A. Membership Guidelines

Each sport club will determine its own membership guidelines, but they must be free of any restriction based on race, color, national or ethnic origin, religion, gender, disability, age, or sexual orientation. The following guidelines will help determine an individual’s membership status in any Texas A&M Sport Club.

- **Student**
  
  **Only** registered and enrolled graduate and undergraduate students taking classes at Texas A&M who have paid Rec Center fees are eligible for membership in the sport club(s) of their choice. Only student members have the right to hold offices, and **ONLY Texas A&M students may serve as President and Treasurer positions.**

  - In order to compete and represent Texas A&M in a sport club, A&M **Undergraduate AND Graduate** students MUST be enrolled in at least 6 credit hours. Blinn TEAM students MUST be enrolled in at least **3 credit hours at Texas A&M**. **Exception:** graduating seniors, may be taking less, and MUST have written proof from school/program.

  - **Blinn TEAM & Affiliated Co-Curricular** students are eligible for participation in sport clubs as long as they pay University fees and they are considered students at Texas A&M, but are enrolled and take classes at both Texas A&M and Blinn College or other locations. Clubs should consult their league or association guidelines to determine these students’ eligibility for club competitions. **Blinn TEAM & Affiliated Co-Curricular members MUST have a minimum overall 2.0 GPA at Texas A&M in order to fully participate with a club.**

  - **Full time Blinn students are NOT eligible to participate in any Sport Club activity.**

  - **Sport Clubs CAN AND WILL ONLY verify and consider Texas A&M records for GPAs and enrolled credit hours.**

  - Mid-term grades are NOT officially posted grades and will NOT be considered for eligibility considerations.

  - **Texas A&M Former Students are NOT eligible to participate in any Sport Club activity.**

  - A Texas A&M Galveston student may participate in a sport club on the College Station campus if that Sport Club is not offered at the A&M Galveston campus. The Sport Club staff must be notified of this situation. **These students MUST abide by the same procedures, grade and credit hour rules, and conduct policies as College Station students.**

  - **Co-op and Health Science students** must provide a letter from their program showing proof of enrollment and credit hours to the Sport Clubs office.

  - **Self-Identification for participation:** Individuals who identify as a woman are eligible to play on a women’s (and co-rec) teams; Individuals who identify as a man are eligible to play on men’s and (co-rec) teams. Transgender participants are eligible to play based on their expressed gender identity so long as they comply with all player eligibility. **It is recommended that clubs make sure they are in compliance with each National Governing Body for eligibility.**

  - **Rellis Campus students** - Rellis students may participate, but ONLY those students enrolled in a Texas A&M University program are eligible, and MUST meet ALL other GPA and Credit hour requirements in order to be eligible. If there is any questions, contact the sport clubs office for clarifications.
**Associate Members**

Faculty or staff members who hold a current Rec Center membership **AND** pay club dues may be a member of a Sport Club. However, **faculty and staff members are ineligible to travel, compete, and represent Texas A&M on behalf of a Sport Club.**

**Minors**

Minors who are Texas A&M University students and have their guardian’s consent and signature on the Assumption of Risk/Standard of Conduct form are eligible to practice & compete.

**Personal Medical Insurance**

Texas A&M University **DOES NOT** insure students who are injured during participation in extracurricular activities, such as sport clubs competitions, travel, practices, and other club activities; however, it is possible to purchase insurance plans for individual sport clubs events. The Department of Recreational Sports **strongly recommends** all Sport Clubs members have adequate medical insurance coverage.

**Event Insurance**

When hosting any event especially involving youth, your club will be required to obtain and have **“General Liability and Accident Medical Insurance”**. This is a secondary insurance that can help off-set costs for youth injured during tournaments hosted by your club. This will be discussed in your individual event planning meetings with the Sport Clubs staff. This is required to be done **1 month** in advance of the actual event dates.

*In order to secure the insurance, here are the steps to be taken.*

1. The club will fill out the **“Special Event Insurance Request Form” (SEIRF),** take to the SOFC, have the SOFC fill in the E number which is the encumbrance number, and return to the Sport Clubs Staff. This form will “encumber” or hold money out of your SOFC account to pay for the insurance. You can estimate the number of youth participants your event will have.

2. The Sport Clubs staff will submit the insurance application and SEIRF forms to the insurance office to secure the secondary coverage.

3. At the end of your event, the club will submit the actual number of participants to the Sport Clubs Office. This number will be sent to the insurance office in order to charge the club’s SOFC account for the insurance.

**Rates each club will be charged from their club SOFC account are:**

In most cases it will be $.38 per participant - per day.

For Lacrosse and Judo it will be $.72 per participant - per day.

More information and pricing can be found at: [https://cpm.tamu.edu/finances/#insurance](https://cpm.tamu.edu/finances/#insurance)

For any other Special Event Insurance, contact the Sport Clubs staff for more information.

**Competitions**

As a member of the Sport Clubs Association at Texas A&M, it is expected that ALL participants and clubs when representing Texas A&M will participate and compete in collegiate divisions, and compete against other university/college students. When competing in an “open” or non-collegiate, participants should only compete against competitors over the age of 18. Please contact the Sport Clubs office prior to an event where your club may compete against high school teams and high school students. In the case that a participant is a minor, but representing a college/university, they must be a recognized student of that institution following the procedures set forth by the rec sports program or institution.
Intramural Sports Eligibility

Eligibility rules for Intramural Sports are designed to provide an opportunity for everyone to play, to provide for balanced and fair competition, and to keep a team from stacking its roster with athletes of demonstrated or probable skill. The rules listed below cannot provide for all possibilities; therefore the Intramural Sports Staff, with the counsel of the Recreational Sports Advisory Committee, reserves the right to rule on the eligibility status of participants not covered specifically by the following rules.

As outlined in the 2020-2021 Intramural Rules & Regulations Handbook, competitive Sport Clubs members fall within a restricted player category. “Competitive Sport Clubs Members” are defined as:

Competitive sport club members:
Any individual who appears on a travel roster of a registered Texas A&M sport club for that academic year, or who competes with the Texas A&M sport club team. In addition any individual who has participated in a minimum of 5 practices after the try-out phase with the competitive club is considered a competitive sport club member. Individuals who participate in fall practices will still be considered members for the sport club the entire academic school year, i.e. club soccer members from the fall will still constitute as restricted players in the spring. Off season practices are considered regularly scheduled practices even if no coach is present. The intramural sports staff will look at each situation individually. It is suggested that club members wanting to play intramural sports with other club members, check with the full time intramural staff prior to the season to prevent possible violations.

Limitations for Restricted Players

- No team shall have more than two “restricted” players on its roster (Exception: for all sports in which the team size for that sport is four players or less, no team shall have more than one restricted player on its roster; for example, 4v4 Sand Volleyball, 3v3 Basketball, 4v4 Outdoor Soccer, Racquetball Singles or Doubles, etc.
- Teams with competitive club members must play in the competitive division
- Restrictions last for fall and spring semesters
- Competitive club members must play in the highest skill level offered for the current academic year in their “associated” sport

<table>
<thead>
<tr>
<th>Sport Club</th>
<th>Associated Intramural Sport</th>
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<tbody>
<tr>
<td>Baseball</td>
<td>Softball</td>
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<td>Basketball</td>
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<td>Soccer</td>
<td>Indoor and Outdoor Soccer</td>
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<td>Ultimate</td>
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<td>Sand Volleyball</td>
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<td>Racquetball</td>
<td>Racquetball</td>
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Questions regarding competitive Sport Clubs members and Intramural Sports guidelines should be referred to an Intramural Sports Staff member at 979.862.1884 or im@rec.tamu.edu.
B. Sport Clubs Standards of Conduct

As students of Texas A&M University, Sport Clubs members have an obligation to conduct themselves and their organization in a manner compatible with the University’s philosophy and function as an educational institution. Members of sport clubs are expected to act in a mature and responsible manner both on and off campus and especially while participating in club activities.

Inappropriate conduct or actions while participating in any Sport Clubs related activity will jeopardize the club’s continued status as a recognized Sport Club. Furthermore, club members who participate in inappropriate activity which violates University Student Rules, University policies, campus regulations, or state or federal laws will be subject to disciplinary action by the Department of Recreational Sports, Texas A&M University, and/or appropriate legal authorities.

Expectations

As members of the Sport Clubs Association you will be held to the following expectations. Members:

- Must be a currently enrolled in classes and minimum credit hours as a student at Texas A&M University
- Must notify the club officers and sport clubs office if they drop courses or withdraw from class and the university.
- Abide by all policies, rules, and procedures established by Texas A&M University, the Division of Student Affairs, Department of Recreational Sports, and Student Activities.
- All participants must have a completed AOR/SOC on file with the Sport Clubs office.
- Must be respectful of Rec Sports staff, Sport clubs participants, fans, members, officials, and other teams.
- If a member fails to meet these expectations; a meeting will be set up by the Sport Club staff and could result in the following: (1) limited practice/travel, (2) suspension or removal from club, and (3) restricted club involvement
- The length of time a student is not eligible will be for the entire semester or until the minimum requirements are achieved.

All Sport Clubs participants MUST present their Texas A&M ID to the Sport Clubs or Facility Supervisor in order to be eligible for participation at recreation facilities.

Member Grade Point Average (GPA) Requirements

ALL OFFICERS MUST have AND maintain a minimum overall 2.0 GPA in order to maintain officer status and have at least a 2.0 in their previous semester. If an officer is removed, they will no longer be permitted to partake in officer duties.

All Sport Clubs members MUST have AND maintain a minimum overall 2.0 GPA (3.0 for Grad Students) in order to participate in ALL club related activities. If a club member does not have an OVERALL 2.0 GPA/3.0 (Grad), the club member will meet with the Sport Clubs staff, and Club Officers and may be subject to ANY or ALL of the following actions:

- The club member may compete in any non-conference home or in-state competitions or events with prior approval from the Sport Club staff
  *For clubs that are not part of a conference, the Sport Clubs professional staff will determine appropriate sanctions based on club event schedules.*
- The club member may participate in all non-competitive club functions including fundraising activities, meetings, etc.
- The club member may not compete in ANY conference, regional, or national competitions (Regardless of location) until the overall GPA meets the minimum 2.0 requirement
- The club member may not travel and/or compete in ANY out-of-state competitions
- The club member will still pay all dues to the club, unless the club officers and the member agrees upon an alternate plan
- The number of practices the member competes in may be limited per week

All grades will be checked at the beginning of the each semester based on all grades posted through the previous semester. Mid-term grades are NOT officially posted grades and will NOT be considered. Eligibility will be checked for each trip as well. If a member is ineligible, the president and member will receive an email explaining and outlining the restrictions. *Anyone wishing to discuss the decision may contact the Sport Clubs Professional staff to set up a meeting. Deadlines are stated in the email.*
Officer Expectations

- Must be a currently enrolled student at Texas A&M University and adhere to GPA and credit hour requirements. *(Undergrad AND Graduate students)*
- **Undergrad** minimum GPA- 2.0, Grad - 3.0 to be an officer
- Must be enrolled in at least 6 credit hours per semester. (Undergrad & Grad)
- Blinn-TEAM and co-curricular students must be enrolled in at least 3 credit hours at Texas A&M.
- Must be familiar with the information presented in this guidebook, and enforce the policies with club members, participants, and coaches/instructors
- **Transition information to NEW officers**
  - Develop a club manual or shared electronic files (Google Docs/drives) containing information that is applicable and unique to your organization
  - Clubs must elect a president, treasurer, and designate a safety officer
  - Maintain good communication with the Sport Clubs staff
  - Report all safety concerns, issues and incidents to the Sport Clubs staff in a timely manner
- **Be thorough with officer and member removal processes in the club constitution.**
- Anyone running for office must be enrolled and registered at time of election and serve for the academic or calendar year (dependent upon club) in College Station. They cannot be enrolled in a co-op or internship out of area during officer term.
- Paperwork should be submitted complete and on time
- **If there is an issue or accident involving an Enterprise vehicle, officers are REQUIRED to inform the Sport Clubs staff AND Enterprise when this occurs. If not reported, the club may lose ability to utilize Enterprise vehicles.**

- **Attendance at monthly Liaison meetings is MANDATORY – REQUIRED** 2 officers attend. Ask questions, be attentive and respectful, etc. Representatives who attend these meetings are the voice of the membership, so it is important the Sport Clubs staff know the needs, likes, and dislikes of your members.
- Officers are expected to hold regular club meetings to discuss any and all necessary club business with the membership
- **Officers MUST attend monthly individual club meetings with Sport Clubs staff**
  - Schedule student Rec Medics through the sport clubs office (pg 57-58) for events within 25 miles of campus
  - Check participants into practice to ensure they have an AOR/SOC on file
  - Understand the importance of adhering to a comprehensive risk management plan
C. Alcohol & Illegal Drugs

Texas A&M’s Student Rules state "drinking or having in possession any alcoholic or intoxicating beverage(s) in public areas of the campus is prohibited." It is important student leaders familiarize themselves with this student rule because it specifies how alcohol can play a part in student organization activities or events. However, as with many rules or policies, it is not unusual for there to be questions or interpretation differences that need clarification by advisors or administrators.

1. Alcohol and illegal drugs are **PROHIBITED** during ANY club-related activity (home or on the road while traveling).

2. The possession, sale, use or consumption of alcoholic beverages or illegal drugs, during ALL sport clubs activities is **prohibited**.

3. No alcoholic beverages or illegal drugs may be purchased through an organization's funds, nor may the purchase of alcohol for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the organization. The purchase or use of bulk quantity or common sources of such alcoholic beverage (i.e. kegs or cases) shall be prohibited.

4. No members, collectively or individually shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e. those under legal drinking age).

5. When traveling, clubs are considered representing the university and department from the time you leave campus until the time you return to campus/College Station. **Club members and participants MAY NOT consume any alcohol or Illegal drugs during a Sport Clubs trip at any time (including at dinner or after an event has concluded).**

6. **These rules apply to ALL Club members as well as anyone coaching the club—(including student coaches).**

7. Clubs are permitted to host tailgates through the Department of Recreational Sports Director of Development. Club members are **NOT** permitted to supply or drink alcohol during these events.

There is a **ZERO TOLERANCE POLICY** in regards to alcohol and illegal drugs involved with any Sport Clubs related activity.
D. Hazing

Texas A&M Sport Clubs promotes, supports, and encourages an inclusive atmosphere. Bullying, hazing, or any other situation that does not uphold and foster an inclusive atmosphere for club members at Texas A&M, will not be tolerated. ALL clubs are open and welcoming to all Texas A&M students regardless of differences, as long as they meet the minimum eligibility requirements.

As defined by the 2020-2021 Texas A&M University Student Rules, “Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

HAZING includes but is not limited

- is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
- involves coercing, as defined by Section 1.07, Penal Code, the student to consume:
  - a drug; or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

A person commits a hazing offense if the person:

- engages in hazing;
- solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- recklessly permits hazing to occur; or
- has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

“Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.

An organization commits a hazing offense if the organization:

- condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

Organizations should focus on developing activities that are welcoming, goal oriented, safe and affirming to new members. New or potential members should not be required to participate in activities and/or tasks that established members are not required to complete, for example, rookies carrying equipment. For ideas on how to achieve certain organization outcomes through activities see Section 3 of the Student Organization manual.

Hazing offenses carry very stiff penalties, including monetary and/or jail time, and CONSENT IS NOT A DEFENSE. Please refer to the TAMU Student Rules (student-rules.tamu.edu) for more information. Anyone seeing, hearing, or knowing of this type of occurrence should report the situation. Sport Clubs staff, when knowing of a situation, WILL report to the Texas A&M Offices of the Dean of Student Life for further investigation.

FOR FURTHER INFORMATION— stophazing.tamu.edu
E. Discipline

All Sport Clubs and their members have an obligation to operate within the rules and regulations set forth by Texas A&M University, the Department of Recreational Sports, and the Department of Student Activities. Any actions or activities that violate or possibly violate the University Student Rules will be shared with the appropriate University official for possible disciplinary action. In addition to the disciplinary actions taken by the Department of Recreational Sports, Sport Clubs may be held responsible for violations collectively and/or individually. All violations committed by clubs will be reviewed by the Sport Clubs staff may result in the loss of Sport Clubs Association membership or other disciplinary actions taken against the sport club involved. The discipline process has been developed to assist club leaders in correcting mistakes that have caused problems for the club and the University.

Violations will be reviewed by the Sport Clubs staff to determine what course of action to take.

- **First infraction**—$150 will be deducted from the club’s allocation account, plus any sanctions levied.
  - *(Gas infractions for not filling up rental vehicles - $100 per vehicle charged)*
  - *(It is the club member/officer’s responsibility to check AND document the gas gauge at time of pick up)*

- **Second infraction and on**—$250 will be deducted from the club’s allocation account, plus any sanctions levied.
  - *(Gas Infractions for not filling up rental vehicles a 2nd time—$200 per vehicle charged, and club will NOT be permitted to use rental vehicles for 3 months)*

- **If a club is out of allocation money, they will be invoiced, and the club MAY NOT operate (including—practices, travel, games, signatures, etc) until fines are paid.**

Disciplinary actions may include, but are not limited to

- Probation
- Fines Levied
- Frozen Funds
- Loss of Funding
- Suspension of utilizing rental vehicles
- Loss of Facility Reservations
- Limited practices
- Loss of travel privileges
- Cancellation of games/matches/tournaments
- Loss of equipment usage
- Forfeiture of recognition status through Texas A&M University
- Sanctions on individual club members
- University disciplinary actions (which may include dismissal from Texas A&M University)

Notification of disciplinary action will be emailed to the Sport Club president.
Infractions

When an infraction occurs, the Sport Clubs Staff will determine the course of action. Outlined below is the directions the staff will go. There are infractions that will result in an automatic deduction from the club’s allocation amount. Additionally more severe infractions will result in meetings with the Sport Clubs staff and officers to determine results, which may include any combination of items listed on the previous page. Club officers will be notified of ANY infraction occurrence.

**Infractions that will result in an automatic fine deducted from the club’s allocation. ($150 for first infraction, $250 for each additional)**

- Failure to attend a required Sport Clubs Association meeting or monthly Liaison meetings with Executive Committee members
- Failure to submit or submitting a late Trip Request form **(See procedure below)**
- Being late to or leaving early from a required Sport Clubs Association meeting without prior notification to Sport Clubs staff
- Failure to notify Medics or staff of changes in schedule and/or practice times and games
- Failure to return borrowed Sport Clubs equipment within 24-48 hours of the completion of club’s event/game/tournament
- Misuse of University property (e.g. allowing pets at the club’s events or not cleaning up the facility at the conclusion of the club’s events) This also includes Polo horses.
- Submitting receipts late (see page 44)
- Failure to deposit funds into SOFC account

**Infractions that will result in a meeting with officers and Sport Clubs staff to determine outcome. (Which may result in allocation deductions or items listed on previous page)**

- Participation in events without previously notifying the Sport Clubs staff
- Possession of outside bank accounts or club credit cards
- **For Online fundraising sites check with the Sport Clubs staff for approved sites. When these are permitted, the checks MUST be made out to the Student Organization, not an individual.**
  
  Example of allowed site - snap raise and youcaring.com
  
  Example of PROHIBITED site - gofundme
- Misuse/misappropriation of University or club funds
- Any situations involving the use of or the presence of alcohol or illegal substances at any club related event, or Transporting and/or consuming alcohol or illegal substances while on official club trips **(see page 18 – section C. Alcohol, for further explanation)**
- Failure to represent Texas A&M University in a positive manner (e.g. notification by another club, university, and/or governing body)
- Displaying conduct incompatible with the University’s function as an educational institution and the purpose of the Sport Clubs Program (i.e., unsportsmanlike conduct toward officials or opponents or disruptive behavior on trips)
- Allowing ineligible individuals to participate in club activities
- Allowing ineligible drivers to operate vehicles during club trips
- Allowing non-club members to travel with the club/team
- Hazing
- Discrimination/Non-Inclusive atmosphere
- Misuse of Rec Sports credit card
- Damages to lodging or property while on a Sport Club trip **(Including - Rental Vehicles)**
**Procedures for Infractions**

Sport Clubs staff will determine if an infraction (s) has/have occurred

1. The Sport Clubs staff will notify the club through a written notification that an investigation will begin dealing with possible violations

2. The Sport Clubs staff will schedule a meeting with the club to discuss the infractions. During the meeting, the club will have an opportunity to present their side.

3. After the meeting occurs, the Sport Clubs staff will determine one of three course of actions
   - Handle the situation in-house; the Sport Clubs staff will determine the appropriate sanctions against the sport club
   - If the situation involves individual Sport Clubs members, the case will be sent to the Department of Student Life to assess disciplinary sanctions against the individuals
   - If the situation involves the entire sport club, a hearing will be initiated through the Department of Student Activities. The Director of Student Activities, in conjunction with the Hearing Board Chair, shall discuss the case and determine whether disciplinary charges should be initiated

4. An email will be sent to the club notifying them of the decisions made by the Sport Clubs staff

5. **If a club receives three infractions in one year, the club may be subject to removal from the Sport Clubs Association.**

**Procedures for Late Trip Requests**

All trip requests are due by Friday, (minimum) 5pm and/or 1 week prior to the club trip [through sportclubs.tamu.edu. Remember that your club can submit a request earlier.](http://example.com) If the deadline falls during a holiday, the deadline still applies. Submit by the business day PRIOR to the holiday/break.

1. The Sport Clubs staff will determine whether a trip request was submitted late.

2. The club will be contacted by a Sport Club staff member to inform them of the submittal of a late trip request. At that time the club will not be permitted to travel.

3. Club officers can request a meeting with the Sport club staff to discuss any extenuating circumstances causing the submittal of the late trip request.

4. After the meeting occurs, the Sport Clubs staff will determine the status of the trip request. These are reviewed and decided upon on a case by case basis.

**If any club is placed on probation, these are the possible sanctions**

- Annual allocation for the next academic year is reduced by a minimum of 50%
- Suspension of activities, including practices, games/tournaments
- Limited or no travel
- Community service
- Ineligible for Sport Club of the Year
- Ineligible for the Outstanding Club Member Awards
Appeal Process

The appeal process exists to ensure that all disciplinary actions taken against members of the Sport Clubs Association are fair and equitable. To file an appeal, follow the steps listed below.

**Decisions made by the Sport Clubs staff may be appealed to the Associate Director**

1. Written notification from the club president to the Associate Director detailing the club’s rationale for the appeal, and any circumstances related to the infraction(s), must be submitted within 72 hours.

2. The 72 hour period begins when written notification of the disciplinary action being taken is emailed or placed in the club’s mailbox located in the Sport Clubs Office (extensions may be granted when appropriate).

3. The Associate Director will set up a meeting with the individual(s) involved in the situation.

4. After fully investigating the situation, the Associate Director will notify the club of the ruling on the appeal. This may include upholding, rejecting, or modifying the action taken by the Sport Clubs staff.

If needed, Sport Clubs should follow the [Grievance Procedures](#) established by the Texas A&M University Student Rules when appealing decisions made by the Associate Director of Recreational Sports. Be forewarned that the appeal of a disciplinary action that seems severe to the club could result in alternative penalties being levied by the person/committee who hears the appeal.