

UTSA The University of Texas at San Antonio

Student Affairs
Office of Student Judicial Affairs

CONFIDENTIAL

March 17, 2008

Thomas C. Retzlaff
P.O. Box 92
San Antonio, Texas 78291-0092

Dear Mr. Retzlaff,

Per Section 501 of the University of Texas at San Antonio *Student Code of Conduct*, you are charged with the following violations.

Sec. 202(A) of the Student Code of Conduct states:

“Disciplinary proceedings may be initiated against any student for any of the following acts or violations:”

(2) the violation of any rule or regulation of the University, including but not limited to, those relating to on-campus housing, the registration of student organizations, the use of University facilities or grounds, and the time, place, and manner of expression or expression-related conduct;

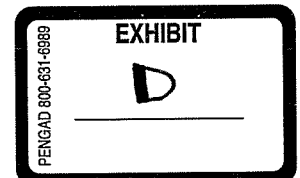
(3) failure to comply with any order or instruction of an official of the University or The University of Texas System acting in the course of his or her authorized duties; furnishes false information to or withholds material information from any University staff member acting in the course of his or her duties;

(6) forging, altering, mutilating, or destroying any University document or record, entering false information in such documents or records, or giving a false response to an inquiry made by an official of the University or The University of Texas System acting in the course of his or her duties;

(14) any conduct which constitutes a violation of a federal, state, or local law regardless of whether the conduct takes place on or off campus or results in the imposition of the penalty prescribed by the federal, state, or local law;

- Texas Penal Code Section 42.07 – Harassment

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, he:



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(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(27) otherwise engaging in conduct that is inappropriate for members of an academic institution (such conduct includes, but is not limited to: pranks, throwing food at persons or property, public nudity, and harassing telephone calls).

(28) attempting to commit or assisting with the commission or attempted commission of any of the foregoing listed offenses.

Sec. 203 of the Student Code of Conduct states:

(A) "The Office of Student Judicial Affairs or faculty may initiate disciplinary proceedings against any student accused of scholastic dishonesty."

(B) "Scholastic Dishonesty" includes but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and any act designed to give unfair advantage to the student (such as, but not limited to, submission of essentially the same written assignment for two courses without the prior permission of the instructor, providing false or misleading information in an effort to receive a postponement or extension on a test, quiz, or other assignment), or the attempt to commit such an act.

(F) "Falsifying academic records" includes, but is not limited to, the altering or assisting in the altering of any official record of the University or The University of Texas System, the submission of false information or the omission or requested information that is required for or related to any academic record of the University or The University of Texas System. Academic records include, but are not limited to, application for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree, and withdrawal of diploma.

The evidence presented in the hearing will demonstrate that:

1. Captain Daniel J. Kiley directed you to have no contact with another UTSA student, Lan Zhu;

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2. After being so directed, you contacted her repeatedly via email, phone, and once in person;
3. Lan Zhu instructed you not to contact her and you continued doing so;
4. In contacting Lan Zhu, you intended to harass, annoy, alarm, abuse, torment, or embarrass her by sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend her;
5. You submitted your admission application, acknowledging that all information was true and correct;
6. Your admission application contained false information stating you were in the Army during a period of time that you were not;
7. Your representation on your admission application that you possessed a Master Peace Officers Certification, resided in Texas for two years, and came to Texas within the past five years for employment were false;

In accordance with Section 402 (B) and 501 of The University of Texas at San Antonio *Student Code of Conduct* pertaining to Student Judicial Affairs procedures and disposition of the charges, this hearing has been scheduled.

You are hereby notified that:

1. A hearing has been set for Wednesday, April 2, 2008, at 9:00 a.m. in the Student Life conference room located in the University Center, room 2.02.18.
2. A copy of the referral forms are enclosed for your convenience.
3. The person to hear the case will be Daniel O. Escobar, Executive Director of P-20 Initiatives.
4. The alternate hearing officer will be Powell Trotti, Director of Business Operations – Downtown Office.
5. If you so desire to challenge the hearing officer or the alternate hearing officer, you may do so by giving written notice to this office any time prior to Sunday, March 30, 2008, at 9:00 a.m.

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6. The hearing will be private unless you submit a written request to this office any time prior to Sunday, March 30, 2008, at 9:00 a.m. asking that it be open.
7. You may appear in person or with an advisor at the hearing. You must notify the Office of Student Judicial Affairs (UC 2.02.18) in writing if the advisor you intend to have at the hearing is an attorney. Should you have an attorney as your advisor, the Office of General Counsel with the University of Texas System may serve as an advisor to the university in this matter. An advisor may confer with and advise the dean or accused student but shall not be permitted to question witnesses, introduce evidence, make objections, be a witness or present argument to the Hearing Officer.
8. You may present witnesses, present documentary and other evidence, and argue in your own behalf.
9. Each party may ask questions of witnesses. The Hearing Officer may question witnesses.
10. An official audio recording will be made of the hearing and a copy may be provided to you in case of an appeal.
11. By Friday, March 28, 2008 at 9:00 a.m., you should send me:
 - a. The name of each witness you will present including a brief summary of their testimony and a copy of all documentary and other evidence you will produce at the hearing.
 - b. Any objection, which if sustained, would prevent the hearing.
 - c. The name of the advisor, if any, who will appear with you and whether the advisor is an attorney.
12. The witnesses who may appear to give support to the complaint are:
 - a. Dr. Diane B. Walz, Associate Dean for Graduate Studies and Research in the College of Business at the University of Texas at San Antonio. Brief summary of: discussing the admission requirements for the M.B.A. graduate program at UTSA. Her responsibilities as Associate Dean with M.B.A. admissions. Discussing your M.B.A. admissions application to enter into the M.B.A. graduate program at UTSA.

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- b. Captain Daniel J. Kiley, University of Texas at San Antonio Police Department. Brief summary of: his instruction to you to have no contact with the student, Lan Zhu. Your criminal history as discovered through open records requests. Any information discovered during his investigation of your harassment of Lan Zhu. Discuss the Texas law of Harassment.
 - c. Dr. Keith W. Fairchild, Director of M.B.A. Programs in the Office of Graduate Studies and Research in the College of Business at the University of Texas at San Antonio. Brief summary of: discussing the admissions requirements for the M.B.A. program. Discussing your M.B.A. admissions application to enter into the M.B.A. graduate program at UTSA.
 - d. Rebuttal witnesses as required.
13. The documentary evidence in support of the complaint that may be produced includes:
- a. Scholastic Dishonesty referral (74 pages) from Dr. Diane Walz received in the Office of Student Judicial Affairs on November 19, 2007.
 - b. Behavioral referral (9 pages) from the University of Texas at San Antonio Police Department received in the Office of Student Judicial Affairs on November 12, 2007 and November 20, 2007.
 - c. UTSA Banner information (1 page) dated January 22, 2008, noting your address of record.
 - d. Summons letter (1 page) dated January 10, 2008 for an appointment on January 14, 2008.
 - e. Two emails from Lan Zhu (2 pages) giving authorization to release her emails and clarifying where she read your emails to her, received in the Office of Student Judicial Affairs on December 12, 2007 and December 14, 2007.
 - f. Statement (2 pages) from Lan Zhu received in the Office of Student Judicial Affairs on November 16, 2007.

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- g. Forwarded emails to Todd Wollenzier, Assistant Director, Student Judicial Affairs (44) pages with correspondence from you to Lan Zhu from November 8, 2007 until December 18, 2007, received in the Office of Student Judicial Affairs between November 9, 2007 and December 18, 2007.
- h. Correspondence (2 pages) from The Texas Department of Criminal Justice (TDCJ) Ombudsman Coordinator's Office outlining your time spent in a Texas prison, received in the Office of Student Judicial Affairs on December 11, 2007 and December 21, 2007.
- i. Correspondence (2 pages) from the University of Texas at San Antonio Police Department depicting your Criminal History Outline received in the Office of Student Judicial Affairs on January 22, 2008.
- j. M.B.A. (Master of Business Administration) requirements dated June 2007 (2 pages) received in the Office of Student Judicial Affairs on January 23, 2008.
- k. Copy of the Texas law, Harassment, from the Texas Criminal Law and Motor Vehicle Handbook; section 42.07 (2 pages).
- l. Your courses you completed with the Texas Commission On Law Enforcement Officer Standards and Education (2 pages), received in the Office of Student Judicial Affairs on January 28, 2008.
- m. Texas Commission On Law Enforcement Officer Standards and Education Certification Requirement Chart (1 page), received in the Office of Student Judicial Affairs on January 28, 2008.
- n. Captain Daniel J. Kiley's award information and courses completed with the Texas Commission On Law Enforcement Officer Standards and Education Certification information (4 page), received in the Office of Student Judicial Affairs on January 28, 2008.
- o. *UTSA Student Code of Conduct*
- p. Suggested Hearing Officer outline
- q. Rebuttal evidence as required

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- 14. History of hearing:
 - a. Original hearing was scheduled for February 11, 2008.
 - b. Hearing postponed until February 18, 2008 at student's request.
 - c. Hearing postponed until March 10, 2008 at student's request.
 - d. University's request for an earlier hearing date was denied.
 - e. Hearing Officer recuses himself on the date of hearing, March 10, 2008.

Should you have any questions with regard to the hearing process you should contact me immediately at 210-458-4720.

Respectfully,



Todd Wollenzier
Assistant Director, Student Judicial Affairs

Enclosures – to student only

cc: Daniel O. Escobar, Hearing Officer
Powell Trotti, Alternate Hearing Officer