIES

SECTION 1: The recommended minimum penalty for a violation of the Honor Code shall be a one-semester Honor Violation (H.V.) and a deferred suspension from the University for the remainder of the student's academic career. The suspension will be invoked for a finding of guilt of a Honor Code violation or a sanction of disciplinary probation through the University Juvenile System. The Honor Council shall authorize the University registrar to place an H.V. on the student's transcript. The H.V. shall remain on the student's transcript for three years after graduation or expected date of 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.

⁴Hearing 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 shall be discussed.

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;
- (c) insufficient evidence provided to merit a finding of responsibility;
- (d) sanctions overly harsh.

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 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 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 University Judicial Council may dismiss the case due to such procedural irregularities as will forever deny the student a fair hearing, 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, or lighten sanctions if it finds the sanctions to be overly harsh.

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 responsible, the Honor Council president will expunge identifying information from the case file in the Honor Council Office. The code was derived in part from Kibler, W., Nuss, E., Patterson, B., and Pavela, G., *Academic Integrity and Student Development: Legal Issues, Policy Issues* (College Administration Publications, Inc., 1988).

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

“A home is not a mere transient shelter:
its essence lies in the personalities of the
people who live in it.” *H.L. MENCKEN*

Community Standards & Student Conduct in University Residence Halls

By living in a residence hall, I am residing in a living and learning community. As a member of this community, I have certain rights as a resident and as a student. I recognize as well that other members of this community have these same rights, and that my rights stop where another's begin. For this reason it will be important to learn to compromise with others in order to maintain an environment in which all members of the community may grow as individuals and may pursue learning as a fundamental part of the campus residential experience. Community Standards are established to assist in shaping this environment, to protect our rights and assert the responsibilities we each have to one another. As a member of the residence hall community, I agree to abide by Local, State and Federal laws, as well as by these Community Standards (and others as may be developed to further support this community).

ALCOHOL

I understand that the legal drinking age in Texas is 21 years of age. I agree that I will not consume or possess alcohol unless I am 21 years of age or older and understand that this restriction applies equally to my residence hall community and elsewhere.

If I am 21, I will consume alcohol only in my room or in the room of another 21 year old resident who is present at that time. I understand that I may not consume alcohol in a room where none of the assigned residents are 21.

If I choose to consume alcohol, and I am at least 21, I will only purchase/consume alcohol from containers readily available as off-the-shelf packaging. I understand that off-the-shelf packaging does not include kegs, beer balls or other large volume containers. I understand that using beer bong and/or playing drinking games, having open containers of alcohol in common areas, and similar activities are not permitted in residence halls.

I agree further that I will at no time provide alcohol to or, by my action or inaction, actively or passively condone consumption of alcohol by someone under legal drinking age.

BICYCLES AND MOTORIZED VEHICLES

I agree to keep my bicycle (owned or borrowed) parked/stored outside the residence hall at all times and in accordance with bicycle parking policies established by the University. (Exception: I understand that I may keep my bicycle in my room or other designated location during the Winter Break when the residence hall is closed.)

I agree to at all times operate and park my motorized vehicle(s) according to applicable University policies and prevailing laws.

SEVERITY

I will maintain integrity in all my relationships and will respect the dignity and value the worth of all persons. I will at no time physically, mentally, psychologically or sexually abuse any member of this community, nor will I participate in or condone any form of bigotry, harassment, intimidation or threat, whether verbal, written, physical or psychological, direct or implied. I understand further that this standard applies equally to residents and staff of my residence hall, guests, visitors and other members of the University community.

COMPLIANCE

I agree to comply with and respond as instructed to the reasonable requests of any Department of Residence Life and Student Housing (RLSH) official acting in the performance of her/his duties, including presenting proper identification to those officials upon request.

CONDUCT PROCEEDINGS

I understand that if I have knowledge of and/or am witness to a violation of the housing contract or Community Standards, I may be asked to appear at conduct proceedings. I understand further that as a member of this community I have an obligation to help uphold Community Standards and that I am strongly encouraged to participate in conduct proceedings when I have information relevant to a violation.

I understand that I may complete an Incident Report at any time I am aware of a violation of Community Standards or the housing contract.

I agree to be honest and without prejudice in reporting violations and/or when participating in conduct proceedings or investigations.

CONDUCT SANCTIONS

I agree to complete sanctions as directed for violations of Community Standards or the housing contract for which I am held responsible.

DISRUPTIVE BEHAVIOR

I will not act in a manner which will disturb the academic pursuits or infringe upon the privacy rights, privileges, health or safety of other persons. I understand that any activity that has a negative impact on the reasonable use of residence halls by others will not be tolerated.

DRUGS AND PARAPHERNALIA

I agree neither to possess, use, sell, share nor otherwise distribute illegal drugs or controlled substances in or around the residence hall community. I agree further that I will at no time, by my action or inaction, actively or passively condone the use or possession of illegal drugs or controlled substances by others. I understand that this standard applies to drugs, controlled substances and/or related paraphernalia.

ELEVATORS

I will use elevators only for the intended purpose of traveling from one floor to another and will neither misuse them nor tamper with their proper operation.

FIRE SAFETY

I will practice effective fire safety at all times by exercising prudent judgment and following fire safety guidelines established or revised for residence halls. I understand that these guidelines are included in the Hall Information Sheet and are posted in my residence hall. I agree further that I will seek clarification from a Residence Hall Staff Member if I am unclear about these guidelines. I will use fire alarms, fire extinguishers and related equipment only for their fire fighting purposes.

FURNITURE

I agree to use residence hall furniture only for its intended purpose. I further agree not to remove or relocate furniture from student rooms, lounges, etc., except as approved in

advance by RLSH. I understand that water beds, "bricks and boards," and lotts and other construction, including attaching shelves to walls, are not permitted in my room.

GUESTS AND VISITATION

I understand and agree that visitation is a privilege in residence halls and that I will honor visitation hours established for my residence hall. (Visitation hours are noted in the Hall Information Sheet.)

I understand and agree that the right to study and to privacy take precedence over visitation privileges, and will at all times be considerate of these rights.

I agree to escort my guests whenever they are visiting me in my residence hall and that I will host guests only during established visitation hours. I agree further to abide by this standard when I am a guest in another residence hall.

I agree to be responsible and accountable for the behavior of my guests. I understand that it is my responsibility to inform my guests of residence hall policies, Community Standards and other University policies, and that my guests are expected to abide by these policies and standards.

I understand that my roommate and I must agree in advance about having guests and, further, that overnight guest privileges are limited. I agree not to have any overnight guests during the first two weeks or last two weeks of the semester, and understand further that stays are limited to three consecutive nights unless approved in advance by my roommate and my Hall Director. I understand that guests may not stay overnight in common areas of the residence hall.

HALL/WING MEETINGS

I understand that my Hall Director and RA will post notices about hall/wing meetings. I also understand that as a member of this community it is important that I attend these meetings, and that I am responsible for all information covered, whether or not I attend them.

HALL SPORTS AND GAMES

I will not participate in any kind of sport, horseplay or physically active game inside the residence hall, including but not limited to hockey, golf, roller blading, frisbee tag, bowling and water fights. Additionally, I will refrain from playing sports/games outside the residence hall when or where it presents the possibility of injury, damage to persons or property, or undue noise. I understand, however, that I may participate in activities that are organized and/or approved by RLSH.

HOUSE RULES

I agree to abide by House Rules and Floor Rules established for my residence hall that clarify, broaden and enhance these Community Standards.

KEYS

I agree that I am responsible for keys that are issued to me and for their proper use. I will not lend or otherwise permit others to use my keys or my SMU ID at any time. I agree further to immediately replace my lost or broken keys according to RLSH procedures.

Room keys are issued to all residents at check-in. If I am locked out of my room, I will check out a key for my room from the Area Desk per established procedures and then return it immediately. I understand that lock-out service through August 31 is complimentary, but that I will be charged \$5.00 for each subsequent lockout thereafter. When the Area Desk is closed, I will contact the Residence Hall Staff Member on duty for lock-out assistance.

NOISE

I will not make or cause noise that intrudes on the privacy and the needs of others to sleep and study. I understand that noise which is disruptive to other residents is prohibited, both inside and outside of residence halls, and courtesy and consideration for others is expected at all times.

I agree to be particularly sensitive to this issue during established "Quiet Hours" and understand that these hours extend for a minimum of twelve consecutive hours daily, but may be established for longer periods in different residence halls. I understand that 24-hour quiet hours go into effect during final exam periods beginning at 7:00 p.m. on the last day of class.

I understand that excessive noise at any hour is not acceptable and that at no time should amplified sound or yelling be directed out of or toward residents' windows. I understand that reasonable quiet in areas near residence halls must be maintained, and that noise may be deemed disruptive if it can be heard through a closed door or window. I agree to respond positively and courteously to requests to reduce noise and to respectfully approach others with requests for noise reduction.

PERSONAL RESPONSIBILITY

I will take responsibility and be accountable for my behavior and for the choices I make as a member of the residence hall community. I agree not to engage in behaviors that could endanger myself or others in the community.

PETS

I agree that the only pet(s) I will have in the residence hall will be fish, in one tank, and that the maximum permitted tank size is 10 gallons. I understand that residents with disabilities may have assistance animals.

POSTING

I agree that any posters, messages, flags, message boards and other media that I post in places where they may be generally viewed by others will comply with community standards for civility and fire safety, and that they will be affixed to surfaces in a manner that will not damage the surfaces to which they are affixed. I understand that items placed on bulletin boards in common areas of the residence hall must conform with RLSH posting guidelines and first be approved by RLSH staff.

RESPECT FOR PROPERTY AND ENVIRONMENT

I will respect my personal property, as well as property belonging to other members of this community and the University. I will do no damage to property and will not condone damages committed by others. I will promote a clean and safe environment in my residence hall, including my room/apartment, bathroom, and common areas. I understand that residents may be billed individually or collectively for any damages or for excessive cleaning necessary as a result of individual resident or group behavior. I also understand that I will be charged \$25 per item/bag for inappropriately discarded trash.

ROOM ASSIGNMENT

I understand that I have been assigned to a specific room and agree not to change rooms or roommates without receiving advance permission from RLSH and following established procedures.

ROOM REFRIGERATORS

I understand that there is a limit of one refrigerator permitted in my residence hall room, and that it may not exceed 2.9 cubic feet.

ROOM PAINTING

I agree not to paint my room without advance permission from RLSH. After I obtain permission to paint, I agree to do so with the products and according to the procedures and standards specified by RLSH.

ROOMMATE AGREEMENT

I agree to complete the Roommate Agreement with my roommate(s), and/or suitemates(s) when moving in together. I understand that this Agreement outlines specific understandings for living together.

SAFETY AND SECURITY

I agree to actively promote safety and security within this community at all times. I will not prop open or otherwise disable the latching/locking mechanism of any door to the building and will unprop any door that I find propped open or otherwise unsecured. I will not permit access to the residence hall by non-residents who are not my personal guests and will not condone others doing so. I will choose to keep my room/apartment door closed and locked when not in the room and understand that I can enhance my personal safety and that of my roommate(s) by keeping the door closed and locked at all times. I agree to immediately inform a member of the Residence Hall Staff about any unsafe condition or behavior that threatens the safety or security of this community.

SMOKING

I understand that all SMU buildings are smoke-free, including residence halls. I agree that, if I choose to smoke, I will do so only in designated smoking areas away from building entrances and will assure that my smoking does not affect hall residents or guests when they are inside the building or as they enter or leave it.

SOLICITATION

I understand that commercial solicitation and canvassing are not permitted in residence halls, and agree to abide by this policy. I agree further to report any unauthorized solicitation activity to a residence hall staff member or to DPS.

THEFT

I understand that theft of University or personal property in the residence halls will be subject to discipline proceedings, referral to the Dean of Student Life, and/or criminal prosecution, and that theft includes unauthorized borrowing or possession of stolen property. I will report any thefts I become aware of to a Hall Staff member or to DPS.

UNAUTHORIZED ACCESS

I will not enter restricted access areas unless specifically authorized to do so by RLSH. I understand that restricted areas may include but are not limited to Area Desks, roofs of residence halls or porches, attics, or machine rooms. I understand further that any nonresident being in a residence hall when unescorted or after being restricted from visitation in that hall(s) is prohibited.

WEAPONS

I will not bring any type of weapon into the residence hall. I understand that "weapon" includes but is not limited to firearms (or CO2 cartridge guns), dangerous chemicals, any explosive device, mace, brass knuckles, hunting knives, and other materials that can be used in the endangerment of others.

WINDOWS

I will not remove and/or damage the windows or screens in my residence hall. I understand that it is dangerous and will refrain from leaning out windows, and from dropping, suspending, throwing, or shooting anything from or through them.

“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

expired. If they 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 Boaz Hall, the visitors' area at Ownby Stadium, the spaces west of Hamon Library/Greer 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 available 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 instructions.
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 to 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 214-768-2487.
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 6675a.5e.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 FRAME)** These permits, which are nonexpiring, are issued to all SMU students and east of Dedman Center and west of Ownby Stadium. They are reserved for an "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 Student Enrollment Services 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 to the Division of Extended 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 gate card, if applicable, to the Department of Public Safety.
- 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 ordinances 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 of 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.

5. 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 map indications.
2. Limited-time parking areas (e.g., 30-minute) may be used by anyone (including male first-year students).
3. Spaces 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 of campus bicycle regulations are considered minor traffic violations and 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 Student Enrollment Services. 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).

any 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).

- 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.*
- 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.
- 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.
- 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.
- 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-MAR (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

- 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.
- 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.
- 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.
- 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 Fire 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 McElvane 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 DECEMBER 31, 1997

Southern Methodist University has participated in the FBI's Uniform Crime Report since 1967. As part of its 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 94-95, 95-96, and 96-97. 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	1995				1996				1997			
	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	0	0	0	0	1	1	0	5	0	0	0	4
Robbery	1	0	0	0	0	0	0	0	3	0	0	0
Aggravated Assault	2	2	0	0	2	2	0	0	0	0	0	0
Burglary	1	0	0	0	3	0	0	0	7	0	0	0
Motor Vehicle Thefts	11	2	0	0	8	5	0	0	12	0	0	0
ARREST CATEGORIES	1995	1996	1997									
Liquor Law Violations	5	0	0									
Drug Abuse Violations	2	0	8									
Weapons Violations	3	2	2									

LEGEND

- R - reported incident
- C - incident cleared by arrest or exceptional means under guidelines.
- U - incident unfounded under FBI/UCR guidelines.
- SA - reported an incident informally to student affairs professionals. May overlap incidents reported to law enforcement officials.

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 to 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 VII, 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. All areas in University buildings, including residence halls and greek houses, will be smoke-free.

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. Haruay 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. **CONSENT OF INDIVIDUALS** TO BE IN 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 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.

WHERE REPORTED

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:

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* section 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 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 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 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 Office of the Dean of Student Life. 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 University Judicial Code, Section V, Serious Offenses – Student Judicial Procedures*. 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 Office of the Dean of Student Life 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 - 1953

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.

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.