

Disruptive Disorderly Student Misconduct

SECTION 4.30 OF THE TEXAS EDUCATION CODE DISRUPTIVE ACTIVITIES

- (a) No person or group of persons acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any private or public school or institution of higher education or public vocational and technical school or institute.
- (b) For the purposes of this section, disruptive activity means:
- (1) Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
 - (2) Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity;
 - (3) Preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration;
 - (4) Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
 - (5) Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.
- (c) For the purposes of this section, a lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
- (d) A person who violates any provision of this section, is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$200.00 or by confinement in jail for not less than 10 days nor more than 6 months, or both.
- (e) Any person who is convicted the third time of violating this section shall not thereafter be eligible to attend any school, college or university receiving funds from the State of Texas for a period of two years from such third conviction.
- (f) Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitutions of the United States or the State of Texas.

SECTION 42.01 OF THE TEXAS PENAL CODE DISORDERLY CONDUCT

- (a) A person commits an offense if he intentionally or knowingly:
- (1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;
 - (2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of peace;
 - (3) creates, by chemical means, a noxious and unreasonable odor in a public place;
 - (4) abuses or threatens a person in a public place in an obviously offensive manner;
 - (5) makes unreasonable noise in a public place or in or near a private residence that he has no right to occupy;
 - (6) fights with another in a public place;
 - (7) enters on the property of another and for a lewd or unlawful purpose looks into a dwelling on the property through any window or other opening in the dwelling;

Disruptive Disorderly Student Misconduct

(8) while on the premises of a hotel or comparable establishment, for a lewd or unlawful purpose looks into a guest room not his own through a window or other opening in the room;

(9) discharges a firearm in a public place other than a public road;

(10) displays a firearm or other deadly weapon in a public place in a manner calculated to alarm;

(11) discharges a firearm on or across a public road; or

(12) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act.

(b) It is a defense to prosecution under Subsection (a)(4) of this section that the actor had significant provocation for his abusive or threatening conduct.

(c) For purposes of this section, an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence.

(d) An offense under this section is a Class C misdemeanor unless committed under Subsection (a)(9) or (a)(10) of this section, in which event it is a Class B misdemeanor; and further provide that a person who violates Subsection (a)(11) is guilty of a misdemeanor of not less than \$25.00 nor more than \$200.00, on a second conviction is punishable by a fine of not less than \$200.00 nor more than \$500.00, and on a third or subsequent conviction is punishable by a fine of \$500.00.

PARAGRAPH 5.2 OF CHAPTER VI OF THE BOARD OF REGENTS, TEXAS STATE UNIVERSITY SYSTEM

5.2 Student Misconduct. Each student is expected to act in a manner consistent with the University's functions as an educational institution. Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

- (1) Commission of an act which would constitute an offense under appropriate federal, state, or municipal law.
- (2) Violation of any Regents' rule, regulation, or order or university policy, rule, or regulation.
- (3) Failure to comply with the direction of a university official acting in the performance of his or her duties.
- (4) Giving false testimony or other evidence at a campus disciplinary or other administrative proceeding.
- (5) Failure to meet financial obligations to the university.
- (6) Unauthorized throwing of any objects in or from university facilities.
- (7) Misuse of fire or other life-safety equipment on university property.
- (8) Unauthorized use or possession of ammunition, firearms, or other illegal weapons on University property.
- (9) Conduct that significantly endangers the health or safety of other persons, including members of the university community or of visitors on the campus.

Disruptive Disorderly Student Misconduct

- (10) Stealing, destroying, defacing, damaging, or misuse of University property or property belonging to another.
- (11) Possession of or making use of university keys for unauthorized purposes.
- (12) Engaging in hazing or voluntarily submitting to hazing.
- (13) Using, without authorization according to the university policy, intoxicating beverages in a classroom building, laboratory, auditorium, building, or faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.
- (14) Gambling in any form on university property.
- (15) Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance.
- (16) Advocating or recommending either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocacy means addressing an individual or group for imminent action and steering it to such action as opposed to the abstract espousal of the moral propriety of a course of action.
- (17) Forgery, alteration, or misuse of university documents, forms, records, or identification cards.
- (18) Any attempt to commit these prohibited acts.
- (19) An initiation by an organization which includes any dangerous, harmful, or degrading act to a student. Violation of this prohibition renders the students involved and the organization subject to discipline.
- (20) Violation of any rule or regulation governing residential living in university-owned facilities or breach of a residential living contract.
- (21) Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid, or object which is flammable or which could cause damage by fire or explosion to persons or property on university property.
- (22) Unauthorized entry into or use of university buildings, facilities, equipment, or resources.
- (23) Failure to heed an official summons to the office of an administrative officer within the designated time.
- (24) Failure to maintain a current official mailing address in the Registrar's office or giving a false or fictitious address to such office.
- (25) False alarm or report where the person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear of imminent serious bodily injury; or prevent or interrupt the occupation of a building, room, or aircraft, automobile, or other mode of conveyance.
- (26) Harassment where the individual intentionally threatens, in person, by telephone, in writing, or by other means, to take unlawful action against any person and by this action intentionally, knowingly, or recklessly annoys or alarms the recipient or intends to annoy or alarm the recipient.
- (27) Issuance of a check without sufficient funds.

Disruptive Disorderly Student Misconduct

- (28) Academic dishonesty (see Subsection 5.3).
- (29) Campus disruption activities (see Subsection 5.4).
- (30) Disorderly conduct on University-owned or controlled property or at a university-sponsored or supervised function which inhibits or interferes with the educational responsibility of the university community or the university's social- educational activities shall include but not be limited to: using abusive, indecent, profane or vulgar language; making offensive gestures or displays, which tend to incite a breach of the peace; perpetrating fights, assaults, abuse, or threats; or evincing some obviously offensive manner, or committing an act, that causes a person to feel threatened.
- (31) Using authority granted by state law, by system rule, or by university policy to deprive any person of his or her civil rights.
- (32) Violation of university policy relating to electronic network facilities such as local area networks and the internet.