EDUCATION ABROAD - MISCONDUCT RESOLUTION PROCESS

This document outlines the process and procedures governing the resolution of student misconduct occurring during education abroad programs officially associated with The University of Texas at Austin. While The University's student disciplinary process is contained in General Information Catalog (GIC), Appendix C., Institutional Rules on Student Services and Activities, (Institutional Rules) 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 education abroad is academic in nature, all aspects of the program and program participation fall under the authority of the Senior Vice Provost for Global Engagement (SVPGE), with Education Abroad acting in these situations as his/her designee. While Education Abroad has authority to take immediate disciplinary action, as dictated by this document, for misconduct occurring during education 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 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 Education Abroad Code of Conduct, MBA Professionalism Policy or a program’s Responsibility of Participation;
- Any rule, regulation, or expectation for conduct established by the Host Institution or Program Provider; 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 matriculated at UT Austin in an overseas 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.

For any allegation involving the Policy on Sex Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking (GIC, Appendix D, the university official must immediately inform the UT Austin Title IX Office.

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 their 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, they 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 is to send an e-mail summary of the verbal discussion to 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 Education Abroad 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 emailed along with a Student Abroad Incident Report Form or otherwise communicated to Education Abroad within 24 hours of the occurrence. Education Abroad may distribute the information to other campus units as appropriate.

**Dismissal from the program**: A participant may be dismissed from an education abroad program if they either fail 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, they will contact Education Abroad to discuss the situation and receive authorization to proceed. Education Abroad 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 conduct violation(s) and notify the student that they are 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 they understands that they are no longer a participant in the 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 Education 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.”

E-mail the completed Dismissal Notice to Education Abroad within 48 hours along with an updated Student Abroad Incident Report Form. Education Abroad will be responsible for informing any other appropriate campus offices or officials. Although dismissal from an education abroad program does not constitute dismissal from The University, The University may elect to impose additional sanctions pursuant to the Institutional Rules.

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

Unless the student is a harm to self, the designated person for the student will not be contacted.

**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 SVPGE 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 SVPGE may approve, reject, or modify the misconduct resolution decision or sanction(s) in question. Before making a decision on the appeal, the SVPGE may, at their discretion, communicate with the Program Representative, the accused student, or any witnesses by phone. The action of the SVPGE should be communicated in writing to the accused student, Program Representative, and the Education Abroad Director within 24 hours of receiving the accused student’s written appeal – the SVPGE 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 SVPGE’s decision will be communicated by the close of business on the next full workday. The decision of the SVPGE will be final.

In circumstances where a student is appealing the Program Representative’s decision to dismiss the student from the education abroad program, the Program Representative may, at their discretion, ban the student’s presence from any premises directly affiliated with the education abroad program until such time as the appeal is resolved by the SVPGE. 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 their personal expense.

Consequences of Dismissal
Upon issuance of a Dismissal Notice, the student’s participation in the education 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 obit of the official registration record (e.g. student’s registration deleted for the applicable term), a withdrawal from the applicable term for an exchange or affiliated program participant or possible an “F” being assigned for an exchange 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, they shall be required to absent themselves from all premises used by the program for the duration of the program and return to the United States at their own expense.