Study Abroad Misconduct Resolution Process

This document outlines the process and procedures governing the resolution of student misconduct occurring during study abroad programs officially associated with The University of Texas at Austin. While The University's student disciplinary process is contained in Chapter 11 of the *Institutional Rules on Student Services and Activities*, the policies and procedures set forth in this document are necessary to resolve student misconduct occurring in foreign countries due to both the short duration of study abroad programs and the far-reaching implications of student behavior occurring outside the U.S.

Because study abroad is academic in nature, all aspects of the program and program participation fall under the authority of the Vice Provost for International Programs, with the Study Abroad Office (SAO) acting in these situations as his/her designee. While the SAO has authority to take immediate disciplinary action, as dictated by this document, for misconduct occurring during study abroad programs, cases of student misconduct may be referred to the Office of the Dean of Students for the imposition of additional sanctions as detailed in Chapter 11 of the *Institutional Rules* upon the student's return to the University.

The disciplinary process contained in this document will be initiated when a student is suspected of violating any of the following rules, laws, or policies:

- The University's expectations for conduct as dictated by Subchapter 11-800 of the *Institutional Rules*;
- A provision included in the Study Abroad Office's Code of Conduct;
- Any rule, regulation, or expectation for conduct established by the Host Institution; and
- Any municipal, regional, or country law and/or statute applicable to the program's location.

For the purposes of this document, the terms "student" and "participant" include any individual enrolled at UT Austin in a study abroad program officially associated with The University.

Reporting Misconduct

Any individual or agency may report allegations of student misconduct. Upon receiving an allegation of student misconduct, the Faculty Director, Site Director, Exchange Coordinator, or Program Assistant (referred to as the "Program Representative") may initiate the disciplinary process as contained in this document.

Investigation and Misconduct Resolution Conference

Following receipt of an alleged misconduct violation, the Program Representative will investigate the situation. Typically, this investigation will involve the Program Representative meeting with the student to discuss the allegation in a disciplinary conference. During the disciplinary conference, the Program Representative should discuss the nature of the allegation, the regulations or policies allegedly violated, the disciplinary resolution process, and the student's response to the allegations. At her or his discretion, the Program Representative may also choose to speak with any witnesses deemed relevant or review any written materials related to the misconduct allegation. If, following the investigation and disciplinary conference, the Program Representative determines that the greater weight of credible evidence supports a finding that the student violated the regulation or policy at issue, he/she may impose any of the disciplinary actions listed below.

Disciplinary Actions

The Program Representative may take the following actions:

Verbal Warning: Program Representatives may issue a verbal warning if they observe or have determined that a student's behavior is not in accord with the rules, laws, or policies identified above. The Program Representative should have a frank discussion with the student regarding expectations and consequences. Upon determining that the student is in violation, the Program Representative may issue a verbal warning that includes the likelihood that more severe disciplinary action will be taken if further violations follow.

The Program Representative will send an e-mail summary of the verbal discussion to the SAO and copy the student on this correspondence; this e-mail should include the exact date and time that the verbal warning was issued. This serves as documentation and provides written clarification to the student.

Written warning: Upon determining that the student is in violation, the Program Representative may issue a written warning. While written warnings typically occur in situations where a student has engaged in misconduct following a verbal warning, they can be issued for first violations when deemed appropriate. Written warnings constitute notice that a student's behavior is unacceptable and that further violations will result in the student's dismissal from the program. If deemed necessary, the Program Representative may restrict the activities of the student if such activities are directly related to the violation at issue. Program Representatives are encouraged to work with the SAO in composing the written warning.

A written warning should include:

- a. Date and time that written warning was communicated;
- b. Location;
- c. Detailed description of the undesired behavior, and why it was considered inappropriate;
- d. Clearly stated expectations and consequences (including restricted activities, if applicable) that will remain in effect for the duration of the program; and
- e. Indication that this is the final warning and any continuation of the undesirable behavior will result in immediate dismissal with possible financial penalties, including but not limited to loss of any program fees paid may be required to reimburse UT Austin for financial aid received.

Written Warnings, whenever possible, should be faxed or otherwise communicated to the SAO within 24 hours of the occurrence. The SAO may distribute the information to other campus units as appropriate.

Dismissal from the study abroad program: A participant may be dismissed from a study abroad program if he/she either fails to meet the conditions of a prior Written Warning or commits a violation warranting immediate dismissal. Behaviors which may lead to dismissal include, but are not limited to: academic misconduct, eviction from housing on grounds of inappropriate conduct, exceeding the number of unexcused absences from class allowed for the program, destruction of property, posing a safety hazard to oneself or others, and/or criminal conduct.

If, after the investigation and disciplinary conference, the Program Representative believes that dismissal is appropriate, he/she will contact the SAO to discuss the situation and receive

authorization to proceed. The SAO may conduct an independent investigation of the incident and may request additional information.

If a decision to dismiss the student from the program is made, the Program Representative will issue a Dismissal Notice to the student. The Dismissal Notice should state the study abroad conduct violation(s) and notify the student that he/she is no longer considered a participant in the program and must leave the contracted housing by a designated date and time. The Program Representative should have the student sign a statement indicating that he/she understands that he/she is no longer a participant in the student abroad program. If the student refuses to sign the statement, the Program Representative should have a witness sign a statement indicating that the student has been verbally informed of the dismissal but refuses to sign the statement.

Sample acknowledgement statement:

"I understand that due to my inappropriate behavior in violation of the Study Abroad Code of Conduct that I signed upon acceptance into the program, I am no longer eligible to participate in this program. I understand that effective immediately I am no longer a study abroad participant under the sponsorship of The University of Texas at Austin and that my insurance coverage will be terminated in three days."

Fax or scan and e-mail the completed Dismissal Notice to the SAO within 48 hours. The SAO will be responsible for informing any other appropriate campus offices or officials. Although dismissal from a study abroad program does not constitute dismissal from The University, The University may elect to impose additional sanctions pursuant to Chapter 11 of the *Institutional Rules*.

If a student from another institution is attending a UT Austin study abroad program and is subject to disciplinary action while in the program, the student's home institution will also be notified.

Appeal: The accused student may appeal the misconduct resolution decision and/or sanction assessed by the Program Representative by submitting a written appeal to the Vice Provost for International Programs within 24 hours from the time the misconduct resolution was communicated. The written appeal must state the specific reasons for the appeal and must include any related argument, including relevant documents or witness statements. The Vice Provost for International Programs may approve, reject, or modify the misconduct resolution decision or sanction(s) in question. Before making a decision on the appeal, the Vice Provost for International Programs may, at his/her discretion, communicate with the Program Representative, the accused student, or any witnesses by phone. The action of the Vice Provost for International Programs should be communicated in writing to the accused student, Program Representative, and SAO Director within 24 hours of receiving the accused student's written appeal – the Vice Provost may take additional time in making a decision on the appeal if justified by the circumstances. If the accused student's appeal is received over a weekend or university holiday, the Vice Provost for International Programs' decision will be communicated by the close of business on the next full workday. The decision of the Vice Provost for International Programs will be final.

In circumstances where a student is appealing the Program Representative's decision to dismiss the student from the student abroad program, the Program Representative may, at his/her discretion, ban the student's presence from any premises directly affiliated with the student abroad program until such time as the appeal is resolved by the Vice Provost for International Programs. If the student is removed from housing affiliated with the study abroad program during the appeal period, the student will be required to find alternative housing at his/her personal expense.

Consequences of Dismissal

Upon issuance of a Dismissal Notice, the student's participation in the study abroad program shall be concluded immediately. Dismissal of a student from the program shall not diminish or otherwise affect the student's obligation to make any and all payments to UT Austin and/or the program provider. Dismissal from the program will result in grades of F being assigned to all coursework for a faculty led program participant and may result in an oblit of the official registration record (e.g. student's registration deleted for the applicable term) or withdrawal from the applicable term for an exchange or affiliated program participant.

In addition, the student will not be entitled to a refund of fees, may be required to reimburse UT Austin for financial aid received, and is responsible for all non-recoverable costs incurred by the host institution as well as personal financial obligations, e.g., utility bills, rent. A student's registration at UT Austin may be blocked pending fulfillment of all such financial obligations and/or disciplinary action. Once a student has been dismissed from the program, he/she shall be required to absent him/herself from all premises used by the program for the duration of the program and return to the United States at his or her own expense.