DATE: March 22, 2005

TO: Dr. Martyn Gunn
    Speaker, Faculty Senate

FROM: Dr. David W. Parrott
     Chair, Rules and Regulations Committee

SUBJECT: Proposed Revisions to the 2005 Student Rules

Attached please find proposed revisions to the 2005 Texas A&M University Student Rules as approved by the Rules and Regulations Committee. These changes are for the following sections:

Section 55
Section 14.12
Section 30
Section 48
Section 60
Section 55 - Existing Rule:

**55. Parking Citations (Revised: 1995)**

**Rules**

Rules pertaining to parking are listed in [Part II, Student Life Rules](#).

**Grievance Procedures**

55.1 The procedure for appealing a parking citation is documented on the envelope of the citation. All appeals must be filed in person at the main office of Transportation Services, within 10 working days of the date on the citation. Individuals filing an appeal must post an appeal bond in the amount of the citation. Those individuals who are billed for outstanding citations and who state they never received the citation have 10 working days from the billing date to file an appeal. Once a citation is more than 10 days old, a $5 late fee is assessed.

55.2 Appeals are reviewed by the director of Transportation Services or a designated Appeals Officer. If the appeal is granted or reduced, the appellant will receive a refund through the Fiscal Department. If the decision is not satisfactory with the appellant, the citation can be appealed through the Parking Citation Appeals Panel.

**Proposed Change:**


**Rules**

Rules pertaining to parking are listed in [Part II, Student Life Rules](#).

**Grievance Procedures**

55.1 The procedure for appealing a parking citation is documented on the envelope of the citation. All appeals must be filed in person at the main office of Transportation Services, within 10 working days of the date on the citation. Individuals filing an appeal must post an appeal bond in the amount of the citation. Those individuals who are billed for outstanding citations and who state they never received the citation have 10 working days from the billing date to file an appeal. Once a citation is more than 10 days old, a $5 late fee is assessed.

The procedure for appealing a parking citation is documented on the citation and on the Transportation Services website at [http://transport.tamu.edu/parking/appeal.aspx](http://transport.tamu.edu/parking/appeal.aspx).
55.2 Appeals are reviewed by the director of Transportation Services or a designated Appeals Officer. If the appeal is granted or reduced, the appellant will receive a refund through the Fiscal Department. If the decision is not satisfactory with the appellant, the citation can be appealed through the Parking Citation Appeals Panel.

Student and visitor appeals are reviewed by the Student Appeals Board. All other appeals are reviewed by the Faculty/Staff Appeals Board. All decisions are final.

Justification for Proposed Change:

The proposed changes are requested to align the Student Rules with current departmental procedures.

Submitted by: Rod Weiss, Transportation Services

Approved by the Rules and Regulations Committee on 3/11/05.
Section 14.12 – Existing Rule

14.12 The student must be formally recommended for graduation by the Faculty Senate after consideration of his or her complete record.

Proposed Change:

14.12 The student must be formally recommended for graduation by the Faculty Senate after consideration of his or her complete record.

Justification:

The Faculty Senate approves the degree list around midterm before final grades are available. The December 2004 degree candidates were approved by Faculty Senate October 11, 2004.

Submitted by: Donald D. Carter, Admissions and Records

Approved by the Rules and Regulations Committee on 3/11/05
Section 30 – Existing Rule:

### 30. Life-Threatening Behavior (Revised: 2001)

When it is determined by the Dean of Student Life or the Director of Residence Life or the Director of the Student Counseling Service or the Director of the Health Center, or their designees, that a student has engaged in life-threatening behavior, upon notification, that student must present himself or herself within one business day, to the Director of the Student Counseling Service or his/her representative. At that time, an evaluation will determine what further treatment or referral should occur. Failure to consult with the director or his/her representative and to comply with instructions that are issued by members of the Student Counseling Service staff, and other appropriate university staff can result in disciplinary action.

### 30. Life-Threatening Behavior (Revised: 2001)

When it is determined by the Dean of Student Life or the Director of Residence Life or the Director of the Student Counseling Service or the Director of the Health Center, or their designees, that a student has engaged in life-threatening behavior, upon notification, that student must present himself or herself within one business day, to the Director of the Student Counseling Service or his/her representative. At that time, an evaluation will determine what further treatment or referral should occur. Failure to consult with the director or his/her representative and to comply with instructions that are issued by members of the Student Counseling Service staff, and other appropriate university staff can result in disciplinary action.

### 30. Dangerous or Disruptive Behavior Caused by Manifestations of a Serious Psychological Problem (Revised 2005)

Texas A&M University shall, through the Student Counseling Service (primarily) or Student Health Services (secondarily), provide evaluation, referral, and appropriate treatment, within the available resources of the institution, for students manifesting serious psychological problems. The personnel of all departments of the University are expected to refer students with apparent psychological problems to the Student Counseling Service (primarily) or Student Health Services (secondarily). Students who display dangerous or disruptive behavior caused by manifestations of a serious psychological problem may be withdrawn from the university, and this withdrawal may be involuntary.
Dangerous or disruptive behavior caused by manifestations of a serious psychological problem include, but are not limited to:

- instances where a student engages in, or threatens to engage in, inappropriate behavior which poses a danger of causing physical harm to self or others, or inappropriate behavior that demonstrates a student’s inability to care for self, and/or
- instances of inappropriate behavior, which would cause significant property damage, or would directly and substantially impede the lawful activities of others, or that substantially interferes with or impedes the educational experiences of others, or would interfere with the educational process and the orderly operation of the University, and/or
- instances where a student engages in inappropriate behavior where a contributing factor is failure to follow a prescribed medical or psychological treatment plan, and/or
- instances of inappropriate behavior that causes a chronic, inordinate use of university resources including, but not limited to, staff time, psychological services, medical services, and/or emergency services, thereby resulting in an undue burden to the University.

When it is determined by the Vice President for Student Affairs or his/her designee that a student has allegedly participated in one or more of these behaviors, the student will be required to present himself or herself within one business day, to the Director of the Student Counseling Service or his/her designee. The student will be notified in writing of this by the Vice President for Student Affairs or his/her designee.

The Department of Student Life, or the Office of the Commandant for members of the Corps of Cadets, is responsible for the University disciplinary process. This policy does not preclude a student’s removal from the University, or any unit, class, or program, for disciplinary reasons in accordance with Texas A&M University Student Rules. The Department of Student Life, or the Office of the Commandant for Corps members, and the Student Counseling Service and Student Health Services, with appropriate releases, may consult to determine whether a student accused of violating the University Rules should be diverted from the disciplinary process to these procedures. Conversely, these departments, with appropriate releases, may consult to determine whether a student referred for consideration for a medical withdrawal might be more appropriately handled through the student disciplinary process.

A student who is withdrawn from the university, under the provisions of this rule, has the opportunity for one appeal.

Justification: To articulate existing authority in the Student Rules. In consultation with the Office of the Vice President for Student Affairs and attorneys from the Office of General Counsel.

Submitted by: Dr. David W. Parrott, Office of Vice President for Student Affairs

Approved by the Rules and Regulations Committee 3/11/05.
Section 48 – Existing Rule:

### 48. Grade Disputes (Revised: 1995)

**Rules**

The student’s semester grade shall be based upon the grading rule statement in section 10.1 and included in the course information distributed at the first class meeting. The rule shall include the calculation of grades, including weights as applicable for tests, laboratory assignments, field study work, projects, papers, homework, class attendance and participation and other graded activities. No such rule should be in contradiction of other provisions of University Student Rules. Additional rules on grades are listed in Part I, Academic Rules.

**Grievance Procedures**

48.1 The instructor of the class is the primary authority with respect to a student’s proficiency and final grade in that course. A student who believes that his or her final grade reflects a capricious, arbitrary or prejudiced academic evaluation should first discuss the matter with the instructor of the class.

48.2 If no satisfactory resolution is reached with the instructor, or if the instructor is unavailable, and the student wishes to appeal, the student shall appeal to the department head. A grade appeal must be initiated in writing with the course instructor or, if the instructor is unavailable, with the department head within 180 days (six months) of the last day of the semester or summer session in which the disputed grade was earned. The department head will examine the student’s appeal in order to determine if the student has established a *prima facie* case of capricious, arbitrary or prejudiced academic evaluation. If not, the department head will so inform the student and the instructor without delay.

48.3 If a *prima facie* case exists, the department head will then secure from all parties statements and such other information as he or she deems helpful and will issue his or her findings and remedies, if any. In doing so, the department head will be guided by the principle that it is up to the student to show that a capricious, arbitrary or prejudiced academic evaluation has occurred.

48.4 The student or the instructor may appeal the department head’s decision (with respect to findings and/or remedies) to the dean of the college in which the course is offered. The dean will attempt to resolve the matter by informal means within a reasonable period of time.

48.5 If no resolution can be reached, the dean will notify the student, the instructor and the department head. Upon receipt of such notification, the student and/or the instructor may file a formal appeal with the appropriate appeals panel. If the student is an undergra-
duate and if the final course grade being appealed is based partially or entirely on scholastic dishonesty, the appeal is made to the Disciplinary Appeals Panel. All other undergraduate grade appeals are made to the Academic Appeals Panel. If the student is a graduate student, the appropriate panel for all appeals is the Graduate Appeals Panel.

Proposed Changes:

48. Grade Disputes (Revised: 1995 2005)

Rules

The student’s semester grade shall be based upon the grading rule statement in section 10.1 and included in the course information distributed at the first class meeting. The rule shall include the calculation of grades, including weights as applicable for tests, laboratory assignments, field study work, projects, papers, homework, class attendance and participation and other graded activities. No such rule should be in contradiction of other provisions of University Student Rules. Additional rules on grades are listed in Part I, Academic Rules.

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48.3 If a prima facie case exists, the department head will then secure from all parties statements and such other information as he or she deems helpful and will issue his or her findings and remedies, if any. In doing so, the department head will be guided by the principle that it is up to the student to show that a capricious, arbitrary or prejudiced academic evaluation has occurred.

48.4 The student or the instructor may appeal the department head’s decision (with respect to findings and/or remedies) to the dean of the college in which the course is offered. The dean will attempt to resolve the matter by informal means within a reasonable period of time.
48.5 If no resolution can be reached, the dean will notify the student, the instructor and the department head. Upon receipt of such notification, the student and/or the instructor may file a formal appeal with the appropriate appeals panel. If the student is an undergraduate and if the final course grade being appealed is based partially or entirely on scholastic dishonesty, the appeal is made to the Disciplinary Appeals Panel. All other undergraduate grade appeals are made to the Academic Appeals Panel. If the student is a graduate student, the appropriate panel for all appeals is the Graduate Appeals Panel.

48.6 This process does not apply to scholastic dishonesty cases. Scholastic dishonesty cases are appealed in the Aggie Honor System Office.

Justification: To bring the A&M Student Rules in compliance with the Aggie Honor System Rules.

Submitted by: Dr. David W. Parrott, Office of Vice President for Student Affairs

Approved by the Rules and Regulations Committee 3/11/05.
Section 60 – Existing Rule:

60. Parking Citation Appeals Panel (Revised: 1995)

Scope

The Parking Citation Appeals Panel exists to hear appeals that have been denied through the first level of the appeals process, as defined in Part III, Student Grievance Procedures: 55. Parking Citations.

Membership

There are seven members on the panel, three (two undergraduate students and one graduate student) of whom are students. A quorum consists of three members. A member of Transportation Services is present to serve as a resource to the panel.

Procedures

60.1 The Parking Citation Appeals Panel meets in accordance with schedules developed by Transportation Services to consider ticket appeals where the appellant was dissatisfied with the decision on the original appeal. Information is to be submitted to the panel in the same manner as it was presented during the first level of the appeals process. The appellant may be present and should be prepared to answer any questions that members of the panel may have.

60.2 The chair sits as a hearing officer and does not take part in the vote or otherwise participate in the deliberations of the panel, except to cast the tie breaking vote. It is the duty of the chair to rule on procedural matters and the admissibility of the evidence.

60.3 The burden of proof is upon the appellant.

60.4 The appellant has the right to be represented by counsel of his or her own choosing.

60.5 All parties are afforded the opportunity for reasonable oral argument.

60.6 Immediately after hearing an appeal, the panel will go into closed session to deliberate. At the conclusion of deliberations, the panel informs the appellant of its decision.
Proposed Changes:

60. Parking Citation Appeals Panel (Revised: 1995 2005)

Scope

The Parking Citation Appeals Panel exists to hear appeals that have been denied through the first level of the appeals process, as defined referenced in Part III, Student Grievance Procedures: 55. Parking Citations.

Membership

There are seven members on the panel, three (two undergraduate students and one graduate student) of whom are students. There are two panels. The Student Appeals Panel consists of TAMU students. The Faculty/Staff Appeals Panel consists of both TAMU faculty and staff. A quorum consists of three members. A member of Transportation Services is present to serve as a resource to the panel.

Procedures

60.1 The Parking Citation Appeals Panel meets in accordance with schedules developed by Transportation Services to consider ticket appeals where the appellant was dissatisfied with the decision on the original appeal allow customers to appeal parking citations believed to have been issued in error. Information is to be submitted to the panel in the same manner as it was presented during the first level of the appeals process either in person or in writing. The appellant may be present and should be prepared to answer any questions that members of the panel may have.

60.2 The chair sits as a hearing officer and does not take part in the vote or otherwise participate in the deliberations of the panel, except to cast the tie breaking vote. It is the duty of the chair to rule on procedural matters and the admissibility of the evidence.

60.3 The burden of proof is upon the appellant.

60.4 The appellant has the right to be represented by counsel of his or her own choosing.

60.5 All parties are afforded the opportunity for reasonable oral argument.

60.6 Immediately after hearing an appeal, the panel will go into closed session to deliberate. At the conclusion of deliberations, the panel informs the appellant of its decision in writing.

Justification: The proposed changes are requested to align the Student Rules with current departmental procedure.
(Additions to rules are underlined, deletions to rules are indicated by strikethrough)

Submitted by: Rod Weis, Transportation Services

Approved by the Rules and Regulations Committee 3/11/05.