



**TEXAS TECH UNIVERSITY SYSTEM**

**BOARD OF REGENTS**

**AGENDA BOOK**

**May 18-19, 2017**

BOARD OF REGENTS  
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

May 18-19, 2017

BOARD OF REGENTS

Mr. L. Frederick “Rick” Francis, Chairman

Mr. Tim Lancaster, Vice Chairman

Mr. John D. Esparza

Mr. Ron Hammonds

Mr. Christopher M. Huckabee

Mr. J. Michael Lewis

Mr. Mickey L. Long

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Jeremy W. Stewart, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs:

John Esparza; John Steinmetz; Jeremy Stewart; John Walker (Chair)

Audit:

Chris Huckabee; Ron Hammonds; Mickey Long (Chair)

Facilities:

John Esparza (Chair); Mickey Long; John Walker

Finance and Administration:

Chris Huckabee; Michael Lewis; John Steinmetz (Chair)

# **AGENDA**

## Board of Regents Meeting

Lubbock, Texas

May 18-19, 2017

Abbreviated Agenda with Approximate Times\*

**Thursday, May 18, 2017**

### Meeting of the Board/Committee of the Whole

8:30 am                      Call to Order; convene Meeting of the Board

- Workshop / Retreat
  - TTUSA
  - TTU
  - TTUHSC El Paso

Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

2:00 pm                      Recess

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## Board of Regents Meeting

Lubbock, Texas

May 18-19, 2017

Abbreviated Agenda with Approximate Times\*

**Thursday, May 18, 2017**

### Board of Trustees Meeting of the Carr Scholarship Foundation (Shown for informational purposes only.)

*CONTINUED FROM PREVIOUS PAGE*

2:00 pm (after a lunch break or upon recess of the Meeting of the Board/Retreat)	Call to Order; convene Meeting of the Board of Trustees of the Carr Scholarship Foundation Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas
2:15 pm	Adjourn

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**Board of Regents Meeting**

**Lubbock, Texas**

**May 18-19, 2017**

Abbreviated Agenda with Approximate Times\*

**Thursday, May 18, 2017**

Meeting of Standing Committees  
(Conducted sequentially)

*CONTINUED FROM PREVIOUS PAGE*

2:15 pm  
(or upon adjournment of  
the Carr Scholarship  
Foundation Trustees  
meeting)

Finance and Administration Committee  
Location: Regents Conference Room (104A), First  
Floor, System Administration Building, 1508 Knoxville  
Avenue, Lubbock, Texas

3:25 pm  
(or upon adjournment of  
the Finance Cmte.  
meeting)

Academic, Clinical and Student Affairs Committee  
Location: Regents Conference Room (104A), First  
Floor, System Administration Building, 1508 Knoxville  
Avenue, Lubbock, Texas

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**Board of Regents Meeting**

**Lubbock, Texas**

**May 18-19, 2017**

Abbreviated Agenda with Approximate Times\*

**Thursday, May 18, 2017**

Meeting of Standing Committees  
(Conducted sequentially)

*CONTINUED FROM PREVIOUS PAGE*

3:45 pm  
(or upon adjournment of  
the ACS Cmte. meeting)

Audit Committee  
Location: Regents Conference Room (104A), First Floor,  
System Administration Building, 1508 Knoxville Avenue,  
Lubbock, Texas

4:00 pm  
(or upon adjournment of  
the Audit Cmte. meeting)

Facilities Committee  
Location: Regents Conference Room (104A), First Floor,  
System Administration Building, 1508 Knoxville Avenue,  
Lubbock, Texas

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## Board of Regents Meeting

**Lubbock, Texas**

**May 18-19, 2017**

Abbreviated Agenda with Approximate Times\*

**Thursday, May 18, 2017**

### Meeting of the Board

*CONTINUED FROM PREVIOUS PAGE*

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|--|--|
| 4:30 pm<br>(or upon adjournment of<br>the Facilities Cmte.<br>meeting or whenever<br>deemed necessary) | Call to Order; reconvene as Meeting of the Board and<br>Committee of the Whole Board<br>Location: Regents Conference Room (104A), First Floor,<br>System Administration Building, 1508 Knoxville Avenue,<br>Lubbock, Texas |
| 4:30 pm  | Executive Session<br>Location: Regents Conference Room (104A), First Floor,<br>System Administration Building, 1508 Knoxville Avenue,<br>Lubbock, Texas  |
| 5:00 pm  | Following Executive Session, reconvene into Open Session<br>as Committee of the Whole<br>Location: Regents Committee Room (106), First Floor,<br>System Administration Building, 1508 Knoxville Avenue,<br>Lubbock, Texas  |
| 5:00 pm  | Recess   |

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## Board of Regents Meeting

**Lubbock, Texas**

**May 18-19, 2017**

Abbreviated Agenda with Approximate Times\*

### Friday, May 19, 2017

#### Meeting of the Board

8:30 am	Call to Order; reconvene Meeting of the Board <ul style="list-style-type: none"> <li>• Introductions and Recognitions</li> </ul>
8:50 am	Executive Session Location: Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas
10:00 am	Following Executive Session, convene into Open Session, and continue as Meeting of the Committee of the Whole and the Board and/or continuation of meetings of the Standing Committees of the Board, if necessary Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas
12:00 pm	Adjournment

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**Board of Regents Meeting**

**May 18-19, 2017**

**Agenda**

**Thursday, May 18, 2017**

**Regents Conference Room (Suite 104A), First Floor,  
System Administration Building,  
1508 Knoxville Avenue,  
Lubbock, Texas**

**I. Meeting of the Board—Call to Order; convene into Open Session of the Board**

A. Workshop/Retreat: The Board will meet as a Committee of the Whole in a workshop/retreat forum for strategic planning purposes. It is not anticipated that any formal action or decisions will result from these discussions.

- 1. Texas Tech University System Administration..... Chancellor Duncan
- 2. Texas Tech University..... President Schovanec
- 3. Texas Tech University Health Sciences Center at El Paso ..... President Lange

**II. Recess ..... Chairman Francis**

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**Board of Trustees of the Carr Scholarship Foundation:** This meeting will take place upon recess of the Meeting of the Board/Retreat at approximately 2:00 pm; refer to agenda provided by the Chief Financial Officer’s Office

Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

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**III. Meeting of Standing Committees**

Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

A. Finance and Administration Committee

	<u>Page</u> FA
1. TTU and TTUSA: Approve revisions to Traffic and Parking regulations and fees .....	3
1. TTU and TTUSA: Approve revisions to Traffic and Parking regulations and fees .....	3
2. TTU: Authorize president to execute contract with Verizon Wireless .....	12
3. TTU: Approve State Unfunded Hours Fee for Academic Year 2017-2018 .....	14
4. TTUHSC: Approve budget adjustment for the period February 25, 2017 through May 19, 2017 .....	15
5. TTUHSC: Authorize president to execute contract with the Federal Bureau of Prisons .....	16
6. TTUHSC El Paso: Authorize president to execute contract with Cerner Corp.....	18
7. TTUHSC El Paso: Authorize the president to execute contract with El Paso County Clinical Services.....	20
8. TTUS: Approve FY 2018 Premium Rates for the Medical Liability Self-Insurance Plan .....	21
9. TTUS: Investment performance update .....	22
10. TTUS: Approve amendments to the Investment Policy Statement for the Long-Term Investment Fund .....	23
11. TTUS: Review of FY 2016 Annual Financial Report.....	24
12. TTUS: Report on Enterprise Risk Management .....	25
13. Adjournment	

B.	Academic, Clinical and Student Affairs Committee	<u>Page</u> ACS
1.	ASU: Approve modification of OP 06.23 Tenure and Promotion Standards and Procedures.....	3
2.	ASU: Approve modification of OP 06.28 Annual Performance Evaluation for Faculty (Tenure-Eligible).....	6
3.	ASU: Approve new OP 06.29 Faculty Non-Reappointment and Tenure Revocation .....	8
4.	TTU: Approve appointments with tenure .....	10
5.	TTU: Approve Ph.D. in Music Education .....	12
6.	TTU: Approve online Master of Arts in Dance Studies .....	15
7.	TTU: Approve honorific naming of the Great Holtkamp Organ .....	18
8.	TTU: Approve modification of Board Policy on Seals of the Texas Tech University System .....	20
9.	TTUHSC: Approve new mission statement .....	21
10.	Adjournment	

C.	Audit Committee	<u>Page</u> A
1.	TTUS: Report on audits.....	3
2.	Executive Session: The Audit Committee will convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue, to consider matters permissible under Chapter 551 of the Texas Government Code, including:	
a.	Consultation with Attorney — Section 551.071.	
b.	Discussion of personnel matters – Section 551.074.	

3. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, to consider appropriate action, if any, on items discussed in Executive Session.
4. Adjournment

D. Facilities Committee

	<u>Page</u>
	F
1. ASU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report .....	3
2. TTU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report .....	5
3. TTUHSC: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report .....	9
4. TTUHSC El Paso: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report .....	12
5. TTUSA: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report .....	14
6. ASU: Approve renaming of the Norris Baseball Clubhouse .....	16
7. TTU: Approve naming of Experiential Learning Laboratory .....	17
8. TTU: Approve amendment to Ground Lease, Construction and Operating Agreement with the Texas Tech Alumni Association .....	18
9. TTUHSC: Authorize acceptance of a Gift-in Kind from Hendrick Medical Center .....	20
10. TTU: Report on Texas Tech Federal Credit Union's Expansion plan.....	22
11. TTUS: Report on Facilities Planning and Construction projects.....	23
12. Adjournment	

**IV. Meeting of the Board—Call to Order; reconvene into Open Session of the Board ..... Chairman Francis**

**V. Executive Session:** The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Francis

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**VI. Open Session:** The Board will reconvene in Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session..... Vice Chairman Lancaster

**VII. Recess ..... Chairman Francis**

**Friday, May 19, 2017**  
**Regents Conference Room (104A), First Floor,**  
**System Administration Building,**  
**1508 Knoxville Avenue,**  
**Lubbock, Texas**

**VIII. Meeting of the Board—Call to Order; reconvene into Open Session of the Board**

- IX. **Introductions and Recognitions** ..... Chancellor Duncan,  
President May,  
President Schovanec  
President Mitchell, and  
President Lange
  
- X. **Executive Session:** The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Francis
  - A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
  - B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
  - C. Deliberations regarding prospective gifts – Section 551.073
  - D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
  - E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076
  
- XI. **Open Session:** The Board will reconvene in Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
  - A. Consideration of appropriate action, if any, on items discussed in Executive Session Vice Chairman Lancaster
  
- XII. **Recess** (if necessary, for standing committees to meet; otherwise continue in Open Session (XV.))
  
- XIII. **Meeting of Standing Committees** (if not concluded on Thursday)
  
- XIV. **Meeting of the Board—Call to Order; reconvene into Open Session of the Board** (only if the Meeting of the Board was recessed to conduct committee meetings)

**XV. Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Approve minutes of board meetings held on February 23-24, 2017..... Chairman Francis
- B. Committee of the Whole..... Vice Chairman Lancaster

Page  
CW

- 1. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda ..... 8

**Consent Agenda**

- a. ASU: Approve revisions to the Student Handbook of Angelo State University, effective May 22, 2017 (ACS)
- b. TTU: Approve faculty development leaves of absence (ACS)
- c. TTU: Approve employee appointment to non-elective position (ACS)
- d. TTU and TTUHSC: Approve employee appointment to a non-elective position of honor (ACS)
- e. TTU: Approved revisions to the Student Handbook, effective May 22, 2017 (ACS)
- f. TTUHSC El Paso: Approve revisions to the Code of Professional Conduct Student Handbook to be effective August 1, 2017 (ACS)
- g. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- h. TTUHSC: Approve naming of conference room within the School of Nursing at TTUHSC Permian Basin Campus (F)
- i. TTUHSC El Paso: Approve the purchase of improved real property in El Paso (F)
- j. ASU: Approve FY 2018 holiday schedule (FA)
- k. ASU: Approve revisions to the Traffic and Parking Regulations (FA)
- l. TTU: Approve commissioning of police officers (FA)
- m. TTU and TTUSA: Approve FY 2018 holiday schedule (FA)



- n. ASU and TTU: Approve Educator Preparation Programs Technology Fee (FA)
- o. TTUHSC: Approve FY 2018 holiday schedule (FA)
- p. TTUHSC: Approve revisions to the Traffic and Parking Regulations and fees (FA)
- q. TTUHSC: Authorize president to execute contract with a consultant (FA)
- r. TTUHSC El Paso: Approve FY 2018 holiday schedule (FA)
- s. TTUHSC El Paso: Reapprove current Traffic and Parking Regulations and fees (FA)
- t. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUS and TTUSA: Approve delegation of signature authority (FA)

### **Information Agenda**

Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2017, per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) ASU, TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules* – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- (3) TTU: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”

- (4) TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents’ Rules* – “Notwithstanding Section 07.12.3.a, *Regents; Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”
  
- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents’ Rules* – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”

**XVI. Reports of Standing Committees:** Standing Committee reports will be presented sequentially to the Committee of the Whole.

- A. Report of the Finance and Administration Committee..... Regent Steinmetz
- B. Report of the Academic, Clinical and Student Affairs Committee.....Regent Walker
- C. Report of the Audit Committee ..... Regent Long
- D. Report of the Facilities Committee .....Regent Esparza

**XVII. The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents.**

- A. Schedule for Board meetings:  
 August 10-11, 2017, Lubbock  
 October 20, 2017, Lubbock  
 December 14-15, 2017, Lubbock ..... Ben Lock
- B. The President’s Report, ASU ..... President May
- C. The President’s Report, TTUHSC ..... President Mitchell

**XVIII. Executive Session:** The Board may convene into Executive Session, in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: .....Chairman

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**XIX. Open Session:** The Board will convene into Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session ..... Vice Chairman
- B. Chairman’s Announcements ..... Chairman

**XX. Adjournment** ..... Chairman



# **FINANCE AND ADMINISTRATION**

## Finance and Administration Committee

Committee Meeting  
May 18, 2017

**Time:** 2:15 pm (or upon adjournment of the Trustees meeting of the Carr Scholarship Foundation)

**Place:** Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Steinmetz (Chair), Huckabee, Lewis

### Agenda

- Approve minutes of committee meetings held on February 23, 2017

**III.A.** Consideration of items to be recommended by the Finance and Administration Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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4. TTUHSC: Approve budget adjustment for the period February 25, 2017 through May 19, 2017 .....	15
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7.	TTUHSC El Paso: Authorize the president to execute contract with El Paso County Clinical Services .....	20
8.	TTUS: Approve FY 2018 Premium Rates for the Medical Liability Self-Insurance Plan .....	21
9.	TTUS: Investment performance update .....	22
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11.	TTUS: Review of FY 2016 Annual Financial Report .....	24
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13.	Adjournment	

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 19, 2017.

1. **TTU and TTUSA: Approve revisions to Traffic and Parking regulations and fees.**

Presenter: Mrs. Noel Sloan

Presentation Time: 5 minutes

Board approval required by: Section 07.10, *Regents' Rules*, and Section 51.202, *Texas Education Code*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve revisions to the Texas Tech University Traffic and Parking Regulations and fee schedule as set out below.

**Executive Summary**

Propose authorization of the regulations and fees with minor changes to regulations and no fee increase.

Amend the Regulations applicable to Texas Tech University as follows:

a. Paragraph IV

IV. The following are the regulations that apply to the University, including fee and refund schedules, and are effective ~~May 23, 2016~~ May 22, 2017, through the end of the week following commencement in the following Spring Semester. Regulations, including fees and refund schedules, will renew annually on the Monday following commencement in the Spring Semester until such time as new regulations and fees are adopted.

b. Paragraph V.R

R. Many parking spaces located along curbs on campus face sidewalks running parallel to the curb. Drivers must ensure their vehicle does not extend over walkways causing an obstruction for pedestrians or disability access.

c. Paragraph VI.F.2

1. Residence Hall Parking

Residence hall lots are reserved for respective residence hall parking ePermit 24 hours daily when school is in session, unless otherwise posted. From 5:30pm Friday until 7:30am Monday, parking in any residence hall zone requires a valid TTU residence hall ePermit (or commuter ePermit if the holder lives in the residence halls and is on the residence hall permit waitlist).

d. Paragraph VI.F.8

5. Disability Parking

Persons with disabilities may be issued disability access parking permissions designed to assist them in campus mobility. Parking in spaces reserved for persons with disabilities requires the correct TTU **ePermit decal** and the appropriate state-issued placard or license plate. General rules for vehicle registration still apply; refer to Section VI.E.1 in the main section of the Regulations. Vehicles **registered with displaying** valid TTU disability **ePermits decals** must park in designated disability spaces. If all disability spaces in a lot are taken, the vehicle may be parked only in the following areas, which are listed in priority order:

- a. Visitor space
- b. Time limit space
- c. Area Reserved space

e. Paragraph VI.G

G. Texas Tech University Health Sciences Center Permits

1. Persons who hold Health Sciences Center **Lubbock campus** registration decals and are assigned to that campus' Reserved or Area Reserved spaces may also park on the University campus in Visitor, Time Limit and Park and Pay spaces. TTUHSC employees must ensure their current vehicle registration information is on file with the TTUHSC Parking Services office. Enforcement of TTUHSC parking on campus will be done by license plate and a citation may be issued if the vehicle is not properly registered. University Reserved and Area Reserved ePermits will be honored in Health Sciences Center Patient and Visitor parking spaces. Parking is restricted to use in the individual's capacity as an employee which does not include attending class as a student. Use of Health Sciences Center decals by University employees is not allowed.
2. Persons who hold Health Sciences Center **Lubbock campus** registration decals and are assigned to that campus' student parking may also park on the University campus in any commuter lot. TTUHSC students must ensure their current vehicle registration information is on file with the TTUHSC Parking Services office. Enforcement of TTUHSC parking on campus will be done by license plate and a citation may be issued if the vehicle is not properly registered.
3. Persons who hold University commuter and residence hall ePermits may also park in Health Sciences Center **Lubbock campus** student parking. The TTUHSC student parking is controlled with a decal rather than license plate. A decal is available in the Transportation & Parking Services office for University parking ePermit holders who also need to park at the TTUHSC. This decal is available at no additional cost.

f. Paragraph VI.I.4-5



1. Advance parking of vehicles by patrons at event venues on campus is prohibited. Unauthorized, unattended vehicles may be impounded.
2. There are charges for parking at events on campus. Fees are determined by event based on factors including, but not limited to, location, time of event, attendance, parking demand, transportation requirements, traffic impact, and type of event. Charges, purchase instructions, and information will be provided prior to each event through the Transportation & Parking Services website, press releases, and signage.

g. Paragraph VIII.B.11

11. Any bicycle or locking device deemed abandoned at residence hall bike racks at the end of the spring semester or at any point during the year at other campus buildings may be considered abandoned and may be properly disposed of through established university procedures. A bicycle is considered abandoned when it has not been operated for 30 days. Abandonment impounds in residence hall bike parking areas are conducted once a year 30-45 days after following the end of the spring semester and throughout the year at all other bike parking areas on campus.

h. Paragraph VIII.B.12

12. A bicycle parked on Texas Tech property will be subject to impoundment if it is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days. A bicycle will be deemed inoperable if any of the following apply:
  - a. Flat or missing tire.
  - b. Missing or disengaged chain.
  - c. Missing pedals.
  - d. Bent or damaged wheel rims.
  - e. Broken brake devices.
  - f. Broken or disengaged cables.

i. Paragraph VIII.C

- c. Passenger transportation by non-pedestrian devices
  1. Non-pedestrian devices used to transport one or more passengers (including but not limited to pedicabs and rickshaws) may be operated on campus only if such operation is safe and complies with established University policies, local ordinances, and state laws. This includes permits required by the City of Lubbock vehicle for hire ordinance.
  2. Devices may only be parked in designated bicycle racks, provided they do not obstruct sidewalks or other pedestrian paths. Use of shrubs, trees, or any architectural structures to secure devices is prohibited. Devices are not permitted in Texas Tech academic or administrative

buildings. Any device found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX)

3. Devices may only be operated on campus streets and parking lots in a manner consistent with State law. Devices may not be operated on any sidewalk, other pedestrian path or in a marked bike lane on street.
4. An operator must immediately comply with any instruction relevant to the operation of a device given by a police officer.
5. Right of Way
  - a. Each operator shall yield the right of way to all emergency personnel.
  - b. Each operator shall yield the right of way to any pedestrian.
  - c. Each operator shall yield the right of way to any operator of a bicycle as necessary to ensure safe, courteous transit.
6. The maximum speed at which a device may be operated on a campus street shall not exceed that which is reasonable and prudent for the conditions at the time or that which creates a hazard to any person or property. In no case shall that speed exceed 10 miles per hour in any parking lot or 20 miles per hour on any campus street. Note: 2.5 mph is approximately the speed of an average pedestrian walking under fair conditions.
7. Any non-pedestrian device or locking device deemed abandoned at bicycle racks may be considered abandoned and may be properly disposed of through established university procedures. A device is considered abandoned when it has not been operated for 30 days. Abandonment impounds in are conducted throughout the year at bicycle parking areas on campus.

j. Paragraph IX.D

- I. The following illegal parking acts may result in a citation being issued:

	Violation	Fine
**1.	Parking in non-designated areas.	<del>\$25.00</del> \$30.00
2.	Decal not properly installed / License plate <del>not properly installed or</del> visible <del>to driving aisle.</del>	10.0015.00
**3.	Parking in a fire lane.	50.0055.00
4.	Failure to remove expired decal(s).	20.0025.00
**5.	Parking in a no parking or tow away zone.	25.0030.00
**6.	Parking in service vehicle spaces, service drives, or access drives.	20.0025.00
**7.	Unauthorized parking in reserved parking spaces.	50.0055.00
**8.	Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container, building entrance or exit.	25.0030.00
**9.	Parking overtime in a time limit zone.	20.0025.00
**10.	Parking a bicycle in violation of these regulations.	10.0015.00

11.	Parking a motor vehicle beyond the lines of a parking space.	<del>20.00</del> <u>25.00</u>
13.	Parking on wrong side of street facing oncoming traffic.	<del>20.00</del> <u>25.00</u>
**14.	Parking without a valid permission.	<del>25.00</del> <u>30.00</u>
**15.	Parking a motor vehicle upon any unmarked (including turf) or unimproved ground which has not been designated for parking.	<del>75.00</del> <u>80.00</u>
**16.	Parking in a space or area designated for persons with disabilities without the proper insignia.	200.00
**17.	Blocking an access ramp or curb cut designed to aid persons with disabilities.	200.00
**18.	Display or use of a lost, stolen, forged, <del>revoked</del> <u>obstructed</u> , or altered <del>decal or</del> license plate. Such violation may result in the responsible party/parties being referred to the appropriate office for disciplinary action which may include loss of parking privileges for the remainder of the academic year.	Up to 200.00
**19.	Other parking violations as defined on the face of the citation.	<del>20.00</del> <u>25.00</u>
20.	Failure to update license plate / transfer permission(s)	<del>10.00</del> <u>15.00</u>
21.	Failure to pay Pay Station.	<del>20.00</del> <u>25.00</u>
**	Impoundable Offenses	

#### k. Paragraph IX.G

#### D. Resolving Citations

Citations for parking violations may be resolved in one of the following ways:

1. Pay the stated fine for each citation. If payment is ~~not~~ received within ten (10) calendar days, ~~an additional a \$5.00 charge~~ prompt payment credit will be ~~assessed~~ applied to the citation. Citation payment information can be found on the Transportation & Parking Services website at [www.parking.ttu.edu](http://www.parking.ttu.edu).
2. Appeal the citation in writing, within ten (10) calendar days of the alleged violation, through the individual designated as the supervisor of parking appeals for University violations.
  - a. The parking citation appeals process is intended to provide an objective process for the presentation of factual information regarding the receipt of a parking citation. There must be substantial and valid evidence that the parking violation was not committed, or that it occurred due to circumstances beyond the appellant's control. Valid documentation of the evidence must be provided when the appeal is submitted. Reasons considered as frivolous and not valid as a basis for appeal include:
    - i. Lack of knowledge of the regulations;
    - ii. Other vehicles were parked improperly;
    - iii. Only parked illegally for a short period of time;

- iv. Stated failure of parking officer to ticket previously for similar offenses;
  - v. Late to class or appointment;
  - vi. Inability to pay the amount of the fine;
  - vii. No other place to park.
- b. Citation appeals must be submitted on line. Appeal information can be found at [www.parking.ttu.edu](http://www.parking.ttu.edu). For those who do not have access to the internet, appeals terminals are available at Transportation & Parking Services.
  - c. For the first two appeals submitted during a permit year, the fine ~~and late fee assessments against the appealed citation~~ will be suspended until a ruling is made. Upon filing the third and subsequent appeals during a permit year, the fine indicated on the citation must be paid at the time of appeal. This becomes bond until a final ruling is made on the appeal. An appropriate refund will be issued when the citation is dismissed or reduced. If either of the first two appeals are upheld (citation dismissed), they will not be counted against the total number of appeals for the permit year.
  - d. The President shall provide equitable and efficient appeals processes through the establishment of Parking Violation Appeals Committees. Written appeals will be provided to the appropriate Appeals Committee when there is a significant dispute over facts or major extenuating circumstances.
  - e. A final appeals hearing may be provided should an individual wish to contest the findings of the Parking Violation Appeals Committee. The Hearings Officer will be appointed each year by the Law School Student Bar Association. Individuals appearing before the Hearings Officer must bring any supporting documentation and a copy of the current rules and regulations. The decision of the Hearings Officer is final and no further appeals will be provided.

After a period of ten (10) days from the date of issuance of the citation or from the date of final determination of an appealed citation, citations not resolved through Transportation & Parking Services will be overdue. Overdue citations may subject the permit holder's motor vehicle(s) to impoundment and removal of the parking ePermit(s). Overdue citations ~~may be applied to a student's tuition statement if they remain unresolved or may result in restriction of subsequent academic registration and~~ withholding of a student's transcript until such time as the obligation is satisfied. Parking and these restricted services may be restored when all overdue citations have been resolved. At the discretion of Texas Tech, overdue citations may be adjudicated in a court of competent jurisdiction in accordance with Article 51.208 of the Texas Education Code.

#### I. Paragraph IX.I

- I. Six valid violations of the Traffic and Parking Regulations in the academic semester or summer term may result in ~~vehicle impoundment and/or~~ revocation

of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year or summer term.

1. All citations must be resolved before any parking privileges are restored.
2. The revocation period shall commence with the ~~return of the registration decal(s) to Transportation & Parking Services and/or cancellation~~ deactivation of the parking ePermit.

j. Paragraph IX.J

J. Impounding Vehicles

1. Any citation remaining unpaid after 60 days may result in vehicle impoundment.
2. Six unpaid violations of the Traffic and Parking Regulations may result in vehicle impoundment.
3. Vehicles belonging to individuals with ten or more valid violations of the Traffic and Parking Regulations within the academic semester or summer term are subject to impoundment on each subsequent violation, regardless of the type of violation.
4. Impoundment may be accomplished either by towing or through use of an immobilization device by use of an auto boot.
5. When a vehicle has been impounded it will be necessary for the operator of the vehicle to contact the Texas Tech parking dispatcher for release. Prior to the release of the impounded vehicle, satisfactory arrangements for payment shall be made.
  - a. The impoundment fee ~~for towed vehicles~~ will be a \$15 administrative fee plus the current towing contract rate. ~~amount charged by the towing company.~~ This amount may vary depending on the vehicle impounded and the current wrecker service contract. Current impoundment charges can be found at the Transportation & Parking Services office or web site.
  - b. ~~The impoundment fee for booted vehicles will be \$40.~~
  - c. **THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION.**
  - d. Vehicles impounded will be charged storage at the rate of \$6.00 per day, including tax, commencing 72 hours after impoundment.
  - e. The maximum storage fee to be charged is \$130.00 per month, including tax.
6. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver the impoundment fee less the \$15 administrative fee (payable in a manner acceptable to the towing company) in lieu of impoundment.
7. If a motor vehicle or bicycle is parked on Texas Tech property and is not

moved for a period of 30 days, Texas Tech may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the manner prescribed by law. This includes those motor vehicles which have a valid registration permit.

8. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall be permitted to be stored or parked on the campus without permission from Transportation & Parking Services. Such property or vehicles are subject to impoundment.
9. A motor vehicle parked on Texas Tech property will be subject to impoundment if any of the following apply:
  - a. It does not have attached to it an unexpired license plate and a valid vehicle inspection certificate as required by state in which it is registered.
  - b. It is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days.

f. Full Traffic and Parking Regulations

Current Traffic and Parking Regulations with proposed changes are included as a supplemental attachment to the agenda.

g. Parking Fees

Current Parking Fee Schedule with proposed changes attached on the following page.

**BACKGROUND INFORMATION**

State statutes empower the governing board of each state university of higher education to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control. These regulations include, but are not limited to, limiting the rate of speed; assessing parking spaces and designating parking areas and their use and assessing a charge for parking; prohibiting parking as it deems necessary; removing vehicles parking in violation of institutional rules and regulations or law at the expense of the violator; and instituting a system of registration, including a reasonable charge.

<b>Texas Tech University  Texas Tech University System  Projected Parking Fees  FY 2016 - FY 2019</b>							
	Current Number of Spaces	Fall 2016 Active Permits	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>SURFACE PARKING</b>			0%	5%	0%	5%	3%
Visitor/Metered Space	2,011		\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Surface Space Res.	160	129	\$826	\$867	\$867	\$910	\$937
Faculty/Staff - Surface Area Res.	4,724	4,146	\$243	\$255	\$255	\$268	\$276
Student - Surface Commuter North	1,859	2,968	\$150	\$158	\$158	\$166	\$171
Student - Surface Commuter West	2,328	3,869	\$132	\$139	\$139	\$146	\$150
Student - Surface Commuter Satellite	1,497	2,469	\$40	\$42	\$42	\$43	\$44
Student - Surface Residence Hall	4,992	4,795	\$244	\$256	\$256	\$269	\$277
Summer Student - Surface	10,585	3,148	\$81	\$85	\$85	\$89	\$92
Two-Wheel	101	113	\$80	\$84	\$84	\$88	\$91
<b>GARAGE PARKING</b>							
Visitor/Metered Space	212		\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Garage Space Res.	31	31	\$1,238	\$1,300	\$1,300	\$1,365	\$1,406
Faculty/Staff - Garage Area Res.	140	161	\$638	\$670	\$670	\$704	\$725
Student - Garage Area Res.	385	541	\$639	\$670	\$670	\$705	\$726
Summer Student - Garage	385	114	\$213	\$224	\$224	\$235	\$242
Leased Garage (RaiderPark)	1,000	1,202	\$132	\$139	\$139	\$146	\$150

## **2. TTU: Authorize president to execute contract with Verizon Wireless.**

Presenter: Mrs. Noel Sloan

Presentation Time: 2 minutes

Board approval required by: Section 07.12.3.d (1)(a) (ii), *Regents' Rules*

### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president or the president's designee to approve and execute a lease with WWC Texas RSA d/b/a Verizon Wireless ("Verizon") for a building and rooftop lease at the Texas Tech Plaza located at 19<sup>th</sup> Street and University Avenue ("TTU Plaza").

### **BACKGROUND INFORMATION**

The president of Texas Tech University ("TTU") recognizes the need for TTU to enter into a lease agreement to provide rooftop space at TTU Plaza to Verizon. TTU has similar leases in place at TTU Plaza with other communications providers, which help fully optimize space, generate revenue, and enhance cellular service to the TTU community. Under the lease agreement, TTU will lease 220 square feet of rooftop space to Verizon for installation of a cellular antenna and associated equipment. TTU will allow limited access to the building and rooftop over the term for repair and maintenance. Access will be monitored by TTU's Operations Division.

Rent charged to Verizon will start at \$31,200 per year and is subject to increases upon reevaluation by TTU each fiscal year. Electricity to the antenna will be sub-metered and invoiced to Verizon by the Operations Division.

The initial term is five years beginning on the first day of the month following the Commencement Date. The Commencement Date is the first day of the month following installation of the antenna and communications equipment and will be no more than 30 days after the Effective Date. The time between Effective Date and Commencement Date is a result of time for Verizon to obtain government approvals. Verizon will compensate TTU \$500 for the time. There are four additional five year extensions available under the lease if agreed to by both parties prior to the end of the then current term.

TTU has no early termination right under the lease agreement. Verizon may terminate the lease immediately if government approvals for its antenna are rejected. Verizon may also terminate upon 90 days prior written notice to TTU. If Verizon terminates the lease, Verizon will pay rent for the full period it occupied the space plus rent for an additional six months following the date Verizon vacated the space or the remainder of the term if less than six months. Verizon must remove all equipment upon expiration or within 30 days of earlier termination and restore the space to its original condition. If removal of equipment takes longer than 30 days,



Verizon will pay the existing monthly rental rate on a pro-rata basis until it is removed. Verizon is liable for any repairs needed at the time of termination or expiration of the lease agreement.

Section 07.12.3.d(1)(a) (ii). *Regents' Rules*, requires Board approval on contracts that involve a commitment of funds or other resources for more than four years.

**3. TTU: Approve State Unfunded Hours Fee for Academic Year 2017-2018.**

Presenter: Mrs. Noel Sloan

Presentation Time: 3 minutes

Board approval required by: Section 07.10, *Regents' Rules*; Section 54.051(d) *Texas Education Code*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the state unfunded hours fee of \$100 per semester credit hour. This fee applies only to resident undergraduate students for any course in which the student enrolls that is the same as or substantively identical to a course which is repeated by the student three or more times.

**BACKGROUND INFORMATION**

All tuition, fees, and charges of Texas Tech University ("TTU") are charged and collected under specific authorization of the laws of the State of Texas, including, but not limited to, the authorization in Texas Education Code, Section 54.051, Section 54.504, Section 54.0513, Section 55.16, Section 54.017, and other applicable sections.

The State of Texas has statutes to discourage students from repeating courses unnecessarily, which leads to delays in degree completion and financial impacts on the students who repeat courses excessively. Credit hours taken by students attempting the same course for the third time, or more, cannot be submitted for state formula funding. This limitation is stated in the General Appropriations Act, Article III, Special Provisions Related to Institutions of Higher Education, Section 41 and in 19 TAC Section 13.105.

Beginning with Fall 2017 term, TTU will charge students a fee of \$100 per semester credit hour for undergraduate courses that are repeated by a resident undergraduate student three or more times. This will align with goals to encourage timely degree completion for students.

*Regents' Rules*, Section 07.10, requires that the administration present approval of tuition and student fees.

**4. TTUHSC: Approve budget adjustment for the period February 25, 2017 through May 19, 2017.**

Presenter: Penny Harkey

Presentation Time: 2 minutes

Board Approval required by Section 07.04.4.a., *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve a budget adjustment for the period February 25, 2017 through May 19, 2017.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER – BOARD APPROVAL ITEM  
(February 25, 2017 – May 19, 2017)

Activity	Source of Funds		Expense
	Other	Income	
<b>Board Approval</b>			
<b>School of Medicine Amarillo</b>	<b>\$2,300,000</b>	<b>\$2,000,000</b>	<b>\$4,300,000</b>
Budget uncompensated care income and prior year uncompensated care income to support clinical operations in the School of Medicine Amarillo.			
<b>Total</b>	<b>\$2,300,000</b>	<b>\$2,000,000</b>	<b>\$4,300,000</b>

**BACKGROUND INFORMATION**

Section 07.04.4.a., *Regents' Rules*, requires Board approval of budget adjustments that exceed certain limits or pertain to certain types of activities or transactions.

**5. TTUHSC: Authorize president to execute contract with the Federal Bureau of Prisons.**

Presenter: Ms. Penny Harkey

Presentation Time: 2 minutes

Board approval required by: Section 07.12.3.d, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president to execute a contract with the Federal Bureau of Prisons (“BOP”) to provide outpatient community substance abuse & mental health counseling services to federal offenders residing in a residential re-entry center or home confinement in the Lubbock, Texas area.

**BACKGROUND INFORMATION**

Texas Tech University Health Sciences Center (“TTUHSC”) recognizes the need for continuing to provide substance abuse and mental health counseling services for the United States Bureau of Prisons in the Lubbock region. TTUHSC has been providing these services to BOP for over a decade. It has been a mutually beneficial arrangement.

The Bureau of Prisons issued a Request for Qualification (RFQ-CTS-014-17) on 10/06/2016 seeking competitive responses from qualified vendors and selected TTUHSC Southwest Institute for Addictive Diseases (“SWIAD”) as the most qualified and possessing the best overall value to the Bureau. The estimated annual value is listed below over the course of contract.

Base Year: 06/01/2017-05/31/2018-Estimated Total: \$258,694.95

Federal Bureau of Prisons retains unilateral right to exercise 4 one-year option periods as follows:

Option Year 1: 06/01/2018-05/31/2019-Estimated Total: \$266,064.05

Option Year 2: 06/01/2019-05/31/2020-Estimated Total: \$273,648.70

Option Year 3: 06/01/2020-05/31/2021-Estimated Total: \$281,479.20

Option Year 4: 06/01/2021-05/31/2022-Estimated Total: \$289,516.85

Estimated 5 year contract value: \$1,369,403.75\*

(\*Please note that this contract is based on a fee-for-service reimbursement, at rates provided in Contract DJB-CTS-497. Fluctuating census and clients attending appointments can impact reimbursement amounts. These are not guaranteed amounts of reimbursement, rather historically based estimates.)

The Bureau of Prisons will reimburse TTUHSC-SWIAD for services provided to their clients (Substance Abuse or Mental Health Intake Assessment, Individual

Substance Abuse Counseling, Individual Mental Health Counseling, or Substance Abuse Group Counseling) at the contracted rates included in DJB-CTS-497. A monthly invoice and billing summary list services provided by month, and a check is wired to TTUHSC-SWIAD for payment for services included in this monthly invoice and billing summary.

Section 07.12.3.d, *Regents' Rules*, requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

**6. TTUHSC El Paso: Authorize president to execute contract with Cerner Corp.**

Presenter: Richard A. Lange, M.D., M.B.A

Presentation Time: 5 minutes

Board approval required by: Section 07.12.3, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president to execute a contract with Cerner Corp. to implement the Enterprise Data Analytics Warehouse Solution.

**BACKGROUND INFORMATION**

Request for Proposal (“RFP”) 774-76614931, was posted on July 22, 2016, with a submission due date of August 29, 2016. A total of ten responsive proposals were received. After evaluating and scoring, the committee of seven selected the top three vendors. Vendor presentations were held on Friday, November 11, 2016. The committee selected Cerner Corp in accordance with best value sourcing criteria designated in the Texas Education Code § 51.9335.

The total costs of the software solution and services, including the initial term and the renewal options, is \$1,766,577. The initial term has a one-time cost of \$387,500 plus the annual fee of \$337,116 (to be invoiced monthly at \$28,093). After the second year, there will be annual increases as per the chart below. The annual costs represent flat fees based on the RFP and projected use of the product, to include volume of queries, technical connections, and patient population. Potential growth is factored into certain categories, such as patient population. Annual fees will not be incurred until the product is functional and goes live (projected date: July 1, 2017). Over the course of the initial term and three option periods, Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”) does not at this time anticipate increases in the annual costs identified below.

The initial term of the agreement would begin on July 1, 2017 and expire on June 30, 2018. TTUHSC El Paso will have the option of three (3) additional one (1) year renewal periods. The initial term and the renewal options, including costs for each, are outlined below.

<b>Year</b>	<b>Term</b>	<b>Dates</b>	<b>Costs</b>
0	One-Time	July 1, 2017	\$ 387,500
1	First Year	July 1, 2017 – June 30, 2018	\$ 337,116
2	Renewal Option	July 1, 2018 – June 30, 2019	\$ 337,116
3	Renewal Option	July 1, 2019 – June 30, 2020	\$ 347,199
4	Renewal Option	July 1, 2020 – June 30, 2021	\$ 357,646
		<b>TOTAL</b>	<b>\$1,766,577</b>

In February 2016, TTUHSC El Paso executed a master agreement which, at that time, embodied Cerner's services with respect to electronic medical records in connection with the new Transmountain Campus. Contractually, the new data analytics program will be documented as an addition to the existing master agreement. This document, denominated Cerner System Schedule No. 2 along with the TTUHSC EP RFP and Cerner's response, encompass the terms of the contract.

The Office of General Counsel has preliminarily reviewed Cerner System Schedule No. 2 in conjunction with other documents identified above. The legal terms and conditions of Cerner System Schedule No. 2 appear to be substantially in accordance with RFP documentation and the master agreements. Additional agreements with other healthcare systems and providers may be necessary to enable TTUHSC El Paso to optimize the Enterprise Analytics Warehouse Solution and accept data from those systems.

The primary goal of the Enterprise Data Analytics Warehouse Solution is to aggregate clinical, business and other types of healthcare related data from various and disparate parts of TTUHSC El Paso to enable a centralized data repository that enables predictive analytics and guides Medicare Access and Chip Reauthorization Act ("MACRA")-driven changes. Within El Paso there are multiple healthcare systems that TTUHSC El Paso aligns with – Tenet Healthcare (The Hospitals of Providence), Hospital Corporation of America ("HCA"), University Medical Center El Paso ("UMC"), the Veterans' Administration and William Beaumont ("DoD"), as well as a host of private practice physician groups that are not employed by large hospital groups. TTUHSC El Paso is the largest ambulatory practice group in El Paso. Due to the variety of clinical sites within El Paso and diverse patient population, TTUHSC El Paso requires a robust, proven platform to enable aggregation of patient data, visualization of said data, and ultimately the insight to compete in the changing healthcare space in our community.

TTUHSC El Paso is asking the Board to authorize the president to execute the contract with the Cerner Corp. participating provider.

Section 07.12.3. *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the term of the contract.

**7. TTUHSC El Paso: Authorize the president to execute contract with El Paso County Clinical Services.**

Presenter: Richard A. Lange, M.D., M.B.A

Presentation Time: 5 minutes

Board approval required by: Section 07.12.3.a, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president to finalize negotiations and execute a residency services contract with El Paso County Clinical Services Inc.

**BACKGROUND INFORMATION**

El Paso County Clinical Services Inc. ("EPCCS") is a Texas private non-profit corporation organized and certified as a healthcare organization by the Texas Medical Board in El Paso County. EPCCS and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") will continue to collaborate to enhance education training by providing up to 193.67 qualified Residents to provide medical care to all patients at University Medical Center of El Paso ("UMC"). TTUHSC El Paso's residency program will educate and train physicians in the following specialties: emergency medicine, family medicine, internal medicine, neurology, obstetrics and gynecology, orthopedics, pediatrics, psychiatry, radiology and surgery.

TTUHSC El Paso will contract with EPCCS to provide their services at UMC beginning in July 2017. The total revenue contract value for the one-year term is projected to be \$13,738,593, based on the current projection of numbers and specialties of residents placed with EPCCS. The term of the contract will be for one year with no renewal options.

Section 07.12.3.a. *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the term of the contract.



**8. TTUS: Approve FY 2018 Premium Rates for the Medical Liability Self-Insurance Plan.**

Presenter: Mr. John Huffaker

Presentation Time: 5 minutes

Board approval required by: TTU System Medical Liability Self Insurance Plan, PFA-32

**RECOMMENDATION**

The Chancellor, as administrator of the Medical Liability Self-Insurance Plan (“Plan”), has reviewed and recommends that the Board of Regents approve the findings and recommendations contained in the March 23, 2017 *Solvency Analysis & Rate Review* of the Plan prepared by Fred R. White, C.P.C.U. for the period September 1, 2017 through August 31, 2018. The recommendations are as follows: (i) premiums be maintained at current rates for FY18 for resident physicians and clinical faculty physicians who are members of the academic clinical departments and contribute to the educational mission of the School of Medicine; (ii) premiums for all other physicians insured by the Plan be maintained at current rates; and (iii) premiums be abated for FY18 for all clinical faculty physicians.

Annual Premium Rate Schedule  
(September 1, 2017 through August 31, 2018)

Risk Class	Clinical Physicians	Residents	All Other Physicians
1	\$1,168	\$1,168	\$2,276
2	1,487	1,487	2,884
3	3,292	3,292	6,391
4	5,415	5,415	10,514
5	7,539	7,539	14,637

**BACKGROUND INFORMATION**

The Board of Regents authorized establishment of the Plan August 2, 1985, and since that date has found it necessary and appropriate to amend the Plan as circumstances require and set the self-insurance premiums each year after considering the actuary’s recommendation and evaluation of the Plan. An actuarial report is prepared a minimum of one time each year.

On May 19-20, 2016, (Item XII.C.7.) premiums were increased 2.82% for faculty and resident physicians and premium levels were maintained at the same rate for other physicians. Premiums were abated for clinical faculty physicians.

In summary, the actuary found the Plan to be in sound financial condition, that Plan funding was sufficient to retire the Plan’s likely liabilities through August 31, 2017 and an adequate contingent reserve and a capital base exists to absorb the expected experience in the FY 18 Plan year. The actuary believes it is inadvisable to pay an experience dividend in FY ’18.

**9. TTUS: Investment performance update.**

Presenters: Mr. Gary Barnes and Mr. Tim Barrett      Presentation Time: 30 minutes  
Report requested by: Board of Regents and Chancellor Duncan

Mr. Gary Barnes, Vice Chancellor and CFO, TTUS and Mr. Tim Barrett, Chief Investment Officer, Office of Investments, TTUS will present an update on investment performance.

**10. TTUS: Approve amendments to the Investment Policy Statement for the Long-Term Investment Fund.**

Presenter: Mr. Gary Barnes

Presentation Time: 5 minutes

Board approval required by: 09.03, *Regents' Rules***RECOMMENDATION**

Amendments to the Investment Policy Statement for the Long Term Investment Fund (“LTIF”) have been recommended by staff and reviewed by Investment Advisory Committee.

The amendment increases the target allocations to the overlay program and any related exposures. The amendment also changes the policy benchmark. Additional changes are minor in nature and serve to clarify definitions and practices.

[NOTE: The proposed amendments to the Investment Policy Statement for the Long Term Investment Fund are included as a supplemental attachment.]

**BACKGROUND INFORMATION**

The investment policy was last approved by the Board on August 8, 2014.

Amendments to the Investment Policy Statements and Investment Policy Ranges/Targets for the LTIF must be approved by the Board.

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**11. TTUS: Review of FY 2016 Annual Financial Report.**

Presenter: Mr. Gary Barnes  
Report requested by: Audit Committee Charter

Presentation Time: 10 minutes

Mr. Gary Barnes, Vice Chancellor and CFO, TTUS, will present a review and management discussion of the annual financial statements of the TTU System and its components.

**12. TTUS: Report on the TTUS Enterprise Risk Management Strategic Initiative.**

Presenters: Mr. Gary Barnes  
Report requested by: Chancellor Duncan

Presentation Time: 3 minutes

Mr. Gary Barnes, Vice Chancellor and CFO, will provide an update on the Texas Tech University System's ("TTUS") Enterprise Risk Management ("ERM") Strategic Initiative.

**BACKGROUND INFORMATION**

Update to the implementation of the Enterprise Risk Management processes across the Texas Tech University System. ERM is a comprehensive program to identify and proactively manage real and potential threats as well as opportunities that may affect TTUS component institutions.

**ACADEMIC,  
CLINICAL AND  
STUDENT AFFAIRS**

**Academic, Clinical and Student Affairs Committee**

Committee Meeting  
May 18, 2017

**Time:** 3:25 pm (or upon adjournment of the Finance and Administration  
Committee meeting)

**Place:** Regents Conference Room (104A), First Floor, System Administration  
Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Walker (Chair), Esparza, Steinmetz, Stewart

Agenda

- Approve minutes of committee meeting held on February 23, 2017

**III.B.** Consideration of items to be recommended by the Academic, Clinical and Student Affairs Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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- 8. TTU: Approve modification of Board Policy on Seals of the Texas Tech University System.....20
- 9. TTUHSC: Approve new mission statement.....21
- 10. Adjournment

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 19, 2017.



**1. ASU: Approve modification of OP 06.23 Tenure and Promotion Standards and Procedures.**

Presenter: Dr. Don Topliff

Presentation Time: 3 minutes

Board approval required by: Section 04.02, Tenure and Promotion, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve modification of Operating Policing, OP 06.23, concerning the standards and procedures to be followed for tenure and promotion at Angelo State University.

[NOTE: ASU OP 06.23 with proposed revisions is included as a supplemental attachment to the agenda.]

**EXECUTIVE SUMMARY**

Angelo State University's proposed policy on tenure and promotion is the culmination of six years of deliberation by faculty and administration. Consistent with the previous policy (2009), the proposed policy was initially drafted by a "select committee" and then vetted as appropriate by the Deans and Department Chairs. After lying dormant for a period of time, a committee comprised of three faculty members appointed by Faculty Senate and three Deans appointed by the Provost/VPAA made final edits to the proposed policy which was then distributed to the faculty through the Faculty Senate for additional comment.

This proposed policy describes the process by which members of the faculty employed in a full-time tenure-track position at Angelo State University apply for academic tenure and/or promotion. Consistent with ASU Operating Policies 52.02, 52.03, and 52.15, and in line with federal and state law, faculty members are protected during this process from discrimination on the basis of race, religion, gender, sexual orientation, age, national origin, and/or disability. This policy is implemented upon approval of the Board of Regents. All tenure-track and tenured faculty members are subject to this policy's applicable provisions and procedures including those not addressed in any former policy. The tenure of faculty members who have attained tenure under prior policies at ASU shall not be adversely affected by amendments to this policy.

The proposed policy differs from the current policy as follows:

1. It establishes a College Tenure and Promotion Committee and outlines precisely how it is to be constituted. The current policy is somewhat vague.
2. This proposed policy places the burden for establishing the criteria for tenure and promotion on the faculty in the department or program providing that those criteria follow the general criteria established by the

University. The proposed policy details the method by which those criteria are to be established and amended in the future. All criteria must be approved by the Dean and the Provost/VPAA. Those criteria are to be made available to all faculty and used exclusively as the standard for all performance evaluations.

3. The proposed policy outlines procedures to be followed for hiring faculty with tenure and provides a mechanism by which outstanding faculty can be considered for tenure and promotion prior to the 6<sup>th</sup> year. The current policy is rather vague in regard to both cases.
4. This proposed policy provides for written feedback from the Department Chair to probationary faculty in years 1 and 2 and a formal evaluation of probationary faculty by all tenured faculty in the department in year 3. This third year evaluation is also conducted by the Department Chair, Dean, Provost and President. The Department Chair and Dean may dissent from the faculty's vote but the Provost/VPAA and/or the President may override the faculty's vote.
5. A procedure for evaluation of candidates with split departmental appointments is included in the policy.
6. Once the candidate has applied for tenure and promotion, the candidate must receive copies of all documents that become part of the portfolio as it moves through the process. This ensures transparency and allows candidates to remove their portfolio from consideration at any point during the process. The current policy does not provide for those communications.
7. The proposed policy provides for the portfolio to be retained by the university. Current policy does not specify retention. In a potential case of tenure denial, the chain of custody for relevant documents would not be ensured.
8. Section 6 provides guidelines for the construction of the tenure and promotion portfolio. This section is more specific and should provide for more uniform documentation.
9. Section 8 relates to termination and procedures for grievance. This section references OP 06.29 which is a new policy has been submitted to the Board for this meeting.
10. Section 9 provides a mechanism for major revision of the policy. It is similar to the current policy.
11. Section 10 provides a generic calendar which provides a more uniform and predictable workflow than the current policy.

### **BACKGROUND INFORMATION**

The current Tenure and Promotion Standards and Procedures have been under revision since 2009. A select committee, constituted under the current policy, was appointed in 2009 and met extensively for an extended period of time. A draft of the revisions was sent to the Deans and Department Chairs for comment in 2013 with changes suggested. No final action was taken. In 2015, the

Provost/VPAA appointed a committee consisting of three deans and three members of faculty senate (chosen by the senate) to reconcile differences in the draft documents and move the policy forward. The document before the Board of Regents is the result of the work of that committee and has been vetted by the Faculty Senate as well as the deans and department chairs. A copy of the proposed OP has been vetted by the System Legal department and provided to the Board in advance.

*Regents' Rules*, Section 04.02, Tenure and Promotion, requires Board approval of this policy modification.

**2. ASU: Approve modification of OP 06.28 Annual Performance Evaluation for Faculty (Tenure-Eligible).**

Presenter: Dr. Don Topliff

Presentation Time: 3 minutes

Board approval required by: Section 04.03, Tenure and Promotion, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve modification of Operating Policy, OP 06.28, concerning the standards and procedures to be followed for annual performance evaluation for faculty at Angelo State University.

[NOTE: ASU OP 06.28 with proposed revisions is included as a supplemental attachment to the agenda.]

**EXECUTIVE SUMMARY**

Angelo State University's proposed policy on evaluation of tenure-track and tenured faculty is the culmination of deliberation by faculty and administration. Consistent with the proposed policy proposed policy on tenure and promotion (06.23), the proposed policy was initially drafted by Faculty Senate and then vetted as appropriate by the Deans and Department Chairs. The Provost/VPAA made final edits to the proposed policy which was then distributed to the faculty through Faculty Senate for additional comment and a vote to accept.

An annual evaluation is required by the University for all tenured and tenure-track faculty members. Annual evaluations of faculty performance provide timely feedback on faculty performance in all areas of job performance as well as tracking progress toward tenure eligibility. Annual evaluations of faculty performance are also critical data used for decisions regarding continuance of employment for tenure-track faculty members.

The proposed policy differs from the current policy as follows:

1. Tenure and promotion grievances have been removed from the proposed policy and moved to a new policy (06.29) which has been submitted to the current meeting of the Board.
2. Faculty members will be evaluated annually against criteria established for each department /program by the faculty in those departments/programs. Those criteria are to be established under OP 06.23 and approved by the Provost/VPAA and must generally align with University criteria.
3. Timelines for evaluation and the content of the portfolio presented for evaluation are established. The current policy does not have a firm timeline and the portfolio contents are not standardized.

4. The procedures for reviewing each candidate's portfolio are outlined in detail in the proposed policy and seek to make the entire process more transparent from beginning to end.
5. Four possible domain ratings or outcomes for the evaluation are established in the new policy to let the candidate know their status in relation to making necessary progress toward tenure and promotion. The domain rating descriptions differ from the current policy and allow for a clearer distinction of faculty who are exceptional.
6. An adverse rating by a reviewing faculty member requires a written justification for the rating. The justification is anonymous to the faculty member being evaluated.
7. Procedures to remediate areas of non-attainment of criteria are spelled out in the policy.
8. The College Dean makes the recommendation for annual reappointment in the new policy as opposed to the Department Chair in the current policy.
9. As with the current policy, the Provost/VPAA and the President have final approval.

### **BACKGROUND INFORMATION**

The current Annual Performance Evaluation for Faculty OP 06.28 have been under revision since 2009. Revision of that document as presented to the Board requires a concomitant revision of OP 06.28 Annual Performance Evaluation for Faculty (Tenure –Eligible). The document before the Board of Regents is the result of the work of initiated in and vetted by the Faculty Senate. The document has been approved by the Deans and Department Chairs as well. A copy of the proposed OP has been vetted by the System Legal department and provided to the Board in advance.

*Regents' Rules*, Section 04.03, Tenure and Promotion, requires Board approval of this policy modification.

### **3. ASU: Approve new OP 06.29 Faculty Non-Reappointment and Tenure Revocation.**

Presenter: Dr. Don Topliff

Presentation Time: 3 minutes

Board approval required by: Section 04.02, *Regents' Rules*

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve modification of OP 06.29 concerning the procedures to be followed for appeal and review of faculty non-reappointment and tenure revocation at Angelo State University ("ASU").

[NOTE: ASU OP 06.29 as proposed is included as a supplemental attachment to the agenda.]

#### **EXECUTIVE SUMMARY**

Angelo State University's proposed policy 06.29 establishes the conditions and process by which faculty members may appeal adverse decisions that lead to non-reappointment or revocation of tenure. Consistent with the proposed policy on tenure and promotion (OP 06.23), the proposed policy was initially drafted and approved by Faculty Senate and then vetted as appropriate by the Deans and Department Chairs. Following consultation with System Legal Counsel, the Provost/VPAA made final edits to the proposed policy which was then distributed back to Faculty Senate with explanation of the final edits.

The purpose of this policy is to provide guidelines for University-level review of faculty member grievances regarding either non-reappointment or revocation of tenure for reasons related to job performance. The policy allows the University to provide the opportunity for independent review of the evidence underlying non-reappointment or tenure revocation cases to demonstrate due diligence in the event of litigation. This policy is not intended to construct a forum for formal litigation activities or to act as a formal legal process. Procedures outlined in this policy only apply to situations of job performance and do not apply to dismissal for cause.

The proposed policy differs from the current policy as follows:

1. This policy was formerly contained in OP 06.23 (Tenure and Promotion). It was the collective decision of the Faculty Senate and the Deans and Department Chairs that the grievance procedures should be outlined in this separate and new policy.
2. This policy establishes a Tenure Advisory Committee that functions as a mechanism by which faculty members can appeal non-reappointment or automatically receive a review of tenure revocation.

3. The policy establishes the process and timeline by which such reviews are to be conducted. The new policy is similar to the process currently in force and maintains due process for the grievant. This process mirrors the framework of the Texas Tech University policy.
4. As with the current policy, the President has final approval on matters of non-reappointment and the Board of Regents has final approval on matters of tenure revocation.

### **BACKGROUND INFORMATION**

This new OP was previously contained in OP 06.23 Tenure and Promotion and was moved to a separate policy to deal only with grievances arising from non-reappointment or tenure revocation. The document before the Board of Regents is the result of the work of Faculty Senate and the Deans and Department Chairs. A copy of the proposed OP has been vetted by the System Legal department and along with and Executive Summary, provided to the Board in advance.

*Regents' Rules*, Section 04.02, requires Board approval of this policy.

#### 4. **TTU: Approve appointments with tenure.**

Presenter: Dr. Michael Galyean                      Presentation Time: 2 minutes  
Board approval required by: Section 04.02, Regents' Rules; TTU Operating Policy 32.17

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the granting of tenure for the following faculty of Texas Tech University concurrently with their respective appointments effective September, 2017:

Robin Grier, Ph.D., professor, The Free Market Institute, currently a tenured professor of economics at the University of Oklahoma;

Kevin Grier, Ph.D., professor, Department of Political Science, College of Arts and Sciences, currently tenured and President's Associates Presidential Professor of Economics at the University of Oklahoma;

Rui He, Ph.D., associate professor, Department of Electrical and Computer Engineering, Edward E. Whitacre Jr. College of Engineering, previously tenured associate professor of physics at the University of Northern Iowa;

Bryan Norman, Ph.D., professor, Department of Industrial, Manufacturing and Systems Engineering, Edward E. Whitacre Jr. College of Engineering, currently a tenured associate professor of industrial engineering at the University of Pittsburgh;

Sherman Ryne, Ph.D., associate professor, Department of Psychological Sciences, College of Arts and Sciences, currently a tenured associate professor of psychology at Florida Atlantic University;

Svetlozar Rachev, Ph.D., professor, Department of Mathematics and Statistics, College of Arts and Sciences, previously a tenured professor in the College of Business, Stony Brook University; and

Dimitri Volchenkov, associate professor, Department of Mathematics and Statistics, College of Arts and Sciences, currently a senior researcher (a permanent position similar to tenure), at the Center of Excellence in Cognitive Interaction Technologies of Bielefeld University in Germany, and concurrently Chair Professor at Sichuan University of Science and Engineering in China.

#### **BACKGROUND INFORMATION**

The faculty members whose names appear above have been judged by the



respective department faculty, appropriate committees and administrative personnel as worthy of academic promotion and tenure. University procedures (OP 32.01) for recommending promotion and tenure of qualified members of the faculty have been carefully followed.

Approval of these individuals will bring the number of full-time tenured faculty at Texas Tech University to 801. After these appointments, the percentage of tenure-track faculty who have been awarded tenure will be 72.

## 5. TTU: Approve Ph.D. in Music Education.

Presenter: Dr. Michael Galyean

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

### RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new degree program, Ph.D. in Music Education, in the J.T. and Margaret Talkington College of Visual and Performing Arts and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgement of a new degree program.

The new program is proposed to begin with the fall semester of 2018.

As outlined in the following table, projected cost of the proposed program over five years is \$665,000. Of this amount, \$625,000 is for reallocation of existing faculty resources and for new and reallocated graduate assistantships. Another \$15,000 of the total cost is anticipated for reallocated administrative resources; the remaining costs are associated with IT/Library resources and equipment. There is no need for new facilities. These costs will be more than covered by total revenue of \$704,909, including \$254,909 in new funding. The revenue figures are based on conservative enrollment projections.

Five-Year Costs		Five-Year Funding	
Personnel	\$625,000	Reallocated Funds	\$420,000
Facilities and Equipment	\$10,000	Anticipated New Formula Funding	\$254,909
Library, Supplies, and Materials	\$15,000	Special Item Funding	\$0
Other	\$15,000	Other	\$30,000
<b>Total Costs</b>	<b>\$665,000</b>	<b>Total Funding</b>	<b>\$704,909</b>

Conservative enrollment projections are based on the numbers of inquiries regarding a Ph.D. in Music Education received by the school each year. It is anticipated that most of the Music Education Ph.D. students will enroll in nine SCH (Semester Credit Hours) per term to achieve full time status.

YEAR	1	2	3	4	5
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<b>Headcount</b>	3	7	8	9	10
<b>FTSE</b>	3	7	8	9	10

### **BACKGROUND INFORMATION**

The unique focus of our proposed Ph.D. in Music Education program is its integration of research and content knowledge (both musical and pedagogical) with preparation to teach future music educators. This program will focus on music educator preparation using Texas Tech's innovative, data-driven, student-centered undergraduate K-12 music educator program as both exemplar and laboratory. Graduates of the Ph.D. in Music Education program will be well positioned to compete for and win university positions at top national and international institutions and to participate as leading researchers in the development of new knowledge about learning in music.

The Ph.D. in Music Education program is conceived as a complement to Texas Tech's long-standing and innovative Fine Arts Doctoral program, which emphasizes interdisciplinary arts. The proposed program will attract and serve a currently-untapped pool of potential music education graduate recruits whose research and long-term employment goals require, in contrast to the Fine Arts Doctoral music students, a stronger concentration on specific music and pedagogical skills as well as a specific teacher preparation concentration.

There is a clear need for access to music education degree programs as school age populations grow, increasing the need for well-prepared music teachers, and therefore increasing the demand for highly qualified educators (recipients of the Ph.D. in Music Education) to prepare those teachers. Through 2011-2016, the job website for Texas Music Educators Association (tmea.org) has listed dozens of school districts which have started each school year missing music teachers, some years as high as 400 vacancies. Texas does not appear to be developing enough certified K-12 music teachers to staff the growing populations of Texas schools, indicating a demand for those with a Ph.D. in Music Education to prepare the future K-12 music educators.

Nationwide demand for doctoral level applicants in music education remains robust. The College Music Society Vacancy List, the most comprehensive and frequently consulted reference for job opportunities in music education, was consulted on November 7, 2016, and identified 51 positions for music education beginning Fall 2017, all requiring the doctoral degree or near completion of that degree. Note that 89% of these job descriptions specifically required the Ph.D. in Music Education. Virtually all job descriptions stipulate an established research agenda and evidence of or potential for presentation and publication in music education.

The number of national music degree granting institutions is relatively small. Although the National Association of Schools of Music (“NASM”) recognizes 653 music programs, only 43 (6.6%) offer a doctorate in music education. Only two universities in Texas offer the Ph.D. in Music Education: The University of North Texas (Ph.D. in Music Education) and The University of Texas (Ph.D. in Music and Human Learning). Given that the proposed Ph.D. in Music Education at Texas Tech has unique components not offered by other Texas universities and that there is well documented demand for the degree from both prospective students and employers, the program is well positioned to be highly successful.

## 6. **TTU: Approve online Master of Arts in Dance Studies.**

Presenter: Dr. Michael Galyean

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new online degree program, Master of Arts in Dance Studies, in the J.T. and Margaret Talkington College of Visual and Performing Arts and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgement of a new degree program.

The new program is proposed to begin with the summer terms of 2018.

As outlined in the following table, projected cost of the proposed program over five years is \$261,250. Of this amount, \$211,250 is for one new faculty line (projected date of hire 2020) and reallocation of existing faculty resources. Another \$15,000 of the total cost is anticipated for new equipment necessary to facilitate offering the program online. There is no need for new facilities. These costs will be more than covered by total revenue of \$280,971, comprising \$250,971 in new funding. The revenue figures are based on conservative enrollment projections.

<b>Five-Year Costs</b>		<i>Five-Year Funding</i>	
Personnel	\$211,250	Reallocated Funds	\$0
Facilities and Equipment	\$15,000	Anticipated New Formula Funding	\$250,971
Library, Supplies, and Materials	\$0	Special Item Funding	\$0
Other	\$35,000	Other	\$30,000
<b>Total Costs</b>	<b>\$261,250</b>	<b>Total Funding</b>	<b>\$280,971</b>

Enrollment projections, summarized in the following table, indicate steady, controlled growth in the program over five years to approximately 22 new graduate students. Because this is a “lock-step” program, students will be admitted to cohorts and enrollment will be capped.

<b>YEAR</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Headcount</b>	7	14	20	21	22
<b>FTSE</b>	3.5	7	10	10.5	11

### **BACKGROUND INFORMATION**

The emphasis of the proposed, online Master of Arts in Dance Studies is to prepare the dance educator and scholar. This program includes in-depth study of dance histories, arts advocacy, pedagogies, and critical reading and writing. Students also investigate movement practices in the contexts of choreography, anatomy and kinesiology, somatics, and collaboration. Completion of a written thesis or thesis project in a specialized area is required.

The online Master of Arts in Dance Studies includes 15 credit hours of face-to-face instruction offered in summer terms and 21 credit hours of online coursework offered during fall and spring terms. The program is designed for working professionals who are encouraged to complete one online course each fall and spring in addition to the summer face-to-face components. It is expected that accepted students will have an undergraduate degree in dance or will have experience in dance (e.g., professional performance, choreography, training, and/or criticism) substantial enough to adequately prepare them for the required curriculum.

A search of position ads in the field requiring an MA in Dance Studies identifies a definite market need for graduates who hold MA degrees in Dance and/or related disciplines. According to data collected from the Higher Ed Jobs website ([www.higheredjobs.com](http://www.higheredjobs.com)), there are currently 29 available positions (nationally) at community colleges and universities requiring an MA in Dance. In Texas, there are positions requiring an MA in Dance currently available in the Tarrant County College system, the Dallas County Community College system, the Houston Community College system, and the Lone Star Community College system. These systems house multiple campuses so present the need for multiple faculty members with an MA in Dance.

Additionally, 290 high schools in Texas offer sequenced coursework (e.g., Dance Level I, Dance Level II, Dance Level III, Dance Level IV) in dance in addition to housing extracurricular dance teams. According to the 2015-2016 Texas Association of School Boards Teacher Salary Survey Summary, approximately 72% of districts (443) pay stipends to teachers with master's degrees. According to the TASB report, "Of those districts, most (92 percent) pay extra for any type of master's degree (e.g., educational administration, counselor). Twenty-six districts pay for any type of master's degree, but pay a larger stipend to teachers with advanced degrees in their subject area. The average stipend paid for a master's degree in the assigned teaching field is \$1,748 (\$1,550 median)."

A survey administered in September 2015 of recent graduates and students currently in their final year of the Dance program at Texas Tech University identified three current students who would apply for the degree if it became available, six recent graduates who would apply for the degree, and two individuals not affiliated with the Dance program at Texas Tech University who would apply. The same survey was administered again in October 2016 to students in their third and fourth years of the Dance program at Texas Tech University and 11 students indicated interest in applying.

There are no other online MA programs in dance in the state of Texas. Nationally, there is only one other online MA in dance available and that is through the University of North Carolina at Greensboro. This makes the proposed degree particularly advantageous because it provides working professionals (e.g., high school dance teachers) the opportunity to earn the degree *while maintaining their current employment positions*. Given the information concerning additional salary stipends for high school teachers who hold master's degrees in their assigned teaching fields, the potential to earn such a master's degree online will be, we project, highly desirable.

**7. TTU: Approve honorific naming of the Great Holtkamp Organ.**

Presented by: Dean Noel Zahler, Ph.D.

Presentation Time: 3 minutes

Board approval required by: Section 12.05.1, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the naming of the Holtkamp Organ, located within the J.T. & Margaret Talkington College of Visual & Performing Arts' School of Music, as the "The Great Ballenger Holtkamp Organ," in honor of longtime School of Music Director, William "Bill" Ballenger. Appropriate signage for the organ will specify the approved name.

**BACKGROUND INFORMATION**

The Great Holtkamp pipe organ (the "Organ") was acquired by the J.T. & Margaret Talkington College of Visual & Performing Arts ("CVPA") thanks to a generous gift from Odessa resident Tommye A. Moss in 1977. The Organ is housed in the School of Music's Hemmle Recital Hall, where a plaque commemorates Mr. Moss' generosity as follows:

In appreciation  
Tommye A. Moss  
Odessa, Texas  
Patron of the Arts  
Donor of the  
Great Holtkamp Organ  
In the Recital Hall

In 2010, the School of Music began an initiative to restore the Organ, a costly and substantial project. This initiative was led by School of Music Director William "Bill" Ballenger, who agreed to run 1,000 miles between September 1, 2010 and April 1, 2011 to raise a portion of the funds. Funds to cover the cost of the restoration project were donated by The CH Foundation and an anonymous donor.

CVPA and the School of Music would like to honor Mr. Ballenger's service to the School of Music and support for the Holtkamp Organ by naming the organ "The Ballenger Holtkamp Organ." Ballenger began working as Director of the School of Music in the fall of 2004 and has accepted a position with The Ohio State University as the director of school of music. Ballenger and his wife, Cathy, will leave Lubbock this summer after thirteen (13) years of service to Texas Tech University.



There are no restrictions per the original gift or the restoration gifts as to naming of the Organ. The plaque commemorating Mr. Moss' generosity will be recommissioned to read as follows:

In appreciation  
Tommye A. Moss  
Odessa, Texas  
Patron of the Arts  
Donor of the  
Great Ballenger Holtkamp Organ  
In the Recital Hall

*Regents Rules* 12.05.1 requires Board approval of “[a]ny naming in honor of one or more individuals, foundations, corporations or other entities that is not specifically addressed in Sections 04.11, 06.06 or 08.05, *Regents’ Rules*, . . . before said designation can be announced.”

**8. TTU: Approve modification of Board Policy on Seals of the Texas Tech University System.**

Presenter: Dr. Michael Galyean

Presentation Time: 2 minutes

Board approval required by: Section 12.07, Regents' Rules

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents delegate to the Board Secretary the authority to modify the Board Policy Statement on Seals of the Texas Tech University System to the use of the Seal of Texas Tech University ("TTU") inscribed with the words Costa Rica as a monument on the Texas Tech University – Costa Rica ("TTU-CR") campus.

**BACKGROUND INFORMATION**

EduLink, TTU's partner in the TTU-CR campus, has requested the development of a monument bearing the Texas Tech University seal to be placed on the TTU-CR campus. The seal would be displayed publicly in a monument similar to the Texas Tech University seal at the Broadway Avenue entrance to the Lubbock campus. A graphic of the proposed seal is shown below with the words "Costa Rica" replacing the word "Lubbock." EduLink will fully fund the costs of fabricating and placing the monument. Approval and use of the seal in Costa Rica will provide a unique branding opportunity and a source of pride for the TTU-CR campus.



**9. TTUHSC: Approve new mission statement.**

Presenter: Dr. Tedd Mitchell

Presentation Time: 3 minutes

Board approval required by: Section 01.08, *Regents' Rules*, SACSCOC Comprehensive Standard 3.1.1

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve a new mission statement for the Texas Tech University Health Sciences Center (“TTUHSC”) as indicated below.

**Current Mission:** The mission of the Texas Tech University Health Sciences Center is to improve the health of people by providing high quality educational opportunities to students and health care professionals, advancing knowledge through scholarship and research, and providing patient care and service.

**Revised Mission:** As a comprehensive health sciences center, our mission is to enrich the lives of others by educating students to become collaborative healthcare professionals, providing excellent patient care, and advancing knowledge through innovative research.

**BACKGROUND INFORMATION**

The current TTUHSC mission statement was first developed in 2004. Until recently, the Texas Higher Education Coordinating Board required review of the mission at least once every four years. Although the Coordinating Board is no longer charged with approving mission statements every four years, the Southern Association of Colleges and Schools Commission on Colleges requires periodic review of the mission statement and approval by the institution’s governing board. To comply with this requirement, members of the TTUHSC President’s Executive Council began reviewing the current mission in January 2017 and submitted the revision shown above for consideration and approval.

**AUDIT**

**Audit Committee**

Committee Meeting  
May 18, 2017

**Time:** 3:45 pm (or upon adjournment of the Academic, Clinical and Student Affairs Committee meeting)

**Place:** Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Long (Chair), Hammonds, Huckabee

Agenda

- Approve minutes of committee meeting held on February 23, 2017

**III.C.** Consideration of items to be recommended by the Audit Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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- |    |  |   |
|----|--|---|
| 1. | TTUS: Report on audits .....   | 3 |
| 2. | Executive Session: The Audit Committee will convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue, to consider matters permissible under Chapter 551 of the <i>Texas Government Code</i> , including:         |   |
| a. | Consultation with Attorney — Section 551.071.  |   |
| b. | Discussion of personnel matters – Section 551.074.   |   |
| 3. | Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, to consider appropriate action, if any, on items discussed in Executive Session. |   |
| 4. | Adjournment  |   |

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 19, 2017.

**1. TTUS: Report on audits.**

Presenter: Mr. Justin Noble

Presentation Time: 10 minutes

Report to Board required by: Section 07.02.7, *Regents' Rules*; and Audit Committee Charter

Mr. Justin Noble, Assistant Chief Audit Executive, will present a report on the System's audit projects.

# **FACILITIES**



**Facilities Committee**

Committee Meeting  
May 18, 2017

**Time:** 4:00 pm (or upon adjournment of the Audit Committee meeting)

**Place:** Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Esparza (Chair), Long, Walker

Agenda

- Approve minutes of committee meetings held on February 23, 2017

**III.D.** Consideration of items to be recommended by the Facilities Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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1.	ASU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.....	3
2.	TTU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.....	5
3.	TTUHSC: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.....	9
4.	TTUHSC El Paso: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.....	12
5.	TTUSA: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.....	14
6.	ASU: Approve renaming of the Norris Baseball Clubhouse.....	16
7.	TTU: Approve naming of Experiential Learning Laboratory.....	17

8.	TTU: Approve amendment to Ground Lease, Construction and Operating Agreement with the Texas Tech Alumni Association.....	18
9.	TTUHSC: Authorize acceptance of a Gift-in Kind from Hendrick Medical Center.....	20
10.	TTU: Report on Texas Tech Federal Credit Union’s Expansion plan.....	22
11.	TTUS: Report on Facilities Planning and Construction projects .....	23
12.	Adjournment	

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 19, 2017.

1. **ASU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.**

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: *Texas Education Code*, §61.0582

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the updated Angelo State University Five-Year Capital Projects Plan and authorize the submission of Angelo State University's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB").

[NOTE: The ASU Five-Year Capital Projects Plan is attached on the following page.]

**BACKGROUND INFORMATION**

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 3, 2017.

The System staff will adjust the MP1 report to meet any last minute changes to the administrative requirements of the report that may occur. Any significant changes or modifications required will be coordinated with the Board of Regents before the submission to THECB.

**FIVE-YEAR CAPITAL PROJECTS PLAN**  
**Angelo State University**  
**May 19, 2017**

		GENERAL PROJECT INFORMATION									FINANCIAL INFORMATION																									
Priority	Bldg. No.	Project Description	Project Type						Square Footage			CIP Code	Project Budget	Funding Source (Millions)																						
			New Construction	Additions	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross	Educational & General NASF	Acres			HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded										
1	NEW	New Art Building	X								60,000	30,000	0	500701	\$ 25,350,000													\$ 17.35								
2	107	Academic Building Exterior Renovation		X							77,532	46,519	0	230990	\$ 4,000,000													\$ 4.00								
3	NEW	New Green House	X								4,200	4,200	0	011101	\$ 2,000,000	\$ 2.00																				
4	624	Concho Hall Renovation			X						99,483	0	0	733000	\$ 24,870,000							\$ 24.87														
5	302	Food Service Center Renovation			X						27,904	0	0	731000	\$ 9,000,000							\$ 9.00														
6	102	Sol Meyer Administration Building Theater Renovation	X								8,255	0	0	500501	\$ 3,000,000													\$ 3.00								
7	NEW	New Police Station	X								8,000	0	0	839100	\$ 2,800,000													\$ 2.80								
8	NEW	Indoor Athletic Competition and Practice Complex	X								40,000	0	0	720100	\$ 17,120,000													\$ 17.12								
9	NEW	Real Property Purchase							X					000000	\$ 1,000,000													\$ 1.00								
		<b>TOTALS</b>												<b>\$ 89,140,000</b>	<b>\$</b>	<b>2.00</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>8.00</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>45.27</b>

**2. TTU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.**

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: *Texas Education Code*, §61.0582

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the updated Texas Tech University Five-Year Capital Projects Plan and authorize the submission of Texas Tech University's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB").

[NOTE: The TTU Five-Year Capital Projects Plan is attached on the following pages.]

**BACKGROUND INFORMATION**

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 3, 2017.

The System staff will adjust the MP1 report to meet any last minute changes to the administrative requirements of the report that may occur. Any significant changes or modifications required will be coordinated with the Board of Regents before the submission to THECB.

**FIVE-YEAR CAPITAL PROJECTS PLAN**

Texas Tech University

May 19, 2017

Priority	Bldg. No.	Project Description	GENERAL PROJECT INFORMATION							FINANCIAL INFORMATION																	
			Project Type			Square Footage				Project Budget			Funding Source (Millions)														
			New Construction	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross	Educational & General	NMSF	Acres	CIP Code	Total Project Cost	HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded	
1	206	College of Engineering Expansion/Renovation (Phase II)	X	X						155,178	100,866	0	140965	\$ 51,400,000												\$ 51.40	
2	191	Weeks Hall Abatement and Renovation		X						67,233	50,424	0	819900	\$ 24,800,000													\$ 24.80
3	230	Psychology Building Addition	X							6,000	3,900	0	422704	\$ 5,000,000													\$ 5.00
4	3	Mechanical Engineering South Building Renovation		X						26,877	21,800	0	141901	\$ 15,000,000													\$ 15.00
5	40	Jones AT&T Stadium South End Zone Renovation	X	X						128,000	0	0	720600	\$ 80,000,000													\$ 80.00
6	83	Dairy Barn Renovation		X						8,000	5,600	0	000000	\$ 2,600,000													\$ 2.60
7	374	Mechanical Engineering North Advanced Prototyping and Manufacturing Facility	X	X						11,355 284 ADD	11,639	0	141901	\$ 1,729,540	\$ 0.56				\$ 1.17								
8	NEW	Reese Physics Advanced Particle Detector Laboratory	X							5,000	5,000	0	000000	\$ 1,135,000	\$ 0.14												\$ 1.00
9	264	Chitwood Hall - Window Replacements		X						130,124	0	0	733000	\$ 1,900,000			\$ 1.90										
10	272	Architecture Fabrication Lab Addition	X							8,000	6,000	0	500702	\$ 1,646,199	\$ 0.42												\$ 0.46
11	2	Administration Life Safety East Wing Ph 1		X						58,418	24,750		000000	\$ 1,545,000	\$ 1.55												
12	12	Holden Hall Life Safety		X						171,846	98,063	0	0	\$ 3,700,000													\$ 3.70

**FIVE-YEAR CAPITAL PROJECTS PLAN**  
 Texas Tech University  
 May 19, 2017

Priority	Bidg. No.	Project Description	GENERAL PROJECT INFORMATION					FINANCIAL INFORMATION																			
			Project Type			Square Footage		Project Budget		Funding Source (Millions)																	
			New Construction	Additions	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross	NSF	Educational & General	Acres	CIP Code	Total Project Cost	HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded
13	381	Rip Griffin Park Baseball Clubhouse Renovation		X	X				10,236	8,309	0	720100	\$ 1,500,000														\$ 1.50
14	231	Talkington College of Visual & Performing Arts - Theatre & Dance Complex Renovation Phase II		X	X				40,100	40,100	0	500501	\$ 20,000,000														\$ 20.00
15	418	Football Training Facility Locker Room Renovation		X	X				5,400	0	0	720600	\$ 1,612,389				\$ 1.61										
16	NEW	Basketball Practice Facility	X						50,000	0	0	739999	\$ 23,500,000														\$ 23.50
17	NEW	Student Athlete Dining Hall	X						16,000	0	0	720000	\$ 7,000,000														\$ 7.00
18	New	Academic Class Lab Building	X						90,000	58,500	0	000000	\$ 42,300,000														\$ 42.30
19	010	Student Union Building - Renovate Union Plaza Hospitality Area		X	X				3,708	0	0	731000	\$ 1,900,000														\$ 1.90
20	381	Rip Griffin Park Expansion		X						0	0	720100	\$ 6,000,000														\$ 6.00
21	205	Library Renovation		X	X				365,046	251,462	0	000000	\$ 65,500,000														\$ 65.50
22	NEW	Library Storage Building	X						40,000	30,000	0	000000	\$ 6,500,000														\$ 6.50
23	27	Doak Hall Renovation and Life Safety Upgrade		X	X				81,768	49,051	0	819900	\$ 20,100,000														\$ 20.10
24	7	Agricultural Sciences Renovation		X	X				40,920	25,855	0	010190	\$ 10,150,000														\$ 10.15

**FIVE-YEAR CAPITAL PROJECTS PLAN**  
 Texas Tech University  
 May 19, 2017

Priority	Bldg. No.	Project Description	GENERAL PROJECT INFORMATION							FINANCIAL INFORMATION																												
			Project Type			Square Footage				Project Budget Total Project Cost	Funding Source (Millions)																											
			New Construction	Additions	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross		Educational & General	Acres	CIP Code	HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded												
25	419	Marsha Sharp Center Expansion	X							0	0	720000													\$ 1.50													
26	476	National Ranching Heritage Center - Ranch Life Learning Center		X					7,000	0	0	000000													\$ 4.00													
27	418	Football Training Facility Repurpose		X					52,846	0	0	720800													\$ 2.00													
28	N	Infrastructure Upgrade - Chilled Water Loop					X		0	0	0	831000													\$ 7.00													
29	445	Jones AT&T Stadium East Side Bldg Finish Out		X					32,402	0	0	720600													\$ 15.00													
30	NEW	McLeod Tennis Complex Improvements	X							0	0	720000													\$ 5.00													
31	272	Architecture Renovation		X					154,408	92,705	0	500702													\$ 20.00													
32	NEW	Research Building II in Research Park	X						41,000	24,600	0	818900													\$ 30.00													
33	NEW	New Music Building	X						125,000	125,000	0	500901													\$ 91.50													
34	NEW	New Data Center	X						24,000	17,000	0	827100													\$ 21.00													
35	NEW	Real Property Purchase			X				0	0	10	000000													\$ 6.00													
													<b>TOTALS</b>	\$ 599,518,128	\$ 2.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.45	\$ 886.96



**3. TTUHSC: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.**

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: *Texas Education Code*, §61.0582

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the updated Texas Tech University Health Sciences Center Five-Year Capital Projects Plan and authorize the submission of Texas Tech University Health Sciences Center's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB").

[NOTE: The TTUHSC Five-Year Capital Projects Plan is attached on the following pages.]

**BACKGROUND INFORMATION**

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 3, 2017.

The System staff will adjust the MP1 report to meet any last minute changes to the administrative requirements of the report that may occur. Any significant changes or modifications required will be coordinated with the Board of Regents before the submission to THECB.



			Texas Tech University Health Sciences Center May 19, 2017																										
			GENERAL PROJECT INFORMATION					Project Budget	FINANCIAL INFORMATION Funding Source (Millions)																				
			Priority	Bldg. No.	Project Description	Project Type			Square Footage		CIP Code	2017 Total Project Cost	HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Undeveloped				
New Construction	Major Repair & Renovation	Land Acquisitions				Infrastructure	Leased Space	Gross	Educational & General	Acres																			
12	1000	Lubbock LARC Expansion & Upgrades		X			39,000	16,380	0	511201	\$ 13,500,000												\$ 13,500						
13	0	Lubbock Thermal Energy Plant & Parking Garage	X				193,000	7,920	0	831000	\$ 46,500,000												\$ 46,500						
14	0	Lubbock Childcare Center	X				20,000	0	0	739999	\$ 7,900,000												\$ 7,900						
15	4001	Odeasa Clinic Building 3rd Floor Expansion	X				6,100	2,684	0	511201	\$ 3,600,000												\$ 3,600						
16	2002	Amarillo Renovate Women's Health & Research Institute	X				72,684	31,891	0	511201	\$ 21,800,000												\$ 21,800						
17	5002	Jenna Welch Expansion - Midland	X				7,800	3,430	0	511201	\$ 4,300,000												\$ 4,300						
18	IN	Real Property Purchase - Lubbock				X	0	0	5	000000	\$ 5,000,000												\$ 5,000						
19	IN	Real Property Purchase - Abilene				X	0	0	10	000000	\$ 5,000,000												\$ 5,000						
20	IN	Real Property Purchase - Amarillo				X	0	0	5	000000	\$ 3,000,000												\$ 3,000						
21	IN	Real Property Purchase - Permian Basin				X	0	0	5	000000	\$ 3,000,000												\$ 3,000						
<b>TOTALS</b>											\$ 280,110,000	\$ 5,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 253,610

**4. TTUHSC El Paso: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.**

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: *Texas Education Code*, §61.0582

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the updated Texas Tech University Health Sciences Center El Paso Five-Year Capital Projects Plan and authorize the submission of Texas Tech University Health Sciences Center El Paso's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB").

[NOTE: The TTUHSC El Paso Five-Year Capital Projects Plan is attached on the following page.]

**BACKGROUND INFORMATION**

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 3, 2017.

The System staff will adjust the MP1 report to meet any last minute changes to the administrative requirements of the report that may occur. Any significant changes or modifications required will be coordinated with the Board of Regents before the submission to THECB.

**FIVE-YEAR CAPITAL PROJECTS PLAN**  
**Texas Tech University Health Sciences Center El Paso**  
**May 19, 2017**

		GENERAL PROJECT INFORMATION										FINANCIAL INFORMATION																										
		Project Type					Square Footage					Project Budget	Funding Source (Millions)																									
Priority	Bldg. No.	Project Description	New Construction	Additions	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross	NSF	Educational & General	Acres	CIP Code	Total Project Cost	HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded											
1	3009	Administrative Support Building Renovation (Construct Offices in warehouse shell space)			X				44,746	26,848	0	26848	\$ 15,700,000														\$ 15.70											
2	NEW	Clinical Sciences Building	X						240,000	144,000	0	511201	\$ 104,500,000														\$ 104.50											
3	NEW	Dental School Building	X						150,000	66,000	0	510504	\$ 74,000,000														\$ 74.00											
4	NEW	El Paso Thermal Energy Plant & Parking Garage No. 1	X				X		450,000	9,108	0	831000	\$ 68,500,000														\$ 68.50											
5	NEW	El Paso Parking Garage No. 2	X						420,000	0	0	819900	\$ 31,600,000														\$ 31.60											
6	3011	Miles Building Renovation - 301 Concepcion			X				58,297	34,978	0	000000	\$ 3,500,000														\$ 3.50											
7	NEW	Val Verde Block 2 - vacant land			X						3.2	000000	\$ 1,200,000														\$ 1.20											
8	IN	Real Property Purchase - El Paso (Adjacent to Main Campus)				X			0	0	10	000000	\$ 19,500,000														\$ 19.50											
9	IN	Real Property Purchase - El Paso (Remote)				X			0	0	5	000000	\$ 2,000,000														\$ 2.00											
													<b>TOTALS</b>	\$ 321,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 321.50

**5. TTUSA: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report.**

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: *Texas Education Code*, §61.0582

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the updated Texas Tech University System Five-Year Capital Projects Plan and authorize the submission of Texas Tech University System's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB").

[NOTE: The TTUS Five-Year Capital Projects Plan is attached on the following page.]

**BACKGROUND INFORMATION**

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 3, 2017.

The System staff will adjust the MP1 report to meet any last minute changes to the administrative requirements of the report that may occur. Any significant changes or modifications required will be coordinated with the Board of Regents before the submission to THECB.



## **6. ASU: Approve renaming of Norris Baseball Clubhouse**

Presented by: President Brian May

Presentation Time: 3 minutes

Board approval required by: Section 08.05, *Regents' Rules*

### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the renaming of the Norris Baseball Clubhouse to the "Norris Baseball Complex" in recognition of the significant generosity from Lloyd and Sherri Norris.

The donor concurs with the naming of this facility. Appropriate signage will specify the approved name.

### **BACKGROUND INFORMATION**

Mr. Lloyd Norris has made a generous gift of \$482,000 to fully fund the construction costs for expansion of the Norris Baseball Clubhouse. In recognition of his continued generosity, the Norris Baseball Clubhouse will be renamed the "Norris Baseball Complex".

Lloyd Norris, an ASU alum, has given approximately \$2,800,000 million to Angelo State University and its baseball program. The board approved naming the Norris Baseball Clubhouse in August of 2010 to recognize Norris' pledge benefitting construction of the new baseball clubhouse. The board also approved naming of the Lloyd Norris Diamond in response to a generous gift that allowed Angelo State University to replace the baseball stadium's playing surface and make additional renovations to the stadium.

This gift meets the minimum 50% threshold for facility naming as verified by the vice chancellor for facilities planning and construction.

Section 08.05, *Regents' Rules*, state that the "board, upon the recommendation of the president and chancellor shall approve the naming of all buildings, auditoriums, rooms, laboratories, streets, athletic fields, landscape features and other facilities within the Texas Tech University System . . . An individual, foundation or corporation wishing to expand the facilities of the TTU System may have an area named after the donor provided 50% of the designated area and/or equipment therein is provided by donor."



## **7. TTU: Approve naming of Experiential Learning Laboratory.**

Presented by: Ms. Lisa D. Calvert & Dr. Brandon Weeks    Presentation Time: 2 minutes  
Board approval required by: Section 08.05, *Regents' Rules*

### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the naming of an experiential learning laboratory, within the Edward E. Whitacre, Jr. College of Engineering's Department of Chemical Engineering, as the "Valero Experiential Learning Laboratory," for a period of twenty (20) years. The donor concurs with the naming of this interior space. Appropriate signage for the laboratory will specify the approved name.

### **BACKGROUND INFORMATION**

Valero Services, Inc., a subsidiary of Valero Energy Corporation, has generously pledged \$1 million to the Texas Tech Foundation, Inc. (the "Foundation"), for the benefit of the Edward E. Whitacre, Jr. College of Engineering's Department of Chemical Engineering. This one-time cash gift will be utilized for a state-of-the-art Experiential Learning Laboratory, used primarily as an undergraduate teaching laboratory.

In honor of the generous donation, the laboratory will be named the "Valero Experiential Learning Laboratory," for a period of twenty (20) years.

Valero Energy Corporation, an independent petroleum refiner and ethanol producer based in San Antonio, Texas, now ranks No. 32 on the current Fortune 500 list, with upwards of 10,000 employees and a refining capacity of approximately 3.1 million barrels per day. The company has given \$416,500 to benefit Texas Tech University—making this naming gift their largest to date.

The gift exceeds the fifty percent (50%) threshold requirement for naming consideration of new facilities, as verified by the vice chancellor of facilities planning and construction.

*Regents' Rules*, 08.05.01.f, requires board approval of the naming of all buildings and other facilities within the TTU System.

**8. TTU: Approve amendment to the Ground Lease, Construction and Operating Agreement with the Texas Tech Alumni Association.**

Presenter: Mr. Michael Molina

Presentation Time: 5 min

Board approval required by: Section 07.12.3.d, *Regent's Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the president be authorized to negotiate and execute an amendment to the Ground Lease, Construction and Operating Agreement (“Agreement”) between Texas Tech University (“TTU”) and the Texas Tech Alumni Association (“TTAA”) to (i) grant TTAA a ground lease on an additional 37,563 square feet (.862 acre) tract of land surrounding the existing Frazier Alumni Pavilion to facilitate TTAA’s expansion of the building and site enhancements, (ii) note the Association’s name change and various other updates, such as, insurance requirements, University Standards of Construction, parking, etc., and (iii) assess an equitable increase to the annual lease payment from \$500 per year to \$5,000 per year.

The original ground lease was for a 12,786 square feet (0.294 acre) tract of land and the additional 37,563 square feet (.862 acre) request will result in a total 50,349 square feet (1.156 acre) tract of land leased to TTAA.

In accordance with Article 8 of the Agreement, before the commencement of construction, TTAA shall provide the Board and the chancellor with confirmation of sufficient funds on hand to complete the project according to the plans and specifications approved by TTUS.

**BACKGROUND INFORMATION**

In August 1997, the Board approved the schematic design for the new Raider Alley Pavilion and authorized the chancellor to execute a ground lease and construction and operating agreement for the project.

In March 1998, the Board approved execution of the construction project and the naming of the facility the Frazier Pavilion in the honor of David Frazier and his family. The Agreement was executed on July 23, 1998 and expires August 31, 2043, with an option to extend for an additional 25 years.

The existing Frazier Alumni Pavilion, located just southwest of the Jones AT&T Stadium on the corner of The Drive of Champions and Boston Avenue currently provides 9,347 gross square feet (“GSF”) of meeting and event space. The proposed expansion would add 17,026 GSF to the existing facility for a total of 26,373 GSF. The first floor expansion will provide a large meeting room; men’s and women’s restrooms; a new full service kitchen with storage area, scullery,

and walk-in cooler and freezer; and a dock area. The roof top of the addition will provide a covered outdoor gathering area. Also included will be site work, utility infrastructure, landscape enhancements, and public art.

*Regent's Rules*, Section 07.12.3.d, requires Board approval of contracts that involve a lease of land and/or improvements for more than four years or a commitment of funds for more than four years.

**9. TTUHSC: Authorize acceptance of a Gift-in Kind from Hendrick Medical Center.**

Presenter: Dr. Tedd Mitchell and Mr. Michael Molina      Presentation Time: 5 minutes  
Board approval required by: Section 06.01.2.b, *Regents' Rules*

**RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize acceptance of a real property gift-in-kind from Hendrick Medical Center ("Donor") of approximately 2.64 acres, more or less, of unimproved land located at 1650 Pine Street, Abilene, Texas, with an approximate value of \$287,000 based on Taylor County Appraisal District's 2016 valuation; and improvements consisting of a 43,803 gross square foot building, with a value of \$15,000,000 based on the Donor's actual project cost.

This building is the third facility built on the Texas Tech University Health Sciences Center ("TTUHSC") Abilene campus by Hendrick Medical Center. The future School of Public Health and University Services will be housed in this building.

**BACKGROUND INFORMATION**

In May 2014, the Board authorized President Mitchell to conclude negotiations for a gift of funds and real property in the City of Abilene for the support of Texas Tech University Health Sciences Center operations and support of plans for a School of Public Health to be initiated in the City of Abilene. TTUHSC and Hendrick Medical Center entered into a Development Agreement on August 18, 2014, for the development and construction of a School of Public Health Building, which upon completion, would be gifted by deed to TTUHSC. TTUHSC offers the Master of Public Health (MPH) degree program. This graduate program is administered by the TTUHSC Graduate School of Biomedical Sciences. MPH classes are currently offered in Abilene as TTUHSC is implementing its plan to establish an accredited School of Public Health in Abilene.

On September 15, 2016, the building goals of the Development Agreement came to fruition as Texas Tech University Health Sciences Center ("TTUHSC") President Tedd L. Mitchell, M.D., joined Abilene community leaders, the Donor, and fellow TTUHSC administrators in cutting the ribbon on a new building located on the TTUHSC Abilene campus. The building will be home to the future TTUHSC School of Public Health.

TTUHSC at Abilene offers the latest in educational opportunities that deliver the real-world experience necessary for future health care providers to understand and meet the challenges of today's complex health care environment. The future School of Public Health, has been made possible through private donations, and will occupy the third building on the Abilene campus adjacent to the School of

Nursing and School of Pharmacy buildings. Graduates of the future School of Public Health will become qualified experts in managing data and providing important and timely health-related resources to communities in need. This program and new facility is vital to the mission at TTUHSC.

The collaboration between Abilene city officials, community leaders, the Donor, and TTUHSC has created an innovative economic and academic development model for the future of the Big Country region's health care industry.

The new 43,803 GSF, two-story structure includes classrooms, offices, student study spaces, a simulation center, and support spaces. The project also incorporated site work, utility infrastructure, landscape enhancements, and public art.

In accordance with the terms of the Development Agreement, TTUHSC will accept a deed and title to the land and building with no debt. The Development Agreement contains a provision that, if TTUHSC ceases to provide public health education in Abilene for a period of one year, the land and building shall revert to Hendrick Medical Center. The deed transferring the title to the land and building will contain this reversion provision.

*Regents' Rules*, Section 06.01.2, requires acceptance of all gifts of real property, regardless of value, type, location or designated use of the funds to be derived there from, must be approved by the board.

**10. TTU: Report on Texas Tech Federal Credit Union's Expansion plan.**

Presenter: Mr. Michael Molina  
Report requested by: Board of Regents

Presentation Time: 5 minutes

Mr. Michael Molina, Vice Chancellor for Facilities Planning and Construction, TTUS, will present a report on the proposed expansion of the Texas Tech Federal Credit Union on the Texas Tech University campus, located at Texas Tech Parkway and Knoxville Avenue.

**11. TTUS: Report on Facilities Planning and Construction projects.**

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Report requested by: Board of Regents

Mr. Michael Molina, Vice Chancellor for Facilities Planning and Construction, TTUS, will present a report on Facilities Planning and Construction managed projects.

**MEETING OF THE  
BOARD**



**Meeting of the Board**  
Thursday, May 18, 2017

**Time:** 8:30 am

**Place:** Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

Agenda

**I. Meeting of the Board—Call to Order; convene into Open Session of the Board**

A. Workshop/Retreat: The Board will meet as a Committee of the Whole in a workshop/retreat forum for strategic planning purposes. It is not anticipated that any formal action or decisions will result from these discussions.

- 1. Texas Tech University System Administration..... Chancellor Duncan
- 2. Texas Tech University ..... President Schovanec
- 3. Texas Tech University Health Sciences Center..... President Lange

**II. Recess ..... Chairman Francis**

**Board of Trustees of the Carr Scholarship Foundation:** This meeting will take place upon recess of the Meeting of the Board/Retreat at approximately 2:00 pm; refer to agenda provided by the Chief Financial Officer’s Office

Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

**III. Meeting of Standing Committees:** Conducted sequentially and separately from the Meeting of the Board at the adjournment of the Carr Scholarship Foundation meeting; refer to agenda for each respective committee meeting.

Location: Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

**Meeting of the Board**  
Thursday, May 18, 2017

**Time:** 4:30 pm (or upon adjournment of the last committee meeting of the day or whenever deemed necessary)

**Place:** Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

Agenda

**IV. Meeting of the Board—Call to Order; reconvene into Open Session of the Board** ..... Chairman Francis

**V. Executive Session:** The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Francis

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**VI. Open Session:** The Board will reconvene in Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session..... Vice Chairman Lancaster

**VII. Recess** ..... Chairman Francis

**Meeting of the Board**  
Friday, May 19, 2017

**Time:** 8:30 am

**Place:** Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas

Agenda

**VIII. Meeting of the Board—Call to Order; reconvene into Open Session of the Board**..... Chairman Francis

**IX. Introductions and Recognitions** ..... Chancellor Duncan,  
President May,  
President Schovanec  
President Mitchell, and  
President Lange

**X. Executive Session:** The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Francis

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**XI. Open Session:** The Board will reconvene in Open Session in the Regents Conference Room (104A), First Floor, System Administration Building, 1508 Knoxville Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session..... Vice Chairman Lancaster
  - XII. Recess** (if necessary, for standing committees to meet; otherwise continue in Open Session (XV.)) ..... Chairman Francis
  - XIII. Meeting of Standing Committees** (if not concluded on Thursday)
  - XIV. Meeting of the Board—Call to Order; reconvene into Open Session of the Board**
  - XV. Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
    - A. Approve minutes of Board meetings held on February 23-24, 2017..... Chairman Francis
    - B. Committee of the Whole..... Vice Chairman Lancaster
- Page  
CW
- 1. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda..... 8

**Consent Agenda**

- a. ASU: Approve revisions to the Student Handbook of Angelo State University, effective May 22, 2017 (ACS)
- b. TTU: Approve faculty development leaves of absence (ACS)
- c. TTU: Approve employee appointment to non-elective position (ACS)
- d. TTU and TTUHSC: Approve employee appointment to a non-elective position of honor (ACS)
- e. TTU: Approved revisions to the Student Handbook, effective May 22, 2017 (ACS)
- f. TTUHSC El Paso: Approve revisions to the Code of Professional Conduct Student Handbook to be effective August 1, 2017 (ACS)
- g. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- h. TTUHSC: Approve naming of conference room within the School of Nursing at TTUHSC Permian Basin Campus (F)

- i. TTUHSC El Paso: Approve the purchase of improved real property in El Paso (F)
- j. ASU: Approve FY 2018 holiday schedule (FA)
- k. ASU: Approve revisions to the Traffic and Parking Regulations (FA)
- l. TTU: Approve commissioning of police officers (FA)
- m. TTU and TTUSA: Approve FY 2018 holiday schedule (FA)
- n. ASU and TTU: Approve Educator Preparation Programs Technology Fee (FA)
- o. TTUHSC: Approve FY 2018 holiday schedule (FA)
- p. TTUHSC: Approve revisions to the Traffic and Parking Regulations and fees (FA)
- q. TTUHSC: Authorize president to execute contract with a consultant (FA)
- r. TTUHSC El Paso: Approve FY 2018 holiday schedule (FA)
- s. TTUHSC El Paso: Reapprove current Traffic and Parking Regulations and fees (FA)
- t. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUS and TTUSA: Approve delegation of signature authority (FA)

### **Information Agenda**

Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2017, per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) ASU, TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules* – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.

- (3) TTU: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents’ Rules* – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
  
- (4) TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents’ Rules* – “Notwithstanding Section 07.12.3.a, *Regents; Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”
  
- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents’ Rules* – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”

**XVI. Reports of Standing Committees:** Standing Committee reports will be presented sequentially to the Committee of the Whole.

- A. Report of the Finance and Administration Committee.....Regent Steinmetz
- B. Report of the Academic, Clinical and Student Affairs Committee.....Regent Walker
- C. Report of the Audit Committee .....Regent Long
- D. Report of the Facilities Committee .....Regent Esparza

**XVII. The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents.**

- A. Schedule for Board meetings:  
 August 10-11, 2017, Lubbock  
 October 20, 2017, Lubbock  
 December 14-15, 2017, Lubbock ..... Ben Lock
- B. The President’s Report, ASU ..... President May
- C. The President’s Report, TTUHSC ..... President Mitchell

**XVIII. Executive Session:** The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: ..... Chairman Francis

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

**XIX. Open Session:** The Board will reconvene in the Regents Conference Room (104A) and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session ..... Vice Chairman Lancaster
- B. Chairman’s Announcements ..... Chairman Francis

**XX. Adjournment** ..... Chairman Francis

1. **ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS:  
Approve Consent Agenda; acknowledge review of  
Information Agenda.**

### **RECOMMENDATION**

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of May 18-19, 2017; and (ii) acknowledge its review of the Information Agenda for the same meeting.

### **BACKGROUND INFORMATION**

Pursuant to Section 01.02.6.b(2), *Regents' Rules*, the Board of Regents approves certain administrative actions.

This action is required to authorize the various officers and officials of Texas Tech to perform the tasks and duties delineated in the policies of the Board of Regents. This action also confirms the authority to prepare reports, execute contracts, documents, or instruments approved within the Consent Agenda and further confirms that such authority has been delegated to the officer or official preparing and/or executing the said item.



**CONSENT/  
INFORMATION  
AGENDA**

BOARD OF REGENTS  
TEXAS TECH UNIVERSITY SYSTEM

CONSENT AGENDA  
and  
INFORMATION AGENDA

May 18-19, 2017

BOARD OF REGENTS

Mr. L. Frederick “Rick” Francis, Chairman

Mr. Tim Lancaster, Vice Chairman

Mr. John D. Esparza

Mr. Ron Hammonds

Mr. Christopher M. Huckabee

Mr. J. Michael Lewis

Mr. Mickey L. Long

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Jeremy W. Stewart, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs:

John Esparza; John Steinmetz; Jeremy Stewart; John Walker (Chair)

Audit:

Chris Huckabee; Ron Hammonds; Mickey Long (Chair)

Facilities:

John Esparza (Chair); Mickey Long; John Walker

Finance and Administration:

Chris Huckabee; Michael Lewis; John Steinmetz (Chair)

**TEXAS TECH UNIVERSITY SYSTEM  
BOARD OF REGENTS**

**May 18-19, 2017**

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## INFORMATION AGENDA

*(Titles only; full agenda is on page 37)*  
Information is provided as required by  
Section 01.02.7.d(4)(c), *Regents' Rules*

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

- (1) **ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2017, per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) **ASU, TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules*** – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- (3) **TTU: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules*** – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
- (4) **TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents' Rules*** – “Notwithstanding Section 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”
- (5) **TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules*** – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”

a. **ASU: Approve revisions to the *Student Handbook of Angelo State University, effective May 22, 2017.***

Board approval required by: Section 05.01.2, *Regents' Rules*

The request is to approve revisions to the Student Handbook and *Code of Student Conduct* for Angelo State University, effective May 22, 2017. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**Executive Summary**

The Student Handbook is intended to inform the Angelo State University community of the expectations, regulations, and/or standards by which members abide and procedures which guide campus activities. The Student Handbook is available electronically at: <http://www.angelo.edu/student-handbook/>.

Revisions were coordinated by the Executive Director of Student Affairs, Director of Title IX Compliance, Senior Executive Assistant to the President and General Counsel, and the Texas Tech University System Office of General Counsel. Proposed revisions are largely editorial in nature and include changes/updates to more accurately reflect current practices and operating policies.

- Part I, Section A.13. Updated the ability of a student to withdraw with pending allegation(s) of violating the Student Code of Conduct:
  - A student with a pending conduct/Title IX case may withdraw with permission from the Executive Director of Student Affairs, Director of Title IX Compliance, or designee. However, a hold will be placed on the student's transcript and the conduct/Title IX process will continue regardless of the student's choice to participate in the case.
- Part I, Section B.2.f. Updated the definition of "Retaliatory Discrimination or Harassment" to match the definition provided in ASU's Non-Discrimination and Title IX policies (OP 16.02 & 16.03).
- Part I, Section B.10.c. Updated the term "Terroristic Threat" to better match the Texas Penal Code definition currently used by the University's Police Department.

Part I, Section B.13. Updated "Abuse, Misuse, or Theft of the University Information Systems" to align with the Information Technology policies including changing the term "information resources" to "information

systems” and directing students to Section 44 of the OP Manual instead of one single policy.

[NOTE: The ASU Student Handbook and *Code of Student Conduct* with proposed revisions for 2017-2018 is included as a supplemental attachment.]

### **BACKGROUND INFORMATION**

In accordance with the Regents’ Rules 05.01.2, revisions to the Student Handbook and *Code of Student Conduct* must be approved annually by the Board of Regents. On August 12, 2016 the Board of Regents approved revisions to the Student Handbook effective August 15, 2016 (Minute Order XI.B.1.a.).

The Student Handbook is reviewed annually by University departments with related content. The *Code of Student Conduct*, as a section of the Student Handbook (Part I), is reviewed annually by the *Code of Student Conduct* Review Committee including faculty, staff, and student representatives, along with further review by the Director of Title IX, Executive Director of Student Affairs, Senior Executive Assistant to the President, TTUS General Counsel, and the Office of the Vice President for Student Affairs and Enrollment Management.

**b. TTU: Approve faculty development leaves of absence.**

Board approval required by: Section 04.05.1, *Regents' Rules*

The request is to approve the leaves of absence as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Faculty development leave with one-half salary for David Lektzian, associate professor of Political Science in the College of Arts and Sciences, for the period September 1, 2017 to May 31, 2018. The purpose of this leave is to accept an appointment as an International Affairs Fellow of the Council of Foreign Relations. The fellowship will place Dr. Lektzian in the Treasury Department, working on economic sanctions policy for the Office of Financial Assets Control. He expects to generate a complete data base of all sanctions related Executive Orders and the authorization under which they were imposed.

Faculty development leave with full salary for Yuan Shu, associate professor of English in the College of Arts and Sciences, for the period September 1, 2017 to December 31, 2017. The purpose of this leave is twofold: to teach graduate level courses in the faculty member's area of expertise (e.g., "Introduction to American Studies" or "Vietnam War Literature") at the National University of Singapore, and to conduct research on how the relationship among democracy, human rights, and Asian values has evolved in Singaporean literature and culture through the framework of transnational American Studies.

**BACKGROUND INFORMATION**

Board approval is required for leaves of absence of faculty. The existing policy provides that leaves may be granted under conditions allowable by the State of Texas. Faculty members submit requests for leave through their respective deans to the provost. The principle objective of faculty development leaves is to enable faculty members to engage in study, research, writing, field work, or similar professional activities for a period of time free from their obligations at the university. The ultimate purpose of faculty development leaves is to subsequently enhance educational offerings available to Texas Tech University students through the faculty members' refreshed or expanded knowledge gained from the leave activities. A faculty member is eligible when he or she has served as a member of the Texas Tech faculty for at least five academic years and is tenured by the time of the leave. Applications are reviewed according to criteria including the potential of the work to contribute to the faculty members' field, evidence that the faculty member has already shown professional growth in the field, and evidence of the potential for continuing scholarship in teaching and research at Texas Tech. Faculty development leaves may be granted for one



semester at full salary or for an academic year (two semesters) at one-half salary. Each of the faculty members considered here is a recipient of a highly prestigious national award or fellowship for which the university provides development leaves.

c. **TTU: Approve employee appointment to non-elective position.**

Board approval required by: Article 16, Section 33, Texas Constitution; Chapter 667.007, Texas Government Code and 70.15 TTU Operating Policy

The request is to approve an employee appointment to a non-elective position as listed below. Further, the president and chancellor recommend that the Board of Regents find with respect to the appointee that his service is of benefit to the State of Texas and Texas Tech University and does not conflict with his position of employment at Texas Tech University. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Mr. Samuel David Smith, Technician III with Texas Tech University's Department of Plant and Soil Science program in viticulture and enology at Fredericksburg, has been selected to serve on the Planning and Zoning Commission of the City of Blanco, Texas, where he resides. The commission is an advisory committee comprised of citizens and business owners of Blanco. It makes recommendations to the Blanco City Council on such matters as variance requests and plans for future growth and development of the community. As a member of the commission, Mr. Smith will contribute to the development of the city's strategic plan.

This appointment is not in conflict with Mr. Smith's employment at Texas Tech University. He will serve on the commission without compensation, but may be reimbursed for necessary travel and *per diem* in the performance of his duties as a member of the commission.

**BACKGROUND INFORMATION**

The Texas Constitution, *Texas Government Code*, and Texas Tech University Operating Policy require a finding of fact before a university employee may accept an appointment to serve in a non-elective office.

**d. TTU and TTUHSC: Approve employee appointment to a non-elective position of honor.**

Board approval required by: Article 16, Section 33, Texas Constitution; Chapter 667.007, Texas Government Code, TTUHSC Operating Policy 70.18 and TTU Operating Policy 70.15

This request is to approve an employee appointment to a non-elective position of honor for Annie L. Sobel, M.D., associate professor of Medical Education in the School of Medicine, Texas Tech University Health Sciences Center (“TTUHSC”), and Director of Global Laboratory for Energy Asset Management and Manufacturing (“GLEAMM”) and adjunct professor of Electrical and Computer Engineering, Texas Tech University (“TTU”). This request has been approved administratively by the presidents and the chancellor and is recommended for approval by the Board of Regents.

Governor Abbot has appointed Dr. Sobel to the Texas Military Preparedness Commission (“TMPC”) for a term set to expire on February 1, 2023. TMPC’s goal is to preserve, protect, expand and attract new military missions, assets and installations. Additionally, the Commission encourages defense related businesses to expand in or relocate to Texas.

Dr. Sobel’s work on the commission will not conflict with her employment at either institution. She will serve on the committee without compensation, but may be reimbursed for necessary travel and *per diem* in the performance of her duties as a member of the committee to which she is appointed.

This appointment will benefit the State of Texas, TTUHSC and TTU.

**BACKGROUND INFORMATION**

The Texas Constitution, *Texas Government Code*, and Texas Tech University Operating Policy require a finding of fact before a university employee may accept an appointment to serve in a non-elective office.

**e. TTU: Approved revisions to the Student Handbook, effective May 22, 2017.**

Board approval required by: Section 05.01.2, *Regents' Rules*

The request is to approve revisions to the Student Handbook and *Code of Student Conduct* for Texas Tech University, effective May 22, 2017. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**Executive Summary**

The Student Handbook is intended to inform the Texas Tech University community of the expectations, regulations and/or standards by which members abide and procedures which guide campus activities. The Student Handbook is available electronically at <http://www.depts.ttu.edu/dos/handbook/>.

Proposed revisions contain some substantive changes, but are mostly editorial and include the following changes/updates to more accurately reflect current best practices in higher education and TTU operating policies:

Changes made to Part I Section A: Student Conduct Mission and Polices, Section B: Misconduct, Section C: Conduct Procedures for Students, Part I, Section D. Conductor Procedures for Student Organizations:

- Clarified roles of various administrators involved in process to reflect best practices throughout document.
- Modified Part I, Section A, item 10, in order to adhere to Texas Education Code, Chapter 51.
- Made modifications in Part I, Section B: Misconduct items.
- Under Part I, section C, added item 2 "Referral Meeting" in which a university official may request an informal meeting with a student in order to discuss a referral and to offer resources to the student.
- Under Part I, Section C, item 4 under Hearing, added item C "Sanction Only Hearing" which may be an option for the respondent if the respondent accepts the finding, but rejects the sanction, the University may conduct a Sanction only hearing.
- Under Part I, Section C 3.a. The Conduct Process, item 5 Sanctions, added "Abeyance" in which sanctions may be held in abeyance through the appellate process. In some cases resulting in the sanctioning of suspension or expulsion, these sanctions may not be held in abeyance.
- Under section C 3.a. The Conduct Process, item 5 Sanctions, removed Deferred Disciplinary Suspension.
- Added a procedural phase entitled Student Organization Cooperative Investigation Process (Part I, Section D.2.c.1) between the receipt of a

report by the University and Investigation that allows a student organization to self-investigate and self-report incidents of misconduct in order to reflect best practices.

- Revisions to Part II, Section C Anti-Discrimination Policy to align with language used in TTU Operating Policies 40.02 and 40.03.

Note: In the event that pending legislation includes new or revised definitions that would affect the Code, the Code will be modified to reflect those definitions.

[NOTE: The TTU Student Handbook and *Code of Student Conduct* with proposed revisions for 2017-2018 is included as a supplemental attachment.]

### **BACKGROUND INFORMATION**

In accordance with *Regents' Rules*, Section 05.01.2, revisions to the Student Handbook and *Code of Student Conduct* must be approved by the Board of Regents. On May 19, 2017, the Board of Regents approved revisions to the Student Handbook effective May 22, 2017 (Minute Order XII.A.5.).

The Student Handbook is reviewed annually by university departments with related content. The *Code of Student Conduct* as a section of the Student Handbook (Part 1) is reviewed annually by the *Code of Student Conduct* Review Committee including faculty, staff, and student representatives, along with further review by the Office of Student Conduct, the Office of the Dean of Students and General Counsel.

f. **TTUHSC El Paso: Approve revisions to the Code of Professional Conduct Student Handbook to be effective August 1, 2017.**

Board approval required by: Section 05.01.2, *Regents' Rules*

The request is to approve revisions to the *Code of Professional Conduct* of the Student Handbook 2017-2018 for Texas Tech University Health Sciences Center at El Paso as amended and noted in the attachment to be effective August 1, 2017. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**EXECUTIVE SUMMARY**

Proposed revisions to the *TTUHSC El Paso Institutional Student Handbook: Code of Professional and Academic Conduct* include the following:

- I. Graduate School of Biomedical Sciences has now been added to the TTUHSC EP Institutional Student Handbook in all sections with nomenclature specific to El Paso.
- II. **Part IV**
  - Revisions to the Anti-discrimination policy consistent with HSC policy changes – removed prior policy and placed revised HSC policy in its place
    - Statement of avoidance of conflict of interest after audit recommendation
    - Adding a 3 person hearing panel consistent with HSC process
- III. **Part X**
  - Removal of paragraph titled, “ 27. Sexual Harassment Policy”
    - Addressed in Part IV Anti-discrimination section
  - Revision of “11. Disabilities (students)” to be consistent with current practice established by the Director of Disability Support Services in El Paso and the Student Services website.
    - Student is required to register with the office of Disability Support and request accommodations
    - Description of grievance process consistent with other grievance processes
- IV. Attachment A revised to utilize the El Paso form for Student Grievance to be consistent with website and current form.
- V. No other substantive changes to the handbook

[NOTE: The TTUHSC El Paso *Code of Professional Conduct* of the Student Handbook with proposed revisions for 2017-2018 is included as a supplemental attachment.]

### **BACKGROUND INFORMATION**

In accordance with *Regents' Rules*, Section 05.01.2, revisions to the *Code of Professional Conduct* of the Student Handbook must be approved by the Board of Regents.

**g. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information.**

Approval required by: Section 01.02.1.b, *Regents' Rules*, and Section 109.001(c), *Texas Education Code*, National Industrial Security Program Operating Manual

The request is to approve the following resolutions affirming the classified material managerial group and excluding members of the Board of Regents from access to classified information, as provided for in Department of Defense 5220.22-M, National Industrial Security Program Operating Manual, 2-104 and 2-106. This request was approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

RESOLVED, that those persons occupying the following positions at Texas Tech University ("TTU") be known as the Managerial Group, having the authority and responsibility for the negotiation, execution and administration of User Agency contracts, as described in Department of Defense 5220.22-M, *National Industrial Security Program Operating Manual*:

President, TTU  
 Vice President for Research, TTU  
 Facility Security Officer, TTU  
 Assistant Facility Security Officer(s), TTU

RESOLVED, that the Managerial Group is hereby delegated all of the Board's duties and responsibilities pertaining to the protection of classified information under classified contracts of the Department of Defense or User Agencies of the Industrial Security Program awarded to TTU;

RESOLVED, that until such time as the persons occupying the position of President and Vice President for Research have been granted Personnel Security Clearances by the Department of Defense, these persons shall be excluded from access to all classified information in the possession of TTU;

RESOLVED, that the following named officers and members of the Board of Regents shall not require, shall not have, and can be effectively excluded from, access to all classified information in the possession of TTU, and do not occupy positions that would enable them to affect adversely the policies and practices of TTU in the performance of any classified contracts for the Department of Defense or User



Agencies of its Industrial Security Program awarded to TTU, and need not be processed for personnel security clearance:

**BOARD OF REGENTS**

Mr. John Esparza  
Mr. Frederick Francis  
Mr. Tim Lancaster  
Mr. Mickey Long  
Mr. Ronnie Hammonds  
Mr. Christopher Huckabee  
Mr. J. Michael Lewis  
Mr. John Steinmetz  
Mr. John Walker  
Mr. Jeremy Stewart (Student Regent)

**BACKGROUND INFORMATION**

Protection of classified information is regulated by the Federal Government. Federal regulations regarding security matters provide a means for the Board of Regents to delegate responsibility for the protection of classified information to a Managerial Group. The alternative to a managerial group is for the Board to retain this responsibility under conditions established by federal regulations and which will require Board members to obtain a security clearance for access to classified information. Most universities elect to establish managerial groups.

To operate with a managerial group, the Board, by federal regulation, must exclude themselves from possessing a security clearance and instead appoint officials of the university to act as the managerial group.

With the appointment of the most recent regents, the Board of Regents must update its statement of exclusion to meet the requirements of federal regulations.

**h. TTUHSC: Approve naming of conference room within the School of Nursing at TTUHSC Permian Basin Campus.**

Board approval required by Section 08.05.1, *Regents' Rules*

The request is to approve naming of the conference center within the School of Nursing at the Tech University Health Sciences Center ("TTUHSC") - Permian Basin campus as "The Dent Family School of Nursing Conference Room, 'The Dr. Bob Room'." The donors concur with the naming of this interior space. Appropriate signage for the conference center will specify the approved name.

This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The naming meets the requirement of donation of at least 50 percent of the project's total cost as stated in *Regents' Rules*, Section 08.05.

**BACKGROUND INFORMATION**

Dr. Robert L. Dent & Mrs. Karen Dent made a generous pledge of \$35,000 to the Texas Tech Foundation, Inc. (the "Foundation"), supporting the TTUHSC Scholarship Endowment at Texas Tech University Health Sciences Center, benefitting TTUHSC – Permian Basin's School of Nursing.

Dr. Dent holds a doctorate in Nursing Practice from the Texas Tech University Health Sciences Center, School of Nursing and currently serves as Senior Vice President, Chief Operating and Chief Nursing Officer for Midland Memorial Hospital. Dr. and Mrs. Dent are active supporters of the TTUHSC – Permian Basin's School of Nursing Program and the Laura W. Bush Institute of Women's Health.

The gift meets the minimum fifty percent (50%) threshold requirement for naming a subunit within an existing facility, as verified by the vice chancellor of facilities planning and construction.

*Regents' Rules* 08.05.01.f requires Board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

**i. TTUHSC El Paso: Approve the purchase of improved real property in El Paso.**

Board approval required by: Section 07.12.3.d(1)a, *Regents' Rules; Texas Administrative Code, §17.10*

The request is to authorize (i) the acquisition of two City of El Paso alleys for a total purchase price of \$16,000; (ii) Alley Parcel No. 1 located within Val Verde Block 3 is 12,369 GSF valued at \$10,000; (iii) Alley Parcel 2 located within Val Verde Block 2 is 9,038 GSF valued at \$6,000; (iv) report the purchase to the Texas Higher Education Coordinating Board; and (v) provide the City of El Paso with an emergency and public easement along Parcel 1 and on Parcel 2. The real property purchase will be funded with El Paso's Medical Practice Income Plan ("MPIP") funds.

This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

The purchase of this real property is vital to fulfill the mission of Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso"). These alleys are critical to the building site of the Medical Sciences Building II and required parking areas.

In February 2017, the Board of Regents approved an easement to the City of El Paso. This easement, located in Val Verde Block 3, will connect a portion of the alley not being acquired by TTUHSC EP to Reynolds Street. The easement was a condition precedent for the City vacating the remaining portion of the alley in Val Verde Block 3 to TTUHSC EP and will provide an outlet so that the alley is consistent with the ordinance regarding dead end alleys (El Paso City Ordinance 19.15.160).

In March 2017, with the easement approved, the City authorized vacation of the remaining portion of the Val Verde Block 3 alley (where MSB II will be located), pending payment by TTUHSC EP in the amount of \$10,000 as consideration for the vacation. TTUHSC EP anticipates that the City will approve vacation of the Val Verde Block 2 alley (where parking will be located) in June 2017 for \$6,000. Based on previous appraisals obtained by TTUHSC EP in connection with eminent domain acquisition, both amounts are well below fair market value.

Title 19, Chapter 17, Subchapter A of the Texas Administrative Code requires approval of the governing board before submitting the appropriate documentation to the Texas Higher Education Coordinating Board for their information on the purchase of real property.

**j. ASU: Approve FY 2018 holiday schedule.**

Board approval required by: Section 03.08, *Regents' Rules*, and Section 662.011, *Texas Government Code*

The request is to approve the FY 2018 holiday schedule for Angelo State University as presented on the following page. This request has been approved administratively by the president and chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

Section 662.011, *Texas Government Code*, authorizes the Board to establish the holiday schedule for Angelo State University provided that the number of holidays to be observed does not exceed the number of holidays observed by other state agencies.

State law provides for seventeen (17) state holidays in FY 2018. In FY 2018, three (3) of the state holidays fall on weekends and cannot be substituted for other regular working days. The result is fourteen (14) holidays for FY 2018.

It is recommended that the actual observance of some holidays be transferred to coincide with the academic holiday schedule. This will provide an efficient academic schedule and permit energy conservation and cost avoidance by closing offices during periods when classes are not in session.

**ANGELO STATE UNIVERSITY**  
**Holiday Schedule for 2017-2018**

	<b>DATE</b>	<b>DAY OF WEEK</b>	<b>HOLIDAY</b>
<b>2017</b>	September 4	Monday	Labor Day
	November 23	Thursday	Thanksgiving Day
	November 24	Friday	Thanksgiving Day
	December 25	Monday	Winter Holiday
	December 26	Tuesday	Winter Holiday
	December 27	Wednesday	Winter Holiday
	December 28	Thursday	Winter Holiday
	December 29	Friday	Winter Holiday
<b>2018</b>	January 1	Monday	Winter Holiday
	January 2	Tuesday	Winter Holiday
	January 15	Monday	Martin Luther King Day
	March 30	Friday	Spring Holiday
	May 28	Monday	Memorial Day
	July 4	Wednesday	Independence Day
<b>TOTAL ALLOWABLE HOLIDAYS</b>			<b>14</b>

NOTE: University employees who wish to observe Rash Hashanah, Yom Kippur, Cesar Chavez Day and Good Friday may do so, but must use their vacation leave.

State law provides for seventeen (17) state holidays in FY 2018. In FY 2018, three (3) holidays fall on weekends and cannot be substituted for other regular working days. The result is thirteen (14) observable holidays for FY 2018.

k. **ASU: Approve revisions to the Traffic and Parking Regulations.**

Board approval required by: Section 07.10, *Regents' Rules*; Section 51.202, *Texas Education Code*

The request is to approve revisions to the Angelo State University Traffic and Parking Regulations and Fee Schedule as set out below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

[NOTE: The Traffic and Parking Regulations with proposed revisions is included as an attachment to your notebook.]

**Executive Summary**

Amend the Regulations to read as follows:

Parking Services is located at ~~1825 South Johnson in the West Office Annex complex~~ [1830 Rosemont Drive in General Services Building](#). For phone or e-mail inquiries, please call (325) 486-6435 or e-mail your question to [parking@angelo.edu](mailto:parking@angelo.edu).

I. Definitions

- G. **“General Use”** parking lots marked “A/B/C/D” are designated as general use lots. Anyone with a valid ASU parking permit may park in these lots at any time.

III. Vehicle Regulations

- G. 4. c. **“General Use”** Lots (lots marked “A/B/C/D”)

6. b. Trailers to park in designated areas as established by the University Police Department [or the Parking Services Office](#) only after obtaining \_\_\_\_\_ permission.

- R. Trailers must be registered with the Parking Services Office, before they may be parked on the campus. A temporary permit may be issued on a space available basis without charge for a period not to exceed two weeks. Trailer permits for periods to exceed two weeks shall be on a space available basis at the rate established for second vehicles. Trailer parking, if approved, will be limited to a specific area as designated by the University Police Department [or the Parking Services Office](#).

#### IV. Vehicle Registration

- A. Permits are issued for a full academic year (August to August) or on a semester basis. Vehicle registration fees are as follows:

**I. Fulltime Faculty/Staff “A” Zone and Non-University Employees**

Permits must be paid in person at Parking Services and are non-refundable. Full Year Permit (per vehicle) may be deducted from university employees' paychecks at a monthly rate. For two vehicle pricing, permits must be purchased at same time.

Single or Two Vehicle(s)	
Single Permit (August – August)	\$90.00
Two Vehicles (August-August)	\$144.00

**II. Part Time/Temporary/Casual Employees “A” Zone and Non-University Employees**

Monthly Permit- Must be paid in person at Parking Services. Non-refundable.

Automobiles or Motorcycles	
Monthly Permit (Rate based on months employed)	\$5.00

**III. Commuter Students “B” Zones**

Automobiles or Motorcycles	
Fall Yearly (August-August)	\$90.00
Fall Semester Only (August-December)	\$50.00
Spring/Summer (January – August)	\$80.00
Spring Semester Only (January-May)	\$50.00
Summer Semester Only (May-August)	\$50.00

**Residential Students “C” Zones**

Automobiles or Motorcycles	
Fall Yearly (August-August)	\$90.00
Fall Semester Only (August-December)	\$50.00
Spring/Summer (January – August)	\$80.00
Spring Semester Only (January-May)	\$50.00
Summer Semester(s) Only (May-August)	\$50.00

**Student Reserved Parking “D” Zones**

Academic Upper Lot (P-39) only –  
 Carr EFA Lot (P-42b) only –  
 “General Use” A/B/C/D Zones  
 included

Automobiles or Motorcycles	
Flat Fee (per vehicle)	\$120

**Student Two Vehicle Permits**

For two vehicle pricing, permits must be purchased at same time.

**Reserved “D” Zones Not Offered in Combination**

Two Vehicles	
Fall Yearly (August – August)	\$150.00
Fall Semester Only (August-December)	\$80.00
Spring/Summer (January-August)	\$130.00
Spring Semester Only (January-May)	\$80.00
Summer Semester(s) Only (May-August)	\$80.00

**V. Permit Regulations**

- A. All faculty and staff parking or standing a motor vehicle on campus shall have a valid “A” zone permit displayed at all times. A student working part time for the university is not eligible for an “A” zone permit and shall have a valid student parking permit displayed at all times while parked on campus. Graduate students do not qualify as faculty. Teaching Assistants may be issued a temporary “A” zone permit on a semester-by-semester basis. Teaching Assistants must have their instructor submit a written request to the Parking Services Office and purchase a student permit to obtain a temporary “A” permit.

**X. Violations/Fines**

- H. Parking permits remain the property of Angelo State University and shall not be transferred or gifted to anyone. Valid permits must be surrendered to the [University Police Department Parking Services Office](#) upon separation from the university either by terminating your study or employment with the university. Expired permits are not required to be returned.

**BACKGROUND INFORMATION**

The Board of Regents of the Texas Tech University System, in accordance with



V.T.C.A., Education Code, Section 51.202, is authorized to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other property under the control of Angelo State University. This includes, but not limited to, controlling the rate of speed; assigning parking spaces and zones; assessing a charge for parking; prohibiting parking as it deems necessary; properly removing vehicles found in non-compliance of institutional rules, regulations or law at the violator's expense; and instituting a system of registration to include assessing a reasonable charge.

**I. TTU: Approve commissioning of police officers.**

Board approval required by: Section 51.203, *Texas Education Code*

The request is to commission the following individuals as a police officer, effective on the date indicated below. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents:

Alexander Berrios, effective 2/1/2017

Priscilla Miranda, effective 2/1/2017

Andrew Valdez, effective 2/1/2017

**BACKGROUND INFORMATION**

The Board of Regents routinely takes action to commission certain employees as peace officers in accordance with *Texas Education Code*, Section 51.203.

**m. TTU and TTUSA: Approve FY 2018 holiday schedule.**

Board approval required by: Section 03.08, *Regents' Rules*; Section 662.011, *Texas Government Code*

The request is to approve the FY 2018 holiday schedule for Texas Tech University and Texas Tech University System Administration as presented on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

Title 6, Section 662.011, *Texas Government Code*, as amended, authorizes the Board to establish the holiday schedule for Texas Tech University and Texas Tech University System Administration provided that the number of holidays to be observed does not exceed the number of holidays observed by other state agencies.

State law provides for seventeen (17) state holidays in FY 2018. In FY 2018, three (3) holidays fall on weekends and cannot be substituted for other regular working days. The result is fourteen (14) holidays for FY 2018.

It is recommended that the actual observance of some holidays be transferred to coincide with the academic holiday schedule. This will provide an efficient academic schedule and permit energy conservation and cost avoidance by closing offices during periods when classes are not in session.

**TEXAS TECH UNIVERSITY  
TEXAS TECH UNIVERSITY SYSTEM ADMINISTRATION  
HOLIDAY SCHEDULE 2017-2018**

<b>DATE</b>	<b>DAY OF WEEK</b>	<b>HOLIDAY</b>
<b>2017</b> September 4	Monday	Labor Day
November 23	Thursday	Thanksgiving
November 24	Friday	Thanksgiving
December 25	Monday	Winter Break
December 26	Tuesday	Winter Break
December 27	Wednesday	Winter Break
December 28	Thursday	Winter Break
December 29	Friday	Winter Break
<b>2018</b> January 1	Monday	New Years
January 15	Monday	Martin Luther King, Jr. Day
March 15	Thursday	Spring Break
March 16	Friday	Spring Break
May 28	Monday	Memorial Day
July 4	Wednesday	Fourth of July
<b>TOTAL ALLOWABLE HOLIDAYS</b>		<b>14</b>

**NOTE:** University employees who wish to observe Rosh Hashanah, Yom Kippur, Cesar Chavez Day, and Good Friday may do so, but must use their vacation leave.

State law provides for seventeen (17) state holidays in FY 2018. In FY 2018, three (3) holidays fall on weekends and cannot be substituted for other regular working days. The result is fourteen (14) holidays for FY 2018.

n. **ASU and TTU: Approve Educator Preparation Programs Technology Fee.**

Board approval required by: Section 07.10, *Regents' Rules*; Section 54.051(d) *Texas Education Code*

The request is to approve the Educator Preparation Programs Technology Fee. *Texas Administrative Code* Rule Section 229.9 has been amended to include an Accountability System for Educator Preparation Programs technology fee effective on or after March 15, 2017, and before September 1, 2017 of \$55 per admitted candidate; and for the 2017-2018 academic year of \$55 per admitted candidate; and for the 2018-2019 academic year and beyond of \$35 per admitted candidate. Approval is sought to assess a fee in accordance with this section of the Texas Administrative Code beginning in fall 2017. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

All tuition, fees, and charges of Texas Tech University and Angelo State University are charged and collected under specific authorization of the laws of the State of Texas, including, but not limited to, the authorization in Texas Education Code, Section 54.051, 54.504, Section 54.0513, Section 55.16, Section 54.017, and other applicable sections.

*Regents' Rules*, Section 07.10, requires that the administration present approval of tuition and student fees.

**o. TTUHSC: Approve FY 2018 holiday schedule.**

Board approval required by: Section 3.08, *Regent's Rules*; Section 662.011, *Texas Government Code*

The request is to approve the FY 2018 holiday schedule for Texas Tech University Health Sciences Center ("TTUHSC") as presented on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

Section 662.011, Title 6 of the *Texas Government Code*, as amended, authorizes the Board to establish the holiday schedule for Texas Tech University Health Sciences Center provided that the number of holidays to be observed does not exceed the number of holidays observed by other state agencies. There are 17 days in the holiday schedule. In FY 2018, three holidays fall on a weekend and cannot be substituted for other regular working days. The result is 14 holidays for FY 2018.

It is recommended that the actual observance of some holidays be transferred to coincide with the academic and clinical holiday schedule. This will provide efficient academic and clinical holiday schedules and permit energy conservation and cost avoidance by closing offices during periods when classes and/or clinics are not in session. TTUHSC will observe 11 days of holiday for academic, administrative and clinical operations, and an additional three days of holiday entitlement will be accrued to employees' holiday comp time leave balances.

**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER**  
**Holiday Schedule for 2017 - 2018**

<b>DATE</b>	<b>DAY OF WEEK</b>	<b>HOLIDAY</b>
<b>2017</b> September 4	Monday	Labor Day
November 23	Thursday	Thanksgiving Day
November 24	Friday	Thanksgiving Holiday
December 25	Monday	Christmas Holiday
December 26	Tuesday	Christmas Holiday
<b>2018</b> January 1	Monday	New Year's Holiday
January 15	Monday	Martin Luther King, Jr. Day
March 15	Thursday	Spring Holiday
March 16	Friday	Spring Holiday
May 28	Monday	Memorial Day
July 4	Wednesday	Independence Day Holiday
<b>TOTAL ALLOWABLE HOLIDAYS</b>		<b>11</b>

**Note:**

State law provides for 17 state holidays. In FY 2018, three (3) holidays fall on a weekend. The appropriations bill disallows state holidays occurring on weekends. Therefore, the state will observe fourteen (14) holidays in FY 2018, which is one (1) more than FY 2017. TTUHSC will observe 11 holidays.

An additional 3 days of holiday entitlement will be accrued to employees' holiday comp balance at the rate of two hours per month with a maximum accrual of 24 hours.

Under the provisions of Article V of Senate Bill 5, 73<sup>rd</sup> Legislature, Regular Session, a state employee is entitled to observe optional holidays, such as Rosh Hashanah, Yom Kippur, Cesar Chavez Day and Good Friday. Since the university is closed on scheduled holidays, employees who wish to take an optional holiday will be required to use vacation leave or compensatory time.

p. **TTUHSC: Approve revisions to the Traffic and Parking Regulations and fees.**

Board approval required by: Section 7.10, *Regent's Rules*, and Section 51.202, *Texas Education Code*

The request is to approve the Texas Tech University Health Sciences Center Traffic and Parking Regulations and Fee Schedule as set out on the following page. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

a. Paragraph XVII

Current Parking Fee and Refund Schedule is attached on the following page.

b. Full Traffic and Parking Regulations

The current Traffic and Parking Regulations is included as a supplemental attachment to your notebook.

**BACKGROUND INFORMATION**

State statutes empower the governing board of each state university of higher education to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control. These regulations include, but are not limited to, limiting the rate of speed; assigning parking spaces and designated parking areas and their use and assessing a charge for parking; prohibiting parking as it deems necessary; removing vehicles parking in violation of institutional rules and regulations or law at the expense of the violator; and, instituting a system of registration, including a reasonable charge.



**XVII. Parking Fees and Refunds - Texas Tech University Health Sciences Center**

**Parking Fees and Refunds - Texas Tech University Health Sciences Center**

2017-2018 Rates Through	Faculty/Staff Reserved Space		Faculty/Staff Area Reserved		Two-Wheeler	
	12 months		12 months		12 months	
	Cost	Refund	Cost	Refund	Cost	Refund
Sep. 30	\$582.00	\$528.50	\$164.40	\$145.70	\$42.00	\$33.50
Oct. 31	533.50	480.00	150.70	132.00	38.50	30.00
Nov. 30	485.00	431.50	137.00	118.30	35.00	26.50
Dec. 31	436.50	383.00	123.30	104.60	31.50	23.00
Jan. 31	388.00	334.50	109.60	90.90	28.00	19.50
Feb. 28	339.50	286.00	95.90	77.20	24.50	16.00
Mar. 31	291.00	237.50	82.20	63.50	21.00	12.50
Apr. 30	242.50	189.00	68.50	49.80	17.50	9.00
May. 31	194.00	140.50	54.80	36.10	14.00	5.50
Jun. 30	145.50	92.00	41.10	22.40	10.50	2.00
Jul. 31	97.00	43.50	27.40	8.70	7.00	0.00
Aug. 31	48.50	0.00	13.70	0.00	3.50	0.00

2017-2018 Rates Through	Commuter		Commuter		Extended Commuter	
	12 months		9 months		14 months	
	Cost	Refund	Cost	Refund	Cost	Refund
Jul. 31					\$125.30	\$111.35
Aug. 31					116.35	102.40
Sep. 30	\$107.40	\$93.45	\$80.55	\$66.60	107.40	93.45
Oct. 31	98.45	84.50	71.60	57.65	98.45	84.50
Nov. 30	89.50	75.55	62.65	48.70	89.50	75.55
Dec. 31	80.55	66.60	53.70	39.75	80.55	66.60
Jan. 31	71.60	57.65	44.75	30.80	71.60	57.65
Feb. 28	62.65	48.70	35.80	21.85	62.65	48.70
Mar. 31	53.70	39.75	26.85	12.90	53.70	39.75
Apr. 30	44.75	30.80	17.90	3.95	44.75	30.80
May. 31	35.80	21.85	8.95	0.00	35.80	21.85
Jun. 30	26.85	12.90			26.85	12.90
Jul. 31	17.90	3.95			17.90	3.95
Aug. 31	8.95	0.00			8.95	0.00

Refunds are based on the schedule.

Refunds will not be given unless identifiable remnants of the permit (s) are presented at the time of the refund request.

Additional Permits (after two)	\$2.00
Replacement Permits w/identifiable remnants	
Non-transferable permit (w/identifiable remnants)	\$2.00
Transferable permit – 1 <sup>st</sup> Replacement	\$5.00
Transferable permit – 2 <sup>nd</sup> Replacement	\$10.00
Temporary Permits (Non-Refundable)	
Commuter Area Parking per Week	\$2.00
Faculty/Staff Area Parking per Week	\$3.00
Reserved Space per Week	\$6.00

**q. TTUHSC: Authorize president to execute contract with a consultant.**

Board approval required by: Section 07.12.4.e (1), *Regents' Rules*

The request is to authorize the president to approve and execute a contract with a consultant to provide recruitment and enrollment management processes assessment and develop an action plan for the School of Nursing ("SON"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

Texas Tech University Health Sciences Center's ("TTUHSC") SON recognizes certain changes in today's market place. The SON not only competes with other Texas state and non-profit institutions, but with out-of-state private schools such as Grand Canyon University vying for the RN to BSN market. In addition, for-profit schools such as Chamberlain are offering fully online Master of Science in Nursing and Doctor of Nursing Practice Degree Programs and, within the next few years, community colleges may have the capability to offer a Bachelor of Science in Nursing Program. The SON recognizes the eminent need for an external assessment of the school's recruitment and enrollment management processes in order to stay competitive in an ever-evolving market.

In August 2016, the SON issued a Request for Proposal ("RFP") seeking competitive responses from qualified vendors. The process resulted in the selection of Ruffalo Noel Levitz ("RNL") that has a history of successful ventures with Texas Tech University and TTUHSC.

The purpose of the assessment is to document the existing recruitment and enrollment management processes to aid in the design of the most competitive marketing, recruitment, and admissions plans. Both the marketing and admissions plans will provide actionable items which the SON can implement to effectively compete in the market place. The assessment will also allow RNL to make recommendations for best territory management, appropriate communication and marketing methods for all student populations as well as recommendations for improvements to the application process.

The TTUHSC SON is requesting the Board of Regents to authorize the president to hire this nationally recognized company at a cost of \$35,280. The project will be funded from local dollars. Section 07.12.4.e (1), *Regents' Rules*, requires Board approval on consulting contracts with an initial consideration in excess of \$25,000 or a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.

r. **TTUHSC El Paso: Approve FY 2018 holiday schedule.**

Board approval required by: Section 03.08, *Regent's Rules*

The request to approve the FY 2018 holiday schedule for Texas Tech University Health Sciences Center at El Paso ("TTUSHC El Paso") as presented on the following page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

Section 662.011, Title 6 of the *Texas Government Code*, as amended, authorizes the Board to establish a holiday schedule for Texas Tech University Health Sciences Center El Paso provided that the number of holidays scheduled do not exceed the number of holidays observed by other state agencies. There are 17 days in the holiday schedule. In FY 2018, three holidays fall on a weekend and cannot be substituted for other regular working days. The result is 14 holidays for FY 2018. It is recommended that the actual observance of some holidays be transferred to coincide with the academic and clinical holiday schedule. This will provide efficient academic and clinical holiday schedules and permit energy conservation and cost avoidance by closing offices during periods when classes and/or clinics are not in session. TTUHSC El Paso will observe 11 days of holidays for academic, administrative and clinical operations and an additional three days of holiday entitlement will be accrued to employees' holiday comp time leave balances.

**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO  
Holiday Schedule for 2017 - 2018**

	<b>DATE</b>	<b>DAY OF WEEK</b>	<b>HOLIDAY</b>
<b>2017</b>	September 4	Monday	Labor Day
	November 23	Thursday	Thanksgiving Day
	November 24	Friday	Thanksgiving Holiday
	December 25	Monday	Christmas Holiday
	December 26	Tuesday	Christmas Holiday
	December 27	Wednesday	Christmas Holiday
<b>2018</b>	January 1	Monday	New Year's Holiday
	January 15	Monday	Martin Luther King, Jr. Day
	March 9	Friday	Spring Holiday
	May 28	Monday	Memorial Day
	July 4	Wednesday	Independence Day Holiday
<b>TOTAL ALLOWABLE HOLIDAYS</b>			<b>11</b>

**Note:** State law provides for 17 state holidays. In FY 2018, three (3) holidays fall on a weekend. The appropriations bill disallows state holidays occurring on weekend. Therefore, the state will observe fourteen (14) holidays in FY 2018, which is one (1) more than in FY 2017. TTUHSC El Paso will observe eleven (11) holidays.

An additional 3 days of holiday entitlement will be accrued to employees' holiday comp balance at the rate of two hours per month with a maximum accrual of 24 hours.

Under the provisions of Article V of Senate Bill 5, 73<sup>rd</sup> Legislature, Regular Session, a state employee is entitled to observe optional holidays, such as Rosh Hashanah, Yom Kippur, Cesar Chavez Day and Good Friday. Since the university is closed on scheduled holidays, employees who wish to take an optional holiday will be required to use vacation leave or compensatory time.

s. **TTUHSC El Paso: Reapprove current Traffic and Parking Regulations and fees.**

Board approval required by: Section 7.10, *Regent's Rules*, and Section 51.202, *Texas Education Code*

The request is to reapprove the current Texas Tech University Health Sciences Center at El Paso Traffic and Parking Regulations and fee schedule for 2017-2018. The fee schedule is included on the following page. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

**BACKGROUND INFORMATION**

State statutes empower the governing board of each state university of higher education to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control. These regulations include, but are not limited to, limiting the rate of speed; assigning parking spaces and designated parking areas and their use and assessing a charge for parking; prohibiting parking as it deems necessary; removing vehicles parking in violation of institutional rules and regulations or law at the expense of the violator; and, instituting a system of registration, including a reasonable charge.

**Parking Fees and Refunds - Texas Tech University Health Sciences Center El Paso**

2017- 2018 Rates Through	Faculty/Staff Reserved Space		Faculty/Staff Area Reserved		Two Wheeler	
	12 months		12 months		12 months	
	Cost	Refund	Cost	Refund	Cost	Refund
	\$582.00	\$528.50	\$164.40	\$145.70	\$42.00	\$33.50
Sep. 30	533.50	480.00	150.70	132.00	38.50	30.00
Oct. 31	485.00	431.50	137.00	118.30	35.00	26.50
Nov. 30	436.50	383.00	123.30	104.60	31.50	23.00
Dec. 31	388.00	334.50	109.60	90.90	28.00	19.50
Jan. 31	339.50	286.00	95.90	77.20	24.50	16.00
Feb. 28	291.00	237.50	82.20	63.50	21.00	12.50
Mar. 31	242.50	189.00	68.50	49.80	17.50	9.00
Apr. 30	194.00	140.50	54.80	36.10	14.00	5.50
May. 31	145.50	92.00	41.10	22.40	10.50	2.00
	97.00	43.50	27.40	8.70	7.00	0.00
	48.50	0.00	13.70	0.00	3.50	0.00

2017- 2018 Rates Through	Commuter		Commuter		Extended Commuter	
	12 months		9 months		14 months	
	Cost	Refund	Cost	Refund	Cost	Refund
					\$125.30	\$111.35
Jul 31					116.35	102.40
Aug. 31	107.40	\$93.45	80.55	66.60	107.40	93.45
Sep. 30	98.45	84.50	71.60	57.65	98.45	84.50
Oct. 31	89.50	75.55	62.65	48.70	89.50	75.55
Nov. 30	80.55	66.60	53.70	39.75	80.55	66.60
Dec. 31	71.60	57.65	44.75	30.80	71.60	57.65
Jan. 31	62.65	48.70	35.80	21.85	62.65	48.70
Feb. 28	53.70	39.75	26.85	12.90	53.70	39.75
Mar. 31	44.75	30.80	17.90	3.95	44.75	30.80
Apr. 30	35.80	21.85	8.95	0.00	35.80	21.85
May 31	26.85	12.90			26.85	12.90
	17.90	3.95			17.90	3.95
	8.95	0.00			8.95	0.00

Refunds are based on the schedule.

Refunds will not be given unless identifiable remnants of the permit (s) are presented at the time of the refund request.

Additional Permits (after two)	\$2.00
Replacement Permits w/identifiable remnants	
Non-transferable permit (w/identifiable remnants)	\$2.00
Transferable permit – 1 <sup>st</sup> Replacement	\$5.00
Transferable permit – 2 <sup>nd</sup> Replacement	\$10.00
Temporary Permits (Non-Refundable)	
Commuter Area Parking per Week	\$2.00
Faculty/Staff Area Parking per Week	\$3.00
Reserved Space per Week	\$6.00

t. **ASU, TTU, TTUHSC, TTUHSC El Paso, TTUS and TTUSA:  
Approve delegation of signature authority.**

Board approval required by: *Title III Section 6.3b of the Texas General Appropriations Act*, and Section 09.02.3, *Regents' Rules* which requires the annual delegation of signature authority to appropriate officers and employees each fiscal year.

The request, in accordance with Title III Section 6.3b of the Texas General Appropriations Act, is to approve the following signature authority. This request has been approved administratively by the chancellor and respective component presidents and is recommended for approval by the Board of Regents.

- (1) To authorize the chancellor to designate officers and employees of the System and its components, to approve all employee travel, except to countries outside the United States other than United States possessions, Canada, and Mexico, provided that such travel contributes to the mission of the System and its components, and is in accordance with current travel regulations. The authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first.
- (2) To authorize the chancellor to designate officers and employees of the System and its components, to approve official travel reimbursement from State appropriations and all other funds for all officers and employees, provided that the purpose of the travel and reimbursement for such are in accordance with state travel regulations, other statutory requirements, or other action promulgated by this board. This authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first.
- (3) To authorize the chancellor to designate officers and employees of the System and its components, to approve and pay all accounts covering expenditures for state-appropriated funds and all other System or components-controlled funds. This authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first.

- (4) To authorize and approve the sale, purchase, and transfer of stocks, bonds, and any other investment vehicles which are owned or controlled by the System and to approve contracts with investment managers funded with assets owned or controlled by the System, provided such action is approved by any two of the individuals listed below. This authorization is effective September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities,, whichever comes first, in which case the authorization applies to their successor:

**Texas Tech University System**

Officers and employees authorized to sign, or countersign:

Leanne Draus, Chief Analyst – TTUS Office of Treasury

- (5) To authorize the signature and/or countersignature of checks drawn on all depository accounts of the System or its components in any depository bank. This authorization is effective from September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first, in which case the authorization applies to their successor. Any manually signed check shall be reviewed and signed by two authorized signers, and any mechanically signed check of \$25,000 or more shall be reviewed by any authorized signer.

**Texas Tech University Health Sciences Center El Paso**

Officers and employees authorized to sign, or countersign:

Sandra Tapia, Unit Associate Director of Accounting Services, TTUHSC El Paso

- (6) To authorize the transfer of funds, by wire or other electronic means, from System or component depositories. This authorization is effective from September 1, 2016 through August 31, 2017, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities, whichever comes first, in which case the authorization applies to their successor.

**Texas Tech University System**



Wire transfers shall be approved by any two authorized individuals listed:

Leanne Draus, Chief Analyst – TTUS Office of Treasury

**Texas Tech University**

Wire transfers shall be approved by any two authorized individuals listed:

Leanne Draus, Chief Analyst – TTUS Office of Treasury

**Texas Tech University Health Sciences Center**

Wire transfers shall be approved by any two authorized individuals listed:

Leanne Draus, Chief Analyst – TTUS Office of Treasury

**Texas Tech University Health Sciences Center El Paso**

Wire transfers shall be approved by any two authorized individuals listed:

Leanne Draus, Chief Analyst – TTUS Office of Treasury  
Sandra Tapia, Unit Associate Director of Accounting  
Services, TTUHSC El Paso

**Angelo State University**

Wire transfers shall be approved by any two authorized individuals listed:

Leanne Draus, Chief Analyst – TTUS Office of Treasury

**BACKGROUND INFORMATION**

Title III Section 6.3b of the Texas General Appropriations Act, and Section 09.02.3, *Regents' Rules* requires the annual delegation of signature authority to appropriate officers and employees each fiscal year.

## CONTENTS OF THE INFORMATION AGENDA

Section 01.02.7.d(4)(c), *Regents' Rules*, provides: “material required by a provision of the *Regents' Rules* to be furnished to the Board as information will be listed in the information agenda.”

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

## INFORMATION AGENDA

Information is provided as required by  
Section 01.02.7.d(4)(c), *Regents' Rules*

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

- (1) **ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2017, per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (a) ASU: Report dated February 28, 2017 for fiscal year 2017 (available for review upon request);
  - (b) TTU: Report dated February 28, 2017 for fiscal year 2017 (available for review upon request); and
  - (c) TTUHSC: Report dated February 28, 2017 for fiscal year 2017 (available for review upon request).
  - (d) TTUHSC El Paso: Report dated February 28, 2017 for fiscal year 2017 (available for review upon request).
- (2) **ASU, TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Sections 07.12.4.d and 07.12.6.b., *Regents' Rules*** – A list of renewal, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.
- ASU, TTU, TTUHSC and TTUHSC El Paso:**
- (a) Contract with Staples extended with an end date of April 4, 2018. This is a purchasing contract in excess of \$1,000,000 approved by Board of Regents at December, 2016 meeting.
- TTUHSC:**
- (a) AMEND1592373-002 (Ref CON1592373) University Medical Center; Amendment to Agreement for Faculty Support for additional FTE, Medical Oncology; Increase of \$107,500 to \$1,107,500 annually.
  - (b) AMEND595882-003 (Ref CON595882) Permian Basin Clinic Services Inc.; Master Coordinating Agreement Faculty & Resident Support FY17; Increase of \$262,330 to \$4,413,983 annually.
- (3) **TTU: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules*** – “(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”

- (a) Purpose of Consultant: National Organization of Research Development (“NORDP”) will review exploratory case study data and will interpret themes from the case studies and integrate them based on institutional structure and produce a final report with recommendations for meeting TTU’s established goals. The proposed fee is \$12,000 plus travel expenses.

**(4) TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., Regents’ Rules** – “Notwithstanding Section 07.12.3.a, Regents; Rules, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.”

- (a) Health Resources and Services Administration grant funding entitled “Health Center Cluster”; grant year 03/01/2017 through 02/28/2018; award amount \$2,869,653.

**(5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., Regents’ Rules** – “The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approval by the president, with notice provided to the board via an item in the information Agenda for the next meeting of the board.”

- (a) The President has approved establishment of the U.S. PREP National Center (University-School Partnership for the Renewal of Educator Preparation) in the College of Education. In October 2015, Dean Scott Ridley, was awarded a three-year Teacher Preparation Transformation grant funded by the Bill & Melinda Gates Foundation to establish a center supporting six universities and their partner school districts in the transformation of their teacher preparation programs. The initial grant supported the colleges and schools of education at Texas Tech University, University of Memphis, University of Houston, Jackson State University, Southeastern Louisiana University and the University of North Texas. One stipulation of the Gates Foundation grant was the center established by the grant would become a self-sustaining center after July 2018.

This proposal to establish an official center at Texas Tech University will fulfill such requirement and enable the current staff to continue supporting the original six universities while continually seeking additional universities interested in transforming their university-based teacher education programs. The center’s goal is to create a coalition of university members who benefit from the collective learnings of each other as they relate to teacher preparation.

There are no similar centers within Texas universities or other universities in the United States.

The center will be funded by either foundations or state agencies. In the future, university-school district partnerships may be funded by federal grants in addition to grants from private funding.

Sarah Beal serves as Director.

# **ATTACHMENTS**

# **ATTACHMENT**

## **1**

Finance & Administration Committee

Item 1

**TTU and TTUSA Traffic and Parking Regulations 2017-2018  
Executive Summary and Regulations with proposed revisions**



TEXAS TECH UNIVERSITY

## Transportation & Parking Services™

### Executive Summary: Traffic and Parking Rules and Regulations

#### Housekeeping changes:

- Update effective date. Added language to allow for automatic renewal of rules and fees. This eliminates the need for an annual Board item if no changes are proposed.
- Add a caution for drivers to avoid blocking sidewalks when parking along a curb. Particularly when pickups back into a space along a curb, they tend to extend completely over the walk. This causes problems for pedestrians and disability access. We work closely with Operations Division to address the issue with better design where possible.
- Remove references to decals for disability permits and replace with ePermits. Physical stickers and hangtags are no longer used.
- Clarify the reciprocal permit relationship with TTUHSC to specify the Lubbock TTUHSC campus.
- Add language to disallow advance parking of vehicles at venues. We already disallow overnight parking in some areas around venues. This addresses drivers who will bring their vehicle early in the day and leave it for easy access after an event, having somebody drop them off at the event before start time. This occurs frequently with disability parking. In addition to causing problems operationally with controlled parking, it presents a security risk for the venue.
- Remove time restriction on residence hall impounds following the spring semester. We already indicate that a bike is abandoned after 30 days of no movement. Adding an additional 30-45 days makes it difficult to clean up racks at the residence halls before summer conferences and new student orientations begin.
- Update the impoundment process to include “immobilization devices” rather than auto boots. New technology is coming to market that may cause us to move away from traditional boots.

#### Substantive changes:

- Add language regarding charges for parking at events. Procedurally, this has been done for many years in various places around campus such as athletic events, etc. We need to formalize that in the rules and regulations as we continue to grow the event parking function on campus and work toward charging for arena events.
- Add language to address abandoned, junk bikes on campus throughout the year. The language mirrors existing rules for vehicles in IX.J.9. The goal is to keep bike racks available for bicyclists and keep the campus clear of unsightly junk bikes.
- Add language to address the operation of rickshaws and pedicabs on campus to ensure passenger and pedestrian safety. We have a student who has started a pedicab company. The consensus of the Traffic and Parking Coordinating Committee is that we allow their operation on campus, but implement rules to ensure the safety of their passengers and those who share the roadway.
- Introduce a set of changes regarding citations and impounds as a result of changes to the collections strategy at the university:
  - Citations are no longer added to the tuition bills of students so their registration and academic progress are not affected. Transcript holds will continue to be utilized.
  - Change citation fines and wording to include the \$5 late fee by default with a prompt payment credit if paid within 10 days.
  - Add language to allow for impoundment of a vehicle if a customer has any citation that goes unpaid after 60 days. Aimed at ensuring better compliance with parking rules and provides a solid collections method.



- Retain the existing policy of 6 unpaid citations may result in impoundment, regardless of citation aging.
- Update the impoundment fee to be consistent regardless of whether the vehicle is towed or immobilized. This is consistent with many of our peer institutions who do both towing and immobilization.

#### Fees

- Also included at the end of the agenda item are the proposed fees. No fee increase is proposed.

TEXAS TECH UNIVERSITY  
AND  
TEXAS TECH UNIVERSITY SYSTEM  
TRAFFIC AND PARKING REGULATIONS  
~~2016—2017~~2017 – 2018

I. Introduction

These regulations are established by Texas Tech University in order to facilitate the safe and orderly conduct of business and to provide registered vehicles parking space as conveniently as possible within the limits of space available. Operating a motor vehicle on campus is a privilege and is conditioned, in part, on complying with these rules and regulations.

II. Applicability of State General and Criminal Laws

Article 51.201 of the Texas Education Code provides that: "All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state."

III. Authority of Board of Regents to Make Rules and Regulations

Article 51.202 of the Texas Education Code provides as follows:  
"Rules and Regulations: Penalty—

- A. The governing board or each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control including, but not limited to, the following:
8. limiting the rate of speed;
  9. assigning parking spaces and designated parking areas and their use and assessing a charge for parking;
  10. prohibiting parking as it deems necessary;
  11. removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and,
  12. instituting a system of registration for vehicle identification, including a reasonable charge.
- B. A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200."

IV. Effective Dates

The following are the regulations that apply to the University, including fee and refund schedules, and are effective ~~May 23, 2016~~May 22, 2017, through the end of the week following commencement in the following Spring Semester. Regulations, including fees and refund schedules, will renew annually on the Monday following commencement in the Spring Semester until such time as new regulations and fees are adopted.

V. General Regulations for Traffic and Parking

- A. Texas Tech is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, sex, or disability, and that equal opportunity and access to facilities shall be available to all.

- B. Due to the diverse nature of operations between the University and the Health Sciences Center campuses, it is necessary to have certain regulations that pertain to the specific institution; these are submitted separately by each institution. Following are the regulations that apply to Texas Tech University as defined in C.1 below.
- C. Definitions
8. The campus is defined as all lands owned, managed, or otherwise controlled by the University, herein called "Texas Tech".
  9. Impoundment refers to the actual towing of a vehicle or immobilizing a vehicle by means of an "Auto-Boot".
  10. A visitor is an individual with no official connection with Texas Tech as a student, faculty member, or staff member.
  11. A valid parking space is defined as an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.
  12. A shared-use path is a pathway created and signed for the simultaneous use of pedestrians and bicycle traffic.
  13. A decal is a physical permit issued for display on the vehicle. This can include stickers, hang tags, passes and receipts.
  14. An ePermit is an authorization given to an individual at the time of vehicle registration allowing them to park the registered vehicle in a designated lot, zone or space.
  15. Safe means free of hazard.
  16. Hazard means a condition or circumstance involving the chance of injury or death.
  10. Pedestrian means a person whose mode of transit is ambulation or who is defined as a pedestrian under the Americans with Disabilities Act. Examples include a person walking or using a wheelchair, self-propelled wheelchair or handicap scooter. A service animal, as distinguished from a work animal or pet, employed by a person with a disability, is granted the status of pedestrian for the purpose of these rules and regulations.
  11. Operator means a person who is not a pedestrian, as defined above, and who operates a non-pedestrian device or vehicle.
  12. Non-pedestrian device is any device, apparatus or contrivance operated as a means of transit and propelled solely by human power. Examples include bicycle, tricycle, pedal cart, velocipede, roller skate, in-line skate, skateboard and scooter.
  13. Vehicle means any device, apparatus or contrivance operated as a means of transit and propelled by means other than human power. Examples include a car, truck, motorcycle, electric cart, tractor, riding mower, forklift and motorized scooter. For the purposes of these rules and regulations, a work animal used for transit, as distinguished from a service animal, is classified as a vehicle and is subject to the requirements thereof, which as by their nature apply to an animal, including proper display of permits.
- D. Texas Tech makes every effort to provide protection for vehicles parking on campus, but cannot assume responsibility for any loss.
- E. The person to whom a vehicle is registered with Texas Tech is responsible for all violations of the parking rules and regulations. If a vehicle is not registered with Texas Tech, and a family member is a currently enrolled student, it shall be presumed that the student is the operator of the vehicle and is responsible for all violations of the parking rules and therefore subject to all Texas Tech traffic rules, policies, and penalties associated with monetary obligations owing Texas Tech.
- F. Pedestrians in crosswalks will be given the right-of-way at all times.
- G. Speed limits on campus are RADAR and/or LIDAR enforced.

- H. No person shall drive, cause or permit a vehicle to be driven on Texas Tech property at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the posted limits shall be prima facie evidence that the speed is not reasonable and prudent and that it is unlawful:

Speed Limits

1. Campus Streets: Twenty miles per hour, unless otherwise posted.
  2. Parking Lots: Ten miles per hour, unless otherwise posted.
  3. Parking Garages: Five miles per hour, unless otherwise posted.
- I. Texas Tech Police Officers are duly commissioned peace officers of the state of Texas. Upon request of a police officer of Texas Tech, any person on the campus is required to identify himself with proper identification.
- J. All thefts, accidents, or other offenses that occur on campus should be reported to the Texas Tech Police Department immediately. Accidents should be reported immediately. In accordance with State Law, vehicles involved in an accident should be moved prior to reporting the accident if they are moveable. One-vehicle accidents and inoperable vehicles must also be promptly reported. Keys or valuables should not be left in a motor vehicle. KEEP YOUR VEHICLE LOCKED AT ALL TIMES.
- K. Texas Tech is concerned about the protection of persons and property and places a high priority on striving to maintain a safe environment for students, faculty, staff, and visitors. The University cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility. With that thought in mind, a Personal Safety brochure has been prepared which contains personal safety recommendations, crime statistics, safety services and programs, as well as a list of telephone numbers to contact for help. All visitors and members of the campus community are encouraged to make themselves familiar with this information. The Personal Safety brochure is available at various locations on campus including the Personnel Office, the Texas Tech Police Department, the Center for Campus Life, and the residence halls.
- L. Chapter 46, Section 46.03, Texas Penal Code, provides that a person commits a felony offense if the person carries a firearm, illegal knife, club, or other prohibited weapon listed in Section 46.05(a) on the physical premises of an educational institution.
- M. Inoperable, damaged, or dismantled vehicles are to be reported to the Transportation & Parking Services office as soon as possible. Operators should identify their problem immediately and follow the instructions given by Transportation & Parking Services personnel.
- N. The campus is restricted for use as described in these regulations. Any vehicle in violation of the regulations or not having a valid Texas Tech parking decal properly displayed or a valid ePermit registration as directed herein may be issued a campus citation.
- O. These regulations apply to all persons who operate vehicles on Texas Tech property.
- P. The Chief of the Texas Tech Police Department, the Director of Accounting Services at the Health Sciences Centers (responsible for managing the parking function on that campus), and the Managing Director of Transportation & Parking Services on the University campus are responsible for the implementation and the just and proper enforcement of these regulations.
- Q. The parking wheel stops and curbs located all over campus are six inches tall. Many

newer and some older model vehicles have special ground effects attachments, air dams, fog/driving lights, or other attachments that reduce ground clearance under the vehicle. Driving such vehicles over the parking wheel stop or curb may cause damage to these vehicles. Drivers are urged to use caution when parking vehicles to avoid damage. Texas Tech University System assumes no responsibility in such cases.

**R. Many parking spaces located along curbs on campus face sidewalks running parallel to the curb. Drivers must ensure their vehicle does not extend over walkways causing an obstruction for pedestrians or disability access.**

## VI. Vehicle Registration and Parking Decals/ePermits

- A. In order to operate or benefit from the use of a motor vehicle on campus, each member of the Texas Tech community must obtain, in his or her name, a vehicle parking decal or ePermit. That decal or ePermit must be displayed or registered as directed below. No person may register a motor vehicle in his or her name which belongs to another student, faculty, or staff member. Violation of the Traffic and Parking Regulations is prohibited by the Student Affairs Handbook and Texas Tech policy. To benefit from the use of parking spaces designed for persons with disabilities, an eligible faculty/staff member or student **MUST** display a state issued placard or license plate **as well as a Texas Tech disability parking ePermit.**
- B. Any person giving false information when registering a vehicle is subject to appropriate disciplinary action and revocation of their motor vehicle parking decal/ePermit and related parking privileges.
- C. Access to the interior portion of the campus during the hours of 7:30am to 5:30pm, Monday thru Friday, is restricted to motor vehicles with reserved space, area reserved, vendor and visitor ePermits. **ALL OTHERS MUST STOP AT THE ENTRY STATION FOR FURTHER INSTRUCTIONS.** The interior portion of the campus is that area controlled by entry stations.
- D. Student Vehicle Registration
  - 1. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a motor vehicle on campus.
  - 2. Due to the demand for parking on campus, students are limited to one vehicle and/or one motorcycle parking ePermit.
- E. Faculty and Staff Vehicle Registration
  - 1. Faculty and staff are required to register their motor vehicles on or before the date they commence operating a motor vehicle on campus. Faculty and staff who share a motor vehicle where one is employed at the University and the other at the Health Sciences Center, must register at each campus if they intend to park at both campuses.
  - 2. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated motor vehicle for a student parking ePermit in addition to the employee's parking ePermit. If the faculty or staff member has two motor vehicles registered, and if both motor vehicles are on campus at the same time, the motor vehicle with the student ePermit must be parked in the designated student parking area and not in either the faculty or staff member's reserved space, zone or lot or in the time limit areas on campus.
  - 3. Upon termination of employment with Texas Tech, an employee's parking privileges are revoked. If the ePermit is cancelled and decal (if any) is returned to Transportation & Parking Services, the refund in effect at the time it is returned will be issued.

## F. Types of Parking Permissions

1. Traffic and parking control on the Texas Tech campus is accomplished by issuing parking ePermits or decals for specific lots, zones or spaces. Parking privileges are associated with decals (disability and some metered parking) or license plates (employee reserved and area reserved, contractor/vendor, visitor, commuter, residence hall, and metered parking). Parking privileges are issued at the discretion of Texas Tech University and may be recalled at any time.
  - a. Decals
    - i. Types of Decals
      - (a) Non-transferable Decals  
Non-transferable decals must be permanently affixed to the front windshield in the lower corner of the driver's side. All such decals are self-adhering and application in any other manner may subject the motor vehicle to ticketing. Vehicle registration is not complete until the decal is properly and completely affixed to the motor vehicle of record.
      - (b) Pay and Display Metered Parking  
In those lots controlled by meter, individuals must pay the adjacent meter. If payment is made with bills or coins, the receipt must be displayed on the dash of the vehicle with the expiration date or time visible. If payment is made with credit card by phone, the vehicle license plate number will be required during the registration process and will be used for monitoring the lot.
    - ii. All ePermits and decals are for the exclusive use of the registrant. ePermits and decals may not be sold, exchanged, given away or purchased from any person or agency other than Texas Tech University.
    - iii. All outdated Texas Tech registration decals must be removed from the motor vehicle(s) prior to installation of the current decal.
    - iv. Lost or stolen decals should be reported as soon as possible to the Texas Tech Police Department or Transportation & Parking Services. The recovery of a lost or stolen decal must be reported immediately to the Texas Tech Police Department or Transportation & Parking Services.
    - v. Replacement Decals
      - (b) Replacement for a non-transferable decal will be issued when identifiable remnants or proof of loss or destruction of the permit are provided. The replacement fee indicated in the current fee schedule will be charged for each replacement decal.
  - d. ePermits  
Certain parking permissions do not require that a decal be displayed. In those instances, the ePermit is associated with the license plate registered.
    - i. Vehicles must be parked so that the license plate is visible from the driving aisle.
    - ii. The license plate must be securely fastened to the exterior side of the vehicle facing the driving aisle in a horizontal, upright position of not less than 12 inches from the ground.
    - iii. Removable tow hitches must be removed and stored when not in use.
    - iv. No covers may be placed over the license plate that would inhibit the reflectivity of the plate.
    - v. The alphanumeric characters of the license plate must be visible and unobstructed by license plate frames or other accessories.
    - vi. Persons with parking ePermits must ensure their current vehicle is registered and associated with their ePermit. This process can be accomplished at the Transportation & Parking Services website or office.
    - vii. Persons who hold reserved space or area reserved registration ePermits may register up to three vehicles on their ePermit. Multiple vehicles on the same

ePermit do not allow for more than one motor vehicle to be on campus during the reserved period.

viii. Visitor ePermits

Visitor ePermits are provided to individuals who qualify as a visitor as previously defined in these regulations. Vehicles with visitor ePermits may utilize any visitor space on campus for the date(s) specified. In lots where multi-space meters are present, the meter fee must also be paid.

3. Residence Hall Parking

Residence hall lots are reserved for respective residence hall parking ePermit 24 hours daily when school is in session, unless otherwise posted. From 5:30pm Friday until 7:30am Monday, parking in any residence hall zone requires a valid TTU residence hall ePermit (or commuter ePermit if the holder lives in the residence halls **and is on the residence hall permit waitlist**).

- c. Decals will not be issued for residence halls parking lots. Parking ePermits for residence hall parking will be associated with the registered vehicle's license plate.
- d. The holder of a residence hall parking ePermit should use the commuter lots when space is not available in the residence hall parking lot.
- e. Motor vehicles which cannot be accommodated in the residence halls lot will be assigned to the commuter lots until the residence hall lot has available space. Oversized vehicles which cannot park in residence hall lots without impeding the flow of traffic or affecting the ability of vehicles to park near them will be assigned to the commuter lots as determined by the Managing Director of Transportation & Parking Services.
- f. A student changing residence halls or moving off campus must change his parking ePermit at the Transportation & Parking Services website or office.
- g. Residence hall parking ePermits are issued to individuals and OWNERSHIP is not transferable. Use of a residence hall ePermit by anyone other than the individual to whom it was issued is not permitted. Violation of this regulation may result in ticketing, impoundment, and loss of all vehicle registration privileges on campus, including parking, for the academic year for all parties involved.

4. Commuter Parking

Commuter parking ePermits will be issued for motor vehicles belonging to students residing off campus or to employees who desire a less expensive alternative to reserved parking.

- c. Decals will not be issued for commuter parking lots. Parking ePermits for commuter parking will be associated with the registered vehicle's license plate.
- d. Commuter parking ePermits are issued to individuals and OWNERSHIP is not transferable. Use of a commuter parking ePermit by anyone other than the individual to whom it was issued is not permitted. Violation of this regulation may result in ticketing, impoundment, and loss of all vehicle registration privileges on campus, including parking, for the academic year for all parties involved.
- e. There are three classes of commuter parking:
  - i. Commuter North (Red Lot) includes the C1 and C4 lots and a portion of the C2 and C3 lot.
    - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.
    - (b) Red Lot ePermits may also park in any west commuter lot after 2:30P.M.
    - (c) When not in use for programs and events, the C1 lot, which is leased from the City of Lubbock, will be available with the exception of the area directly south of the Auditorium and north of the Coliseum which is marked as reserved for the Auditorium/Coliseum.
    - (d) Commuter parking in the C2 and C3 lots requires an athlete designator permit and excludes areas marked as reserved or visitor parking
    - (e) On days of home football games, parking lots in the vicinity of Jones SBC Stadium are reserved for game day football parking decal holders.

**VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A VALID GAMEDAY FOOTBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.**

- (f) On days of home baseball games, the C3 lot west of Dan Law Field is reserved for game day baseball parking decal holders. **VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A VALID GAMEDAY BASEBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.**
- ii. Commuter West (Blue Lot) includes the C10, C11, C12, C13, C14, C15, C16 and C17 lots located north and west of the United Supermarkets Arena.
  - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.
  - (b) Blue Lot ePermits may park in any north commuter lot after 2:30P.M.
  - (c) Parking in certain commuter lots adjacent to the United Supermarkets Arena is prohibited on days of home basketball games beginning four hours prior to game time (this includes lots west of Indiana Avenue) as indicated by signage. This area is reserved for holders of special Athletics basketball parking decals. **VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A SPECIAL ATHLETICS BASKETBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.**
  - (d) Certain lots designated by signage must be vacated by 5:30 P.M. on Fridays before home football games. Typically, this includes the C13, C15 and a portion of the C16 lots. These areas are reserved for football game tailgate permit holders. **VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A SPECIAL ATHLETICS FOOTBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.**
  - (e) Overnight parking in the R37 lot and C11 lot near the United Supermarkets Arena service ramp is not permitted. Individuals should carefully observe signage in the lot if parking overnight.
- iii. Commuter ICC (Pink Lot) includes the C21 and C22 lots located at the International Cultural Center.
  - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.
  - (b) Pink Lot ePermits may park in any north or west commuter lot after 2:30P.M.
- iv. Commuter Satellite (Green Lot) includes the S1 lot located at 10<sup>th</sup> Street and Texas Tech Parkway.
  - (a) Off-campus students who cannot be accommodated in the north or west commuter parking lots will be assigned to the satellite lots until the commuter lots have available space. Satellite ePermits will be honored in the other commuter lots after 2:30P.M.
- d. Only HSC commuter students may register their vehicles at the HSC Traffic and Parking Office. Those students who have a TTU parking ePermit and need to park at TTUHSC may obtain a designator tab at the Transportation & Parking Services office. The designator will alert TTUHSC parking personnel that the individual has a parking ePermit.
- 4. Reserved Space Parking
  - a. Reserved parking spaces are assigned to faculty and staff as space is available. Any space remaining after the needs of the faculty and staff are met will be available for assignment to part-time instructors, graduate teaching assistants, and graduate research assistants who hold contracts for one-half time or more. Such assignments may be revoked as necessary to accommodate regular faculty and staff requirements. Reserved spaces are only available on a twelve-month basis.
  - b. Decals will not be issued for reserved spaces. Parking ePermits for reserved space parking will be associated with the registered vehicle's license plate(s).



The space is reserved from 7:30 A.M. to 5:30 P.M., Monday through Friday, unless otherwise indicated. Additionally, in certain designated faculty/staff reserved lots, a limited number of parking spaces are reserved after these hours until 11:00 P.M. for use by any reserved space or area reserved ePermit holder.

- c. Certain residence hall staff living in the residence halls may be assigned spaces that are reserved 24 hours daily.
- d. If it is necessary to displace the registrant of a reserved space to an area reserved space for two weeks or more, a partial refund may be issued. (The refund will be equal to the difference between a reserved space and an area reserved space for the affected time period.)

#### 11. Area Reserved Parking

Area reserved parking spaces are available to qualified faculty and staff, as set forth above, in certain designated parking lots. Decals will not be issued for area reserved lots. Parking ePermits for area reserved parking will be associated with the registered vehicle's license plate(s). Motorcycle areas will not be provided in all area reserved lots; however, motorcycles will be allowed to park in these lots with the proper ePermit. Area reserved ePermit holders should overflow to commuter lots or as instructed by entry station personnel if all available area reserved spaces in their assigned lot are taken. Area reserved parking is reserved from 7:30 A.M. to 5:30 P.M., Monday through Friday, unless otherwise indicated. Faculty and staff with reserved permissions may park in commuter lots but not residence hall lots, including summer sessions.

- a. On days of United Supermarkets Arena Events, parking in the R37 lot is reserved for disability placard holders and 24 hour reserved space ePermit holders up to 4 hours prior to the event start time. Employees with valid R37 permits must relocate to an alternate lot as directed by Transportation & Parking Services.  
**VEHICLES PARKED IN THIS LOT NOT DISPLAYING A VALID DISABILITY PLACARD OR RESERVED SPACE ePERMIT MAY BE TOWED AT THE VIOLATOR'S EXPENSE.**
- b. Overnight parking in the R37 lot and C11 lot near the United Supermarkets Arena service ramp is not permitted. Individuals should carefully observe signage in the lot if parking overnight.

#### 12. Green Vehicle Parking

Green vehicle parking is available in some area reserved parking locations. To utilize green vehicle parking, permit holders must obtain a "green vehicle certification" in addition to an ePermit for the desired parking area. In order to be certified as green, a vehicle must meet current American Council for an Energy-Efficient Economy Green Book requirements or be a part of an active carpool. Vehicles parked in green parking spaces must have a current ePermit for the lot plus a certified green vehicle permission. Green vehicle parking is reserved the same hours as other spaces in the lot. Green parking reserved hours are indicated by signage. If all green vehicle parking is taken in the lot, permit holders with green parking permissions may park in their regularly assigned spaces.

#### 13. Garage Parking

Spaces are provided in the Flint Ave. Parking Facility for faculty, staff and students. Both reserved and area reserved ePermits are provided for faculty and staff on a limited basis. A limited number of student ePermits are available on a first-come first-served basis. All ePermits will be issued according to the guidelines set forth above. Garage reserved and area reserved parking is reserved 24 hours daily when class is in session, unless otherwise indicated. Oversized vehicles which cannot park in the garage without impeding the flow of traffic or affecting the ability of vehicles to park near them will be assigned to other lots as determined by the Managing Director of Transportation & Parking Services.

#### 14. Disability Parking

Persons with disabilities may be issued disability access parking permissions designed to assist them in campus mobility. Parking in spaces reserved for persons with disabilities requires the correct TTU **ePermit decal** and the appropriate state-issued placard or license plate. General rules for vehicle registration still apply; refer to Section VI.E.1 in the main section of the Regulations. Vehicles **registered with displaying** valid TTU disability **ePermits decals** must park in designated disability spaces. If all disability spaces in a lot are taken, the vehicle may be parked only in the following areas, which are listed in priority order:

- a. Visitor space
  - b. Time limit space
  - c. Area Reserved space
9. Motorcycle Parking
- a. Motorcycle ePermits allow parking of motorcycles or mopeds in designated two-wheel areas. Decals will not be issued for motorcycle parking areas. Parking permissions for motorcycle parking will be associated with the registered vehicle's license plate. Motorcycles are not permitted on the interior of the campus unless registered by a faculty or staff member who parks in a reserved or area reserved parking space. Mopeds and motorcycles may not park in bicycle racks.
  - b. Motorcycles and mopeds must be parked in areas designated for parking of such vehicles. Motorcycles and mopeds are not permitted to park in time limit areas unless they have a current reserved or area reserved ePermit.
  - c. Scooters that are not required by state law to obtain vehicle registration and inspection are not required to obtain a parking ePermit and are not allowed to park in motorcycle or vehicle parking spaces. Individuals operating such scooters on campus must adhere to the regulations pertaining to bicycles.
10. Summer School Parking
- a. Summer school ePermits are issued following the same guidelines previously defined for commuter parking.
  - b. Drivers who have a valid summer school parking ePermit may utilize residence hall and commuter parking lots.
- G. Texas Tech University Health Sciences Center Permits
1. Persons who hold Health Sciences Center **Lubbock campus** registration decals and are assigned to that campus' Reserved or Area Reserved spaces may also park on the University campus in Visitor, Time Limit and Park and Pay spaces. TTUHSC employees must ensure their current vehicle registration information is on file with the TTUHSC Parking Services office. Enforcement of TTUHSC parking on campus will be done by license plate and a citation may be issued if the vehicle is not properly registered. University Reserved and Area Reserved ePermits will be honored in Health Sciences Center Patient and Visitor parking spaces. Parking is restricted to use in the individual's capacity as an employee which does not include attending class as a student. Use of Health Sciences Center decals by University employees is not allowed.
  2. Persons who hold Health Sciences Center **Lubbock campus** registration decals and are assigned to that campus' student parking may also park on the University campus in any commuter lot. TTUHSC students must ensure their current vehicle registration information is on file with the TTUHSC Parking Services office. Enforcement of TTUHSC parking on campus will be done by license plate and a citation may be issued if the vehicle is not properly registered.
  3. Persons who hold University commuter and residence hall ePermits may also park in Health Sciences Center **Lubbock campus** student parking. The TTUHSC student parking is controlled with a decal rather than license plate. A decal is available in the Transportation & Parking Services office for University parking ePermit holders who also need to park at the TTUHSC. This decal is available at no additional cost.

I. Metered Parking

Certain lots are controlled by parking permissions until 8:00 P.M.; for those who don't already have a parking permission, an hourly ePermit is available at an adjacent pay station. Other TTU parking permissions are not honored in these areas prior to 5:30 P.M. Signage should be carefully observed, as some spaces remain reserved after 5:30 P.M. Park and Pay spaces will be managed according to TTU OP78.06.

J. Visitor and Time Limit Parking

4. Visitors are welcome to the campus and special parking areas are set aside for them. Visitor ePermits are required throughout the University campus during the hours of 7:30 A.M. to 8:00P.M., Monday through Friday, excluding University holidays. Visitor permissions may be obtained at any entry station.
  - a. Visitors' motor vehicles parked in areas not designated for visitor parking are subject to receiving a campus citation and being impounded at the owner's expense.
  - b. Use of outdated or altered visitor ePermit is prohibited.
  - c. There are charges for parking in visitor areas. Notification will be posted at the entrances to these lots. The fee for parking in these lots can be found in the current *Parking Fees and Refunds Schedule*.
  - d. Departments wishing to purchase parking for visitors to campus may do so by contacting the Manager of Event and Guest Relations at Transportation & Parking Services to obtain a pre-paid parking decals or ePermits.
5. Designated time limit parking areas are enforced from 7:30 A.M. to 5:30 P.M., Monday through Friday, unless otherwise posted.
6. Overnight parking in the R37 lot and C11 lot near the United Supermarkets Arena service ramp is not permitted. Individuals should carefully observe signage in the lot if parking overnight.
7. Advance parking of vehicles by patrons at event venues on campus is prohibited. Unauthorized, unattended vehicles may be impounded.
8. There are charges for parking at events on campus. Fees are determined by event based on factors including, but not limited to, location, time of event, attendance, parking demand, transportation requirements, traffic impact, and type of event. Charges, purchase instructions, and information will be provided prior to each event through the Transportation & Parking Services website, press releases, and signage.

J. Service and Vendor Vehicle Parking

It is recognized that university and contractor/vendor vehicles are required to transport personnel and materials to work sites on the campus. While it is not the intent of these regulations to hinder workers in the performance of their duties, property damage and unsafe conditions frequently occur on campus as a result of drivers ignoring parking regulations. Service and contractor/vendor motor vehicles found to be blocking a street or creating a hazard may be cited and impounded.

1. Service Vehicle Parking

- a. Small utility vehicles operated on campus must comply with University OP 80.07 "Vehicle Fleet Management Program". Designated service vehicle parking areas are enforced 24 hours, daily, unless otherwise posted.
- b. Movement of heavy equipment and supplies to buildings will be accomplished from the street or service drive, if possible. If not possible, the individual responsible for moving, loading, hauling, etc., will contact the Grounds Maintenance Department to obtain routing information to ensure protection of lawns, sidewalks, bricked areas, ramps, sprinkler systems, etc.
- c. Parking partially in the street and partially on a walk/curb is prohibited. Vehicles will be parked parallel and adjacent to the curb if street parking is necessary.
- d. Damage resulting from vehicles traversing lawns, sidewalks, bricked areas, etc., will be repaired by Grounds Maintenance. All repair costs will be charged to the university department or vendor/ contractor responsible for such damage if circumstances warrant.

- e. Blocking doorways, sidewalks, disability access, and fire lanes is prohibited.
  - f. University service vehicles may be parked only in the following areas, which are listed in priority order:
    - i. Service area/drive (must be used if the building has one)
    - ii. Time limit space
    - iii. Visitor space
    - iv. On-street where not bicycle lane is present (coordination with parking enforcement required)
2. Vendor Parking  
Vendor vehicles and delivery vehicles will be directed to the appropriate service area or drive by entry station or parking enforcement personnel. Vendor vehicles may be parked only in the following areas which are listed in priority order (depending on the access granted by the parking ePermit):
- a. Service area or service drive MUST be used if the building has one.
  - b. Time limit space
  - c. Visitor space
  - d. On-street parking where no bicycle lane is present.
3. Construction Contractor Parking
- a. Parking space for construction contractor vehicles will be designated by the Managing Director of Transportation & Parking Services or by the contracting department (i.e., Building Maintenance, Grounds Maintenance, etc.) on the University campus.
  - b. Construction contractor vehicles will be registered and obtain an ePermit, issued by Transportation & Parking Services, on each vehicle which is parked on University property.

## IX. Bus Service

The University provides a bus service to assist persons with their on-campus transportation needs. Bus service is provided Monday through Friday when school is in session. Limited service is available on the weekends. Buses are kneeling and lift-equipped to accommodate persons with disabilities. Additional information about hours of operation and routes is available in the Student Government Association office or website at [www.sga.ttu.edu](http://www.sga.ttu.edu).

## X. Use of Non-Pedestrian Devices

### A. Skates and Skateboards

On the campus of Texas Tech (as defined in Section V.C.1 of these regulations):

1. No person may skate or use a skateboard
  - a. on or in any University building, structure, stairway, elevated sidewalk, access ramp, step, retaining wall, handrail, mall, bench, fountain area or other architectural element;
  - b. on or in planting areas, grass areas or seeded areas;
  - c. on streets open for vehicular traffic;
  - d. where prohibited by sign, by police officer, or where otherwise prohibited by law; or,
  - e. in a manner that is incompatible with the flow of vehicular or pedestrian traffic.
2. No person may use a skateboard in such a way that it is:
  - a. not under the control of the user, or
  - b. operated in an unsafe manner.
3. No person who is skating or using a skateboard may fail to yield the right-of-way to
  - a. a pedestrian;
  - b. a bicyclist;
  - c. a motor vehicle; or
  - d. a wheelchair or other device designed for the transport of persons with

disabilities.

Pursuant to Section 51.202, Texas Education Code, a person who violates any provision of this regulation is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.

B. Bicycles

12. Bicycles may be operated on campus only if such operation is safe and complies with established University policies and state laws.
13. Bicycles may only be parked in designated racks. Use of shrubs, trees, or any architectural structures to secure bicycles is prohibited. Bicycles are not permitted in Texas Tech academic or administrative buildings. Any bicycle found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX)
14. Routes
  - a. A walkway may only be used by pedestrians. Examples include a breezeway or any walkway that runs in front of the external door to any building.
  - b. A traveled way may be used by pedestrians and bicycle operators. A traveled way is any way, area, or region, other than a campus street, where bicycles are permitted to be operated or parked. Examples include a campus sidewalk, parking lot, service drive and loading bay, unless designated otherwise. Note: While a parking garage is a traveled way, operation of a bicycle is prohibited in a parking garage, excluding officers of the Texas Tech Police Department and Transportation & Parking Services.
  - c. A campus street may be used in a manner consistent with State law.
  - d. Any sidewalk that runs parallel to a street with a designated bike lane may not be used by a bicycle operator. Operators must use the provided on-street bike lane or dismount their bicycle.
15. A person may operate a bicycle on a traveled way of campus if and only if all rules controlling such operation are observed. Traffic control devices, including designated areas, zones, signage and signals are part of the rules controlling operation of bicycles and must be observed. Certain areas of campus with high levels of pedestrian traffic are signed as dismount zones during specified time periods. Operation of a bicycle on these marked traveled ways is prohibited during the times posted.
16. Bicycle operators may use a traveled way or campus street only for the purpose of simple transit. Simple transit is defined as the minimum actions necessary to safely convey a person or goods from one place to another via a transit route of the campus in a manner consistent with the regulations. Stunts, tricks, feats of skill, acrobatics and "extreme" sports activities are not simple transit and therefore are violations of the regulations.
17. A bicycle operator must immediately comply with any instruction relevant to the operation of a bicycle given by a police officer.
18. Right of Way
  - a. Each operator shall yield the right of way to all emergency personnel.
  - b. Each operator shall yield the right of way to any pedestrian.
  - c. Each operator shall yield the right of way to any other operator of a bicycle as necessary to ensure safe, courteous transit.
19. A bicycle operator will bear to the right side of any traveled way as necessary to ensure safe, courteous transit unless preparing to turn left at an intersection.
20. The maximum speed at which a bicycle may be operated on a traveled way or campus street shall not exceed that which is reasonable and prudent for the conditions at the time or that which creates a hazard to any person or property. In no case shall that speed exceed 10 miles per hour on any traveled way or 20 miles per hour on any campus street. Note: 2.5 mph is approximately the speed of an average

- pedestrian walking under fair conditions.
21. Bicycle registration is encouraged and conducted free of charge at the Transportation & Parking Services website or office.
  22. Any bicycle or locking device deemed abandoned at residence hall bike racks at the end of the spring semester or at any point during the year at other campus buildings may be considered abandoned and may be properly disposed of through established university procedures. A bicycle is considered abandoned when it has not been operated for 30 days. Abandonment impounds in residence hall bike parking areas are conducted once a year ~~30-45 days after~~ following the end of the spring semester and throughout the year at all other bike parking areas on campus.
  23. A bicycle parked on Texas Tech property will be subject to impoundment if it is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days. A bicycle will be deemed inoperable if any of the following apply:
    - a. Flat or missing tire.
    - b. Missing or disengaged chain.
    - c. Missing pedals.
    - d. Bent or damaged wheel rims.
    - e. Broken brake devices.
    - f. Broken or disengaged cables.
- C. Passenger transportation by non-pedestrian devices
12. Non-pedestrian devices used to transport one or more passengers (including but not limited to pedicabs and rickshaws) may be operated on campus only if such operation is safe and complies with established University policies, local ordinances, and state laws. This includes permits required by the City of Lubbock vehicle for hire ordinance.
  13. Devices may only be parked in designated bicycle racks, provided they do not obstruct sidewalks or other pedestrian paths. Use of shrubs, trees, or any architectural structures to secure devices is prohibited. Devices are not permitted in Texas Tech academic or administrative buildings. Any device found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX)
  14. Devices may only be operated on campus streets and parking lots in a manner consistent with State law. Devices may not be operated on any sidewalk, other pedestrian path or in a marked bike lane on street.
  15. An operator must immediately comply with any instruction relevant to the operation of a device given by a police officer.
  16. Right of Way
    - a. Each operator shall yield the right of way to all emergency personnel.
    - b. Each operator shall yield the right of way to any pedestrian.
    - c. Each operator shall yield the right of way to any operator of a bicycle as necessary to ensure safe, courteous transit.
  17. The maximum speed at which a device may be operated on a campus street shall not exceed that which is reasonable and prudent for the conditions at the time or that which creates a hazard to any person or property. In no case shall that speed exceed 10 miles per hour in any parking lot or 20 miles per hour on any campus street. Note: 2.5 mph is approximately the speed of an average pedestrian walking under fair conditions.
  18. Any non-pedestrian device or locking device deemed abandoned at bicycle racks may be considered abandoned and may be properly disposed of through established university procedures. A device is considered abandoned when it has not been operated for 30 days. Abandonment impounds in are conducted throughout the year at bicycle parking areas on campus.

## IX. Enforcement, Violations, and Sanctions

- D. Parking is governed by markers and traffic signs. Parking is permitted only in areas clearly identified for parking.
- E. The absence of “No Parking” signs does not imply that parking is allowed. Street parking is prohibited except where signs indicate parking is permitted.
- F. All curb ramps on campus are part of accessible routes for disabled persons. Blocking of any ramp is not permitted.
- G. The following illegal parking acts may result in a citation being issued:

Violation	Fine
**1. Parking in non-designated areas.	<del>\$25.00</del> \$30.00
2. <del>Decal not properly installed</del> / License plate <del>not properly installed or</del> visible <del>to driving aisle.</del>	<del>40.00</del> 15.00
**3. Parking in a fire lane.	<del>50.00</del> 55.00
4. Failure to remove expired decal(s).	<del>20.00</del> 25.00
**5. Parking in a no parking or tow away zone.	<del>25.00</del> 30.00
**6. Parking in service vehicle spaces, service drives, or access drives.	<del>20.00</del> 25.00
**7. Unauthorized parking in reserved parking spaces.	<del>50.00</del> 55.00
**8. Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container, building entrance or exit.	<del>25.00</del> 30.00
**9. Parking overtime in a time limit zone.	<del>20.00</del> 25.00
**10. Parking a bicycle in violation of these regulations.	<del>40.00</del> 15.00
11. Parking a motor vehicle beyond the lines of a parking space.	<del>20.00</del> 25.00
13. Parking on wrong side of street facing oncoming traffic.	<del>20.00</del> 25.00
**14. Parking without a valid permission.	<del>25.00</del> 30.00
**15. Parking a motor vehicle upon any unmarked (including turf) or unimproved ground which has not been designated for parking.	<del>75.00</del> 80.00
**16. Parking in a space or area designated for persons with disabilities without the proper insignia.	200.00
**17. Blocking an access ramp or curb cut designed to aid persons with disabilities.	200.00
**18. Display or use of a lost, stolen, forged, <del>revoked</del> obstructed, or altered <del>decal</del> or license plate. Such violation may result in the responsible party/parties being referred to the appropriate office for disciplinary action which may include loss of parking privileges for the remainder of the academic year.	Up to 200.00
**19. Other parking violations as defined on the face of the citation.	<del>20.00</del> 25.00
20. Failure to update license plate / transfer permission(s)	<del>40.00</del> 15.00
21. Failure to pay Pay Station.	<del>20.00</del> 25.00
<b>**Impoundable Offenses</b>	

- H. In the state of Texas, motorcycles, mopeds, and bicycles are subject to the same rules and regulations as automobiles. Operators are subject to a moving violation, to be adjudicated in a court of competent jurisdiction as provided in the Texas Education Code, Article 51.208, for failing to comply with Texas Motor Vehicle Laws and these Regulations. Examples of the most common bicycle violations are:
  1. Riding on walkways or other prohibited areas
  2. Failing to stop at stop signs and red lights
  3. Failing to yield right-of-way to pedestrians in crosswalks
  4. Operating bicycle without proper lights and reflectors when required
  5. Failing to drive on the right side of the roadway

**The maximum fine for violation of these STATE LAWS is \$200.00.**

I. Moving Violations



1. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state, Article 51.201, Texas Education Code. All violations as set forth above may be adjudicated in a court of competent jurisdiction as provided in the Texas Education Code, Article 51.208.
2. It shall be unlawful for any person to drive, operate, push, park, or leave standing a motor vehicle on any area of the campus not designated for driving such a motor vehicle.
3. It shall be unlawful for any person to drive by, through or beyond a barricade or roadblock that is lawfully erected.
4. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control, or regulate traffic.

J. Resolving Citations

Citations for parking violations may be resolved in one of the following ways:

1. Pay the stated fine for each citation. If payment is not received within ten (10) calendar days, an additional a \$5.00 charge prompt payment credit will be assessed applied to the citation. Citation payment information can be found on the Transportation & Parking Services website at [www.parking.ttu.edu](http://www.parking.ttu.edu).
2. Appeal the citation in writing, within ten (10) calendar days of the alleged violation, through the individual designated as the supervisor of parking appeals for University violations.
  - a. The parking citation appeals process is intended to provide an objective process for the presentation of factual information regarding the receipt of a parking citation. There must be substantial and valid evidence that the parking violation was not committed, or that it occurred due to circumstances beyond the appellant's control. Valid documentation of the evidence must be provided when the appeal is submitted. Reasons considered as frivolous and not valid as a basis for appeal include:
    - i. Lack of knowledge of the regulations;
    - ii. Other vehicles were parked improperly;
    - iii. Only parked illegally for a short period of time;
    - iv. Stated failure of parking officer to ticket previously for similar offenses;
    - v. Late to class or appointment;
    - vi. Inability to pay the amount of the fine;
    - vii. No other place to park.
  - b. Citation appeals must be submitted on line. Appeal information can be found at [www.parking.ttu.edu](http://www.parking.ttu.edu). For those who do not have access to the internet, appeals terminals are available at Transportation & Parking Services.
  - c. For the first two appeals submitted during a permit year, the fine and late fee assessments against the appealed citation will be suspended until a ruling is made. Upon filing the third and subsequent appeals during a permit year, the fine indicated on the citation must be paid at the time of appeal. This becomes bond until a final ruling is made on the appeal. An appropriate refund will be issued when the citation is dismissed or reduced. If either of the first two appeals are upheld (citation dismissed), they will not be counted against the total number of appeals for the permit year.
  - d. The President shall provide equitable and efficient appeals processes through the establishment of Parking Violation Appeals Committees. Written appeals will be provided to the appropriate Appeals Committee when there is a significant dispute over facts or major extenuating circumstances.
  - e. A final appeals hearing may be provided should an individual wish to contest the findings of the Parking Violation Appeals Committee. The Hearings Officer will be appointed each year by the Law School Student Bar Association. Individuals appearing before the Hearings Officer must bring any supporting documentation and a copy of the current rules and regulations. The decision of the Hearings



Officer is final and no further appeals will be provided.

3. After a period of ten (10) days from the date of issuance of the citation or from the date of final determination of an appealed citation, citations not resolved through Transportation & Parking Services will be overdue. Overdue citations may subject the permit holder's motor vehicle(s) to impoundment and removal of the parking ePermit(s). Overdue citations ~~may be applied to a student's tuition statement if they remain unresolved or~~ may result in ~~restriction of subsequent academic registration and~~ withholding of a student's transcript until such time as the obligation is satisfied. Parking and these restricted services may be restored when all overdue citations have been resolved. At the discretion of Texas Tech, overdue citations may be adjudicated in a court of competent jurisdiction in accordance with Article 51.208 of the Texas Education Code.
  
- K. Notice of violation for motor vehicles without permits and returned notices of violation will be sent to the address on file with the Texas Department of Transportation, Division of Motor Vehicles.
  
- L. Six valid violations of the Traffic and Parking Regulations in the academic semester or summer term may result in ~~vehicle impoundment and/or~~ revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year or summer term.
  1. All citations must be resolved before any parking privileges are restored.
  2. The revocation period shall commence with the ~~return of the registration decal(s) to Transportation & Parking Services and/or cancellation~~ deactivation of the parking ePermit.
  
- M. Impounding Vehicles
  1. Any citation remaining unpaid after 60 days may result in vehicle impoundment.
  2. Six unpaid violations of the Traffic and Parking Regulations may result in vehicle impoundment.
  3. Vehicles belonging to individuals with ten or more valid violations of the Traffic and Parking Regulations within the academic semester or summer term are subject to impoundment on each subsequent violation, regardless of the type of violation.
  4. Impoundment may be accomplished either by towing or through use of an immobilization device ~~by use of an auto boot.~~
  5. When a vehicle has been impounded it will be necessary for the operator of the vehicle to contact the Texas Tech parking dispatcher for release. Prior to the release of the impounded vehicle, satisfactory arrangements for payment shall be made.
    - a. The impoundment fee ~~for towed vehicles~~ will be a \$15 administrative fee plus the current towing contract rate. ~~amount charged by the towing company.~~ This amount may vary depending on the vehicle impounded and the current wrecker service contract. Current impoundment charges can be found at the Transportation & Parking Services office or web site.
    - b. ~~The impoundment fee for booted vehicles will be \$40.~~
    - c. **THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION.**
    - d. Vehicles impounded will be charged storage at the rate of \$6.00 per day, including tax, commencing 72 hours after impoundment.
    - e. The maximum storage fee to be charged is \$130.00 per month, including tax.
  6. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver the impoundment fee less the \$15 administrative fee (payable in a manner acceptable to the towing company) in lieu of impoundment.
  7. If a motor vehicle or bicycle is parked on Texas Tech property and is not moved for a

period of 30 days, Texas Tech may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the manner prescribed by law. This includes those motor vehicles which have a valid registration permit.

8. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall be permitted to be stored or parked on the campus without permission from Transportation & Parking Services. Such property or vehicles are subject to impoundment.
9. A motor vehicle parked on Texas Tech property will be subject to impoundment if any of the following apply:
  - a. It does not have attached to it an unexpired license plate and a valid vehicle inspection certificate as required by state in which it is registered.
  - b. It is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days.

**Texas Tech University  
Projected Parking Fees  
FY 2016 - FY 2019**

	<b>Current Number of Spaces</b>	<b>Fall 2016 Active Permits</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>SURFACE PARKING</b>			0%	5%	0%	5%	3%
Visitor/Metered Space	2,011		\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Surface Space Res.	160	129	\$826	\$867	\$867	\$910	\$937
Faculty/Staff - Surface Area Res.	4,724	4,146	\$243	\$255	\$255	\$268	\$276
Student - Surface Commuter North	1,859	2,968	\$150	\$158	\$158	\$166	\$171
Student - Surface Commuter West	2,328	3,869	\$132	\$139	\$139	\$146	\$150
Student - Surface Commuter Satellite	1,497	2,469	\$40	\$42	\$42	\$43	\$44
Student - Surface Residence Hall	4,992	4,795	\$244	\$256	\$256	\$269	\$277
Summer Student - Surface	10,585	3,148	\$81	\$85	\$85	\$89	\$92
Two-Wheel	101	113	\$80	\$84	\$84	\$88	\$91
<b>GARAGE PARKING</b>							
Visitor/Metered Space	212		\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Garage Space Res.	31	31	\$1,238	\$1,300	\$1,300	\$1,365	\$1,406
Faculty/Staff - Garage Area Res.	140	161	\$638	\$670	\$670	\$704	\$725
Student - Garage Area Res.	385	541	\$639	\$670	\$670	\$705	\$726
Summer Student - Garage	385	114	\$213	\$224	\$224	\$235	\$242
Leased Garage (RaiderPark)	1,000	1,202	\$132	\$139	\$139	\$146	\$150

Refunds are prorated weekly based on the start and end dates of the term.

# **ATTACHMENT**

# **2**

Finance & Administration Committee  
Item 3

**Rawls Golf Course at Texas Tech University  
And Troon Golf, LLC June 1, 2017 Agreement – Executive Summary**

**RAWLS GOLF COURSE AT TEXAS TECH UNIVERSITY  
AND  
TROON GOLF, LLC**

JUNE 1, 2017 AGREEMENT – EXECUTIVE SUMMARY

**HISTORY**

Between 2001-2003, Texas Tech University constructed the Rawls Golf Course, with the financial help of a major gift from Jerry S. Rawls. The Course was originally managed completely by University employees. Because of a number of consistent years of significant financial losses (totaling approximately \$2.5M), the decision was made to issue an RFP for course management, and Troon Golf was chosen in 2009.

The original agreed upon length of the agreement was four years, and two subsequent two-year approved renewals have taken the partnership through its term (ending in 2017).

**NEW AGREEMENT**

A new Request for Proposal (RFP) was issued in the Spring of 2017 for management of the Rawls Course. Troon was again selected as the most qualified and capable company for providing management services by the selection committee.

The major financial terms of this partnership are outlined below, with both the terms in the ‘old’ agreement and proposed ‘new’ agreement:

<b>Section</b>	<b>Old Agreement</b>	<b>New Agreement</b>
Base Management Fee	\$100,000 flat fee	3.5% of Gross Revenues
Incentive Management Fee	20% of first \$100k of NOI for FY; 5% of NOI in excess of \$100k	<i>No Change</i>
Capital Replacements	As needed; introduced in Annual Plan	Required 1.5% of Gross Revenue to be allocated to separate fund; owner approves each expenditure
Term	4 years, plus 2 optional two-year renewals	4 years, plus 8 optional one-year renewals
<i>Optional</i> Sales and Marketing Services	If elected by TTU, fixed fee to be agreed upon	If elected by TTU, fixed fee to be agreed upon (capped)
<i>Optional</i> Shared Accounting Services (old)/Shared Services (new)	\$18,745 annually; updated each Annual Plan (added in Amendment #1)	\$21,500 annually <u>and</u> fixed fee for retail manager of \$7500

The **Base Management Fee** for FY2016 based on the new agreement's terms would have been approximately \$85,067. No **Incentive Management Fee** would have been paid to Troon, as Net Operating Income (NOI) was below \$0.00.

Up to this point (eight years), Troon has only expensed funds for **capital improvements** for minor repairs and maintenance of the facility and equipment. No reserve has been established, nor has approval been given to expend for any major capital improvements. The new agreement calls for a required 1.5% of each month's Gross Revenues to be reserved towards more significant capital improvements to the Course.

# ATTACHMENT

# 3

Finance & Administration Committee  
Item 11

TTUS Investment Policy Statement, Long Term Investment Fund  
with proposed revisions

**Texas Tech University System**  
**INVESTMENT POLICY STATEMENT**  
**Long Term Investment Fund**

***Dates Approved or Amended:***

- Initial adoption of policy statement.....02-26-2010*
  - Sec. 13.2.a amended & Schedule C added.....02-25-2011*
  - Sec. 15.1.c, 15.3.a-b & 15.5.a amended.....12-16-2011*
  - Sec. 11.2.a & 11.2.d + Schedule A amended ....03-02-2012*
  - Comprehensive review/amendments .....08-08-2014*
- 

**Section 0 Definitions.**

- 0.1 “Board” — Board of Regents, Texas Tech University System.
- 0.2 “CIO” — Chief Investment Officer of the Texas Tech University System.
- 0.3 “Foundation” — Texas Tech Foundation, Inc.
- 0.4 “IAC” — Investment Advisory Committee.
- 0.5 “LTIF” — Long Term Investment Fund.
- 0.6 “NAV” — Net Asset Value.
- 0.7 “SEC” — Securities and Exchange Commission.
- 0.8 “SITIF” — Short/Intermediate Term Investment Fund.
- 0.9 “TTUS OI” — Office of Investments, Texas Tech University System.
- 0.10 “TTUS OI employees” — the Chief Investment Officer and the Investments Manager.
- 0.11 “TTU system” or “TTUS” — Texas Tech University System.
- 0.12 “TTUS VC and CFO” — the Vice Chancellor and Chief Financial Officer of the Texas Tech University System.
- 0.13 “UPMIFA” — Uniform Prudent Management of Institutional Funds Act.



## **Section 1 Introduction.**

This policy statement shall guide the investment of endowment and long-term institutional funds of the TTU system. This policy statement is issued for the guidance of the IAC, TTUS IO, consultants, and investment managers. This policy statement is intended to set forth an appropriate set of goals and objectives for the LTIF and to define guidelines within which the investment managers may formulate and execute their investment decisions.

## **Section 2 Endowment Funds.**

Endowment funds are funds given to the TTU system with a donor-imposed restriction that the corpus is not to be expended but is to be invested for the purpose of producing earnings returns on invested capital. Endowment funds may also include: term endowment funds for which the donor stipulates that the principal may be expended after a stated period or upon the occurrence of a certain event; and funds functioning as endowments (quasi-endowments). A quasi-endowment fund is a fund established by the Board to function like an endowment fund, which may be totally expended at any time at the discretion of the Board.

## **Section 3 Funds Functioning as Endowments.**

The Board delegates to the Chancellor, or the Chancellor's designee, the authority to establish a quasi-endowment fund when such a fund totals less than \$250,000.

## **Section 4 Investment of Non-Endowment Institutional Funds in the LTIF.**

Institutional funds are defined in Section 51.002, *Texas Education Code*, as amended or modified. In this policy statement, long-term institutional funds are all non-endowment institutional funds approved by the Board, for investment purposes, for inclusion in the LTIF.

## **Section 5 Fiduciary Responsibility.**

The Board recognizes its fiduciary responsibility to comply with the restrictions imposed by the donors of endowment funds. The Board acknowledges its legal responsibility to ensure that the management of endowment and other institutional funds is in compliance with state law, including the UPMIFA, per Section 163, *Texas Property Code*, as amended or modified.

## **Section 6 Management Procedures.**

6.1 No endowment or other institutional fund shall be considered for management under this policy unless it is under the sole control of the Board, with full discretion as to

investment of principal and expenditure of funds eligible for distribution. Although certain assets of the Foundation are invested in the ~~LTIF~~LTIF, the Foundation's Board of Directors and its officers are legally responsible for the management and control of those assets. The Vice Chancellor for Institutional Advancement shall ensure there are no donor-imposed restrictions preventing the use of the LTIF. Funds excluded from consideration under this policy statement will be invested in the SITIF, or, if instructed by the donor and approved by the Board, will be managed and safeguarded in their original form.

- 6.2 The LTIF is the TTU system's commingled endowment/institutional fund. The LTIF shall be unitized and each new endowment gift added to the fund shall receive units in the fund based upon the market value of the gift and the NAV of the fund at the latest month-end preceding the date the gift is added to the fund. The NAV will be calculated as the month-end market value of the LTIF divided by the number of outstanding units in the LTIF. Earnings determined under the policy statement's spending policy shall be calculated on a unit basis for distribution purposes.
- 6.3 Professional services (investment managers and advisors) deemed appropriate for the management and investment of the fund may be retained. All investment managers and advisors who are required to be registered under the Investment Advisors Act of 1940 shall provide the most recent Form ADV filed with the SEC.

## **Section 7 Long-term Institutional Funds Authorized Withdrawal.**

Upon the approval of the TTUS VC and CFO and the appropriate Chief Fiscal Officer of the TTU system, long-term institutional funds may be withdrawn from their investment in the LTIF. This withdrawal/reallocation will be made one year from the date of approval by the TTUS VC and CFO. The dollar amount of the withdrawal will equal the number of units withdrawn times the NAV as of the end of the most recent valuation of the LTIF. Because of changes in the NAV from the time of initial deposit, the dollar amount of withdrawal may be more or less than the original investment.

## **Section 8 Administration and Management of the LTIF.**

- 8.1 The Board, IAC, and institutional personnel of the TTU system shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In managing and investing the LTIF, the Board, IAC, and institutional personnel shall consider all of the following:
  - a. general economic conditions;
  - b. the possible effect of inflation or deflation;
  - c. the expected tax consequences, if any, of investment decisions or strategies;

- d. the role that each investment or course of action plays within the overall investment portfolio of the fund;
  - e. the expected return based on levels of liquidity and investment risk that are prudent and reasonable under present circumstances, and such circumstances may change over time;
  - f. the expected total return from income and appreciation of investments;
  - g. other resources of the TTU system;
  - h. the needs of the TTU system and the fund to make distributions and to preserve capital; and
  - i. an asset's special relationship or special value, if any, to the charitable purposes of the institution.
- 8.2 Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the LTIF's portfolio of investments as a whole and as part of an overall investment strategy having risk and return objectives reasonably aligned with the LTIF's stated goals and objectives.

## **Section 9 Spending Policy.**

- 9.1 The Board recognizes the need for distributions to the beneficiaries of the endowment and long-term institutional funds under its control. The following spending policy reflects an objective to distribute as much total return as is consistent with overall investment objectives defined herein while protecting the inflation-adjusted value of the principal. The following factors are considered in the spending policy:
- a. the duration and preservation of the LTIF;
  - b. the purposes of the TTU system and the LTIF;
  - c. general economic conditions;
  - d. the possible effect of inflation or deflation;
  - e. the expected total return from income and the appreciation of investments;
  - f. other resources of the TTU system; and
  - g. the overall investment policy.

- 9.2 The distribution of spendable earnings to each unit of the LTIF shall not exceed 6% nor be less than 4% of the average NAV of the LTIF for the 12 quarters just ended. Distribution shall be made quarterly, as soon as practicable after the last calendar day of November, February, May, and August.
- 9.3 The target annual distribution rate shall be reviewed annually by the Board.

## **Section 10 Core Beliefs.**

This section outlines the core beliefs for the overall governance and investment of the LTIF. These beliefs will serve as guiding principles in the decision making and implementation of the LTIF's investment mandate.

- 10.1 A well-defined governance structure with clearly delineated responsibilities is critical in achieving consistent, long term performance objectives.
- 10.2 Strategic Asset Allocation, through longer term, static risk, return and correlation estimates, sets the amount of risk spent on each asset class, and drives the overall volatility of the portfolio and the majority of the expected return.
- 10.3 Tactical Allocation should be exploited to take advantage of dislocations in markets, or changes in the expected risk, return and/or correlations.
- 10.4 Prices are driven by expectations – sentiment, technical and fundamental factors.
- 10.5 Absent a strategic or tactical view, the base case portfolio should be a risk balanced portfolio.
- 10.6 The opportunity for active manager out performance (alpha) is not uniformly distributed across asset classes or strategies.
- 10.7 Be “risk-focused” with an opportunistic mindset.
- 10.8 Leverage, both directly and indirectly, can improve a program's overall risk and return profile, but only when structured appropriately.
- 10.9 Management of liquidity risk is paramount in order to be opportunistic in market dislocations.
- 10.10 Contractual income is important in stabilizing portfolio volatility.

## Section 11 Statement of Goals and Objectives.

By achieving the detailed objectives consistently, the longer term goals of the LTIF are expected to be achieved. The majority of the LTIF return is attributable to the Asset Allocation approved by the Board. Staff and the consultant are expected to deliver excess return beyond the passive target Policy Index through manager selection and adjustments to allocations.

The multiple investment objectives and goals are outlined as follows:

### *Total Fund Objectives:*

- 11.1 To outperform the target weighted Policy Index over rolling three year periods.
- 11.2 To outperform ~~the Allocation Index over rolling three year periods~~ a 60/40 portfolio consisting of the MSCI ACWI IMI & Barclays Global Aggregate Bond Index (unhedged) bond portfolio over-rolling three year periods.
- 11.3 Each investment manager will be evaluated versus a benchmark and/or a peer universe, as defined by the CIO and approved by the IAC. Managers should rank above the median over a rolling three-year period.

### *Total Fund Goals:*

- 11.4 The financial goal for management of endowment and long-term institutional funds is to preserve the real (inflation-adjusted) purchasing power of principal and earnings after accounting for endowment spending, inflation, and costs of investment management. The total return goal for the LTIF is to exceed the Consumer Price Index plus 5% over rolling ten-year periods.
- 11.5 To consistently rank in the top half of the NACUBO universe, defined as peers with portfolios ranging from 750 million to 1.5 billion dollars, over rolling one-year periods and top quartile over rolling three-year periods.

## Section 12 Governance.

Governance Oversight				
For approval of:	CIO	IAC	Board	Comment
<b>Investment Policy Ranges/ Targets</b>	Recommend	Recommend	Approve	Long-term ranges for broad asset classes, with ranges that provide the IAC flexibility to adjust the target asset allocation. See Schedule A.
<b>Tactical Allocation Ranges/ Targets</b>	Recommend	Approve	Review	Short- to medium-term targets and ranges, with tighter bands that provide guidelines to the CIO but still flexibility for tactical implementation. See Schedule A.
<b>Asset Class Structures</b>	Recommend	Approve	— — —	The target allocation, <del>and ranges to sub-asset classes/strategies.</del>
<b>Manager Selection &amp; Redemption</b>	Approve	Review	— — —	The CIO, in conjunction with the consultant, is authorized to hire and redeem managers, absent a majority negative consent from IAC members within 5 business days.
<b>Tactical Rebalancing</b>	Approve	Review	— — —	The CIO is authorized to tactically over- or underweight against the targets as defined in Schedule A, part II.

### 12.1 Determination and implementation of asset allocation.

- a. Asset allocation is the primary ~~driver of the volatility mechanism to select the types of broad categorical risks which drive~~ investment return. To achieve the goal and objectives of the LTIF, the fund's assets may be invested in the categories listed in Schedule A of this policy statement ("Schedule A"). The LTIF shall be diversified both by asset class and, within asset classes. Consideration shall be given to economic sectors, industries, global regions, market capitalizations (size), factors, and economic environments. The purpose of diversification is to limit the risk associated with any single security or class of securities. Any changes to the ranges for each asset class must be approved in advance by the Board, and Schedule A shall be revised accordingly.

- b. The CIO is responsible for implementing the target asset allocation. The CIO, in conjunction with the consultant ~~and staff~~, will recommend asset class structures for review and approval by the IAC. An asset class structure represents the allocation to sub-strategies within an asset class. After approval of the target allocation and ranges of the structure, the CIO has authority to implement the approved structure.

## 12.2 Monitoring and rebalancing of asset allocation.

- a. The asset allocation shall be monitored on an ongoing basis and rebalanced as needed by the CIO. The CIO may manage cash inflows and outflows among investment managers in accordance with the approved Tactical Rebalancing Ranges. The lower and upper bounds on the ranges should not be exceeded, except in unusual circumstances. In the event the bounds are exceeded, the IAC must be notified. However, the CIO may rebalance before reaching those limits, or set exposures anywhere within the Tactical Rebalancing Policy ranges.
- b. The CIO is considered in compliance with this policy if certain illiquid asset classes breach a range due to market volatility in other asset classes or substantial increases in unrecognized gains for illiquid investments.
- c. The CIO has the authority to substitute synthetic exposure in lieu of like physical exposure, and vice versa, within the portfolio or as an overlay, as approved by the IAC. In addition, buy-write and put-write strategies are acceptable as equity beta replacements, subject to the following:
  - (1) Buy-write strategies are limited to 25% of the equity allocation.
  - (2) Put-write strategies are limited to 5% of assets, with minimum 20% collateral.
  - (3) Over- or underweights to private asset classes will impact the allocation to other asset classes.
  - (4) OTC exposure is limited to ~~15~~20% of plan assets.
- d. The CIO has the authority to physically rebalance between manager accounts and/or utilize forwards, futures, swaps, swaptions, options or other synthetic exposures as a way to adjust exposures tactically within Tactical Rebalancing ranges.

## Section 13 Investment Manager Guidelines.

Investment manager guidelines for the LTIF apply to investments in non-mutual and non-pooled funds, where the investment manager is able to construct a separate, discretionary account on behalf of the LTIF. Although policy cannot be dictated to pooled/mutual fund investment managers, the Board's intent is to select and retain only pooled/mutual funds with policies that are similar to this policy statement. In addition:

- 13.1 Specific guidelines may be established with each individual outside investment manager.
- 13.2 Each investment manager must agree to the performance objectives and asset allocation guidelines.
- 13.3 Each investment manager shall have ~~the~~ full investment discretion with regard to security selection, consistent with this policy.
- 13.4 Each investment manager, where applicable, shall handle the voting of proxies and tendering of shares in a manner that is in the best interest of the LTIF and consistent with the investment objectives contained herein.
- 13.5 All purchases and sales transactions shall be conducted to obtain the best net execution.

## Section 14 Investment Manager Selection and Termination.

- 14.1 The LTIF will be managed primarily by external investment management organizations. Investment managers will be delegated with the discretion to manage the assigned assets to best achieve the goal and objectives of the LTIF.
- 14.2 The CIO is authorized to hire and terminate external investment managers.
  - a. In the exercise of this delegation of authority, standard actions regarding legal and due diligence review shall be conducted. Certain review considerations in hiring Hedge Funds and Private Equity managers are listed in Schedule C.
  - b. Investment managers hired under this delegation of authority will be reported ~~as to the IAC at a regularly scheduled meeting. an Information Agenda item at the next Board meeting.~~
- 14.3 Investment manager termination. In most cases any action to terminate an investment manager should be taken by the CIO. If the CIO determines that termination is necessary, the IAC will be notified.



## **Section 15 Standards of Conduct for Investment Managers and Advisors.**

The following standards of conduct for investment managers and advisors are derived from the *CFA Institute Code of Ethics and Standards of Professional Conduct* and include:

- 15.1 Code of ethics. Investment managers and advisors employed by the TTU system shall:
- a. act with integrity, competence, diligence, respect, and in an ethical manner with the public, clients, prospective clients, employers, employees, and colleagues in the investment profession and other participants in the global capital markets;
  - b. place the interest of clients, the interest of their employer, and the integrity of the investment profession above their own personal interest;
  - c. use reasonable care and exercise independent professional judgment when conducting investment analysis, making investment recommendations, taking investment actions, or engaging in other professional activities;
  - d. practice, and encourage others to practice, in a professional and ethical manner that will reflect credit on themselves and the profession;
  - e. promote the integrity of and uphold the rules governing global capital markets; and
  - f. maintain and improve their professional competence.
- 15.2 Standards of professional conduct:
- a. **Knowledge of the law.** Investment managers and advisors must understand and comply with all applicable laws, rules, and regulations of any government agency, regulatory organization, licensing agency, or professional association governing their professional activities. Investment managers and advisors must not knowingly participate or assist in any violation of such laws, rules, or regulations.
  - b. **Independence and objectivity.** Investment managers and advisors must use reasonable care and judgment to achieve and maintain independence and objectivity in their professional activities. Investment managers and advisors must not offer, solicit, or accept any gift, benefit, compensation, or consideration that could be reasonably expected to compromise their own or another's independence and objectivity.

- c. Misrepresentation. Investment managers and advisors must not knowingly make any statement that misrepresents facts relating to investment analysis, recommendations, actions, or other professional activities.
  - d. Misconduct. Investment managers and advisors must not engage in any conduct involving dishonesty, fraud, deceit, or commit any act that reflects adversely on their integrity, trustworthiness, or professional competence.
- 15.3 Investment analysis and recommendations. Investment managers and advisors shall:
- a. exercise diligence, independence, and thoroughness in conducting investment analysis, making investment recommendations, and taking investment actions; and
  - b. have a reasonable and adequate basis, supported by appropriate research and investigation, for any investment analysis, recommendation, and action.
- 15.4 Disclosure and conflicts of interest:
- a. Managers, advisors, and potential managers must make full and fair disclosure of all matters that could reasonably be expected to impair their independence and objectivity or interfere with their respective duties to the TTU system.
  - b. Managers and advisors must, on an annual basis, ensure that such disclosures are prominently set forth, are delivered in plain language, and communicate the relevant information using the Texas State Auditor’s Uniform Disclosure Form.
  - c. Managers, advisors, and potential managers are investing public funds and are subject to the Texas Open Records Act.

**Section 16 Conflicts of Interest on Investments and Restrictions on Investments for Board Members, IAC Members, and Employees of the TTUS Office of Investments.**

16.1 Introduction.

- a. It is the policy of the TTU system that members of the Board, members of the IAC, and TTUS OI employees having authority over, or input into ~~over~~ the selection of investments or investment managers shall act in a manner consistent with their responsibilities to the TTU system and avoid circumstances in which their financial or other ties to outside persons or entities could present an actual, potential, or apparent conflict of interest or impair the reputation of the TTU system.

- b. Board members, IAC members, and TTUS OI employees should avoid any actions or situations that might result in or create the appearance of using their association with the TTU system for private gain, according unwarranted preferential treatment to any outside individual or organization, losing independence or impartiality, or adversely affecting the reputation of or public confidence in the integrity of the TTU system. Toward this end, it is the responsibility of each Board member, IAC member, and TTUS OI employee to ensure that the system is made aware of situations that involve personal, familial, or business relationships that could jeopardize the reputation of or public confidence in the TTU system by complying with this policy and making all disclosures and certifications as set forth herein.
  - c. For the purposes of this section, “business entity” means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.
- 16.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with a Board member, an IAC member, a TTUS OI employee, or a family member of one of these individuals (defined to include a spouse and any dependent relatives or household members). For this reason, any transaction or other business relationship between the TTU system and a Board member, an IAC member, a TTUS OI employee, or any family member of one of these individuals is prohibited.
- 16.3 Presumed conflict of interest.
- a. A conflict of interest is presumed to arise when the TTU system has or is considering an investment in a business entity in which a Board member, an IAC member, a TTUS OI employee, or a family member of any of these individuals has a substantial financial interest. A financial interest is presumed to be substantial if it entails:
    - (1) any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a company amounting to less than 10% ownership interest in the company;
    - (2) receipt of funds from the business entity that exceed 10 percent of the Board member’s gross income for the previous year, or the expectation of the receipt of such funds in the future;
    - (3) any ownership interest in real property, personal property, intellectual property or any other interest valued at \$10,000 or more;

- (4) a position of real or apparent authority in a business entity such as director, officer, trustee, partner, agent, controlling shareholder, shareholder with a 10% or more voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in 10% or more of the profits, proceeds or capital gains of the entity involved; or
- (5) any position as an employee of the entity involved.

- b. A Board member, an IAC member, or a TTUS OI employee is not deemed to have a substantial financial interest in a publicly traded entity by reason of an investment in that entity by another publicly traded entity, such as through a mutual fund or non-discretionary ~~or~~ managed account or PIPE, of which the Board member does not control investment decisions.

16.4 Determination of a conflict of interest. In a situation where a Board member, IAC member, or TTUS OI employee has a presumed conflict of interest but contends that there is no actual conflict of interest, the TTUS VC and CFO shall make the determination of whether there is an actual conflict of interest and shall advise all involved parties of the determination.

16.5 Restriction on parallel investments.

- a. A conflict of interest also may arise when a Board member, an IAC member, a TTUS OI employee, or a family member of any of these individuals has or is considering an investment in a business entity, including a fund or partnership, that may or may not be publicly traded and in which the TTU system has or is considering an investment. Such parallel investments may create at least an appearance that the Board member, IAC member, or TTUS OI employee is benefiting from the TTU system's participation in the business entity. When these individuals have any financial interest in any such business entity in which the individual otherwise knows the TTU system has or is considering an investment, these individuals should promptly disclose to the TTUS VC and CFO as follows: in the case of a publicly traded business entity, any substantial financial interest; or in the case of a privately held or traded business entity, any financial interest. The individual should not participate in any decisions whatsoever regarding such investment by the TTU system.
- b. Privately held or traded business entity. In order to avoid the perception of a conflict of interest between the TTU system and any Board member, IAC member, or TTUS OI employee, the TTU system shall not invest in any privately held or traded business entity in which any of these individuals, or a family member has any financial interest. Likewise, these individuals shall not invest in a privately held or traded business entity in which the TTU system has a financial interest. Such restrictions on investments shall continue to apply for

one year after the departure of the Board member from the Board, the IAC member from the IAC, or the TTUS OI employee from the TTU system.

- c. Any investment made on behalf of a Board member from the Board, the IAC member from the IAC, or the TTUS OI employee from the TTU system in any investment is not deemed in conflict if within a non-discretionary investment vehicle.

16.6 Certification that no conflict exists on transactions with privately held entities.

- a. Prior to the TTU system entering into a private investment transaction, each Board member, IAC member and TTUS OI employee must certify in writing, or by electronic submission, that he or she does not have any financial interest in the entity being invested in and is not aware of any conflict of interest in connection with the proposed investment.
- b. In the instance where a conflict exists, the Board member, IAC member and TTUS OI employee must certify in writing, or by electronic submission, that he or she has not been involved in any decision regarding the proposed investment.

16.7 Annual requirements.

- a. Each IAC member annually shall:
  - (1) review this policy on conflicts of interest and restrictions on investments;
  - (2) acknowledge by his or her signature that he or she has read and understood the policy and is and has been in full compliance with the letter and spirit of this policy;
  - (3) disclose all publicly traded entities in which an IAC member, or the family members of an IAC member, has an ownership interest of 10% or more;
  - (4) disclose all employer-employee relationships of the IAC member and the family members of the IAC member; and
  - (5) disclose any position as a director or officer of a publicly traded company.
- b. All Board members and TTUS OI employees annually shall:
  - (1) review this policy on conflicts of interest and restrictions on investments;

- (2) acknowledge by his or her signature that he or she has read and understood the policy and is and has been in full compliance with the letter and spirit of this policy; and
  - (3) in the case of members of the Board, file financial disclosures as required by Section 03.03.4, *Regents' Rules*; or
  - (4) in the case of TTUS OI employees, file the disclosure statement as required by Section 03.04.4, *Regents' Rules*.
- c. All disclosures required under this section shall be filed with the office of the TTUS VC and CFO.

## **Section 17 Communications and Reporting.**

- 17.1 The investment managers are responsible for frequent and open communication to the TTU system administration on all significant matters pertaining to the investment policies and the management of the LTIF assets.
- 17.2 The reporting responsibilities include:
- a. communicating major changes in the investment managers' investment outlook, strategy, and portfolio structure;
  - b. communicating significant changes in the ownership, organizational structure, financial condition, or personnel staffing;
  - c. communicating, on a monthly or quarterly basis, all investment activities during the preceding month or quarter and providing valuation reports of the month- or quarter-end portfolio holdings;
  - d. communicating, on a quarterly basis, the performance of investment managers' activities; and
  - e. meeting at least annually, to discuss the managers' performance, investment outlook, investment strategy and portfolio re-balancing strategies.
- 17.3 Any breach of guidelines will be promptly reported to the CIO.

## **Section 18 Management Reports.**

- 18.1 Not less than quarterly, the CIO shall submit to the Chair of the Board, the Chair of the Board's Finance and Administration Committee, the Chancellor, and the Presidents of the component institutions a written report of the status of the investments portfolio.
- 18.2 The report required by Section 18.1 shall contain a summary of the following:
- a. asset balances, at book value, by asset class;
  - b. asset balances, at market value, by asset class;
  - c. performance, absolute, relative and risk-adjusted measures and attribution analysis;
  - d. benchmarks; and
  - e. beginning and ending market values for the quarter, with additions and changes.

## **Section 19 Policy for Reporting Fair Market Value and Performance Measurement for Alternative Assets.**

- 19.1 In order to assure timely reporting, market values for alternative assets will be recorded for performance measurement purposes using estimates. Staff will begin with the investment managers' reported fair market value from the past quarter and make adjustments for any interim cash flows (calls/distributions).
- 19.2 Once all quarterly reports have been received from the investment managers, staff will compare the recorded estimates to the actual reported fair market values for the quarter. If the difference between the estimates and actual represents greater than 1% of the LTIF quarter ending fair market value, the appropriate adjusting entries will be made to correctly record these assets.
- 19.3 The corrected fair market value of the LTIF and corrected performance measures will be reported to the IAC in a timely manner on or before the next IAC meeting, along with an explanation of where and why the largest discrepancies occurred.

## **Section 20 Management Fee.**

- 20.1 The IAC will review and recommend a budget annually for the TTUS OI consistent with the available management fee. This recommended budget will be submitted to the TTUS VC and CFO for his submission to the Chancellor. The Chancellor will determine and approve a proposed budget for submission to the Board for final approval as part of the Texas Tech University System Administration's annual operating budget.
- 20.2 The TTUS OI shall be funded by a management fee assessed upon the endowments of the TTU system. The TTUS OI shall have available to support its operations ~~a maximum of 50%~~ of this management fee. ~~The fee allocated to the TTUS OI will be determined in accordance with Section 20.1.~~ This assessment shall be used to manage the ongoing operational costs of managing the investment operations. Unused management fee shall be carried over for use by the TTUS OI in future budgets in accordance with section 20.1.
- 20.3 The remainder of the management fee may be utilized to offset a portion of the costs of fund raising for those entities utilizing the services of the TTUS Office of Institutional Advancement or the Angelo State University Development Office. This budget will be approved through the regular budget process.
- 20.4 The management fee rate shall be reviewed annually by the IAC and the TTUS VC and CFO, with any recommended changes submitted to the Board for approval. The Board will approve the allocation of the fee to the TTUS OI and Office of



Institutional Advancement, as set forth in the Section 07.04, *Regents' Rules*, regarding budget rules and procedures.

- 20.5 If as the result of extraordinary and unexpected circumstances, the annual budgets may be amended by the Board.

## **Section 21 Securities Lending.**

- 21.1 For funds managed in a separate account format, the LTIF may not participate in securities lending unless recommended by the CIO and approved by the IAC. Any authorization for securities lending in separate accounts must be reported in advance to the Chair of the Board, the Chair of the Board's Finance and Administration Committee, and the Chair of the IAC. Also, any such authorization shall be reported as an Information Agenda item at the next Board meeting.
- 21.2 Commingled funds are exempt from this restriction.

## **Section 22 Placement Agents and Other Third-Party Marketers.**

- 22.1 Placement agents are any person or entity hired by or acting on behalf of an investment manager to market, solicit, or raise money either directly or indirectly from the TTU system. The purpose of this policy is to bring transparency to placement agent activity in connection with the LTIF and to help ensure that all investment decisions are made solely on merit.
- 22.2 Prior to the LTIF investing with any manager, the CIO shall obtain a written representation from the investment manager stating that the investment manager has not used a placement agent in connection with the TTU system's investment, or if the manager has used a placement agent, it will disclose the following:
  - a. the name of the placement agent;
  - b. the fee paid or payable to the placement agent;
  - c. a copy of the agreement between the manager and placement agent;
  - d. representation that the fee is the sole obligation of the investment manager and not of the TTU system or the LTIF;
  - e. current or former Board members, IAC members, TTUS OI employees, or consultants or a member of the immediate family of any such person that are either employed or receiving compensation from the placement agent;

- f. the regulatory agencies with which the placement agent or any of its affiliates are registered, such as the SEC, Financial Industry Regulatory Authority (“FINRA”), or any similar regulatory agency; and
- g. the licenses (Series 7, for example) held by the placement agent professional primarily used for solicitation of the TTU system’s investment.

### **Section 23 Amendment of Investment Policy Statement.**

The Board will review and, if necessary, update the LTIF investment policy statement on an annual basis.

### **Section 24 Effective Date.**

This investment policy was approved by the Board on May 18, 2017. ~~August 8, 2014.~~

~~The Target Allocation herein was approved by the Board on October 11, 2013, and a discussion on use of derivatives and portable alpha strategies was part of the Board’s consideration at that time.~~

## Schedule A

### 1. POLICY ALLOCATION TARGET & RANGES

Asset Class	Policy Benchmark	Target	Range
Cash	90-day T Bills	0.0%	0% – 10%
Equity	MSCI AC World <del>IMI</del> (gross, <u>USD</u> )	<del>35</del> 0.0%	20% – 50%
Fixed	BC Global Aggregate ( <u>unhedged</u> )	25.0%	10% – 40%
<del>Liquid Real Assets</del> <u>Diversifying Assets</u>	<del>CPI + 4.00%</del> <u>HFRX Global</u>	<del>10.0%</del> <u>15.0%</u>	0% – 20%
Private Equity	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Debt	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Real Assets	Venture Economics All PE Qtr Lag	<del>75</del> 0.0%	<del>50</del> % – 20%
Real Estate	NCREIF	<del>35</del> 0.0%	<del>50</del> % – 20%
TOTAL		100.0%	

### 2. TACTICAL REBALANCING TARGET & RANGES

Asset Class	Policy Benchmark	Target	Range
Equity	MSCI AC World <del>IMI</del> (gross, <u>USD</u> )	<del>35</del> 0.0%	<del>30</del> 20% – 40%
Fixed	BC Global Aggregate	25.0%	20% – 30%
Cash	90-day T Bills	0.0%	0% – 10%
<del>Liquid Real Assets</del> <u>Diversifying Assets</u>	<del>CPI + 4.00%</del> <u>HFRX Global</u>	<del>105</del> 0.0%	<del>510</del> % – <del>1520</del> %
Private Equity	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Debt	Venture Economics All PE Qtr Lag	10.0%	5% – 20%
Private Real Assets	Venture Economics All PE Qtr Lag	<del>75</del> 0.0%	0% – 15%
Real Estate	NCREIF	<del>35</del> 0.0%	0% – 10%

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TOTAL

100.0%
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### 3. ALPHA POOL AND BETA OVERLAY

The LTIF will target ~~2025~~% of asset class exposure, or beta exposure, through low cost derivatives. The collateral, ~~or Alpha Pool,~~ will be invested in a diversified mix of absolute return strategies and liquid fixed income strategies referred to as the Alpha Pool. The use of derivatives (per Schedule D) will be implemented at the direction of the CIO through a derivatives manager acting as a fiduciary to the plan.

### 4. ASSET CLASS DESCRIPTIONS, INVESTMENT STRATEGIES, AND LEGAL STRUCTURES

a. Equity:

- (1) Equity represents residual ownership of public and private companies after obligations to debt holders have been satisfied. Over longer periods of time, the higher risk of equity ownership should result in higher expected returns relative to cash, bonds and other securities with more senior claims in the capital structure.
- (2) Investment strategies: U.S. Equity, Developed Market International Equity, Emerging Markets Equity, Private Equity, Hedge Funds, and derivatives and equity oriented or volatility based strategies, such as put-write and buy-write strategies.

b. Fixed Income:

- (1) Credit and fixed-income instruments are securities issued by governments, government-related entities and public and private companies that generally contain contractual obligations from the issuer to make interest and principal repayments to investors over the duration of the negotiated term agreement.
- (2) Investment strategies: Cash, Cash Equivalents, Government Debt, Debt Issued by Government Agencies, Investment Grade Debt, Below Investment Grade Debt, Private Placement Debt, Asset-backed Securities, Hedge Funds, and Distressed Debt.

c. ~~Liquid Real Assets~~Diversifying Assets:

- (1) ~~Liquid real~~Diversifying assets are investments ~~that in tradable tangible/physical assets that generally display a positive correlation to the rate of inflation may be liquid or semi-liquid and with expected have a lower correlation to public equities. and public credit.~~
- (2) Investment strategies: ~~Commodities,~~ Commodities-related strategies, reinsurance, life settlements, trade finance, royalties, factoring, macro, CTA's,

and other less correlated arbitrage trading strategies. These may include inflation sensitive assets as well. Real Estate Investment Trusts, Infrastructure, Inflation linked bonds, and commodities oriented Hedge Funds.

d. Private Equity:

- (1) Any of several non-financial assets that are less liquid and less transparent than public equity, for which both risk and return are relatively higher. Private equity funds make investments directly into private companies and may also conduct buyouts of public companies.
- (2) Investment strategies: Venture capital, growth equity, buyouts, growth equity, distressed, mezzanine, secondaries and fund of funds.

e. Private Debt:

- (1) Private debt funds investments that typically provide capital to private sector borrowers.
- (2) Investment strategies: Direct lending, venture lending, mezzanine, distressed, private credit, structured credit, securitization of hard assets and fund of funds.

f. Real Estate:

- (1) Institutional real estate represents a range of properties (for example, office buildings, malls, industrial properties, apartment complexes, hotels) which provide income and/or appreciation potential. Investments in real estate can be structured as public or private debt and/or equity, and can be in the U.S. or foreign countries.
- (2) Investment strategies: Real estate investment trusts (REITS); core, value-add, and opportunistic real estate funds; direct real estate holdings; mezzanine debt investments; and fund of funds.

g. Illiquid Real Assets:

- (1) Illiquid real assets represent ownership claim to an actual, finite asset or property. Returns may be amplified by leverage and are generated from current income and capital appreciations. Relative to liquid real assets, these funds tend to provide greater return expectations but have longer investment horizons. Such assets serve as an inflation hedge and can also provide downside portfolio protection.
- (2) Investment strategies: Energy, infrastructure, factoring, royalties, minerals, land rights, farmland, timber and commodities. Structured assets based on

underlying hard assets, such as rail cars and commercial airlines are additional examples of permissible strategies. Real estate also can be classified under the broader illiquid real asset umbrella.

h. Legal Structures (as defined in Schedule B.):

- (1) Separately Managed Accounts (SMA): A privately managed investment account where the investor has direct look-through (full transparency) and control of the underlying securities. This type of account has more liability than a pooled account, but also can be tailored to the investor's specific requirements, and may include typically with staff discretion.
- (2) Mutual Funds or Pooled Accounts: A separate legal entity where funds from multiple investors are pooled together under the same investment strategy. All investors are treated the same. There is less liability, but also less transparency.
- (3) Limited Partnerships: A contractual agreement between two parties that explicitly defines an agent-principle relationship. In particular, the investor (or limited partner, "LP") becomes the agent and has limited liability while the investment manager (or general partner, "GP") becomes the principal and bears liability.
- (4) Joint Ventures: An enterprise with an expected terminal lifespan created by pooled equity capital between two parties. The parties involved control the enterprise, and thus, share revenues and expenses.
- (5) Master Limited Partnerships: A partnership whereby approximately 90% of the cash flows are generated from natural resources, commodities or real estate. The limited partners provide capital to the general partner who is responsible for managing the Master Limited Partnership.
- (6) Master Custody Accounts: An account that allows multiple products, allocation between products, as well as direct and/or co- investments to be structured with a single manager typically with substantial fee breaks and explicit guidelines, typically with staff discretion.

## Schedule B

### GLOSSARY OF INVESTMENT STRATEGY DESCRIPTIONS

1. “Agency Debt” is debt issued by government-related agencies; level of government backing/sponsorship varies; primarily mortgages; domestic only; denominated in U.S. dollars.
2. ~~“Allocation Index 60/40” is an index naive portfolio of 60% global equities and 40% global bonds that measures actual allocation decisions. This index is 60/40 portfolio is essentially a measure of how at the plan would have returned had each manager liquid, passively invested within their respective benchmark portfolio would perform. The equation for the Allocation Index is as follows: Allocation Index = (Actual Manager Weights) \* (Manager Index Returns).~~
3. “Alpha Pool” is a portfolio of investment strategies managed to have a low correlation with the overall program asset allocation, low to moderate volatility, and seeking to generate consistent returns above cash to enhance the total return of the overall program.
4. “Below Investment Grade Debt,” also known as high yield or junk bonds, are low-quality bonds that may be in danger of default because of relatively high levels of debt that the issuing company has relative to the amount of equity; under the current credit rating system, bonds with ratings below BB (S&P), Ba1 (Moody’s), or B (Fitch) are considered low credit quality and are commonly referred to as junk bonds or high-yield bonds.
5. “Cash Equivalents” encompass a wide spectrum of generally liquid assets, including bank deposits, money market mutual funds, U.S. Treasury bills, federal agency securities, repurchase agreements, stable value funds, short-term bond funds, some medium-term notes, and commercial paper.
6. “Commodities” are investments in global natural resources; includes physical commodities as well as derivative instruments (such as futures); generally, commodities are divided into the following categories: energy (such as oil and gas), precious metals (such as gold), industrial metals (such as aluminum and copper), agriculture (such as wheat and corn), and livestock (such as cattle and hogs).
7. “CTAs/Managed Futures” is a strategy that invests in listed financial and commodity futures markets and currency markets around the world; the managers are usually registered as Commodity Trading Advisors, or CTAs; trading disciplines are usually classified as systematic or discretionary; systematic traders tend to use price and market specific information (often technical) to make trading decisions, while discretionary managers use a judgmental approach based on fundamental analysis.
8. “Developed Market International Equity” are equity securities of non-companies located in the most developed countries and regions of the world such as Canada, the United



Kingdom, the European Union, Switzerland, Scandinavia, Japan, New Zealand, and Australia.

9. “Derivatives” are securities or contractual agreements which derive their value from some underlying security, commodity, currency, or index. This includes both Derivative Contracts (Forwards, Futures, Swaps, and so forth) and Derivative Securities (CMOs, Structured Notes).
10. “Distressed Debt” are debt securities of companies or government entities that are either already in default, under bankruptcy protection, or in distress and heading toward such a condition; although there is no precise definition, fixed income securities with a yield to maturity in excess of 1000 basis points over the risk free rate of return are commonly thought of as being distressed.
11. “Event Driven” is a strategy by which managers take significant positions in a limited number of companies with special situations; the situations of these companies often are complex in a variety of ways and offer profit opportunities from depressed valuations, mergers and acquisitions, reorganizations, and so forth.
12. “Emerging Markets Equity” are equity securities of companies located in less-developed regions of the world such as Asia, Latin America, Africa, Eastern Europe, and the Middle East.
13. “Government Debt” is debt issued by sovereign governments, domestic or international, developed or emerging; may or may not be denominated in U.S. dollars.
14. “Global Macro” is a strategy by which global macro managers carry long and short positions in any of the world’s major capital or derivatives markets; these positions reflect their views on overall market direction as influenced by major economic trends and/or events; the portfolios of these managers can include stocks, bonds, currencies and commodities in the form of securities and/or derivative instruments.
15. “Hedge Funds” are not an asset class *per se*, but are a form of a privately organized, pooled investment vehicle, which seeks to achieve consistently positive absolute returns independent of market conditions, typically through the use of a wide range of traditional and non-traditional securities as well as directional and non-directional strategies.
  - a. “Long/Short Hedge Funds” is a directional strategy that involves equity or credit investing on both the long and short sides of the market; managers have the flexibility to shift from a net long position to a net short position; managers may use individual securities or futures and options to hedge their positions; some managers attempt to be market neutral which, if properly executed, is a non-directional strategy that eliminates market risk (beta) so that returns are driven purely by stock selection.
  - b. “Multi-Strategy Hedge Funds” are, by definition, multi-strategy funds that engage in a variety of investment strategies; under normal market conditions, the

diversification may reduce volatility compared to single strategy funds; strategies employed in multi-strategy funds may include, but are not limited to, convertible bond arbitrage, equity long/short, merger arbitrage, and event driven.

16. “Infrastructure” is investments in the basic facilities, services and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, utilities and renewable energy.
17. “Inflation-linked Bonds” are bonds whose principal and/or coupon payments are adjusted with the general level of prices as measured by a commonly accepted price index; inflation-linked bonds, commonly referred to as TIPS, are designed to be a hedge against inflation.
18. “Investment Grade Debt” are high quality notes or bonds that are the least likely to default; under the current credit rating system, bonds with ratings above BBB (S&P), Baaa3 (Moody’s), or B (Fitch) are considered investment grade.
19. “Policy Index” is an index that is constructed to measure policy allocation decisions on a monthly basis. The equation for constructing the index is as follows:  $\text{Policy Index} = (\text{Target Asset Class Weights}) * (\text{Index Returns})$ .
20. “Private Debt” is debt issued by private companies and sold directly to an institutional investor; these securities are not required to be registered with the SEC. This broad category can include private placements, direct loans to companies, distressed debt, non-performing loans, and other non-traded or illiquid debt securities.
21. “Private Real Estate” is land or buildings held in private partnerships.
22. “Real Estate Investment Trusts” are a corporation or trust that uses pooled capital from many investors to purchase and manage income property (equity REIT) and/or mortgage debt (mortgage REIT); REITs are traded on exchanges just like common stocks.
23. “U.S. Equity” is ownership of publicly-traded shares of companies listed on U.S. exchanges; this category may include various styles, market capitalization ranges, and active management versus index funds.

## Schedule C

### **ALTERNATIVE INVESTMENTS POLICY**

Alternative investments provide added diversification and thereby reduce the risk of the portfolio, without sacrificing expected returns. To mitigate risks unique to alternative investments, the principles contained in this document reflect suggested best practices and are intended to serve as the basis for the due diligence process. Alternative investments are segmented into two broad categories: private markets; and hedge funds. Within the private markets category is encompassed private equity, private debt, private real estate, and illiquid real assets.

#### **1. PRIVATE EQUITY FUND MANAGER SELECTION**

The following guidelines will serve as a basis for due diligence and the selection of private market funds:

- a. History.
  - (1) Funds being offered by firms with proven and verifiable successful investment histories will be given preference. TTUS typically will only consider investment firms with at least a three- to five-year track record or a track record that is reasonably verifiable from another firm.
  - (2) Performance of past mature funds must be consistently above the median and preferably in the top quartile of similar managers from the same peer group.
  - (3) Firms must have a clearly described risk management program with an organizational structure and procedures that demonstrate successful implementation.
  - (4) Generally, first time funds will not be given serious consideration. Exceptions may be taken under consideration, if the following criteria are met:
    - A. Key Principals can provide a complete, successful and verifiable investment history attributable to themselves.
    - B. The fund's strategy is one which is a high priority for TTUS.
    - C. At that point in time, there is an absence of desirable proven managers raising a fund in a similar strategy.
- b. Investment Size. At the time of origination, the amount committed to individual private equity funds must be equal to at least 2.0% of the total market value of the LTIF, and the TTUS ownership position must not be greater than 10% of the private equity fund's

aggregate capital. In unique circumstances, staff may consider exceptions to these size parameters with prior approval of the IAC.

c. Strategy.

- (1) The strategy must target an inefficient space where returns are expected to be above public market opportunities in order to compensate for the illiquid nature of these investments.
- (2) The strategy must fit within current portfolio needs in terms of diversification and expected returns.

d. Personnel.

- (1) A stable team who has worked together where their interests are aligned for continued success is a must.
- (2) Personnel will be evaluated on integrity, and a “key man/person(s)” clause will be essential.

e. Terms.

- (1) Management fees should be adequate given the fund size and strategy to fund day to day operations.
- (2) Carried Interest should be within industry norms for the strategy.
- (3) Certain strategies, normally those with lower expected returns, will require a preferred return provision.

f. Transparency.

- (1) The firm will have a valuation policy that follows both industry best practices and FASB policy for valuing investments.
- (2) Complete portfolio reports will be made available quarterly along with annual audited financial statements prepared by a reputable accounting firm.
- (3) Capital Calls and Distributions will clearly delineate the following: investment capital, fees, recalled capital, return of capital, gains/(losses), and carried interest.

g. Other factors determined by the IAC.

## 2. HEDGE FUND MANAGER SELECTION

Hedge funds refer to a broad group of investment strategies, which can be utilized as a potent diversification tool to lower portfolio volatility and mitigate the severity of draw-downs. Over the long-term, we expect that our hedge funds will continue to produce attractive returns with lower volatility than long-only equity investments. To minimize strategy risk, the hedge fund allocation will be diversified among several strategies. The following guidelines will serve as a basis for due diligence and the selection of hedge funds:

a. History.

- (1) Funds being offered by firms with proven and verifiable successful investment histories will be given preference. TTUS typically will only consider funds with at least a three- to five-year track record or a track record that is reasonably verifiable from another firm.
- (2) Annual performance must be consistently above the median and preferably top quartile results over a three-to-five year period compared to similar managers from the same peer group.
- (3) Firms must have a clearly described risk management program with an organizational structure and procedures that demonstrate successful implementation.
- (4) Generally, first time funds will not be given serious consideration. Exceptions may be taken under consideration, if the following criteria are met:
  - A. Key Principals can provide a complete, successful and verifiable investment history attributable to themselves.
  - B. The fund's strategy is one which is a high priority for TTUS.
  - C. At that point in time, there is an absence of proven managers in a particular strategy.

b. Investment Size. At the time of origination, the amount invested in an individual hedge fund strategy must be equal to at least 2.0% of the total market value of the LTIF, and the TTUS ownership position must not be greater than 10.0% of the hedge fund strategy's aggregate capital. In unique circumstances, staff may consider exceptions to these size parameters with prior approval of the IAC.

c. Strategy

- (1) The strategy must fit within current portfolio needs in terms of diversification and expected returns.

- (2) As leverage is inherent in many of these strategies, leverage will be used in a manner prudent for the given strategy. As a general rule, TTUS will favor managers and strategies which use low levels of leverage.
- d. Personnel.
- (1) A stable team who has worked together where their interests are aligned for continued success is a must.
  - (2) Personnel will be evaluated on integrity, and a “key man/person(s)” clause will be essential.
- e. Terms.
- (1) Management fees should be adequate given the fund size and strategy to fund day to day operations.
  - (2) Carried Interest should be within industry norms for the strategy.
  - (3) Redemption terms should be appropriately matched with the investment strategy and the liquidity of the underlying securities.
- f. Transparency.
- (1) The firm will have comprehensive, written valuation policies and procedures, consistent with best industry practice.
  - (2) Firms must utilize third-party fund administrators.
  - (3) Quarterly (or preferably Monthly) reports will be made available that disclose aggregate risk exposures, leverage measures and return attribution for the portfolio.
  - (4) Annual audits, prepared by a reputable accounting firm, are required and should include independent valuations for the portfolio.
- g. Other factors determined by the IAC.

## Schedule D

### DERIVATIVES POLICY

A derivative is a security or contractual agreement which derives its value from some underlying security, commodity, currency, or index.

1. Types of and Amount of Derivative Contracts:
  - a. The CIO is limited to directing derivatives exposure, over-the-counter (OTC) and exchange traded, to a maximum amount of ~~35~~40% of the portfolio.
  - b. Forward-based derivatives, including forward contracts, futures contracts, swaps, and similar instruments.
  - c. Option-based derivatives, including put options, call options, interest rate caps and floors, and similar instruments.
2. Types of Derivative Securities:
  - a. Collateralized Mortgage Obligations (CMOs).
  - b. Structured Notes.
3. Derivatives may be used as efficient substitutes for traditional securities, to reduce portfolio risks created by other securities, or in fully hedged positions to take advantage of market anomalies; the risks of derivatives, like more traditional securities, should be evaluated in the context of the total portfolio.
4. Where appropriate, the CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers may use derivative contracts for the following reasons:
  - a. Hedging: To the extent that the portfolio is exposed to clearly defined risks and there are derivative contracts that can be used to reduce those risks, the Investment Managers, where allowed per the policy, are permitted to use such derivatives for hedging purposes, including cross-hedging of currency exposures.
  - b. Creation of Market Exposures is permitted through the use of derivatives to replicate the risk/return profile of an asset or asset class.
  - c. Foreign Currency Hedging: The CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers may leave foreign currency investments unhedged or hedged backed into U.S. dollars. Hedging activity cannot create additional exposure to a currency greater than the underlying value of the

investments in that specific currency. The net exposure to any currency cannot be negative. Proxy hedging is not allowed.

- d. The CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers, may sell (be short) interest rate futures or other derivatives as part of the overall process to manage portfolio risks.
  - e. The CIO, in conjunction with the Derivatives Overlay Manager and/or Active equity Investment Managers, may purchase options, or may sell options on securities that are held in their account.
  - f. The CIO, in conjunction with the Derivatives Overlay Manager and/or Active international equity Investment Managers, can short a country stock index to adjust their exposure to a particular country.
5. The CIO, in conjunction with the Derivatives Overlay Manager and/or Investment Managers, may use derivative contracts or securities for the following purposes:
- a. **Leverage:** This is a means of enhancing value and risk without increasing investment through borrowing. Derivatives shall not be used to magnify overall portfolio exposure to an asset, asset class, interest rate, or any other financial variable beyond that which would be allowed by a portfolio's investment guidelines if derivatives were not used, unless specifically approved by the IAC.
  - b. **Unrelated Speculation:** Derivatives shall not be used to create exposures to securities, currencies, indices, or any other financial variable unless such exposures would be allowed by a portfolio's investment guidelines if created with non-derivative securities. Leverage is permitted by hedge funds and risk parity managers, but must be consistent with the targets and limits as outlined by the managers' investment process and/or product that were approved by the IAC. The hedge fund and risk parity managers will notify staff and the Investment Consultant, of any leverage level above the targets and limits as previously outlined.
6. **Counterparty Risk:** External investment managers are required to measure and monitor exposure to counterparty credit risk. When over-the-counter derivative instruments are used, the investment manager is responsible for making an independent analysis of the counterparty credit risk and the appropriateness relative to the overall guidelines of the portfolio. Managers must have a Credit Support Annex (CSA) to their ISDA agreements with each counterparty. Based on their analysis of the counterparty's credit risk, managers are responsible for determining adequate collateral thresholds, minimum transfer amounts and contract valuation frequency to ensure adequate collateralization for all over-the-counter derivatives.
- a. All counterparties shall have a long-term credit rating of at least BBB/Baa2 or equivalent by at least one nationally recognized rating agency at the time the related derivative is executed. If the term of the derivative contract is less than one year, a



counterparty shall have a short-term credit rating of at least A1/P1 or equivalent by at least one nationally recognized rating agency at the time the related derivative is executed. If a counterparty is downgraded below the required levels, the manager must notify the CIO within one week to discuss options regarding termination of the contract.

- b. The maximum notional value of over-the-counter (OTC) derivative contracts entered into with any one counterparty shall be limited to 5% of total portfolio value, unless the notional exposure is collateralized and marked to market daily. The combination of the alpha pool and cash collateral is considered collateralized. In the case of OTC derivatives contracts with collateral movement based on a CSA, consolidation of counterparties is allowed to benefit from netting (rather than diversification across multiple counterparties), and the 5% maximum notional limit per counterparty would not apply in that case. Exception to this rule may apply to the Derivatives Overlay Manager with prior approval of the CIO.
- c. Investment Managers are responsible for adhering to approved counterparty credit guidelines. Any deviation from these guidelines requires the written approval from the CIO prior to executing any transactions.
- d. The preference is for exchange traded derivatives over OTC instruments due to counterparty risk and lack of transparency. While OTC instruments are permitted, the CIO will limit exposure to no more than ~~15~~20% of assets. Higher OTC exposure is permitted, but only with IAC approval.

## **Schedule E**

### **CONSULTANT RESPONSIBILITIES**

The IAC may retain the services of a consultant in developing and modifying policy objectives and guidelines, including the development of asset allocation strategies and recommendations on the appropriate mix of Investment Manager styles and strategies. The consultant shall also provide assistance in manager searches and selection, and in investment performance calculation, evaluation and analysis. The consultant shall provide timely information on capital markets, investment strategies, managers, instruments and other related issues, as needed by the TTUS OI and the IAC.

# ATTACHMENT

# 4

Academic, Clinical and Student Affairs Committee  
Item 1

ASU OP 06.23, Tenure and Promotion Standards  
and Procedures – proposed revisions



**Angelo State University**  
**Operating Policy and Procedure**

**OP 06.23: Tenure and Promotion Standards and Procedures**

**DATE:** Upon approval {Effective Fall 2017}

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish the system, rules, and procedures by which tenure-track and tenured faculty members achieve tenure and rank promotions.

**REVIEW:** The OP shall be reviewed every three years or as needed by the Provost and Vice President for Academic Affairs (PVPAA) and the Faculty Select Committee. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.

**POLICY/PROCEDURE**

This policy describes the process by which members of the faculty employed in a full-time tenure-track position at Angelo State University apply for academic tenure and/or promotion. Consistent with ASU Operating Policies 52.02, 52.03, and 52.15, and in line with federal and state law, faculty members are protected during this process from discrimination on the basis of race, religion, gender, sexual orientation, age, national origin, and/or disability. This policy is implemented upon approval of the Board of Regents. All tenure-track and tenured faculty members are subject to this policy's applicable provisions and procedures including those not addressed in any former policy. The tenure of faculty members who have attained tenure under prior policies at ASU shall not be adversely affected by amendments to this policy.

**1. Expected Career Progression for Tenure-Track Faculty Members**

- a. Tenure-track faculty members are expected to follow a standard timeline for career progression which includes academic tenure and academic rank promotions.
  - (1) Assistant Professor – This is the initial rank to which tenure-track faculty members shall normally be appointed. Faculty members should be aware that Assistant Professors are employed on a probationary basis. The decision to reappoint the faculty member for the following academic year is based on a review of performance as outlined in OP 06.28.
  - (2) Associate Professor – No later than the beginning of the sixth year of credited service, faculty members must apply for tenure and promotion to Associate Professor unless an exception has been granted as provided in 1.c below. This faculty rank is awarded concomitantly with a successful tenure application.

[Major Revision: Upon approval]

- (3) **Professor** – This is the final tenured faculty rank. To be awarded, a faculty member must complete a minimum of four (4) years of creditable service at the rank of Associate Professor at Angelo State University. Application for this promotion may occur at the beginning of the fifth year of service at Angelo State University. *Promotion to Professor is not guaranteed on the basis of time served.* The application process for promotion to Professor must follow the same process as the application for tenure, and shall be awarded based on evaluation of merit according to the Departmental performance criteria.
- b. If a faculty member is hired with service credit from another institution, as outlined in 4.b.3 and 4.f.4.a & b, the faculty member shall begin the tenure and promotion timeline at the point after which that credit has been applied.
- c. Exceptions to the timeline above must be approved by the faculty member's Department Chair, College Dean, the PVPAA, and the President of the University.

## **2. Definition of the College Tenure and Promotion Committee (CTPC)**

- a. The purpose of the CTPC is to evaluate candidates' applications and make an independent recommendation to the Dean of the College and the PVPAA.
  - (1) Each CTPC shall include at least four (4) eligible tenured faculty members from that College.
  - (2) Department Chairs, Deans, and Associate Deans are ineligible to serve on the CTPC.
  - (3) All departments within the College must be equally represented to the extent possible.
  - (4) If a department cannot provide the proper number of representatives to the CTPC, the Department Chair of the affected department may appoint a tenured faculty member from a department within that Department's College to serve a one-year term in order to create equal representation.
  - (5) If a College contains fewer than four (4) eligible faculty members, the Dean of the College shall invite eligible faculty members from a different College to serve a one-year term.
  - (6) Members for the CTPC shall be elected from eligible candidates as defined in this section by all tenured and tenure-track faculty in each department. Each elected member shall serve for a two-year term. Department Chairs are eligible to vote, but Deans and Associate Deans are not.
  - (7) The Dean of the College is responsible for organizing the election of the CTPC.
  - (8) No faculty member shall serve consecutive two-year terms on the CTPC, unless a consecutive term is necessary in order to meet the requirements of the CTPC as described in this section.

[Major Revision: Upon approval]

- (9) The Dean of the College shall call the first CTPC meeting and give the committee charge, which shall include the election of a chair. The chair shall serve for one year only and an individual faculty member may not serve consecutive terms.
- (10) If a member of the CTPC is applying for promotion, it is the candidate's responsibility to notify the appropriate Department Chair and College Dean before the date by which promotion portfolios are submitted for consideration. The College Dean shall hold a special election to replace the candidate for a one-year term. If the candidate fails to give proper notice, the candidate shall be disqualified from consideration for promotion until the following year.

### 3. Process to Establish Department-Level Performance Criteria

- a. *Each academic department shall establish, communicate, and periodically review specific and measurable performance criteria for its tenure-track and tenured faculty members.* Each department, in collaboration with the Dean of the College, is responsible for ensuring that all performance criteria are specifically stated, measurable, and aligned with the stated mission of the Department, the College, and the University. **These criteria shall be used as the standard for all performance evaluations described below.**
- b. Each Department shall follow the general process below for the creation and establishment of these performance criteria. The Department may exercise reasonable discretion to modify the following process to account for unforeseen circumstances.
  - (1) All tenured and tenure-track faculty members in the department shall be given the opportunity to participate in the process.
  - (2) The Department Chair shall appoint a tenured faculty member to distribute the current performance criteria, solicit suggested revisions from the department tenured and tenure-track faculty members, organize those suggestions, and provide a summary report to the department's tenured and tenure-track faculty members.
  - (3) The Department Chair shall call a meeting of the tenured and tenure-track Department faculty to discuss and vote upon the list of suggested changes to departmental criteria. Suggestions that receive a majority of votes will be summarized by the Department Chair and submitted to the College Dean.
  - (4) The College Dean, in collaboration with the PVPAA, shall review the submitted criteria and either approve them or return them to the Department for further revision.
  - (5) This process shall continue until the College Dean and the PVPAA approve the suggested criteria.
- c. All performance criteria must be classifiable into one of three categories as defined below. *The lists below are only guidelines that departments may use to guide the creation of their criteria. Acceptable criteria must be more specific and measurable than what is listed below.*

[Major Revision: Upon approval]

- (1) Teaching – This category includes criteria regarding student learning goals. These criteria may include (but are not limited to): evaluations of course content and delivery, demonstration of current knowledge in the discipline, new course design and implementation, construction of in-house textbooks and other instructional materials written for the purpose of enhancing ASU student learning, and/or student advising.
  - (2) Research and Creative Works – This category includes criteria related to the development of new knowledge, product, and/or theory in the faculty member's discipline. By definition, work produced in this category must have demonstrable value to populations other than the University's students. A wide variety of activities may fit into this category, some of which may be (but are not limited to): peer-reviewed print or electronic publications, non-print presentations, professional conference presentations, funded grant applications and reports, patents and other intellectual property, curatorships, and/or artistic productions and performances.
  - (3) Professional Service – This category includes criteria related to organizational citizenship, defined as service behaviors which either support the internal functioning of the University or enhance the reputation of the University in the community and region. Activities that fit into this category may include (but are not limited to): Part-time administrative duties (such as serving as a Department Chair), University committee service of all types, consultations with external organizations (paid or unpaid), invited addresses, leadership in University symposia and workshops, active membership in professional organizations and societies, and community-based activities such as serving on nonprofit boards.
- d. Department Chairs are responsible for ensuring that performance criteria are published and available to all tenured and tenure-track faculty members in the Department.
  - e. Department Chairs and College Deans shall be jointly responsible for reviewing these performance criteria to determine if they still align with the needs of students, needs of the department and the College, and the mission of the University. This review shall occur at least once every three years, but may occur more often if needed. If the criteria are determined to be in need of revision, the Department Chair shall initiate the department's review procedures after notifying the Dean of the College. *If revisions of the criteria are not completed and approved by the College Dean and the PVPAA before the last Friday before the fall semester begins, the current criteria shall remain in place, unamendable, for the duration of that academic year.*
  - f. Revisions of department criteria may not unfairly disadvantage tenure-track faculty members by creating a situation where new standards cannot be reasonably achieved before the sixth-year tenure evaluation.

#### **4. Admission to Tenure: Timeline**

- a. The only faculty appointments that may lead to tenure are: Assistant Professor, Associate Professor, and Professor.
- b. Admission to tenure is a six-year probationary process. Unless a faculty member has been granted permission to apply for tenure at an earlier date in accordance with Section 4(e)

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- below, the University shall not recommend candidates for tenure prior to their sixth year of service (as calculated based on the conditions that follow):
- (1) The six-year timeline shall begin in September of the first academic year following the faculty member's appointment.
  - (2) This timeline cannot be reduced by previous appointments that were not tenure-eligible.
  - (3) A faculty member hired in possession of tenure-eligible service time at another university may request that a maximum of three (3) years of service be applied toward the required six-year probationary timeline. Approval for this request must be obtained from the faculty member's Department Chair, College Dean, and the PVPAA. The PVPAA has the right to reduce the recommended credit to fewer than three (3) years.
- c. In certain circumstances, it may be necessary to consider awarding tenure to a faculty member at the time of hire. To do so, the candidate's application materials must follow the process below. The candidate may be employed before tenure is granted, however, employment does not guarantee tenure.
- (1) The candidate's tenure application materials shall be evaluated by the tenured faculty in the relevant department. After electing a chair, the tenured faculty must vote to approve or deny a recommendation of tenure.
  - (2) The result of this vote shall be given to the (acting) Department Chair, who shall write either a concurring or dissenting opinion.
  - (3) The department's vote and the (acting) Department Chair's opinion shall be given to the College Dean, who shall write either a concurring or dissenting opinion.
  - (4) The department's vote, the (acting) Department Chair's opinion, and the College Dean's opinion shall be given to the PVPAA, who shall make a recommendation to the President.
  - (5) The President shall make a recommendation to the Board of Regents who have the sole authority to confer tenure.
- d. All time accrued in full-time service at Angelo State University while employed in a tenure-eligible position and at the appropriate rank shall count toward the six-year probationary period. Upon the request of the faculty member, the timeline may be suspended by the PVPAA after consulting with the faculty member's Department Chair and College Dean. If the request to suspend the timeline is not approved, the faculty member may file an appeal with their Department Chair or College Dean within 30 days of the PVPAA's decision. The appeal shall be heard by the PVPAA within 30 days of the appeal, and a decision shall be rendered within 14 days of the hearing. Only one such appeal shall be allowed.
- e. A faculty member may apply for permission to be evaluated for tenure and promotion before six years of service credit have been accumulated (hereafter called "early tenure"). *Permission to apply for early tenure **does not** explicitly or implicitly mean that early*



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*tenure shall be granted.* The process below shall be followed to potentially receive this permission:

- (1) The faculty member shall submit a formal request for permission to apply for early tenure to the Chair of the Department by March 1. This request shall include a letter from the faculty member that summarizes the arguments for granting permission and a complete and current curriculum vitae.
  - (2) The Department Chair shall write a brief opinion of the faculty member's merit for early tenure and submit all materials to the College Dean by March 25.
  - (3) The College Dean shall write a brief opinion of the faculty member's merit for early tenure and submit all materials to the PVPAA by April 15.
  - (4) The PVPAA and the President of the University shall review the submitted materials and decide to either grant or deny permission to apply for early tenure.
  - (5) The faculty member shall receive notification of this decision by May 1. If the request to be evaluated for early tenure is approved, that evaluation shall commence in the next academic year according to the schedule of events described in this policy, Section 4(f)(3).
- f. The process for admission to tenure candidacy shall conform to the following sequence of activities.
- (1) Years One and Two - All departments are required to conduct evaluations of tenure-track faculty during Year 1 and at the beginning of Year 2 of their service. These evaluations are governed by the processes outlined in the University's annual faculty evaluation policy (see OP 06.28). The Department Chair must also meet with the faculty member as part of this process to discuss progress toward tenure and provide suggestions for improvement, according to the performance criteria set by each department.
  - (2) Year Three – Each department shall conduct a review of its tenure-track faculty during the third year of the faculty member's probationary timeline using the department's performance criteria. This procedure must include a written assessment and recommendation regarding the faculty member's progress toward tenure. If a faculty member is employed in two departments unequally (i.e., 75% in one, 25% in the other), the department containing the majority of this workload shall be responsible for the evaluation. If the faculty member is employed in two departments equally, *each department* must conduct an independent evaluation according to this procedure. This evaluation shall follow the same timeline shown in Section 9 of this document, as far as it applies.
    - (a) The Department Chair(s) shall organize a meeting of all tenured faculty members within the department(s) to evaluate third-year faculty members. The Department Chair(s) shall not participate in the meeting, but shall deliver a charge to the committee at the beginning of the first meeting.
    - (b) The participating tenured faculty members must elect an ad hoc chair for the meeting before evaluations begin.

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- (c) If there are fewer than three (3) tenured faculty members eligible to participate in this meeting, the Department Chair(s) and the College Dean(s) shall collaborate to invite tenured faculty members from outside the department to participate by contacting departments within the College.
  - (d) After deliberation, the tenured faculty shall vote by anonymous ballot as to whether the faculty member(s) are making successful progress toward tenure and should be retained based on department criteria of performance. The committee chair shall submit a set of meeting minutes, redacted for anonymity, which summarizes the meeting's activities. Votes of "NO" must be accompanied by substantive comments supporting the vote. If substantive comments are not provided, the vote will not be counted.
  - (e) The decision of the tenured faculty, including all ballots and any justification for negative votes, shall be submitted to the Department Chair(s) who shall write a concurring or dissenting opinion.
  - (f) The faculty decision and the Department Chair(s)'s opinion shall be submitted to the College Dean(s), who shall render a decision regarding renewal of the faculty member's employment. However, the PVPAA and the President retain the right to overrule this decision.
- (3) Year Six – In the spring semester of the tenure-track faculty member's fifth year of service, notification of tenure candidacy shall be sent from the office of the PVPAA to the faculty member.
- (4) Exceptions to the timeline shall be made for faculty members who were hired with years of service credited to them as outlined in this section.
- (a) If one (1) year of service was credited, the evaluations at Years One and Two and the Third-Year evaluation shall correspond to Years 2, 3 and 4 of credited service.
  - (b) If two (2) or three (3) years of service were credited, the faculty member shall receive a Year One and a Third-Year Review; the Year Two evaluation shall be omitted.

It is the sole responsibility of the faculty member to prepare a portfolio in support of his/her candidacy according to the guidelines and timeline described in Sections 7 and 10 of this document, including any adjustments to the timeline approved by the PVPAA and the President of the University. If a faculty member is employed in two departments unequally (i.e., 75% in one, 25% in the other), the department containing the majority of this workload shall be responsible for the evaluation. If the faculty member is employed in two departments equally, *each department* must conduct an independent evaluation according to this process.

**The tenure candidate must receive copies of all documents that become part of the candidate's portfolio as it moves through the process.** This includes copies of signature forms from faculty committees and letters from Department Chair(s) and Dean(s). However, the original materials will not be returned to the faculty member.

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The tenure candidate may elect to withdraw a portfolio at any time before it reaches the office of the PVPAA.

The candidate's documentation shall be evaluated according to the process described in Section 6.

## **5. Promotion to Professor: Timeline**

An application for promotion to Professor may be submitted by a tenured Associate Professor no earlier than at the beginning of the fifth year of service at that rank *and* according to submission deadlines published annually by the office of the PVPAA.

It is the sole responsibility of the faculty member to prepare a portfolio in support of his/her application for promotion. If a faculty member is employed in two departments unequally (i.e., 75% in one, 25% in the other), the department containing the majority of this workload shall be responsible for the evaluation. If the faculty member is employed in two departments equally, *each department* must conduct an independent evaluation.

The promotion candidate must receive copies of all documents that shall become part of the candidate's portfolio as it moves through the process. This includes copies of signature forms from faculty committees and letters from Department Chair(s) and Dean(s).

The promotion candidate may elect to withdraw a portfolio at any time before it reaches the office of the PVPAA.

The applicant's documentation shall be evaluated according to the process outlined in Section 6.

## **6. Evaluation Process for Tenure and Promotion Decisions**

a. Department Evaluation – the appropriate Department Chair(s) shall organize a meeting of the tenured faculty of the department to vote on the candidates' portfolios. If there are no tenured faculty members in the Department, tenured faculty members from other Departments within the College shall be appointed by the College Dean.

- (1) The Department Chair(s) shall not participate in the meeting or vote regarding the portfolios, but shall deliver a charge to the committee at the beginning of the first meeting. It is permissible to allow tenured faculty members to evaluate the portfolios individually in preparation for this meeting.
- (2) An ad hoc chair shall be chosen by the tenured faculty from among those members present before evaluating portfolios.
- (3) A vote by anonymous ballot shall be conducted where each tenured faculty member shall vote to approve or deny tenure.
- (4) The ad hoc chair shall tabulate the results, witnessed by the members of the committee, and complete the required form indicating the decision made (approve, deny, or tie). The committee chair shall submit a set of meeting minutes, redacted for anonymity, which summarizes the meeting's activities. Votes of "NO" must be

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accompanied by written substantive comments supporting the vote. If substantive comments are not provided, the vote will not be counted.

- (5) The required forms, ballots, and justifications shall be submitted to the appropriate Department Chair(s) to complete this step. The Department Chair(s) shall also provide copies of forms and justifications to the candidate.
- b. Department Chair Evaluation – the Department Chair(s) shall review the decision of the tenured faculty for each portfolio and then write either a concurring or dissenting opinion regarding each candidate. This opinion shall be inserted into the appropriate tabs in each portfolio, a copy of which shall be distributed to the candidate. The portfolio shall then be submitted to the appropriate CTPC(s) for review.
- c. CTPC Evaluation - the CTPC(s) shall review the decision of the tenured faculty and the Department Chair(s) for each portfolio and then vote to approve or deny tenure based on its own evaluation of the portfolio against the relevant department performance criteria. Committee members may not participate in this meeting via teleconference. The College Dean may not participate in the proceedings of the CTPC.
  - (1) The vote shall be anonymous, and all votes shall be tallied in the presence of the committee members.
  - (2) The committee chair shall submit a set of meeting minutes, redacted for anonymity, which summarizes the meeting’s activities. Votes of “NO” must be accompanied by written substantive comments in support of the vote. If substantive comments are not provided, the vote will not count.
  - (3) The CTPC chair(s) shall complete the signature forms and collect the ballots and any necessary justifications, which shall all be submitted to the College Dean(s) for review.
- d. College Dean Evaluation – the College Dean(s) shall review the decision of the tenured faculty, the Department Chair(s), and the CTPC(s) for each portfolio and then write either a concurring or dissenting opinion regarding each candidate. This opinion shall be inserted into the appropriate tab in each portfolio, a copy of which shall be distributed to the candidate. The College Dean(s) must also provide a copy of the CTPC forms and justifications to the candidate at this time. The portfolio shall then be submitted to the PVPAA for review.
- e. PVPAA Evaluation – the PVPAA shall review the decision of the tenured faculty, the Department Chair(s), the CTPC(s), and the College Dean(s) for each portfolio. The PVPAA shall add a memo indicating approval or disapproval of each candidate for inclusion into the portfolios, and then submit all documentation for the President’s approval.
- f. President’s Evaluation – the President shall make recommendations for tenure and /or promotion to the Board of Regents based on personal judgment of the candidate’s portfolio and also on the results of the evaluative process described above. *Only the Board of Regents may award tenure.*

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## 7. Guidelines for the Construction of Tenure and Promotion Portfolios

All tenure and promotion portfolios shall be contained in a hardcover binder with tabs separating each section from the others. *It is the responsibility of the faculty member to provide enough plastic page covers to accommodate the letters and other documentation that will be added during the evaluation process. No other documentation beyond what is listed below shall be considered during portfolio evaluations.*

The original documentation generated by the tenure and promotion process, including ballots, meeting minutes, inserted letters and all faculty-submitted materials shall be archived in the office of the PVPAA. Faculty members may request from the PVPAA access to the original documentation.

### Tenure and Promotion Portfolio Guidelines

- a. The tab identifying the first section shall be labeled “Forms”. The following items must be included:
  - (1) PVPAA letter indicating tenure eligibility for probationary faculty or a signed form indicating the applicant has completed four (4) years of credited service at the Associate Professor rank and is therefore eligible for promotion to Professor
  - (2) An empty plastic cover to allow for the insertion of the completed Department-level recommendation form
  - (3) An empty plastic cover to allow for the insertion of the completed CTPC-level recommendation form
- b. The tab identifying the second section shall be labeled “Department Criteria”. *It is the responsibility of the faculty member to insert a copy of the approved Departmental performance criteria into this section so that they may be referenced during the review process.*
- c. The tab identifying the third section shall be labeled “PVPAA’s Memo”.
- d. The tab identifying the fourth section shall be labeled “Dean’s Letter”.
- e. The tab identifying the fifth section shall be labeled “Department Chair’s Letter and Annual Evaluations”. In addition to the Department Chair(s) signed letter, an official, signed copy of each annual faculty evaluation must be included.
- f. The tab identifying the sixth section shall be labeled “Curriculum Vitae”. This section shall include a complete version of the candidate’s CV, including work that was performed at another university for candidates hired with service credit.
- g. The tab identifying the seventh section shall be labeled “Teaching Effectiveness”. The following items must be included:
  - (1) Summary course evaluation reports (IDEA reports) for all classes taught at ASU during the relevant period (probationary period or period since last promotion).

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- (2) A personal essay describing the ways in which the candidate's teaching knowledge and skills have developed positively during the relevant period, how this has translated into outcomes, and how these outcomes meet the Department's performance criteria. The essay should reference qualitative evidence of teaching and advising effectiveness beyond what is reflected on the IDEA reports.
- h. The tab identifying the eighth section shall be labeled "Scholarly Activity". The following items must be included:
    - (1) A list of all specific scholarly works and achievements completed during the candidate's relevant period (probationary period or period since last promotion).
    - (2) A personal essay describing the ways in which the candidate's scholarly activity has developed positively over the relevant period, how this has translated into outcomes, and how this work meets the Department's performance criteria. The candidate should narratively describe the development of his/her scholarly activities so that the reader may see how the activity reflected in the CV has contributed to the candidate's professional growth.
  - i. The tab identifying the ninth tab shall be labeled "Professional Service". The following items must be included:
    - (1) A dated list (bulleted or numbered) of service activities completed during the candidate's relevant period (probationary period or period since last promotion).
    - (2) A personal essay describing in detail these relevant service activities, how these activities have contributed to the mission of the University and to the candidate's professional development, and how these activities meet the Department's performance criteria.

## **8. Termination Rules and Procedures for Grievance**

- a. Faculty may be involuntarily separated from their employment with the University in the following ways:
  - (1) Termination with immediate effect - this is defined as an immediate revocation of the current employment appointment for a non-tenured tenure-track faculty member.
  - (2) Non-reappointment - this is defined as the University's refusal to offer further employment to a non-tenured tenure-track faculty member beyond the end of the current employment appointment.
  - (3) Denial of tenure - this is defined as termination as a result of a failed tenure candidacy. The tenure-track faculty member shall receive a terminal appointment for the next academic year before the termination takes full effect.
  - (4) Revocation of tenure and termination with immediate effect - this is defined as an immediate revocation of both tenure status and employment with the University for a tenured faculty member.

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- b. Tenure-track faculty members who are denied tenure with the University may appeal according to the process outlined in OP 06.29 (Faculty Tenure Denial and Tenure Revocation).
- c. The revocation of tenure by the University from a tenured faculty member shall automatically initiate a review process as outlined in OP 06.29 (Faculty Tenure Denial and Tenure Revocation).

## **9. Procedures for Policy Review and Revision**

This section describes the procedure by which this operating policy may be amended. No other amendments may be made outside of this procedure.

- a. The Faculty Select Committee (FSC) shall consist of two (2) members from each undergraduate college, elected by the tenured and tenure-track faculty in an election administered by the office of the PVPAA and the President of the Faculty Senate. The representatives from each college may not come from the same department. The election must be designed such that a remedy exists in case the election results violate this rule.
- b. The office of the PVPAA is responsible for calling the initial meeting of the Faculty Select Committee (FSC) to begin the revision process.
- c. The chair of the FSC shall convene the committee regularly to review the current operating policy and make a list of recommendations for revision, which shall then be submitted to the office of the PVPAA.
- d. The initial list of recommendations shall be submitted for review to the Faculty Senate through the office of the PVPAA. The Faculty Senate shall produce a list of suggested changes, attach this list to the original recommendations, and return the documents to the PVPAA.
- e. All documentation shall be submitted for review to the Department Chairs through the office of the PVPAA. The Department Chairs shall produce a list of suggested changes and attach this list to the original recommendations and the suggestions of Faculty Senate. All documentation shall then be returned to the office of the PVPAA.
- f. All documentation shall be submitted for review to the Deans' Council through the office of the PVPAA. The Deans' Council shall produce a list of suggested changes and attach this list to the original recommendations, the suggestions of the Faculty Senate, and the suggestions of the Department Chairs. All documentation shall then be returned to the office of the PVPAA.
- g. The office of the PVPAA shall return all lists of suggested changes to the chair of the FSC. The FSC shall meet to integrate the suggested changes into a new draft, which shall be returned to the office of the PVPAA and cycled through the approval sequence described in this section.
- h. When a draft of the policy has been approved by all stakeholders, it shall be submitted to the President of the University for approval and then to the Board of Regents.

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- i. If, after three (3) complete cycles of revision, a consensus has not been reached regarding revisions to this policy, the PVPAA shall appoint an *ad hoc* committee composed of three (3) representatives from the Faculty Senate and three (3) representatives from the Deans' Council to reach consensus.

#### 10. Generic Calendar for Tenure/Promotion Workflow

- a. The University shall evaluate faculty members for tenure and/or promotion according to the following timeline if at all possible.
- b. The office of the PVPAA may make reasonable adjustments to this timeline to account for unforeseen circumstances that make it untenable. Any adjustments made shall apply to all candidates under evaluation and may not be used to selectively advantage or disadvantage a particular candidate. Adjustments must also be approved by the President of the University.

#### Generic Tenure/Promotion Calendar

Process Step	Target Date	2016-2017 (Example)
Portfolio Submitted	3 <sup>rd</sup> Friday, Fall Semester, 5pm CST	September 16, 2016
Department-Level Evaluation Completed	6 <sup>th</sup> Friday, Fall Semester, 5pm CST	October 7, 2016
Chair's Recommendation Completed	8 <sup>th</sup> Friday, Fall Semester, 5pm CST	October 21, 2016
CTPC-Level Evaluation Completed	10 <sup>th</sup> Friday, Fall Semester, 5pm CST	November 4, 2016
College Dean's Recommendation Completed	12 <sup>th</sup> Friday, Fall Semester, 5pm CST	November 18, 2016
PVPAA's Recommendation Completed	15 <sup>th</sup> Friday, Fall Semester, 5pm CST	December 9, 2016
President's Recommendations Sent to BoR	In time for February BoR Meeting	January, 2017





## Angelo State University Operating Policy and Procedure

### OP 06.23: Tenure and Promotion Standards and Procedures

**DATE:** ~~October 23, 2009, effective March 1, 2010~~

**PURPOSE:** ~~The purpose of this Operating Policy/Procedure (OP) is to publish the Angelo State University Tenure & Promotion Standards & Procedures and to ensure understanding of both standards and procedures concerning tenure and promotion.~~

**REVIEW:** ~~The OP will be reviewed in September every three years or as needed by a Select Faculty Committee elected by ballot of the faculty, with recommendations forwarded through the Provost and Vice President for Academic and Student Affairs (PVPASA) to the President of the university by December 1 of the review year. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.~~

### POLICY/PROCEDURE

~~This document describes the general assumptions underlying the qualifications for tenure and promotion at Angelo State University (ASU) and outlines basic guidelines and procedures for applying for tenure and promotion. It establishes a sequential review process for evaluating tenure and promotion applicants, describes the process whereby documents are to be submitted to the appropriate faculty committees and administrative officials involved in the evaluation of candidates, and specifies procedures for notifying applicants. The attachments provide standard forms for reporting findings throughout the tenure and promotion review process.~~

#### 1. ~~Concept of Tenure~~

- ~~a. Academic tenure exists to ensure that ASU may have the benefit of the competent and honest judgment of its faculty. It affirms the professional status of university faculty and guarantees that a tenured faculty member's employment may be terminated only for adequate cause.~~
- ~~b. Tenure is normally obtained only after a period of probationary service. This probationary period is essential to determining whether a faculty member will be able to sustain a continuous record of effective teaching, significant scholarly activity/creative endeavor, and leadership/service to the university and the profession. The university, therefore, will not recommend candidates for tenure and promotion to Associate Professor prior to their sixth year of service in a tenure-track position unless a compelling case for doing so can be made. Tenure may not be awarded at the Assistant Professor level. After tenure is granted, the burden of proof rests upon the university when it wishes to dismiss a tenured faculty member.~~

## **~~2.—Purpose of Tenure~~**

~~Tenure is designed to accomplish the following purposes:~~

- ~~a.—To assure the faculty that they are free to teach, conduct research, express opinions, and participate fully as citizens in the community without interference so long as they maintain professional and ethical standards of conduct;~~
- ~~b.—To provide procedures that guarantee due process, adequate notice, and a fair hearing to establish justification for possible termination of tenured faculty;~~
- ~~c.—To assist the university by encouraging sound standards for the original selection of faculty; and~~
- ~~d.—To result in the retention, encouragement, and promotion of the ablest and most promising faculty.~~

## **~~3.—Discrimination~~**

~~All academic appointment and tenure judgments and recommendations rest upon objective requirements that consider the faculty member's ability to perform teaching, scholarly activity/creative endeavor, and leadership/service responsibilities. Such judgments and recommendations must be made without regard to race, religion, gender, age, national origin, marital status, or physical disabilities that do not obstruct professional performance.~~

## **~~4.—General Guidelines for Tenure and Promotion~~**

~~Primary responsibility for evaluation of the academic qualifications of candidates for tenure and promotion rests with the faculty.~~

- ~~a.—Five sequential levels exist in the tenure and promotion review process:
  - ~~(1) Evaluation at the department level, which includes a vote by the tenured faculty for tenure and promotion decisions and a recommendation by the department head;~~
  - ~~(2) Evaluation at the college level, which includes a recommendation by the dean and a vote by the College Committee on Tenure and Promotion;~~
  - ~~(3) Review by the PVPASA, which includes a recommendation to the president;~~
  - ~~(4) Review by the president, who makes recommendations for tenure and promotion to the Board of Regents.~~
  - ~~(5) Approval by the Board of Regents.~~~~
- ~~b.—Under the direction of their respective deans, faculty in individual colleges will develop their own tenure and promotion standards and procedures in accordance with the policies and procedures set forth in the *Rules and Regulations of the Board of Regents of the Texas Tech University System (Regents' Rules)* and ASU operating policies and procedures. Each College Tenure and Promotion Criteria Development and Review Committee will review such standards and procedures once every three years or as~~

~~needed. Revisions will be submitted to the Deans' Council for its approval and recommendation to the PVPASA, who in turn will recommend revisions to the president for approval.~~

## ~~5.—General Guidelines for Appointment and Promotion in Rank~~

~~a.—Initial appointment for tenured or tenure-track faculty members are made at one of three ranks:~~

- ~~(1) **Assistant Professor:** Appointment to the rank of Assistant Professor requires that individuals hold the terminal degree or its equivalent appropriate to their discipline. Appointment to this rank is made on the judgment that the individual has the potential for an award of tenure within the maximum six-year probationary period. Evidence of potential for excellence in teaching, scholarly activity/creative endeavor and leadership/service is required. The recommendation for the tenure of an Assistant Professor will be concurrent with the recommendation for promotion to Associate Professor.~~
- ~~(2) **Associate Professor:** Appointment or promotion to the rank of Associate Professor is recognition that the faculty member has a clearly defined record of strong teaching, scholarly activity/creative endeavor, and leadership/service with a commitment to continued growth in each of these areas.~~
- ~~(3) **Professor:** Appointment or promotion to the rank of Professor is recognition of demonstrated achievement and distinction over the span of a faculty member's academic career in teaching, scholarly activity/creative endeavor, and leadership/service. The faculty member must also have participated in professional service and been actively involved in department, college, and university affairs. After completing a minimum of four years at the rank of Associate Professor at ASU, a faculty member may apply for promotion to the rank of Professor.~~

~~b.—Those faculty members who serve administrative or special functions in addition to their faculty duties are expected to meet the same general standards of performance, but decisions on promotion in academic rank should take into account the contributions and accomplishments associated with the administrative appointment or special function.~~

## ~~6.—Admission to Tenure~~

~~Tenure denotes an entitlement to continuing appointment as a member of the faculty at ASU. Faculty in departments and colleges, in consultation with the dean, will develop more specific guidelines to help faculty meet the criteria to achieve tenure. Those criteria must conform to guidelines set forth in the *Regents' Rules* and ASU operating policies and procedures.~~

~~a.—Probationary appointments that may lead to tenure are:~~

- ~~(1) Assistant Professor;~~
- ~~(2) Associate Professor;~~
- ~~(3) Professor.~~

- ~~b. The terms and conditions of appointment, including any credit toward tenure status, will be stated in writing before the appointment is finalized. A copy of the terms and conditions is available to the faculty member and should be retained in the individual's permanent file. Probationary faculty should review the established standards and procedures for consideration for tenure and promotion.~~
- ~~c. For faculty members who serve in administrative or special functions in addition to their faculty duties, decisions on tenure will be determined on the basis of academic credentials and achievements as well as the performance of administrative and special functions.~~
- ~~d. A candidate for tenure must hold the terminal degree or its equivalent appropriate to his or her discipline.~~
- ~~e. The only ranks in which a faculty member may hold tenure are Professor and Associate Professor.~~
- ~~f. The candidate must possess sufficient years of service in academia to warrant a prudent judgment by peers of the faculty member's proficiency in teaching, scholarly activity/creative endeavor, and leadership/service. The maximum period of probationary faculty service in non-tenured status is six years of full-time academic service in a tenure-track position. The probationary period is not reduced by previous non-tenure-track service at ASU. Periods during which a faculty member is on leave of absence may not be counted toward fulfilling the probationary requirement; if a faculty member is appointed to a tenure-track position after the beginning of an academic year, the period of service from the time of appointment to the beginning of the next academic year does not count toward fulfilling the probationary requirement.~~
- ~~g. Up to three years of prior service, normally in tenure-track positions at other academic institutions, may be credited toward fulfillment of the required probationary service upon recommendation by the dean and the PVPASA with written approval of the president at the time of the initial appointment. University activities included in the probationary years spent at other universities and conducted in the academic community at large may count toward ASU's tenure requirements.~~
- ~~h. A faculty member who is serving the sixth academic year of probationary service will, upon completion of evaluation procedures for tenure decision, either be awarded tenure, which becomes effective at the beginning of the seventh year, or be notified that the seventh year will be the terminal year of appointment.~~
- ~~i. In exceptional circumstances, tenure may be awarded prior to completion of the full probationary term. A request to apply for early consideration of tenure must be approved by the department head, dean of the college, Deans' Council, and PVPASA. Denial of a request for early consideration will not prejudice subsequent requests.~~

## ~~7. Evaluation of Candidate for Tenure and Promotion~~

~~The weight of the decision to grant tenure rests on a pattern of performance indicative of a lifetime of continued accomplishment and productivity; the decision to promote a faculty member from one rank to the next is recognition of the faculty member's accomplishments to date and ability to function productively at the higher faculty rank with its commensurate~~

~~standards of performance. Evidence of teaching, scholarly activity/creative endeavor, and leadership/service is expected of all faculty members. Because the needs and goals of each program vary widely, specific criteria for promotion and tenure will be established at the college level in accordance with the *Regents' Rules* and ASU operating policies and procedures.~~

~~a. Upon implementation of this OP, faculty of each undergraduate college will form a Tenure and Promotion Criteria Development and Review Committee to formulate written criteria and procedures for its respective college in accordance with the *Regents' Rules* and ASU operating policies and procedures.~~

~~(1) The committee will consist of two tenured or tenure track representatives from each department in the college, elected by the tenured and tenure track members of the department. The dean of the college will prepare and distribute the ballot of eligible candidates.~~

~~(2) The dean will call the initial committee meeting, at which time the committee will elect a chair to preside over the remainder of the meetings and to initiate the process by soliciting suggestions and proposals from the various department peer review committees within the college.~~

~~(3) The criteria and procedures developed by the Tenure and Promotion Criteria Development and Review Committee must be approved by a majority vote of the tenured and tenure track faculty, including the department heads, in the respective college and by the dean of the college. If the faculty deliberations result in a tie vote, the Tenure and Promotion Criteria Development Review Committee will forward the criteria and procedures directly to the Dean. If the Dean does not approve the criteria and procedures, they will be returned for reconsideration until a consensus agreement is reached. The approval process cannot exceed two weeks.~~

~~(4) The approved college criteria and procedures will be submitted to the Deans' Council for amendment and approval to ensure that standards are reasonably consistent given variations among the colleges. The Deans' Council in turn recommends to the PVPASA who may amend the criteria and make recommendations to the president, who has final approval.~~

~~b. Upon approval of the college criteria and procedures, the faculty of each undergraduate college will form a College Committee on Tenure and Promotion to conduct tenure and promotion deliberations.~~

~~(1) The committee will be comprised of no fewer than five members with equal representation from each department in the college. The committee will be comprised of tenured faculty elected for a two year term by a vote of the tenured and tenure track faculty within the college. Terms will be staggered with two year and one year terms for the first year. Departments with no tenured faculty will be allowed to have a non voting member elected by the department faculty.~~

~~(2) The dean of the college will publish a list of eligible faculty, conduct the election, and call the initial meeting, at which the committee elects its chair to serve a one year term and preside over the remainder of the meetings.~~

~~(3) Deans and department heads are not eligible to serve on the committee. Individuals may not serve for a second consecutive term if there are other tenured faculty members in the department who are eligible to serve. A faculty member cannot serve on the committee during the year in which he or she is applying for tenure or promotion. In that case, the faculty member must notify the chair in writing no later than the first week of the fall semester at which time a special election will be held to select a replacement.~~

~~(4) The College Committee on Tenure and Promotion is required to keep minutes of its meetings. These minutes will specify only the members present, a summary of the procedures followed by the committee, and an alphabetical listing of the individuals recommended for tenure and those recommended for promotion. The minutes will not provide any details of the deliberations, numerical ratings, scores, votes, tallies, or ordered rankings.~~

~~e. The evaluation process will consist of the following steps:~~

~~(1) Evaluation of Candidates by Faculty Peers at the Department Level~~

~~The department head will convene a meeting of the tenured faculty, charge them with evaluating each candidate for tenure and/or promotion, and specify the date by which deliberations must be completed. The department head will not participate in the discussion or vote. The tenured faculty will elect one of their number to serve as chair of the committee. The tenured faculty members, excluding the department head, vote by secret ballot whether to recommend the candidate for tenure or promotion. In cases where the department does not have at least three tenured faculty members, the department head will request evaluation from tenured members from other departments to provide a review committee of at least three people. The elected chair will supervise the counting of ballots and fill out two copies of Form #2; the chair will insert one copy of the form in the portfolio and simultaneously submit the second copy to the applicant. The chair will destroy the ballots and forward the portfolio to the department head.~~

~~(2) Evaluation of Candidates by the Department Head~~

~~Upon completion of the evaluation of the portfolio, the department head will place a written, detailed evaluation representing his or her judgment on the candidate's application for tenure and/or promotion in the portfolio and simultaneously provide a copy to the candidate. The department head will forward the portfolio to the dean of the college.~~

~~(3) Evaluation of Candidates by the Dean of the College~~

~~The dean is responsible for evaluating the candidate in light of established criteria, the department vote by the tenured faculty, and the evaluation and recommendation of the department head. Upon completion of the evaluation, the dean will place a written, detailed evaluation representing his or her judgment on the candidate's application for tenure and/or promotion in the portfolio and simultaneously provide copies to the department head and the candidate. The dean will forward the portfolio to the College Committee on Tenure and Promotion.~~

~~(4) Evaluation of Candidates by the College Committee on Tenure and Promotion~~

- ~~(a) The dean will charge the College Committee on Tenure and Promotion with evaluating each candidate for tenure and/or promotion and specify the date by which deliberations must be completed.~~
- ~~(b) Upon completion of the committee's evaluation, the chair of the committee will supervise the counting of the ballots and fill out three copies of Form #3; the chair will insert one copy of the form in the portfolio and simultaneously submit copies to the dean and the candidate. The chair will destroy the ballots and forward the portfolio to the PVPASA.~~
- ~~(c) If the committee received and supports a unanimous recommendation, no further action is required. If the committee votes contrary to the recommendation of the tenured faculty, the department head, or the college dean, it must provide the PVPASA the reason for its decision in writing.~~

~~(5) Evaluation of the Candidates by the PVPASA~~

~~The PVPASA will review each portfolio, including the College Committee on Tenure and Promotion's vote, the dean's and department head's evaluations, and the department tenured faculty vote. The PVPASA in turn will present a recommendation to the President and the candidate simultaneously.~~

~~(6) Evaluation of Candidates by the President~~

~~The president makes a recommendation for tenure and/or promotion to the Board of Regents for its consideration. The action of the Board of Regents awards faculty members tenure and/or promotion.~~

**8. Definitions of Termination**

~~Termination of tenured faculty, except by resignation, retirement, or under extraordinary circumstances because of demonstrable bona fide financial exigency, will be only for adequate cause shown with the burden of proof on the university.~~

~~Adequate cause for termination is directly and substantially related to the fitness of faculty members in their professional capacity and public trust as teachers and scholars. Termination will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.~~

~~There are three categories of involuntary separation from employment for faculty:~~

- ~~a. Revocation of tenure, which is termination of a tenured faculty member's employment;~~
- ~~b. Non-reappointment, which is the cessation of a non-tenured tenure track faculty member's employment at the end of the stated appointment period, and~~
- ~~c. Termination, which is immediate termination for cause of a non-tenured tenure track faculty member's employment before the expiration of the stated appointment period.~~



## **~~9. Tenure Advisory Committee~~**

- ~~a. The Tenure Advisory Committee may consider matters pertaining to tenure or academic freedom referred to it by members of the university community. The committee reports to the president. If the president does not approve a recommendation of the committee, the committee will be informed in writing of the reasons for disapproval. The substance of any recommendation by the committee, if approved by the president, will be given consideration for incorporation in the operating procedures of the university.~~
- ~~b. The committee will consist of five tenured faculty and two ex officio members, who are the PVPASA and a dean selected by the Deans' Council. Each undergraduate college will elect one member. Each dean's office will prepare and distribute ballots to the faculty of the respective college. Elected members serve two-year terms. Only tenured faculty teaching full time are eligible for election. Elected faculty members will not be eligible to serve consecutive terms. The Deans' Council member will serve for three years but will not be eligible to serve consecutive terms. The committee will determine its own procedural rules.~~

## **~~10. Termination Review Procedures for Tenure Revocation, Non-reappointment and Termination Cases~~**

~~In each faculty termination case reviewed at the request of the faculty member, the issue will be determined by an equitable procedure that affords protection to the rights of the individual and to the interest of the university. In cases where the faculty member agrees that his or her conduct constitutes adequate cause, or does not choose to have a hearing, he or she will offer in writing his or her resignation. That faculty member will give notice of resignation as early as possible to obviate serious inconvenience to the university and to ensure that department objectives and student needs are met.~~

~~The procedures for termination described in this section do not negate the right of the president to suspend a faculty member from some or all duties when the president reasonably believes that the allegations, if true, create a likelihood of harm for persons or the university. The suspension will be with pay until such time as the suspended faculty member has been accorded the procedural rights appropriate to his or her appointment type, as described in this section.~~

### ~~a. Tenure Revocation~~

#### ~~(1) Mediation and Investigation~~

~~Tenure revocation charges will not be filed until reasonable efforts to mediate and conciliate differences between the faculty member and the university have been exhausted. The chair of the Tenure Advisory Committee (or member designated by the committee) and the PVPASA (or designee) will attempt to secure a confidential and equitable agreement in no more than twenty business days.~~

~~If the mediation efforts fail, the mediators will provide a written, detailed report to the president and the faculty member, and a formal investigation will begin. Together, the chair of the Tenure Advisory Committee (or member designated by the committee) and the PVPASA (or designee) will conduct a thorough, confidential, expeditious review of all charges, and report their findings and recommendations to~~



~~the president. After consideration of the report and recommendations, the president will determine whether to file formal charges to terminate the faculty member's employment for cause no more than fifteen business days after receiving the report.~~

~~(2) The Hearing Panel~~

~~In all cases of formal charges, the faculty member will be informed in writing of the charges, which, on reasonable notice, will be considered by a Hearing Panel convened by the president. The Hearing Panel will be made up of five members chosen by the Tenure Advisory Committee from a hearing pool formed of twenty tenured faculty members. Those members will be elected annually by faculty at large from a ballot prepared and distributed by the PVPASA's office. Only tenured faculty teaching full time are eligible for election. Faculty may not serve on the Tenure Advisory Committee and the tenure hearing pool concurrently.~~

~~The Tenure Advisory Committee will, by lot, order the names of the members of the hearing pool, assigning each a number from one to twenty. Pool members deeming themselves biased must withdraw from consideration for the Hearing Panel. Either party in the dispute may strike no more than three names from those remaining on the list. The Tenure Advisory Committee designates the five pool members with the lowest numbers remaining on the list to constitute the Hearing Panel. The Hearing Panel will select a chair from its membership and may, if it chooses, request appropriate legal counsel to be furnished by the university but not from the Office of General Counsel. The legal counsel will advise the Hearing Panel but does not vote. The Hearing Panel may also consult with the general counsel of the university on technical and/or procedural questions not directly bearing on the merits of the case if the Hearing Panel considers such consultation appropriate and helpful.~~

~~(3) The Hearing~~

~~In consultation with the faculty member and the chair of the Hearing Panel, the president will set a date for the hearing. The hearing will be private and confidential unless the faculty member elects to have a public hearing. The Hearing Panel will determine hearing procedures that afford both due process and fairness. The hearing will be nonadversarial in nature.~~

~~In every such hearing, the faculty member has the right to appear in person with legal counsel, retained by the faculty member, and to confront and examine witnesses. The faculty member has the right to testify but may not be compelled to do so. The faculty member may introduce all evidence and material, written or oral, which he or she considers to be relevant or material to the case. Neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence will apply to the hearing.~~

~~The university also has the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and has the same rights in the hearing as those accorded to the faculty member. An audio recording of the proceedings will be made and delivered to the president for submission to the Board of Regents, and a copy of this audio recording will be made available to the faculty member. The recording will be transcribed only on the request of either the faculty member or the president, with the requesting party bearing the transcription costs.~~

~~The Hearing Panel, by a majority vote of its total membership, will make detailed, written findings of fact on each charge and make specific recommendations with regard to each of the charges and the charges as a whole and supplementary suggestions it deems proper concerning disposition of the case. Minority findings, recommendations, or suggestions will be similarly prepared and transmitted. The chair of the Hearing Panel will deliver the findings, recommendations, and suggestions to the president, who will transmit them along with a recommendation to the faculty member and to the Board of Regents.~~

~~(4) The Board of Regents' Decision~~

~~The Board of Regents will consider all relevant material furnished and, by a majority of its total membership, will approve, reject, or amend the findings, recommendations, and suggestions of the Hearing Panel based on the record. Any amendment or change of such findings, recommendation, or suggestions, and the reasons therefore, will be detailed in writing and communicated to the president who will transmit them to the Hearing Panel, which will then study any additional matters presented to it and within forty five days submit its recommendations to the president. If the Board of Regents then overrules the recommendations of the Hearing Panel, it will state in writing its reasons for its actions in overruling the Hearing Panel's recommendations to the president, who will transmit the decision to the Hearing Panel. The president will also notify the faculty member in writing of the Board's decision. This communication will include the findings and recommendations of the Hearing Panel as well as those of the Board. The decision of the Board of Regents will be final.~~

~~b. Non-reappointment and Termination~~

~~The following procedures on non-reappointment and termination for cause apply to untenured tenure-track faculty. The university is not required to give an untenured tenure-track faculty member a reason for a decision of non-reappointment. However, each faculty member is entitled to see all of his or her personnel files and, at his or her expense, to obtain a copy of the information contained therein.~~

~~(1) Initial Investigation~~

~~If an untenured tenure-track faculty member alleges that a decision not to reappoint him or her is:~~

~~(a) Caused by considerations that violate academic freedom;~~

~~(b) For constitutionally impermissible reasons; or~~

~~(c) Significantly noncompliant with the university's established standards or prescribed procedures; then~~

~~The allegation of improper rationale for non-reappointment, as defined above, will be given preliminary consideration by a faculty committee. The Tenure Advisory Committee is responsible for appointing the faculty committee from within or outside its own membership and for its functioning.~~

~~(2) The Hearing Panel and Hearing~~

~~If the faculty committee concludes that there is probable cause for the faculty member's allegation, the Tenure Advisory Committee will notify the PVPASA and convene the Hearing Panel constituted in Section 10 (a.2). The faculty member will be responsible for stating the specific grounds on which the allegations were based, and the burden of proof will rest upon the faculty member.~~

~~The Hearing Panel will consider the allegations using the procedures outlined in Section 10 (a.3). Upon conclusion of deliberations, the chair of the Hearing Panel will deliver its findings, recommendations, and suggestions to the president, who will approve, reject, or amend them based on the record, then transmit them along with the president's recommendation to the faculty member. The decision of the president will be final.~~

**11. Timelines for Notice of Non-reappointment**

~~These notification timelines apply to any notice of non-reappointment that is issued to untenured tenure-track faculty.~~

- ~~a. Full-time faculty members in their first year with the university whose duties commence with the first semester of the academic year must be notified by the following March 1 if they are not to be reappointed.~~
- ~~b. Full-time faculty members in their first year with the university whose duties commence after November 15 must be notified by the following April 15 if they are not to be reappointed.~~
- ~~c. Full-time faculty members who are in their second year with the university and who are not to be reappointed must be notified by December 15 of the academic year in which the appointment is to terminate.~~
- ~~d. Full-time faculty members with more than two years with the university will be notified of non-reappointment by issuance of a terminal contract for one academic year.~~

**12. Policy Implementation, Periodic Review, and Revision**

~~This policy is to be implemented upon approval by the Board of Regents. All tenured faculty members are subject to this policy's applicable provisions and procedures including those not addressed in any former policy. The tenure of faculty members who have attained tenure under prior policies at ASU continues. This policy shall not be applied in derogation of any faculty member's contract rights.~~

~~This policy will be comprehensively reviewed in September every three years or as needed, beginning with the 2011-2012 academic year, by a representative Select Faculty Committee elected by the faculty at large. The Select Committee will consist of two members from each of the five undergraduate colleges, elected by the tenured and tenure-track faculty from a ballot prepared and distributed by the PVPASA's office. The two members from each college receiving the highest number of votes will be named to the Select Committee; however, no more than one faculty member from the same department may serve. The President of the Faculty Senate or a designated Senator also serves on the committee. The~~

~~Vice Provost calls the first meeting of the Select Committee, at which time a chair will be elected by a majority vote.~~

~~The Select Committee will then review current policies and procedures to determine if changes need to be made. In making that determination, the committee will solicit opinions concerning the need for revisions from the Faculty Senate, individual department heads and academic deans, and the general faculty. Taking these views into consideration, the Select Committee will either inform the PVPASA that no revisions are needed or prepare a draft recommendation for change. The recommendations will go forward with areas of disagreement noted to the deans and department heads for their consideration. The deans and department heads will then recommend changes to the PVPASA, who will take those deemed appropriate forward to the president for review. If the president approves, the proposed revisions will be forwarded to the Board of Regents for its consideration. Under the statutory authority of the State of Texas, the Board of Regents has the sole authority to revise this tenure and promotion policy.~~

~~Attachment A: Tenure/Promotion Portfolio Requirements~~

~~Attachment B: Form 1, Candidate Eligibility~~

~~Attachment C: Form 2, Department Recommendation~~

~~Attachment D: Form 3, College Committee on Tenure and Promotion Recommendation~~

~~Attachment E: IDEA Course Summary Report~~

# **ATTACHMENT**

# **5**

Academic, Clinical and Student Affairs Committee  
Item 2

**ASU OP 06.28, Annual Performance Evaluation for  
Tenured and Tenure Eligible Faculty – proposed revisions**



## **Angelo State University Operating Policy and Procedure**

### **OP 06.28 Annual Performance Evaluation for Tenured and Tenure Eligible Faculty**

**DATE:** August 1, 2017

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish guidelines and procedures for annual performance evaluation of tenured and tenure-track faculty.

**REVIEW:** This OP will be reviewed on the same schedule as OP 06.23 by the Provost and Vice President for Academic Affairs in cooperation with Faculty Senate. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.

### **POLICY/PROCEDURE**

#### **1. Description and Purpose**

An annual evaluation is required by the University for all tenured and tenure-track faculty members. Annual evaluations of faculty performance provide timely feedback on faculty performance in all areas of job performance as well as tracking progress toward tenure eligibility. Annual evaluations of faculty performance are also critical data used for decisions regarding continuance of employment for tenure-track faculty members.

This policy does not address University and accreditation requirements for post-tenure review (see OP 06.19, Regulations for Performance Evaluation of Tenured Faculty). It also does not address the evaluation and promotion processes for faculty not eligible for tenure.

#### **2. Department-Level Performance Criteria**

Faculty members shall be evaluated annually for progress toward tenure and promotion criteria as established by each academic department/program. The process by which these criteria are established is located in OP 06.23 (Tenure and Promotion Standards and Procedures), Section 3.

#### **3. Procedures for Evaluation**

Because the annual performance evaluation is an integral part of the tenure and promotion process described in OP 06.23, the following timelines shall be observed.

- a. Each faculty member shall prepare the following materials for submission to the Department Chair according to the timelines listed in Section 5. All documentation may be submitted on paper or in digital form, but the faculty member may not mix formats.

- (1) A synopsis of relevant activities pursuant to the department performance criteria,

[Major Revision: Upon approval]

organized according to the three general areas of job performance (teaching, scholarly activity, and professional service) and concluding with a set of specific personal goals for the next academic year. The synopsis shall not exceed (3) double-spaced pages in length, and a current curriculum vitae (CV) should accompany the summary. *It is the responsibility of the faculty member to clearly describe all activities, goals and measures to facilitate review.*

- b. Tenured faculty in the department shall be responsible for participating in the review of evaluation materials. The number of evaluators shall be no less than three (3). The Department Chair may not serve as an evaluator.
- (1) If a department has fewer than three (3) tenured faculty members in a given year (excluding the Department Chair), the Department Chair shall invite tenured faculty members from other departments within the College to reach the minimum number in Section 3.b. above.
  - (2) If a department has more than seven (7) tenured faculty members (excluding the Department Chair), the Department Chair has the option to conduct an election to allow the tenured faculty members to select a seven (7) person committee. It is not permissible to appoint tenured faculty members to serve as peer evaluators.
- c. The Department Chair shall conduct an election to identify one (1) tenured faculty member to act as an *ad hoc* Chairperson for the current year only in order to administer this review process. This person shall ensure that all faculty members have access to necessary information (i.e., current performance criteria, employee materials, etc.) and adequate time to complete reviews. The Chairperson may also request additional information from faculty members to support and provide clarification about the activities listed in their summaries and/or CVs.
- d. Each faculty member shall be rated by each peer evaluator according to the following rubric:
- “On track to surpass target criteria”
  - “On track to meet target criteria”
  - “Improvement needed to meet target criteria”
  - “Unsatisfactory progress toward meeting target criteria”
- e. Faculty member(s) shall be evaluated by comparing the work reported in the submitted documentation against the Department-level criteria currently in force. One rating shall be assigned for each criteria domain only. If a rating of “*Improvement needed to meet target criteria*” or “*Unsatisfactory progress toward meeting target criteria*” is assigned by an individual reviewer, that person must submit a written justification for that rating. In all other cases, raters are encouraged (but not required) to include feedback to colleagues whenever possible to facilitate the Department Chair’s role in the evaluation process. Also, evidence of mitigating circumstances that contributed to the lower rating may be considered, but ratings shall not be artificially elevated to account for those circumstances.
- (1) *EXAMPLE: Scholarly activities may not meet target expectations in a given year if a faculty member is asked to assume an unusual teaching load in the wake of unexpected faculty departures. These factors can be considered by the peer*

[Major Revision: Upon approval]

*evaluators. In this case, the rating for the “scholarly activity” domain for that year might be “improvement needed to meet target criteria” but with a footnote describing the unusual circumstances.*

- f. The *ad hoc* Chairperson is responsible for collecting, de-identifying, and documenting these justifications, as well as finalizing ratings. The final domain ratings for each faculty member shall be the median rating. If the median rating falls between domains, the higher rating shall be assigned.
- g. The individual and median domain ratings, feedback, and justifications shall be submitted by the *ad hoc* faculty chairperson to the Department Chair.
- h. The Department Chair shall conduct individual meetings with tenure-track faculty members to discuss ratings and future goals. The purpose of these meetings is to provide an annual opportunity for tenure-track faculty members to work with Department Chairs on matters of Department support, resource availability, and other issues that could facilitate the faculty member’s pursuit of tenure or promotion.
  - (1) All tenure-track faculty members shall participate in a meeting with the Department Chair, regardless of assigned ratings.
  - (2) All tenured faculty members shall be exempt from this step of the process unless the Department Chair requests a meeting.
- i. Following these meetings, the Department Chair shall write a brief statement regarding each faculty member’s progress toward tenure and/or promotion and include that statement on the evaluation form. All documentation for each faculty member (peer review ratings/comments, Chair statement, faculty summaries and CVs) shall then be forwarded to the College Dean. The Department Chair may not unilaterally alter or change ratings received from the department faculty.
- j. The College Dean shall review the materials submitted for each faculty member and may consult with the Department Chair on those materials to clarify points of confusion, ambiguities in ratings, or other concerns. The College Dean may not unilaterally alter or change ratings or Department Chair recommendations.
- k. The College Dean shall write a brief independent statement regarding each faculty member’s materials, include it with the other documentation, and then submit all documents to the office of the PVPAA. The College Dean shall also provide a recommendation for reappointment.
- l. The PVPAA shall review the materials provided for each faculty member and provide a recommendation to the President for final approval.

#### **4. Expected Minimum Ratings for Criteria Domains**

- a. Assistant-rank and Associate-rank faculty members shall be generally expected to receive ratings of “*on track to meet target criteria*” (or better) in all three performance domains.
- b. Professor-rank faculty members shall be generally expected to receive a rating of “*on track to meet target criteria*” (or better) in two (2) of the three job performance domains,



[Major Revision: Upon approval]

one of which must be teaching effectiveness.

- c. If received ratings are lower than these expectations in a given year for tenure-track faculty members, developmental planning may occur for that faculty member upon the mutual agreement of the Department Chair and the College Dean. This mechanism is not intended to be a formal disciplinary action, but to assist the faculty member in the achievement of personal and organizational goals for the next academic year.
- d. Demonstrated inability or unwillingness to adhere to department expectations and/or developmental plans may lead to an adverse employment decision for tenure-track faculty members.

## **5. Timelines for Evaluations**

- a. A Year One evaluation, defined as the first full year of service to ASU in residence, shall be initiated no later than the first Friday of the Spring semester of the first year of service. It shall be completed in its entirety no later than the sixth Friday of the Spring semester of the first year of service.
- b. All other annual evaluations, including Year Two and Third-Year evaluations but excluding the year in which the faculty member is being evaluated for tenure/promotion, shall follow the same timeline below:
  - (1) Faculty members shall submit materials to the ad hoc faculty chairperson by the third Friday of the Fall semester.
  - (2) The faculty chairperson shall submit ratings and materials to the Department Chair by the sixth Friday of the Fall semester.
  - (3) Department Chairs shall submit materials and personal recommendations to the College Dean by the ninth Friday of the Fall semester.
  - (4) College Deans shall submit all materials along with their independent recommendations for reappointment by the eleventh Friday of the Fall semester.



## Angelo State University Operating Policy and Procedure

### OP 06.28 Annual Performance Evaluation for Faculty

**DATE:** June 1, 2012

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish guidelines and procedures for annual performance evaluation of tenured and tenure-track faculty.

**REVIEW:** ~~This OP will be reviewed in November of odd-numbered years by the vice provost for academic affairs and Faculty Senate with recommended revisions forwarded through the provost and vice president for academic affairs (PVPAA) to the president by December 1.~~

### POLICY/PROCEDURE

#### ~~1.—Description and Purpose~~

~~The annual faculty performance evaluation is a requirement for all tenured, tenure-track, and non-tenure-eligible faculty members, excluding teaching assistants, seeking continuance/reappointment. The purpose of the evaluation is two-fold:~~

- ~~a. To offer departments guidance in the professional growth of faculty members in order to encourage and support faculty development, and~~
- ~~b. To meet the requirement for recommendations for employment continuance/reappointment.~~

~~This policy is limited to annual performance evaluations. For guidelines and procedures related to post-tenure review, see OP 06.19: Regulations for Performance Evaluation of Tenured Faculty.~~

#### ~~2.—Criteria~~

~~The responsibilities of the university dictate the responsibilities of the individual faculty member. Tenured and tenure-track faculty members, therefore, are responsible for teaching, scholarly/creative endeavor, and service. Performance in these three areas of responsibility will provide the basis for the evaluation of these faculty members. Responsibilities of non-tenure-eligible faculty should be consistent with the faculty member's primary job assignment. These criteria should be established by the department upon appointment of the faculty member and clearly communicated to all those involved in the review process.~~

#### ~~3.—Procedures~~

~~The following are standardized procedures to be followed by each undergraduate college:~~

~~a. Faculty Member~~

- ~~—(1) No later than the third Friday of the fall semester, each faculty member shall provide, on the appropriate Faculty Evaluation form (see Attachment A for tenured or tenure track faculty and Attachment B for non-tenure eligible faculty), a bulleted list of achievements for the year immediately past to the Department Peer Review Committee.~~
- ~~—(2) In addition to the annual report, the faculty member shall provide the IDEA Diagnostic Form Report for classes taught during the previous fall and spring semesters; a current vita, not to exceed 15 pages; and other materials requested by the Department Peer Review Committee or department chair.~~

~~b. Department Peer Review Committee~~

- ~~—(1) Each academic department is responsible for the creation of its Department Peer Review Committee, including the membership and identification of the chair, unless such a committee is already in place. When possible, a composition of three to five tenured faculty is recommended.~~
- ~~—(2) The committee is responsible for providing constructive comments to the faculty member in both a narrative and a summary rating on the Department Peer Evaluation form (see Attachment C for tenured or tenure track faculty and Attachment D for non-tenure eligible faculty). The intention of this review is to offer honest, well-reasoned commentary about the work of the faculty member and to provide guidance, when appropriate, to help the faculty member improve performance.~~
- ~~—(3) No later than the sixth Friday of the fall semester, the Department Peer Review Committee chair, or a designated representative, submits the completed Department Peer Evaluation form and other required materials to the department chair.~~

~~c. Department Chair~~

- ~~—(1) After reviewing all materials submitted by the Department Peer Review Committee, the department chair adds an evaluation of the faculty member's performance on the Department Peer Evaluation form and indicates agreement or disagreement with the Department Peer Review Committee's review and rating. On the Faculty Evaluation form, the department chair provides ratings (Satisfactory; Satisfactory, Improvement Needed; Unsatisfactory) for each category and marks the recommendation for continuance for tenured faculty or reappointment for tenure track faculty.~~
- ~~—(2) When a rating of "Satisfactory, Improvement Needed" or "Unsatisfactory" is marked, the department chair and faculty member are required to prepare a written development plan and schedule. The chair should endeavor to make sure that any remarks added to the Faculty Evaluation form are wholly consistent at all times with the rating selected. The department chair and faculty member will meet according to the prescribed schedule to review progress on the development activities. The Department Peer Review Committee reviews progress on the development plan during the next annual faculty performance evaluation and provides appropriate commentary on the Department Peer Evaluation form.~~

~~—(3) After completing the department evaluation, the department chair meets with each faculty member to discuss the Department Peer Evaluation form and ratings provided on the Faculty Evaluation form. The faculty member may add comments, signs the form to indicate that she/he has seen the document, and receives copies of both forms for her/his personal records.~~

~~—(4) No later than the ninth Friday of the fall semester, the department chair forwards originals of the following materials to the dean: Faculty Evaluation form; Department Peer Evaluation form; IDEA Diagnostic Form Reports; and faculty development plan, if required. Copies of these forms and other materials are retained in the department.~~

~~d. Dean of the College~~

~~—(1) The dean reviews each faculty member's evaluation materials, signs any development plan, and submits a recommendation for continuance/reappointment to the provost no later than Friday of the eleventh week of the semester. The dean forwards originals of the following materials to the PVPAA: Faculty Evaluation form; Department Peer Evaluation form; IDEA Diagnostic Form Reports; and faculty development plan, if required~~

~~—(2) The dean notifies the faculty member and the department chair of the recommendation following the same timeline.~~

~~e. Provost~~

~~—The provost reviews the submitted materials and makes recommendations, as appropriate, to the president.~~

**4. Reconciliation**

At each level of review, an opportunity exists for reconciliation of disagreement. In cases when the Department Peer Review Committee disagrees with the faculty member, reconciliation is left to the department chair. When the findings of the Department Peer Review Committee differ from those of the department chair, the dean of the college resolves the conflict. When the dean's report is in conflict with that of the department chair, the PVPAA is responsible for resolving the disagreement. If the disagreement cannot be resolved through this process, the faculty member may initiate a formal grievance as outlined in OP 06.11.

*Attachment A: Faculty Evaluation Form (Tenured and Tenure Track)*

*Attachment B: Faculty Evaluation Form (Non-Tenure Eligible)*

*Attachment C: Department Peer Evaluation (Tenured and Tenure Track)*

*Attachment D: Department Peer Evaluation (Non-Tenure Eligible)*

# **ATTACHMENT**

# **6**

Academic, Clinical and Student Affairs Committee  
Item 3

ASU OP 06.29, Faculty Non-Reappointment and  
Tenure Revocation – as proposed



**Angelo State University**  
**Operating Policy and Procedure**

**OP 06.29: Faculty Non-Reappointment and Tenure Revocation**

**DATE:** August 1, 2017 (tentative)

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to outline and ensure understanding of procedures concerning the non-reappointment and dismissal of faculty or tenure revocation of tenured faculty.

**REVIEW:** This OP will be reviewed every three (3) years by the Provost/Vice-President for Academic Affairs in collaboration with the Academic Affairs subcommittee of the Faculty Senate.

**1. Involuntary Separation of Employment**

Termination of tenured faculty, except by resignation, retirement, or under extraordinary circumstances because of demonstrable bona fide financial exigency, will be only for adequate cause shown with the burden of proof on the university.

Adequate cause for termination is directly and substantially related to the fitness of faculty members in their professional capacity and public trust as teachers and scholars. Termination will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.

There are three categories of involuntary separation from employment for faculty:

- a. Revocation of tenure, which is termination of a tenured faculty member's employment;
- b. Non-reappointment, which is the cessation of a non-tenured faculty member's employment at the end of the stated appointment period, and
- c. Dismissal, which is immediate termination for cause of a non-tenured faculty member's employment before the expiration of the stated appointment period.

**2. Tenure Advisory Committee**

- a. The Tenure Advisory Committee may consider matters pertaining to tenure or academic freedom referred to it by members of the university community. The committee reports to the president. If the president does not approve a recommendation of the committee, the committee will be informed in writing of the reasons for disapproval.
- b. The committee will consist of five tenured faculty and two ex-officio members, who are the PVPAA and a dean selected by the Deans' Council. Each undergraduate college will elect one member. Each dean's office will prepare and distribute ballots to the faculty of

[New Policy:]

the respective college. Elected members serve two-year terms. Only tenured faculty teaching full time are eligible for election. Elected faculty members will not be eligible to serve consecutive terms. The Deans' Council member will serve for three years but will not be eligible to serve consecutive terms. The committee will determine its own procedural rules.

### **3. Termination Review Procedures for Tenure Revocation, Non-reappointment and Termination Cases**

In each faculty termination case reviewed at the request of the faculty member, the issue will be determined by an equitable procedure that affords protection to the rights of the individual and to the interest of the university. In cases where the faculty member agrees that his or her conduct constitutes adequate cause, or does not choose to have a hearing, he or she will offer in writing his or her resignation. That faculty member will give notice of resignation as early as possible to obviate serious inconvenience to the university and to ensure that department objectives and student needs are met.

The procedures for termination described in this section do not negate the right of the president to suspend a faculty member from some or all duties when the president reasonably believes that the allegations, if true, create a likelihood of harm for persons or the university. The suspension will be with pay until such time as the suspended faculty member has been accorded the procedural rights appropriate to his or her appointment type, as described in this section.

#### **a. Tenure Revocation**

##### **(1) Mediation and Investigation**

Tenure revocation charges will not be filed until reasonable efforts to mediate and conciliate differences between the faculty member and the university have been exhausted. The chair of the Tenure Advisory Committee (or member designated by the committee) and the PVPASA (or designee) will attempt to secure a confidential and equitable agreement in no more than twenty business days.

If the mediation efforts fail, the mediators will provide a written, detailed report to the president and the faculty member, and a formal investigation will begin. Together, the chair of the Tenure Advisory Committee (or member designated by the committee) and the PVPASA (or designee) will conduct a thorough, confidential, expeditious review of all charges, and report their findings and recommendations to the president. After consideration of the report and recommendations, the president will determine whether to file formal charges to terminate the faculty member's employment for cause no more than fifteen business days after receiving the report.

##### **(2) The Hearing Panel**

In all cases of formal charges, the faculty member will be informed in writing of the charges, which, on reasonable notice, will be considered by a Hearing Panel convened by the president. The Hearing Panel will be made up of five members chosen by the Tenure Advisory Committee from a hearing pool formed of twenty tenured faculty members. Those members will be elected annually by faculty at large from a ballot prepared and distributed by the PVPASA's office. Only tenured faculty

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teaching full time are eligible for election. Faculty may not serve on the Tenure Advisory Committee and the tenure hearing pool concurrently.

The Tenure Advisory Committee will, by lot, order the names of the members of the hearing pool, assigning each a number from one to twenty. Pool members deeming themselves biased must withdraw from consideration for the Hearing Panel. Either party in the dispute may strike no more than three names from those remaining on the list. The Tenure Advisory Committee designates the five pool members with the lowest numbers remaining on the list to constitute the Hearing Panel. The Hearing Panel will select a chair from its membership and may, if it chooses, request appropriate legal counsel to be furnished by the university but not from the Office of General

Counsel. The legal counsel will advise the Hearing Panel but does not vote. The Hearing Panel may also consult with the general counsel of the university on technical and/or procedural questions not directly bearing on the merits of the case if the Hearing Panel considers such consultation appropriate and helpful.

### (3) The Hearing

In consultation with the faculty member and the chair of the Hearing Panel, the president will set a date for the hearing. The hearing will be private and confidential unless the faculty member elects to have a public hearing. The Hearing Panel will determine hearing procedures that afford both due process and fairness. The hearing will be non-adversarial in nature.

In every such hearing, the faculty member has the right to appear in person with legal counsel, retained by the faculty member, and to confront and examine witnesses. The faculty member has the right to testify but may not be compelled to do so. The faculty member may introduce all evidence and material, written or oral, which he or she considers to be relevant or material to the case. Neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence will apply to the hearing.

The university also has the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and has the same rights in the hearing as those accorded to the faculty member. An audio recording of the proceedings will be made and delivered to the president for submission to the Board of Regents, and a copy of this audio recording will be made available to the faculty member. The recording will be transcribed only on the request of either the faculty member or the president, with the requesting party bearing the transcription costs. The Hearing Panel, by a majority vote of its total membership, will make detailed, written findings of fact on each charge and make specific recommendations with regard to each of the charges and the charges as a whole and supplementary suggestions it deems proper concerning disposition of the case. Minority findings, recommendations, or suggestions will be similarly prepared and transmitted. The chair of the Hearing Panel will deliver the findings, recommendations, and suggestions to the president, who will transmit them along with a recommendation to the faculty member and to the Board of Regents.



(4) The Board of Regents' Decision

The Board of Regents will consider all relevant material furnished and, by a majority of its total membership, will approve, reject, or amend the findings, recommendations, and suggestions of the Hearing Panel based on the record. Any amendment or change of such findings, recommendation, or suggestions, and the reasons therefore, will be detailed in writing and communicated to the president who will transmit them to the Hearing Panel, which will then study any additional matters presented to it and within forty-five days submit its recommendations to the president. If the Board of Regents then overrules the recommendations of the Hearing Panel, it will state in writing its reasons for its actions in overruling the Hearing Panel's recommendations to the president, who will transmit the decision to the Hearing Panel. The president will also notify the faculty member in writing of the Board's decision. This communication will include the findings and recommendations of the Hearing Panel as well as those of the Board. The decision of the Board of Regents will be final.

b. Non-reappointment and Termination

The following procedures on non-reappointment and dismissal for cause apply to untenured tenure-track faculty members, and to non tenure-track faculty members who have served more than six full years and been granted continuing appointment status. However, each faculty member is entitled to see all of his or her personnel files and, at his or her expense, to obtain a copy of the information contained therein.

(1) The university is not required to give an untenured tenure-track faculty member a reason for a decision of non-reappointment, though such notification may be given, except in cases where it would harm the university. However, each faculty member is entitled to see all of his/her personnel file and, at his/her expense, to obtain a copy of the information contained therein.

(2) Initial Investigation

If an untenured faculty member alleges that a decision not to reappoint him or her is:

- (a) Caused by considerations that violates academic freedom;
- (b) For constitutionally impermissible reasons; or
- (c) Significantly noncompliant with the university's established standards or prescribed procedures; then

The allegation of improper rationale for non-reappointment, as defined above, will be given preliminary consideration by a faculty committee. The Tenure Advisory Committee is responsible for appointing the faculty committee from within or outside its own membership and for its functioning.

(3) The Hearing Panel and Hearing

If the faculty committee concludes that there is probable cause for the faculty member's allegation, the Tenure Advisory Committee will notify the PVPASA and

[New Policy:]

convene the Hearing Panel constituted in Section 3 (a.2). The faculty member will be responsible for stating the specific grounds on which the allegations were based, and the burden of proof will rest upon the faculty member.

The Hearing Panel will consider the allegations using the procedures outlined in Section 3 (a.3). Upon conclusion of deliberations, the chair of the Hearing Panel will deliver its findings, recommendations, and suggestions to the president, who will approve, reject, or amend them based on the record, then transmit them along with the president's recommendation to the faculty member. The decision of the president will be final.

#### **4. Timelines for Notice of Non-reappointment**

These notification timelines apply to any notice of non-reappointment that is issued to untenured faculty.

- a. Full-time faculty members in their first year with the university whose duties commence with the first semester of the academic year must be notified by the following March 1 if they are not to be reappointed.
- b. Full-time faculty members in their first year with the university whose duties commence after November 15 must be notified by the following April 15 if they are not to be reappointed.
- c. Full-time faculty members who are in their second year with the university and who are not to be reappointed must be notified by December 15 of the academic year in which the appointment is to terminate.
- d. Full-time tenure-track faculty members with more than two years with the university will be notified of non-reappointment by issuance of a terminal contract for one academic year.
- e. Full-time faculty members who hold a position by appointment for a fixed time period shall receive notice of non-reappointment in accordance with the terms of the appointment or in accordance with sections a., b., c., or d above.

#### **5. Policy Implementation, Periodic Review, and Revision**

This policy is to be implemented upon approval by the Board of Regents. All tenured faculty members are subject to this policy's applicable provisions and procedures including those not addressed in any former policy. The tenure of faculty members who have attained tenure under prior policies at ASU continues. This policy shall not be applied in derogation of any faculty member's contract rights.

This policy will be comprehensively reviewed in September every three years or as needed, beginning with the 2020-2021 academic year, the Academic Affairs Committee of the Faculty Senate. Recommended changes will go forward with areas of disagreement noted to the deans and department heads for their consideration. The deans and department heads will then recommend changes to the PVPAA, who will take those deemed appropriate forward to the president for review. If the president approves, the proposed revisions will be forwarded

[New Policy:]

to the Board of Regents for its consideration. Under the statutory authority of the State of Texas, the Board of Regents has the sole authority to revise this tenure and promotion policy.

# ATTACHMENT

## 7

Consent  
Item a.

ASU Student Handbook 2017-2018 with proposed revisions

# ANGELO STATE UNIVERSITY

## Student Handbook 20176-20187

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# FORWARD

## General Purpose

A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its organization functions. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook and the *Code of Student Conduct* contained within are intended to serve these purposes in the interest of all segments of Angelo State University.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and/or policies. Enrollment requires students to share this responsibility. Students are responsible for knowing the information, policies and procedures outlined in this document. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the Undergraduate Catalog and other official University publications, as well as the [Texas Education Code](#). Student organizations also agree to follow these standards, rules, and/or policies. The University or its representative may amend this document at any time without notice.

The University reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The Student Handbook was approved by the Board of Regents on [May 19, 2017](#) to be effective Monday, [May 22, 2017](#).

## Membership in the Angelo State University Community

As members of the academic community, University students enjoy the privileges and share the obligations of the larger community of which the University is a part. Students are entitled to the privileges which accrue to them by virtue of this membership. These privileges carry with them the obligations of responsible citizenship. Students shall conform to University regulations. Students should recognize that citizenship also includes contributing deliberately to strengthening the educational community, improving learning for themselves and their classmates and promoting excellence within the above context. Freedom of discussion, inquiry and expression is protected and nurtured in the classroom as the safeguard of the freedom to learn. Students are expected to exercise their freedom to learn in a manner consistent with the maintenance of good order. Responsibility for maintaining good order in the classroom is vested in the instructor. *The Code of Student Conduct* outlines the standards of behavior for University students and the disciplinary processes to address misconduct.

## Angelo State University Mission

Angelo State University, a member of the Texas Tech University System, delivers undergraduate and graduate programs in the liberal arts, sciences, and professional disciplines. In a learning-centered environment distinguished by its integration of teaching,

research, creative endeavor, service, and co-curricular experiences, ASU prepares students to be responsible citizens and to have productive careers.

## **Angelo State University Vision**

Growing regionally, nationally and internationally while achieving excellence by fostering a supportive learning environment that allows a diverse student body to achieve success and personal development through curricular and co-curricular experiences.

## **Angelo State University Values**

### **1. Learning: Our Focus**

ASU holds student learning as the center of everything that we do.

### **2. Excellence: Our Standard**

ASU embraces excellence in teaching, scholarly activity, creative endeavor, and service.

### **3. Transformation: Change for the Better**

ASU prepares its students for a life of contribution and accomplishment by instilling a respect for learning and intellectual inquiry.

### **4. Integrity: Social and Ethical Responsibility**

ASU expects a high standard of social and ethical responsibility from all members of the campus community.

### **5. Engagement: Participation and Community Service**

ASU encourages participation and community service both on and off campus by faculty, staff and students.

### **6. Innovation: Teaching, Service, and Scholarship**

ASU promotes innovation in teaching, scholarship, technology, collaborative partnerships, support services and co-curricular activities.

### **7. Diversity: Cultures, People and Ideas**

ASU believes that everyone should experience a diversity of cultures, people and ideas in order to better appreciate the world around them.

### **8. Collegiality: Getting Along**

ASU fosters—among students, faculty, and staff, and across disciplines—a culture of shared governance, open communication, transparent operations and mutual respect.



# **PART I: CODE OF STUDENT CONDUCT**

## **SECTION A: STUDENT CONDUCT MISSION AND POLICIES**

The *Code of Student Conduct* outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the *Code of Student Conduct*. Any student or student organization found responsible for misconduct may be subject to conduct sanctions.

The University provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

The *Code of Student Conduct* and related processes educate students about their rights and responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry and expression is also fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

Angelo State University is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

### **1. Disciplinary Authority**

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The Office of the Vice President for Student Affairs and Enrollment Management is the principal agency for the administration of student conduct. The Executive Director of Student Affairs, the Director of Title IX Compliance, and the Director of Housing and Residential Programs shall implement the student discipline

procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

**a. *Student Conduct Officer/Investigator***

A Student Conduct Officer/Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation of alleged violations of the *Code of Student Conduct*. In most cases heard by a University Hearing Panel, the Student Conduct Officer/Investigator will present the information and evidence obtained through the investigation to the Hearing Panel, which will make a determination of responsible or not responsible, and assign a sanction. In cases heard through the Administrative Hearing process or completed via an Informal Resolution, the Student Conduct Officer/Investigator may render findings and issue sanctions. Investigators are assigned to cases by the Executive Director of Student Affairs, the Director of Title IX Compliance the Assistant Director of Student Conduct, or designee. Investigators are trained University full-time employees.

**b. *Administrative Hearing Officer***

An Administrative Hearing Officer is a trained University staff member whose role is to make a decision of responsibility and assign sanctions, as appropriate in an Administrative Hearing. The Administrative Hearing Officer may be the Student Conduct Officer/Investigator who completed the Investigation/Investigation Report, or an Administrative Hearing Officer assigned by the Executive Director of Student Affairs, Director of Title IX, or designee.

**c. *Hearing Panel***

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel pool will consist of a trained pool of full-time faculty, full-time staff, and full-time students according to the following guidelines:

**1. *Hearing Panel Appointments***

The Executive Director of Student Affairs or Director of Title IX Compliance will be responsible for assembling and training the hearing panel annually. The Hearing panel will consist of full-time faculty members, full-time staff members, and full-time students. This pool will be made up of three (3) full-time faculty and staff members from each division on campus along with three (3) full-time students, and a pool of Administrative Hearing Officers. Panel appointments will be made as follows:

**a. Student Recommendations:**

The President of the Student Government Association is invited to make recommendations for full-time student Panel members. Upon recommendation and review, three (3) full-time student members will be

appointed by the Executive Director of Student Affairs or designee. To be eligible for appointment, students must be considered full-time students, be in academic and disciplinary good standing, and have completed at least 15 hours of academic credit with a cumulative GPA of at least 2.0.

b. Faculty and Staff Recommendations:

The Vice President of each division (Student Affairs and Enrollment Management, Academic Affairs, and Finance and Administration) and the President are invited to make recommendations for full-time faculty and/or staff Panel members. Upon recommendation and review, three (3) full-time faculty and/or full-time staff members from each division will be appointed by the Executive Director of Student Affairs or designee.

c. Administrative Hearing Officer Appointments:

Administrative Hearing Officers are appointed by the Executive Director of Student Affairs, Director of Title IX Compliance or designee and are selected from a group of trained University staff members designated as Administrative Hearing Officers. Administrative Hearing Officers who served as Investigators in the case may not serve on the Hearing Panel as a voting participant and will participate only as the Investigator in the Panel Hearing.

2. *Hearing Panel Terms*

Each member will be appointed for a single one-year term. Panel members may be re-appointed for consecutive one-year terms but must complete Hearing Panel training annually.

3. *Hearing Panel Composition*

For each Panel hearing, a panel will consist of three (3) members chosen from the available pool by the Executive Director of Student Affairs, Director of Title IX Compliance, or designee. Typically, the Hearing Panel will be comprised of one student, one faculty member, and one staff member. Availability may determine a different composition for the Panel. In cases involving Part I, Section B.1. (For allegations of Academic Misconduct), the Hearing Panel will be comprised of only students and faculty. For cases involving Part I, Section B.2. (Actions Against Members of the University Community and Others) or other sensitive issues, the Director of Title IX Compliance will appoint three (3) Administrative Hearing Officers for the Hearing Panel.

4. *Removal of Hearing Panel Member*

The Executive Director of Student Affairs, Director of Title IX Compliance, or designee may remove a member from this Panel when, in his/her judgment, the member has failed or refused to effectively serve and perform the duties and functions of this Panel. Additionally, the Reporting Party or Responding Party may request the removal of a Panel Member whose ability to be impartial is in question. The Executive Director of Student Affairs, Director of

Title IX Compliance, or designee will review and approve or deny student requests for removal of a Panel Member.

5. *Resource Person*

The Executive Director of Student Affairs, Director of Title IX Compliance or designee will appoint a Resource Person. The Resource Person is to serve as a non-voting member of the Hearing Panel and assures that University procedures are followed throughout each Panel Hearing. The Resource Person is responsible for composing the Panel's decision, rationale, and appropriate sanctions.

6. *Panel Hearings*

The Executive Director of Student Affairs, Director of Title IX Compliance or designee will establish hearing dates and times during which cases will be heard. Panel Hearings will be conducted by a subgroup of the Hearing Panel Members pool.

7. *Panel Quorum*

A quorum for the Panel Hearing consists of three (3) members.

8. *Panel Deliberation*

When deliberating a case, the Panel will meet in closed session with only voting members and the Resource Person present.

9. *Additional Panel Members*

The Executive Director of Student Affairs, Director of Title IX Compliance, or designee may appoint additional members of the Hearing Panel to expedite the orderly disposition of cases and/or to aid in the administration of the conduct process within the University. The additional members of the Hearing Panel will complete the same training, have the same composition of membership, the same duties, and the same authority as the original Hearing Panel member(s).

10. *Panel Orientation & Training*

Prior to serving on a Hearing Panel, members of the Hearing Panel will be required to participate in an orientation and training program facilitated by the Director of Title IX Compliance, or designee. Members are encouraged to attend additional trainings throughout their service on the Hearing Panel.

**d. *The Code of Student Conduct Review Committee***

The *Code of Student Conduct* is reviewed every year by the *Code of Student Conduct Review Committee*. The *Code of Student Conduct Review Committee* will conduct an annual review of the *Code of Student Conduct* and make recommendations to the Vice President for Student Affairs and Enrollment Management regarding omissions, clarifications, constructive changes, and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The Vice President for

Student Affairs and Enrollment Management or designee will then present the *Code of Student Conduct* to the University President for review and consideration by the Board of Regents.

1. *Committee Appointment*

The *Code of Student Conduct* Review Committee members are appointed by the Vice President for Student Affairs and Enrollment Management or designee who will invite recommendations by the Faculty Senate, Staff Senate, and the Student Government Association.

2. *Committee Composition*

The *Code of Student Conduct* Review Committee will include a member from the following classes of Angelo State University community members:

- Full-time faculty
- Full-time staff
- Full-time undergraduate student(s)
- Full-time graduate student(s)

3. *Committee Removals*

The Vice President for Student Affairs and Enrollment Management or designee may remove a member from this committee when, in his/her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. *Committee Meetings*

The Vice President for Student Affairs and Enrollment Management or designee will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for scheduling special meetings as needed.

5. *Committee Quorum*

A quorum for the committee is five (5) members.

6. *Additional Committee Members*

The Vice President for Student Affairs and Enrollment Management or designee may appoint additional members of the *Code of Student Conduct* Review Committee to expedite the review process of the *Code*.

**2. Jurisdiction**

Students at the University are provided an electronic copy of the *Code of Student Conduct* annually in the form of a link on the Student Affairs and Enrollment Management website: (<http://www.angelo.edu/student-handbook/code-of-student-conduct/>). Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The University community has developed standards of behavior pertaining to students and to student organizations. Students and registered student organizations are subject

to conduct action according to the provisions of the *Code of Student Conduct*. The University respects the rights and responsibilities of students and will consider each violation of the University policy and each violation of federal, state, and/or local law on a “case-by-case” basis and will further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students.

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all registered student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The *Code of Student Conduct* applies to behaviors which occur on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Vice President for Student Affairs and Enrollment Management or designee determines that the off-campus conduct affects a substantial University interest, such as situations where a student’s conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community or are detrimental to the educational mission of the University. Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with, or following civil or criminal proceedings.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student’s ability to re-enroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and, should the former student be found responsible, the University may revoke that student’s degree or any other penalty that may be deemed appropriate.

The *Code of Student Conduct* may be applied to behavior conducted online, via e-mail, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Code* may also be applied to resident non-students, campers, and high school bridge/extension/partner/dual-credit programs by contractual agreements. Visitors to and guests of the University may seek resolution of violations of *the Code of Student Conduct* committed against them by members of the University community.

### 3. Notice

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Angelo State University e-mail address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University e-mail is the University's primary means of communication with students. Students are responsible for all communication delivered to their University e-mail address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. Prescheduled meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, he/she should contact the sender of the message in a timely manner. The University will make all reasonable efforts to accommodate student scheduling conflicts but will not permit unreasonable delays in the conduct process. After proper notice has been given to the student, the Student Conduct Officer/Investigator or designee may proceed with the conduct process. Should a student fail to comply with the requests of a Student Conduct Officer/Investigator or designee, the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee may issue a "Failure to Comply" *Code of Student Conduct* allegation to the student. Students are advised to keep their most current local address, permanent address, and primary telephone number updated the student records system at:

[http://www.angelo.edu/services/registrar\\_office/registrar\\_forms.php](http://www.angelo.edu/services/registrar_office/registrar_forms.php)~~http://report.angelo.edu~~

### 4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be reported as soon as possible after the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents. Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

### 5. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in *Code of Student Conduct* proceedings is the preponderance of evidence, or more likely than not.

### 6. Reporting Allegations of Misconduct

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online [Incident Reporting Form](#). Individuals may also file a report in person ~~with~~ the Executive Director of Student Affairs, [Director of Title IX Compliance](#), or designee, located in suite 112 of the Houston Harte University Center. The Executive Director of Student Affairs, Director of Title IX Compliance, or designee regularly review reports submitted from the Angelo State University community,



Housing and Residential Programs, University Police Department, and non-University community members.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members, or other parties) may complete the online [Incident Reporting Form](#). Individuals may also file a report in person with the Executive Director of Student Affairs, [Director of Title IX Compliance](#), or designee.

Student organization leaders may self-report organization or member behavior that may be considered a violation(s) of Angelo State University policy. When an organization is able to quickly identify a concern, address it, and report it, it is less likely that the organization would be held responsible for behavior that may be a policy violation. The self-report allows the University, in conjunction with the student organization, to collect information, begin individual student conduct processes, and ensure that behavior has ceased and does not reoccur. When incidents are unreported by organizations and instead come to the attention of the University via a Reporting Party, the options for resolution are more limited. Self-reporting allows the University to work collaboratively with the organization to address the situation and can allow for lower-levels of sanctioning for misconduct. Sometimes organization leaders may become aware of organization or member activities that may result in violations of policy but have not occurred yet. In these cases, the organization leadership is encouraged to work directly with the Executive Director ~~offer~~ Student Affairs or designee to intervene and address the concern. This type of pre-report has the highest likelihood of lowering the risk of potential conduct violations and sanctions for the organization. Organization leaders may self-report misconduct or potential misconduct by utilizing the online [Incident Reporting Form](#).

If, after an initial report has been made, a student experiences a subsequent concern or continued incident(s) of alleged misconduct, a student may file an additional report pursuant to the procedures in this section (Part I, Section A.6.).

## **7. Confidentiality**

Angelo State University is committed to ensuring confidentiality during all stages of the student conduct process. The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Director of Title IX Compliance or designee will evaluate requests for confidentiality. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.



In some exceptional circumstances, where the incident in question presents a continuing threat to the University Community, the University may be required to investigate irrespective of the Reporting Party's desire to pursue allegations of student misconduct, and may be required to issue a "timely warning" to the campus community as required by the Clery Act. Timely warnings do not include personally identifiable information of involved parties.

All reports of misconduct will be maintained with the highest possible level of confidentiality. Information provided by the student will only be shared with essential staff members and only as is necessary for the effective investigation and adjudication of the case. Where reports of misconduct involve other students, either as the Responding Student or witnesses in the case, some information may need to be shared with those involved parties in order to complete a thorough investigation.

Students may make confidential reports to the University Counseling Center. All Reporting Parties may also make confidential reports to local rape crisis centers, clergy, or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

## **8. Anonymity**

Angelo State University understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of the Reporting Party's desire, in some cases, to report an incident without disclosing their name or other identifying information. Angelo State University will always attempt to protect a student's anonymity if that is the student's request. Providing anonymity, however, can often make it more difficult to thoroughly and effectively investigate an alleged incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

## **9. Family Educational Rights and Privacy Act (FERPA)**

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to:

- School officials with legitimate educational interest.
- Other schools to which a student is transferring.
- To comply with a judicial order or lawfully issued subpoena.
- To parents when there is a health or safety emergency involving the student.
- To parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure.
- To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing.

Additional information on Student Records is available in The Student Handbook, Part II, Section O: [\(Student Records\)](#) or at: [-\(www.angelo.edu/ferpa\)](http://www.angelo.edu/ferpa).

## **10. Student Organizations**

Information gathered during an investigation of student organization misconduct, as well as any conduct findings and decisions, may be shared with the inter/national or regional headquarters of organizations as appropriate. This otherwise confidential information will not be shared with other students or the Greek community.

Student organization records do not impact the content of individual student records for members of those student organizations. A finding of responsibility for misconduct for a student organization does not indicate a finding of responsibility for individual students. Individual students may be subject to their own conduct processes separate from the student organization process.

All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via Informal Resolution, Administrative or Panel Hearing, and/or conduct appeal processes.

## **11. Reporting Criminally**

Some instances of student misconduct may also constitute a violation of state, federal, and/or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. Angelo State University administrators are happy to assist students in making a report to law enforcement and will even accompany the student if he or she wishes.

## **12. Amnesty**

The University will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addiction to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part I, Section B.2. (Actions against Members of the University Community and Others). The *Code of Student Conduct* amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling and alcohol assessments. The Executive Director ~~offer~~ Student Affairs or designee can assist with questions related to amnesty provisions.

### 13. Withdrawal

A Responding Student facing an alleged violation of the Student Code of Conduct may have a hold placed on their transcript requiring them to contact the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee to request permission to withdraw from the University. While a student may be permitted to withdraw from the University, the hold will remain on the student's transcript until all allegations are resolved. The investigation into alleged conduct violations may continue regardless of the student's withdrawal or choice to participate in the investigation.

~~A responding student facing an alleged violation of the Code of Student Conduct may not be permitted to withdraw from the University until all allegations are resolved.~~

## SECTION B: MISCONDUCT

### 1. Academic Misconduct

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student.

Additional information about academic misconduct is available in the Angelo State University Part II: Community Policies section.

#### a. *Cheating*

1. Copying from another student's academic work, test, quiz, or other assignment.
2. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
3. The use or possession of materials or devices during academic work, test, quiz or other assignments which are not authorized by the person administering the academic work, test, quiz, or other assignment.
4. Possessing, using, buying, stealing, transporting, selling, or soliciting in whole or in part items including, but not limited to, the contents of an un-administered test, test key homework solution, or computer program/software.
5. Possession, at any time, of ~~fr~~ current or previous course materials without the instructor's permission.
6. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an un-administered test, test key, homework solution or computer program/software, or information about an un-administered test, test key, homework solution, or computer program.
7. Transmitting or receiving information about the content of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
8. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz, or other assignment or sign in/register attendance.

9. Taking, keeping, misplacing, damaging, or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
10. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
11. Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.

**b. Plagiarism**

1. The representation of words, ideas, illustrations, structure, computer code, other expression, or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.
2. Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

**c. Collusion**

The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

**d. Falsifying Academic Records**

1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
2. Omitting requested information that is required for, or related to, any official record of the University.

**e. Misrepresenting Facts**

1. Providing false grades, falsifying information on a resume, or falsifying other academic information,
2. Providing false or misleading information in an effort to injure another student academically or financially,
3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance and/or obtain an academic or financial benefit for oneself or another individual.

*NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses, family and personal emergencies, and signing into class and failing to remain the entire time.*

**f. Violation of Professional Standards**

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

*NOTE: Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.*

***g. Unfair Academic Advantage***

Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f.

**2. Actions against Members of the University Community and Others**

Any act, or attempted act, perpetrated against another person or persons including, but not limited to:

***a. Disruptive and/or Obstructive Conduct***

Intentional or reckless behavior that disrupts or obstructs the normal operation of the University, its students, faculty, staff and/or University visitors.

***b. Harmful, Threatening, or Endangering Conduct***

Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of others, including but not limited to:

***1. Assault***

- a. Intentionally or recklessly causing physical harm or endangering the health or safety of another person.
- b. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

***2. Threats***

Written or verbal acts that would cause significant distress or fear in a reasonable person or that a reasonable person would interpret as a serious expression of intent to inflict harm upon any person, group of people, or damage to any property.

***3. Intimidation***

An implied threat or act that causes a reasonable fear of harm in another.

***4. Bullying/Cyber Bullying***

- a. Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of speech will not be considered violations of the *Code of Student Conduct*.
- b. Severe, pervasive, and objectively offensive behaviors that intimidate or intentionally harm or control another person emotionally.

NOTE: Information related to the freedom of expression policy is available in Part II, Section P: (Use of University Space).

**c. Sexual Misconduct**

Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.

**1. Interpersonal Violence**

An offense that meets the definition of domestic violence or dating violence:

~~1.a.~~ *Domestic Violence* - Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabitating (or has cohabitated) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.004>).

~~2.b.~~ *Dating Violence* - Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.0021>).

**2. Public Indecency**

Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to:

- ~~1.~~ Exposing one's genitals or private area(s);
- ~~2.~~ Public urination;

- ~~3.~~ Defecation; and/or
- Public sex acts.

### 3. *Sexual Assault*

Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.

- a. *Non-Consensual Sexual Contact* – Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes:
  - ~~1.~~ Intentional contact with the breasts, buttock, groin, or genitals;
  - 
  - ~~2.~~ Touching another with any of these body parts;
  - ~~3.~~ Making another touch you or themselves with or on any of these body parts; or
  - ~~4.~~ Any other intentional bodily contact in a sexual manner.
- b. *Non-Consensual Sexual Intercourse* – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

The following offenses are examples of sexual assault:

- ~~1.~~ Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- ~~1.~~ Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ~~2.~~ Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.
- ~~3.~~ Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

### 4. *Sexual Exploitation*

Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:



- a. Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's knowledge or consent;
- b. Sexual voyeurism;
- c. Inducing another to expose one's genitals or private areas;
- d. Prostituting another; or
- e. Knowingly exposing someone to or transmitting a sexually transmitted disease.

## 5. *Sexual Harassment*

Unwelcome verbal, written, or physical conduct of a sexual nature when:

- ~~1.a.~~ Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;
- ~~2.b.~~ Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or
- ~~3.c.~~ Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful sexual harassment or Sexual Misconduct included, but are not limited to:

- ~~1.~~ Sexual teasing, jokes, remarks, or questions;
- ~~1.~~ Sexual looks and gestures;
- ~~2.~~ Communicating in a manner with sexual overtones;
- ~~3.~~ Inappropriate comments about dress or physical appearance;
- ~~4.~~ Inappropriate discussion of private sexual behavior;
- ~~5.~~ Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- ~~6.~~ Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- ~~7.~~ Sexual favoritism;
- ~~8.~~ Pressure for dates or sexual favors;
- ~~9.~~ Unwelcome physical contact (touching, patting, stroking, rubbing);
- ~~10.~~ Non-consensual video or audio taping of sexual activity;
- ~~11.~~ Exposing one's genitals or inducing another to expose his/her genitals;
- ~~12.~~ Stalking;
- ~~13.~~ Domestic or dating violence;
- ~~14.~~ Non-consensual sexual intercourse, sexual assault, or rape; or
- ~~15.~~ Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.



6. *Stalking*

A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and similarly situated to the Reporting Party. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (<http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.42.htm#42.072>).

*NOTE: Refer to Appendix A: Definitions for a comprehensive definition of consent.*

d. *Hazing*

Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises that endangers the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body, or similar activity.
2. Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
4. Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame or humiliation, adversely affects the mental health or dignity of a student, or discourages a student from entering or remaining enrolled at the University, or may reasonably be expected to cause a student to leave the organization or the University rather than submit to acts described above.
5. Any activity in which a person solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing; intentionally, knowingly, or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing

incident which has occurred and knowingly fails to report the incident in writing to the Office of Student Affairs.

6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates, or alumni of the organization of committing or assisting in the commission of hazing.
7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

~~NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936. See Texas Education Code, Sections 37.151-37.155 and Section 51.936.~~

**e. Discriminatory Harassment**

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive, or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

**f. Retaliatory Discrimination or Harassment**

~~Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant (or supporter of a participant) in a conduct process, civil rights grievance proceeding, or other protected activity. Retaliation against a person who reports a potential violation of the Code of Student Conduct, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint is strictly prohibited and will not be tolerated. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to University policy will not be subjected to retaliation.~~

Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the procedure outlined in Part 1, Section A.6.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

**g. Complicity**

- 1. Assisting, via acts or omission, another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*, specifically violations that constitute Actions Against Members of the University Community and Others.

- 2. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members, specifically Actions Against Members of the University Community and Others.

*NOTE: Actions involving free expression activities are covered in Part II: Community Policies, Section ~~HG~~: (Freedom of Expression).*

### **3. Alcoholic Beverages**

- a. Use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.
- b. Being under the influence of alcohol and/or intoxication as defined by federal, state, local law, and/or Angelo State University policy.

### **4. Narcotics or Drugs**

- a. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, and/or medicine prescribed to another person, chemical compound, or other controlled substance or drug paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.
- b. Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.
- c. Being under the influence of narcotics, drugs, medicine prescribed to another person, chemical compound, or other controlled substance, that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.

### **5. Smoking/Tobacco**

Smoking or use of smokeless tobacco products in unauthorized areas on University property as designated by the Angelo State University [Smoke/Tobacco-Free Environment policy \(OP 34.23 Smoke/Tobacco-Free Environment\)](#).

### **6. Firearms, Weapons, and Explosives**

Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, Tasers, or explosive or noxious materials on University premises that would constitute a violation of any federal, state, local law, and/or Angelo State University policy. ([University Operating Policy ~~OP~~ 02.10 Concealed Carry of Handguns on Campus](#)).

*NOTE: See RESIDENCE HALL HANDBOOK ([Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates](#)) for specific approved devices allowed in the residence halls.*

### **7. Flammable Materials/Arson**

- a. Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.

- b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

#### **8. Theft, Damage, Littering, or Unauthorized Use**

- a. Attempted or actual theft of property or services of the University or of another.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property owned or leased by the University, by other University students, other members of the University community, or campus visitors.
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, or campus visitors.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, OneCard account information and/or personal check, or other unauthorized use of personal property or information of another.
- f. Alteration, forgery, or misrepresentation of any form of identification.
- g. Possession or use of any form of false identification.
- h. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds.

#### **9. Gambling, Wagering, Gaming, and/or Bookmaking**

Gambling, wagering, gaming, and bookmaking as defined by federal, state, local laws, and/or Angelo State University policy are prohibited on University premises involving the use of University equipment or services.

#### **10. False Alarms, Emergency Equipment, and/or False alarms or Terroristic Threats**

a. Intentional sounding of a false fire alarm, falsely reporting an emergency in any form, and/or filing false police reports.

b. Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.

c. \_\_\_\_\_

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises. Threats to commit any offense involving violence to any person or property with intent to:

- Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;

- Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the University Community has access, place of employment or occupation, University automobile, or other place of use to the University Community;
- Cause impairment or interruption of University communications, University transportation, or other University service; or
- Place the University in fear of serious bodily injury.

### **11. Unauthorized Entry, Possession, or Use**

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production, or manufacture of any key or unlocking device, University identification card or access code for use on University premises or equipment.
- c. Unauthorized use of the University name, logo, registered marks, or symbols; however, registered student organizations are permitted to use the complete statement "a registered student organization at Angelo State University."
- d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.

### **12. Failure to Comply**

- a. Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.
- b. Failure to present student identification on request or identify oneself to any University official acting in the performance of his or her duties.
- c. Failure to comply with the sanctions imposed by a Student Conduct Officer/Investigator under the *Code of Student Conduct* or the Student Handbook.

### **13. Abuse, Misuse, or Theft of University Information ~~Systems~~Resources**

Unauthorized use of University information systems is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Use of Angelo State University information systems may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information systems is also subject to Information Technology policies (OP Section 44), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information systems includes, but is not limited to the following:

- a. Unauthorized use of University information systems including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords of individuals who otherwise have no authority to access University information systems.
- b. Use of University information systems for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software

belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).

c. Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).

d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to Angelo State University information systems, compromising the privacy of another user or disrupting the intended use of Angelo State University information systems.

e. Attempted or actual use of the Angelo State University information systems for unauthorized political or commercial purposes, or for personal gain.

f. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information resource must be reported to the Chief Information Officer immediately.

g. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using Angelo State University information systems.

h. Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.

i. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information systems.

~~— Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the Code of Student Conduct. "Information resources" means procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit University information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the University or retained as independent contractors. Usage of Angelo State University information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources is also subject to the Information Technology Operating and Security Policy (OP 44.00), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:~~

~~• Unauthorized use of University information resources including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords of individuals who otherwise have no authority to access University information resources.~~



- ~~Use of University information resources for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).~~
- ~~Using University information resources to violate Part I, Section B.2 (Actions Against Members of the University Community and Others).~~
- ~~Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to Angelo State University information resources, compromising the privacy of another user or disrupting the intended use of Angelo State University information resources.~~
- ~~Attempted or actual use of the Angelo State University information resources for unauthorized political or commercial purposes, or for personal gain.~~
- ~~Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information resource must be reported to the Chief Information Officer immediately.~~
- ~~Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using Angelo State University information resources.~~
- ~~Attempted or actual use of Angelo State University information resources to interfere with the normal operation of the University.~~
- ~~Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information resources.~~

#### **14. Providing False Information or Misuse of Records**

Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

#### **15. Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation**

Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

*NOTE: Refer to University Parking Services regulations at:*  
[http://www.angelo.edu/services/parking\\_services/](http://www.angelo.edu/services/parking_services/)

## **16. Violation of Published University Policies, Rules, or Regulations**

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, violations of University Operating Policies and Procedures and Texas Tech University System *Regent's Rules*.

- a. [University Parking Services](#)
- b. [Housing and Residential Programs](#)
- c. [Student Life](#)
- d. [Multicultural and Student Activities Programs](#)
- e. [University Recreation](#)
- f. [Texas Tech University System Board of Regents' Rules](#)
- g. [Angelo State University Operating Policies and Procedures](#)
- h. [Community Policies of the Student Handbook \(Part II\)](#)

## **17. Violation of Federal, State, Local Law, and/or University Policy**

Misconduct which may constitute a violation of federal, state, local laws, and/or Angelo State University policy will be considered a violation of this policy and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding.

## **18. Abuse of the Discipline System**

- a. Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.
- b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

## **SECTION C: CONDUCT PROCEDURES FOR STUDENTS**

Upon notice of an alleged violation of the *Code of Student Conduct*, the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will appoint a Student Conduct Officer/Investigator to review allegations of misconduct. The Student Conduct Officer/Investigator will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of the information.

Incident reports will be forwarded for investigation when there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a



credible witness or ~~Complainant~~ Reporting Party's statement. If it determined that the information reported does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question.

When an initial report of misconduct by a third party does not identify the Reporting Party victim or the ~~Reporting Party~~ victim is not available, the Student Conduct Officer/Investigator will investigate the reported incident to the fullest extent of the information available.

When a Reporting Party is identified but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the campus community and the possibility of a continuing threat. If the Reporting Party does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Responding Party, the University will proceed with the student conduct process to the extent of the information available. If the Reporting Party does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

## **1. Remedies and Resources**

The University will take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Reporting Party and community prior to the initiation of formal investigation and/or formal conduct procedures. These immediate steps will be taken to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to, counseling services, victim's advocate assistance, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

### **a. Resources**

Angelo State University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the University Police Department or the San Angelo Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Executive Director Student Affairs, Director of Title IX Compliance, or designee are also available to help students understand the student conduct process and identify resources.

### **b. Interim Actions**

Under the *Code of Student Conduct*, the Executive Director of Student Affairs, Director of Title IX Compliance, or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious

criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community pending the completion of the conduct process on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, a student may be denied access to Housing and Residential Programs/or the University campus/facilities/events. As determined appropriate by the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee, this restriction may include classes and/or all the other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee and with the approval of, and in collaboration with, the appropriate Instructor(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the ~~Responding~~ ~~student~~ ~~Party~~. Students are informed of interim actions by the official notice procedures outline in Part I, Section A.3. of the *Code of Student Conduct*. Interim action is not a sanction. It is taken in an effort to protect the safety and well-being of the Reporting Party, Responding Party, and/or other members of the University Community. Interim action is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim administrative action may result in additional allegations of the *Code of Student Conduct*.

1. *No Contact Order*

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee via the student's official Angelo State University e-mail. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, e-mail, text message, or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

## 2. *Immediate Temporary Suspension – Students*

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee, or on recommendation of a Student Conduct Officer/Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University business days from the date of Temporary Suspension.

Upon Immediate Temporary Suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Executive Director of Student Affairs, Director of Title IX Compliance, or designee and the University Police Department. Conduct, on or off-campus, that typically results in immediate temporary suspension:

- b. A significant and articulable threat to the health or safety of a student of other member(s) of the University community;
- c. Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation;
- d. Criminal felony charges related to weapons, drugs, aggravated assault, and /or terroristic threats;
- e. Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
- f. Violation of a No Contact Order;
- g. Retaliatory harm, discrimination, or harassment.

## 3. *Other Interim Actions*

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University student housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings.

4. *Non-Student Interim Actions*

Any guest to the University who is alleged to have violated the *Code of Student Conduct* and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members or the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Executive Director of Student Affairs or designee, in conjunction with the University Police Department, will issue a Criminal Trespass Warning to that individual(s).

5. *Withdrawal of Consent*

~~1.a.~~ Grounds for Removal

The Student Conduct Officer/Investigator or another University agent acting in accordance with his/her duties may recommend to the Executive Director of Student Affairs, ~~or~~ Director of Title IX Compliance or designee that, in accordance with the Texas Education Code, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Executive Director of Student Affairs, Director of Title IX Compliance or designee, it is determined that:

- ~~e.~~ • The student has willfully disrupted the orderly operation of the premises, and;
- The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.

If the Executive Director of Student Affairs or the Director of Title IX Compliance concurs with the Student Conduct Officer/Investigator's recommendation, permission for the student to be on University premises will be withdrawn. This Withdrawal of Consent will not be longer than fourteen (14) calendar days and a Hearing must be held within these fourteen (14) calendar days to determine the student's status at the University. Permission to be on University premises must be coordinated through the Executive Director of Student Affairs, ~~or~~ the Director of Title IX Compliance, or designee and the University Police Department. The Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will notify all parties of the final decision using the written notification procedures outlined in Part I, Section A.3, within five (5) University business days.

~~2.b.~~ Registration Flag Following Withdrawal of Consent

When a student is withdrawn under this section, an administrative hold will be placed on the student's readmission to the University. This administrative hold will remain on the student's record until the student is readmitted.

**NOTE:** [See Texas Education Code, Sections 51.233-51.244](#)

## 2. The Conduct Process

### a. *Notice of Involvement*

A student will be given notice of his or her involvement in an alleged violation of the *Code of Student Conduct* by the receipt of a “Notice of Involvement/Need to Talk” Letter. In cases involving Part I, Section B.1. (Academic Misconduct), the instructor of record will notify the student of the allegations. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Student Conduct Officer/Investigator or the instructor of record for allegations of Academic Misconduct. In addition to the possible sanctions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student’s record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Student Conduct Officer/Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent a Student Conduct officer/Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violation and result in a charge of Failure to Comply.

### b. *Rights and Responsibilities*

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Student Conduct Officer/Investigator. The Students Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

1. A prompt, fair, and equitable process.
2. Be accompanied by an advisor at any meeting or Hearing. An advisor can be any one of the following: a member of the Angelo State University Community (faculty, staff, or student not otherwise involved in the case), a Victim’s Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the ~~accused~~ student is an attorney, an attorney from the Texas Tech University System Office of General Counsel and/or

General Counsel for Angelo State University may attend the Hearing on behalf of the University. ~~The Complainant and/or the student accused of alleged misconduct is~~ Students are responsible for presenting ~~theirhis or her~~ own information; ~~and~~ therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer/Investigator. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer/Investigator upon written request five (5) University business days in advance of the scheduled Hearing date.

3. Refrain from making any statement relevant to the investigation. Students are expected to cooperate in the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the investigation they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Student Conduct Officer/Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

*NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigate process.*

4. The opportunity to provide information and evidence in support of ~~theirhis/her~~ case.
5. Know if they have been issued any allegations of misconduct.
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred.
7. Know the Angelo State University conduct policies and procedures, and where to find them.
8. Know that any information provided by the student may be used in a conduct proceeding.
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.



It is the student's responsibility to:

1. Be responsive to all correspondence from the University.
2. Provide information relevant to the incident or situation.
3. Be honest and provide true and accurate information during the investigation.
4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

**c. Investigation**

The Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will appoint a Student Conduct Officer/Investigator who will conduct a thorough, reliable, and impartial investigation of the reported allegation. In cases involving Part I, Section B.1. (Academic Misconduct), the instructor of record will conduct the initial inquiry/investigation. Reported allegations of misconduct under the *Code* have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary.

When an initial inquiry indicates a concurrent police investigation is occurring, the Student Conduct Officer/Investigator will, where possible, collaborate with the University Police Department during the investigation. Elements of this collaborative investigation may include the Student Conduct Officer/Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Student Conduct Officer/Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the University Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative Report and/or investigative materials.

During the investigative process, Reporting Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Student Conduct Officer/Investigator may compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Student Conduct Officer/Investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the investigation after the Investigative process has concluded. In order

to protect confidentiality however, students are not given copies of Investigation Reports and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the ~~i~~Investigative ~~p~~Process at which point the Student Conduct Officer/Investigator explains the options for resolution to the involved parties. Should students not participate in the ~~i~~Investigative ~~p~~Process, the conduct process may continue without their participation, including the assignment of allegations.

**d. Informal Resolution**

If after the Initial Inquiry/Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* which may be outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Student Conduct Officer/Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal. In cases involving Part I, Section B.1. (Academic Misconduct), the instructor of record can assign sanctions in Part I, Section C.4.h. Additional sanctions in Part I, Section C.4.a.-g. can also be assigned on a ~~case-by-~~case basis by the Executive Director of Student Affairs, Director Title IX Compliance, or designee.

In cases involving another student (a Reporting Party) and/or a violation of Part I, Section B.2. (Actions Against Members of the University Community and Others) of the *Code of Student Conduct*, both the Reporting Party and the Responding Party must agree to both the finding and the sanctions as recommended by the Student Conduct Officer/Investigator. The case will only be reopened if new material, previously unavailable, is presented. ~~Mediation will not be used to resolve cases involving Title IX (sexual misconduct)-based allegations.~~ The Informal Resolution, while not considered mediation, will also not be utilized to resolve cases of ~~nonconsensual sexual intercourse sexual assault and interpersonal violence.~~

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student and appropriate University Administrators within five (5) University business days of the effectuation of the Informal Resolution. All cases involving Part I, Section B.1. (Academic Misconduct) will be reported to the Executive Director of Student Affairs or designee by the instructor of record if the student chooses the Informal Resolution.

**e. Pre-Hearing Process**

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the Reporting Party and Responding student Party will be given notice of a Pre-Hearing Meeting scheduled



outside of the student's academic schedule. Should students not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations-charges and the completion of an Administrative or Panel Hearing. During this meeting, students will be given the opportunity to review the Investigation Report, relevant evidence, and/or other documents/materials to be used in the Administrative or Panel Hearing. Other documents/materials reviewed may include notification of Respondent's allegations, Panel composition, and Hearing script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, Section A.3., of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the investigation report, during the Pre-Hearing, Reporting Parties and Responding Parties will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report.

*NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.*

Students may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Hearing Panel will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the list of committee-Panel members which consists of faculty, staff, and students trained for Panel Hearings. Students will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student must

provide the Student Conduct Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Executive Director of Student Affairs, Director of Title IX Compliance or designee will schedule the Panel Hearing.

### 3. Hearings

Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative or Panel Hearing may be held and a decision made, regardless of whether the student responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student fail to attend the Administrative or Panel Hearing, the Student Conduct Officer/Investigator or the Hearing Panel may consider the information contained in the Investigation Report, relevant evidence, and/or other documents/materials, and render a decision.

Hearings are closed to the public. In cases involving another student (a Reporting Party) and/or a violation of Part I, Section B.2. (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Reporting Party and the Responding Party have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that Reporting and Responding students Parties do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Affairs prior to the scheduled Hearing.

#### a. *Administrative Hearing*

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report or Administrative Hearing Officer assigned by the Executive Director of Student Affairs, Director of Title IX Compliance, or designee. In cases involving Part I, Section B.1. (Academic Misconduct), the Administrative Hearing Officer will be the Academic Dean of the college housing the course where the violation occurred or designee with assistance from the Executive Director of Student Affairs or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate.

Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University business days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeals Procedures outlined in Part III, Section C.5.

**b. Panel Hearing**

For each Panel Hearing a panel of three (3) -Hearing Panel members will be chosen from the available pool by the Executive Director of Student Affairs, Director of Title IX Compliance, or designee. Typically, the Hearing Panel will be comprised of one student, one faculty member, and one staff member. Availability may determine a different composition for the Panel. For allegations involving Part ~~I1~~, Section B.1. (Academic Misconduct), the Hearing Panel will be comprised of only students and faculty members. For cases involving Part I, Section B.2. (Actions Against Members of the University Community and Others) or other sensitive issues, the Director of Title IX Compliance or designee will appoint three (3) Administrative Hearing Officers for the Hearing Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a voting member of the Hearing Panel or as the non-voting Resource Person, and will only participate as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding deliberations of the Hearing Panel, will be recorded by the University.

During the Panel Hearing, a designated Resource Person will facilitate the Hearing process.

The Executive Director of Student Affairs, Director of Title IX Compliance, or designee will appoint a Panel Resource Person to serve as a non-voting participant in the Panel Hearing. The Panel Resource Person will be a trained University staff member who may:

- Prepare the Panel Hearing materials;
- Record the Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Panel Hearing;
- Ensure the procedural soundness of the Panel Hearing;
- Provide student conduct history as well as any documented Policy Warnings issued to the Responding Party, during the sanctioning phase, if necessary;
- Transcribe the findings of the Hearing Panel;
- Compile the post-Hearing documentation;
- Deliver notification to student parties.

The Student Conduct Officer/Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. The Hearing Panel may question the Student Conduct Officer/Investigator, Reporting Party, Responding Party, and any witnesses. The Reporting Party and Responding ~~P~~party do not have the right to

question each other or witnesses directly but may pose questions through the Student Conduct Officer/Investigator. Should new evidence be presented without prior discussion with the Student Conduct Officer/Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person removes a student due to misconduct (Reporting Party, Responding Party, or witnesses), the alleged misconduct will be forwarded to the Executive Director of Student Affairs, Director of Title IX Compliance or designee.

Following the Hearing, the Hearing Panel will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if applicable. Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Reporting Party, and/or the Responding Party, the Hearing Panel will reconvene so that all parties have the opportunity to respond and be present for other parties' responses.

Outcomes of the Hearing Panel will be provided to the student(s) in writing within five (5) University business days of the conclusion of the Panel Hearing. Decisions made through the Hearing Panel may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section C.5.

#### 4. Sanctions

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or ~~a University Discipline Committee~~ Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or ~~Hearing Panel~~, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid at: <http://www.angelo.edu/student-handbook/appendices/sanctioning-grids.php>. The grid, mentioned above, is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the Hearing Panel/~~Academic Integrity Committee~~. The Student Conduct Officer/Investigator, Administrative Hearing Officer, and/or the Hearing Panel may deviate from the grid.

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Sanctions agreed upon through the Informal Resolution process are final upon effectuation of the Informal Resolution. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Upon the judgment of the Executive Director of Student Affairs, Director of Title IX Compliance, or designee, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

All records related to the disciplinary process will remain on file in room 112 of the Houston Harte University Center for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Administrative Hearing, or Hearing Panel/~~Academic Integrity Committee~~ Hearing and/or Disciplinary Appeal Procedures in

Part I, Section C.5. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the *Code of Student Conduct*, sanctions may be imposed and can include, but are not limited to, the following:

**a. *Disciplinary Reprimand***

The Disciplinary Reprimand is an official written notification using the notice procedures outlined in Part I, Section A.3. ([Notice](#)) to the student that the action in question was misconduct.

**b. *Disciplinary Probation***

Disciplinary Probation is a period of time which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

**c. *Deferred Disciplinary Suspension***

Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

**d. *Time-Limited Disciplinary Suspension***

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class or University related activities. The status of disciplinary suspension will be shown on the student's academic record, including the transcript. Time-Limited Disciplinary Suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. The notation of disciplinary suspension will remain on the transcript indefinitely. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer/Investigator may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Student Conduct Officer/Investigator may deny readmission to a student. On denial of a student's readmission, the Executive Director of Student Affairs, Director of Title IX Compliance, or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student record to prevent registration during the Disciplinary Suspension.

**e. *Disciplinary Expulsion***

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase "Disciplinary Expulsion" and the date in which the student's expulsion was effective. An administrative hold will be placed on the student record by the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee to prevent future registration.

**f. Conditions**

A condition is an educational or personal element that is assigned by Student Conduct Officer/Investigator, Administrative Hearing Officer, or Hearing Panel. Costs associated with conditions may be the responsibility of the student and will be billed to the student's account. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session.
- Discretionary educational conditions and/or programs of educational service to the University and/or community.
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
- Monetary assessment owed to the University.
- Completion of an alcohol or drug education program.
- Referral to the Alcohol & Drug Abuse Council for the Concho Valley (ADACCV) for assessment, <http://www.adaccv.org/>.  
<http://www.adaccv.org/index.php?id=about-us>

**g. Restrictions**

A restriction is an additional component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:

- Revocation of parking privileges.
- Denial of eligibility for holding office in registered student organizations.
- Denial of participation in extracurricular activities.
- Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community.
- Loss of privileges on a temporary or permanent basis.

**h. Academic Penalties**



In cases involving violations of Part I, Section B.1. (Academic Misconduct) an academic penalty may be imposed by the referring party. Academic penalties include, but are not limited to:

- Assignment of a grade for the relevant assignment, exam, or course.
- Relevant make-up assignments.
- No credit for the original assignment.
- Reduction in grade for the assignment and/or course.
- Failing grade on the assignment.
- Failing grade for the course.
- Dismissal from a departmental program.
- Denial of access to internships or research programs.
- Loss of appointment to academically-based positions.
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities.
- Removal of fellowship or assistantship support.

***i. Parental Notification***

Violations of Part I, Sections B.3. (Alcoholic Beverages) or B.4. (Narcotics or Drugs) may result in notification to the parents/guardians of dependent students under the age of 21.

**5. Disciplinary Appeal Procedures**

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the designated appeal officer within five (5) University business days of the delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Vice President for Student Affairs and Enrollment Management or designee will be the designated appeal officer in each conduct case. The Provost and Vice President for Academic Affairs or designee will be the designated appeal officer for cases involving Academic Misconduct. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Student Conduct Officer/Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- ~~A procedural~~ ~~or substantive error~~ ~~occurred~~ that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- ~~The~~ ~~discovery~~ of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or

sanction. A summary of this new evidence and its potential impact must be included; ~~or~~:

- The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

In cases involving alleged misconduct involving Part I, Section B.2. (Actions against Members of the University Community and Others), either the Reporting Party or Responding Party may appeal the decision of the Hearing Panel. In such cases, the Vice President for Student Affairs and Enrollment Management or designee will provide the request for appeal to the other party and provide opportunity for response.

The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.

If the designated appeal officer determines that the sanctions appeal is valid, imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error, or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Hearing Panel/~~Academic Integrity Committee~~. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, he or shethey may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;:-
- Remand the case to the original Hearing Panel;:-
- Remand the case to a new Hearing Panel.

The Office of the Vice President for Student Affairs and Enrollment Management, Academic Dean, or designee shall make all reasonable efforts to notify the student(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) of the result of their appeal using the written notification procedures outlined in Part I, Section A.3. (Notice) within ten (10) University business days. If necessary, the designated appeal officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new Hearing Panel, the decision of that Hearing Panel is final and may not be appealed.

## 6. Former Student Conduct & Readmission

A former student who engages in conduct that is a violation of the *Code of Student Conduct* may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.



A student who has had an administrative hold placed on his or her records under this section must request readmission from the Vice President for Student Affairs and Enrollment Management or designee at least three (3) weeks prior to any Angelo State University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Vice President for Student Affairs and Enrollment Management or designee to submit evidence in writing supportive of his or /her present ability to function properly and effectively in the University community. The University will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Vice President for Student Affairs and Enrollment Management or designee for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

## **SECTION D: CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS**

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will appoint a Student Conduct Officer/Investigator to review allegations of misconduct. The Student Conduct Officer/Investigator will inquire, gather and review information about the reported student organization misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

Incidents will be forwarded for investigation when there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Reporting Party's statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question.

### **1. Initial Inquiry**

An initial inquiry would occur to review information about the alleged misconduct and to evaluate the accuracy, credibility, and sufficiency of the information. When an initial report does not identify victims of misconduct or victims are not available, it can limit the ability to investigate the incident. When the Reporting Party is identified but is reluctant to participate in the investigation process or student conduct process, the University will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the Reporting Party does not want to participate in the investigative process but has no aversion to the University pursuing the conduct process, the University will proceed to the extent of the information available.

## 2. Decision to Document the Incident without Further Investigation

If it is determined that the information reported and available does not warrant an allegation of a conduct violation, a policy warning letter may be issued to clarify the policy in question. This may happen in situations where reports received are from anonymous sources with no ability to validate the credibility of the concern and the initial inquiry identifies little to no other information to support the report.

## 3. Remedies & Resources to Reporting Parties/~~Complainants~~Responding Parties

- a. The University will take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Reporting Party and community prior to the initiation of formal investigation and/or formal conduct processes. These immediate steps will be taken to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to, counseling services, victim's advocate assistance, and modifications to on-campus housing, modifications to parking permission, and modification to academic schedule. Remedies will be evaluated on a case-by-case basis.
- b. Assistance and resources are provided to the Reporting Party in order to help them understand the options available to them when making a report, to determine what resolution the reporting party is seeking, to identify university and community resources to support the reporting party, and to stop any current inappropriate behavior. Resources include, but are not limited to, assistance in reporting criminal behavior to the University Police Department or San Angelo Police Department, counseling services, medical assistance, academic support referrals, and other support services. This is handled by the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee taking the initial report. This staff member may or may not be the person to investigate the complaint.

## 4. Interim Actions

Under the *Code of Student Conduct*, the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee may impose restrictions and/or temporarily suspend the registration of a student organization pending the scheduling of a campus Hearing on alleged violation(s) of the *Code of Student Conduct* when the student organization represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Examples of conduct or incidents that may result in interim suspension are hazing; conduct or incidents at organization events and activities resulting in allegations of sexual misconduct; behavior that results in criminal felony charges, severe disruption, and/or retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desists directives from inter/national or regional organizations. A student organization who receives an interim suspension may request a meeting with the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of the meetings, the University may still proceed with the scheduling of a campus Hearing. During an

interim suspension, the student organization is not able to access the benefits of being a registered student organization during this time period, and organization activities should cease in order to prevent additional misconduct. Student organizations are informed of interim actions by the official notice procedures outlined in Part I, Section A.3.2 of the *Code of Student Conduct*. Interim action is not a sanction. It is taken in an effort to protect the safety and well-being of the Reporting Party, Responding Party, and other members of the University Community, the University, and/or property. Interim action is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim actions may result in additional allegations of violations of the *Code of Student Conduct*.

#### **5. Notice of Involvement**

A student organization will be given notice of the organization's involvement in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of Involvement/Need to Talk" letter or direct contact by a Student Organization or Greek Life staff member.

#### **6. Initial Contact to the Student Organization Leadership and Advisor**

In most cases, the appropriate Student Organization or Greek Life, [Student Affairs, or Office of Title IX Compliance](#) staff will ask the student organization President and Faculty/Staff Advisor or Alumni Advisor for an initial response to the information received within a prompt timeframe. At this time, student organization officers and members accused of conduct violations will also receive information about resources that can assist them during the conduct proceedings. When organization leaders are prompt, cooperative and forthcoming with information to assist in the inquiry, it can reduce conduct findings and sanctions. Organizations should be aware that information gathered during this initial contact is documented for use during conduct proceedings. Organizations that fail to comply with or respond to a notice issued as part of conduct procedures and/or fail to appear will not prevent the continuation of the conduct process. Likewise, a student organization that ignores requests for information, misrepresents information, or conceals information can face additional allegations of misconduct and increased sanctions.

#### **7. Notification of the Inter/National or Regional Headquarters (if relevant)**

In most cases (with the exception of low-level concerns), Greek Life staff will notify representatives of the inter/national or regional headquarters of the complaint received and of the process for reviewing the complaint. Angelo State University believes in an active partnership with inter/national and regional organization staff to resolve concerns. These inter/national and regional staff and volunteers are often better able to identify opportunities to address concerns and may be conducting their own investigation and conduct process. Angelo State University staff will specifically contact inter/national and regional organizations when reoccurring concern indicates a climate issue for the organization, when the response of the organization is not compliant or timely, when there is an immediate threat to member or other's safety, or when the organization has already participated in conduct processes for concerns.

## 8. Rights & Responsibilities

Prior to the formal investigation process, a student organization will be provided a Students Rights & Responsibilities document to review and sign prior to an interview with the appointed Student Conduct Officer/Investigator. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Those rights include the right to:

- a. A prompt, fair, and equitable process;
- b. Be accompanied by an advisor at any conduct or related proceeding.
  - An “advisor” can be any of the following: a member of the Angelo State University community (faculty, staff, or student not otherwise involved in the case), a victim’s advocate, a parent or legal guardian, a relative, or, in situations involving criminal legal proceedings, an attorney.
  - An advisor’s role is that of support – he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from the Texas Tech University System Office of General Counsel and/or General Counsel for Angelo State University may attend on behalf of the University.
  - In the case of a student organization conduct proceeding, the President of the student organization is asked to make a response on behalf of the organization. During these processes, the President is also encouraged to include the faculty/staff advisor for the student organization. In many cases, the President may not be able to speak on behalf of the local advisory board to the student organization, so the inclusion of a local alumni advisor is also allowed.
  - In the case of student organizations, the current President of the organization is responsible for presenting information during the formal hearing. The roles of the advisors during formal hearings should be for support and guidance, not to speak or participate directly in the formal hearing unless authorized.
  - Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the investigator and with advanced notice.
- c. Refrain from making any statement relevant to the investigation.

Student organizations are expected to cooperate with the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student organization’s refusal to participate in the investigation, in part or whole, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization provides only limited information during the investigation (i.e., answering some of the Investigator’s questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided with no additional commentary. The rationale for

this policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

- d. The opportunity to provide information and evidence in support of the case;
- e. Know if they have been issued any allegations of misconduct;
- f. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- g. Know the Angelo State University conduct policies and procedures and where to find them;
- h. Know that any information provided by the student organization may be used in a conduct proceeding:
  - Any information provided by a student during an investigation may be used in formal conduct processes related to allegations against the student organization, the student, or other students.
  - Student and student organization records are subject to the Federal Education Rights & Privacy Act (FERPA). Information collected during an investigation will be compiled into an investigation report and is considered student or student organization records. The investigation report may be shared with the assigned student conduct hearing panel members or administrative officers assigned to adjudicate concerns as officials with legitimate educational interest and without written consent for release. Student and student organization records can be subpoenaed in accordance with criminal processes which could include the release of the investigation report to law enforcement officials. The investigation report may also be shared with the inter/national or regional organization headquarters staff to assist with collaborative investigations.
- i. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

Student organization responsibilities include:

- j. Be responsive to all communications from the University;
- k. Provide information relevant to the incident or situation;
- l. Be honest and provide true and accurate information during the investigation;
- m. If a student or student organization needs additional time to gather information, please inform your Student Conduct Officer/Investigator;
- n. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

## 9. Investigation

- a. The Executive Director of Student Affairs, the Director of Title IX Compliance, or designee will appoint a Student Conduct Officer/Investigator to conduct a thorough, reliable, and impartial investigation of the reported concern.
- b. Reported allegations of misconduct under the *Code of Student Conduct* have varying degrees of complexity and severity. Therefore, the investigation procedures

described below may vary. In student organization incidents there is potential for three or more separate investigations to be occurring in a similar time frame:

- Angelo State University Student Organization Conduct Investigation.
  - Criminal Investigation by the University, San Angelo, or Other Police Departments.
  - Inter/National or Regional Headquarter Investigation.
  - Local Student Organization Advisory Board Investigation.
- c. When initial inquiry indicates that another concurrent investigation is occurring alongside the Angelo State University student conduct investigation, the appointed investigator(s) will, where possible, collaborate with the other entities conducting investigations. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing within the limits of student records policies.
- d. Investigations of student organization conduct may include the requirement for student organization members to attend an investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the investigation. Regardless of the nature of the investigation, students and student organizations should be aware of their rights and responsibilities in the conduct process and recognize that any information shared during the course of the student conduct investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative investigation meeting and meet only with the student conduct investigator instead of meeting together with other investigators.
- e. During the investigation process, student organization representatives are responsible for providing all information or evidence that they believe should be considered. Once the investigative process is complete, the Student Conduct Officer/Investigator will compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations.
- f. Student organizations will be asked to provide information about any actions occurring voluntarily by the organization and/or to address concerns or actions occurring related to other conduct processes (inter/national or regional actions, local alumni board actions). This information is used to afford the opportunity for an organization to be eligible for informal resolution processes or the sanctioning portion of a formal hearing if an organization is found responsible for a policy violation.
- g. A student organization will have access to a completed Investigation Report and/or investigative materials relevant to the allegation(s) after the investigative process has concluded. In order to protect confidentiality, however, student organizations are not given copies of the Investigation Reports and/or investigative materials.

## **10. Investigation Report is Completed by Investigator and Pre-Hearing Scheduled**

- a. Once the investigation report is completed, the President and his/her advisors for the student organization will be given notice of a Pre-Hearing Meeting. During this meeting, the representatives will be given an opportunity to review the Investigation Report and other documents or evidence that would be used in a formal hearing. If new or previously unavailable information is now available, the Investigator will make a determination about the inclusion of the information in the report.
  - If there is not sufficient evidence to proceed to a hearing, a Policy Warning would be issued to the organization and the incident would be closed.
  - If there is sufficient evidence to proceed to a hearing, the investigation report will outline the formal allegations against the student organization.
  - A discussion would occur around the opportunity for an informal resolution or a formal hearing.
- **b.** In cases proceeding to a formal hearing, the student organization representative(s) would review the formal hearing script and the pool of faculty, staff, and students trained for the Hearing Panel.

## **11. Informal Resolution**

- a. Upon review of the investigation report and the investigation process, the organization may have the opportunity to resolve the issue informally. The Investigator would provide an informal resolution in writing to the organization representatives for their consideration. The organization would agree to the outlined findings of responsibility for misconduct and the outlined sanctions. If there is a complaint, the Reporting Party must also agree to the informal resolution. To participate in the Informal Resolution process, student organizations must accept both the finding and the sanction. There is no appeal of signed informal resolutions. Once completed, the informal resolution completes the conduct process. The case will only be reopened if new materials, previously unavailable, are presented.

## **12. Pre-Hearing Process**

- a. In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents include notification of Responding Party's allegations, Panel composition, and Hearing script. Following the Pre-Hearing, student organizations will be notified, via the notification procedures outlined in Part I, Section A.3. **(Notice)**-of a date, time, and location ~~for~~ the Hearing.



- b. While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.
- c. The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, the Reporting Party and Responding Party will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report.

**NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.**

- d. Student organizations may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Panel Hearing will be held notwithstanding the student's preference.
- e. In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Student Conduct Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Executive Director of Student Affairs, Director of Title IX Compliance, or designee will schedule the Panel Hearing.

### **13. Hearings**

- a. Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Panel Hearing may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to



attend the Hearing. Should the student organization fail to attend the Administrative or Panel Hearing, the Student Conduct Officer/Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a Panel Hearing.

- b. Hearings are closed to the public. The Reporting Party and Responding Party have the right to be present at the formal hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that the Reporting Party and Responding Party are not present in the hearing room at the same time.
- c. Student organizations are typically represented by the current President and an advisor.
- d. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

•e. Administrative Hearing

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report, or an Administrative Hearing Officer assigned by the Executive Director of Student Affairs or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanction, as appropriate. Written notification of the outcomes of the Administrative Hearing should be provided to the student within five (5) University business days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section C.5.

•f. Panel Hearing

For each Panel Hearing a panel of three (3) members will be chosen from the available pool by the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee. The Panel will typically be comprised of one student, one faculty member, and one staff member. Availability may determine a different composition for the Hearing Panel. For allegations involving Part I, Section B.1. (Academic Misconduct), the Panel will be comprised of only students and faculty members. For cases involving Part I, Section B.2. (Actions Against Members of the University Community and Others) or other sensitive issues, the Director of Title IX Compliance or designee will appoint three (3) Administrative Hearing Officers from the pool of available members for the Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a voting members of the Hearing Panel or as the non-voting Resource Person, and will only participate as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding deliberations of the Hearing Panel, will be recorded by the University.

During the Panel Hearing, a designated Resource Person will facilitate the Hearing process.

The Executive Director of Student Affairs, Director of Title IX Compliance or designee will appoint a Panel Resource Person to serve as non-voting participant in the Panel Hearing. The Panel Resource Person will be a trained University staff member who may:

- Prepare the Panel Hearing materials.
- Record the Panel Hearing proceedings.
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials.
- Ensure proper decorum throughout the Panel Hearing.
- Ensure the procedural soundness of the Panel Hearing.
- Provide student conduct history as well as any documented Policy Warnings issued to the Responding Party, during the sanctioning phase, if necessary.
- Transcribe the findings of the Hearing Panel.
- Compile the post-Hearing documentation.
- Deliver notification to student parties.

The Student Conduct Officer/Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. The Hearing Panel may question the Student Conduct Officer/Investigator, Reporting Party, Responding Party, and any witnesses. The Reporting Party and Responding Party do not have the right to question each other or witnesses directly, but may pose questions through the Student Conduct Officer/Investigator. Should new evidence be presented without prior discussion with the Student Conduct Officer/Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person of the Hearing Panel removes a student due to misconduct (Reporting Party, Responding Party, or witnesses), the alleged misconduct will be forwarded to the Executive Director of Student Affairs, the Director of Title IX Compliance, or designee for additional processing as appropriate.

Following the Hearing, the Hearing Panel will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if applicable. The Investigator will provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at Angelo State University to help the panel determine appropriate sanctioning.

Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Reporting Party, and/or the Responding Party, the Hearing Panel will reconvene so that all parties have the opportunity to respond and be present for other parties' responses.

Outcomes of the Hearing Panel will be provided to the student(s) in writing within five (5) University business days of the conclusion of the Panel Hearing. Decisions made through the Hearing Panel may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section C.5.

#### **14. Sanctions**

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization [Sanctioning Grid](#) in the Student Handbook, Appendix C. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the Hearing Panel.

The cooperation of an organization during the investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Upon the judgment of the Executive Director of Student Affairs, Director of Title IX Compliance, or designee some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

If a student organization is found responsible for violating the *Code of Student Conduct*, sanctions may be imposed and can include, but is not limited to the following:

**a. *Disciplinary Reprimand***

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good-standing.

**b. *Disciplinary Probation***

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions/requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

**c. *Deferred Disciplinary Suspension***

Deferred Disciplinary Suspension is utilized for misconduct that could have resulted in suspension, but the suspension is deferred for a period of observation and review. Deferred suspensions are assigned for no less than one semester. Further instances of misconduct during this time period may result in immediate temporary suspension of organization activities and often result in suspension or expulsion. Deferred suspension often includes multiple conditions and restrictions for the organization to continue recognition with the University.

**d. *Time-Limited Disciplinary Suspension***

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended as well as privileges and benefits of registration. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. If an inter/national or regional organization suspends the charter of an organization, this results in a sanction no less than time-limited suspension for the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Student Conduct Officer/Investigator may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the Student Conduct Officer/Investigator may deny registration to the student organization. On a denial of student organization registration, the Student Conduct Officer/Investigator, Executive Director of Student Affairs or Director of Title IX Compliance will set a date when another application for registration may again be made.

**e. *Disciplinary Expulsion***

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization.

**f. *Conditions***

A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to:

- Hosting educational programs or initiatives for the organization or community related to the misconduct.
- Requirements for additional training or advisement from Angelo State University staff, advisory boards, or other appropriate parties.

- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community.
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
- Requirements for completion of membership reviews and providing updated rosters.
- Requirements to submit information about updated and improved organizational processes such as new member education plans; or social event plans.

***g. Restrictions***

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to:

- Revocation of organization benefits such as eligibility for ~~SGA~~-funding, eligibility to reserve rooms, and eligibility to solicit or hold events on campus; or
- Denial of participation or restrictions associated with participation in University activities as a student organization such as homecoming, recreational activities, intramurals, and recruitment activities.

***h. Required Notifications***

Some organization misconduct requires additional notifications. [Texas Education Code, Chapter 51.936](#) indicates that institutions of higher education shall distribute to each student during the first three weeks of each semester a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three (3) years.

**15. Disciplinary Appeals Procedures**

- a. A student organization may appeal the decision of a hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal hearing by submitting a written petition for appeal to the designated appeal officers within five (5) University business days of receiving the written decision.
- b. The Vice President for Student Affairs and Enrollment Management or designee will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
- d. The only proper grounds for appeal are as follows:

- ~~A p~~Procedural [or substantive] error occurred that significantly impacted the outcome of the ~~H~~hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
  - ~~The d~~Discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; ~~or~~;
  - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, Section B.2. (Actions Against Members of the University Community and Others), either the Reporting Party or Responding Party may appeal the decision of the Hearing Panel. In such cases, the Office of the Vice President for Student Affairs and Enrollment Management or designee will provide the request for appeal to the other party and provide opportunity for response.
  - f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
  - g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Panel Hearing. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, ~~he or she~~they may:
    - ~~a.~~• Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
    - ~~b.~~• Remand the case to the original Hearing Panel;
    - ~~c.~~• Remand the case to a new Hearing Panel.
  - h. The Vice President for Student Affairs and Enrollment Management or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using written notification procedures outlined in Part I, Section A.3. within ten (10) University business days. If necessary, the designated appeal officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.
  - i. If the designated appeal officer remands the decision to a new Hearing Panel, the decision of that Hearing Panel is final and may not be appealed.

## 16. Student Organization Records

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of

the completion of the case via informal resolution, formal hearing, and/or conduct appeal processes.

- b. Student organization records do not impact the content of individual student records for student organization members. A finding of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
- c. Student organization conduct decisions and findings are shared with the inter/national or regional headquarters or organizations as appropriate.

## PART II: COMMUNITY POLICIES

### SECTION A: ALCOHOL POLICY & INFORMATION

#### **1a. Beverage Provisions in the Code of Student Conduct**

Alcoholic Beverages violations are outlined in Part I, Section B.3. of the *Code of Student Conduct*.

### SECTION B: ACADEMIC INTEGRITY

#### **1a. Angelo State University Statement of Academic Integrity**

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers.

#### **2b. Academic Dishonesty Definitions**

Students must understand the principles of academic integrity, and abide by them in all class and/or course work at the University. Academic Misconduct violations are outlined Part I, Section B.1.2 of the *Code of Student Conduct*. If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance ~~from~~ the faculty member teaching the course in question.

#### **3e. Instructor Responsibilities**

Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the Executive Director ~~offer~~ Student Affairs or designee to discuss the nature of the violation and the student's record of academic integrity violations. Instructions for reporting allegations of academic dishonesty are available in the *Code of Student Conduct*. The instructor will notify the student of the alleged misconduct and attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to, assigning a paper or research project related to the academic integrity.



~~issuing a~~ make-up assignment that is different than the original assignment;~~;~~ ~~issuing~~ no credit for the original assignment;~~;~~ ~~reduc~~~~ing~~e the grade for the assignment and/or course;~~;~~ ~~and~~-~~issuing~~ a failing grade on the assignment;~~;~~ and/or ~~issuing~~ a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Executive Director of Student Affairs or designee as a central clearinghouse of violations. The Executive Director of Student Affairs or designee will review the case and may impose additional sanctions if warranted as outlined in the ~~Student~~ Code of Student Conduct.

#### **4d. Withdrawal and Assignment of Grades**

- a. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Provost and Vice President for Academic Affairs for approval to drop the course or withdraw from the University retroactively.
- b. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Registrar's Office, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, Section C.5. (Disciplinary Appeals Procedures).

#### **5e. Academic and Disciplinary Penalties**

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

#### **6f. Referrals to the Executive Director of Student Affairs**

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Executive Director of Student Affairs or designee for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the *Code*

*of Student Conduct.* A student referred to the Executive Director of Student Affairs or designee for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*. Instructors of record of the course where the alleged violation occurred and the Academic Dean of the college where the student is enrolled or of the college housing the course where the alleged violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Executive Director of Student Affairs or designee as outlined in the *Code of Student Conduct*.

*NOTE: Additional Academic Integrity information is available from the Office of Student Affairs.*

## **SECTION C: ANTI-DISCRIMINATION POLICY**

The University does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. This policy and complaint procedure is available in Angelo State University Operating Policy 16.02 [Non Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#).

### **1. Harassment**

- 4.a. Harassment based on a person's protected class under this policy is a form of discrimination. Unlawful harassment is verbal or physical conduct that shows hostility toward an individual based on or related to sex, race, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics that:
1. Create an intimidating, hostile, or offensive working or educational environment.
  2. Have the purpose or effect of unreasonably interfering with an employee's or employee's or a student's educational performance.
  3. Adversely affect an employee's employment opportunities or student's student's educational opportunities.
  4. Is severe or pervasive.

- 5.b. Examples of inappropriate behavior that may constitute unlawful harassment include, but are not limited to:
1. Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race.
  2. Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, e-mails, internet, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category.

3. Derogatory remarks about a person's sex, national origin, race, or other other ethnic characteristic.
4. Disparaging or disrespectful comments if such comments are made because because of a person's protected status.
5. Loud or angry outbursts or obscenities in the workplace directed toward toward another employee, student, customer, contractor, or visitor.
6. Disparate treatment without a legitimate business reason.
7. Other threats, discrimination, hazing, bullying, stalking, or violence based on a protected category, class, or characteristic.

### **6.2. Sexual Misconduct**

A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, and any other form of sexual misconduct, sexual violence, or other misconduct based on sex. See University Operating Policy 16.03, [Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure for matters concerning Sexual Misconduct](#).

### **7.3. Reporting Concerns**

**1.a.** Students wishing to report an incident of discrimination or harassment, including gender-based discrimination, sexual harassment, or sexual assault, should contact the Director of Title IX Compliance. Additional information on reporting can be found at:

<https://www.angelo.edu/services/title-ix/> or in University Operating Policy 16.03, [Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure for matters concerning Sexual Misconduct](#). An online reporting form is also available at:

<https://www.angelo.edu/services/title-ix/file-a-complaint.php>.

**2.b.** Students reporting discrimination or harassment in their employment capacity should contact the ASU Office of Human Resources at (325)942-2168 or Texas Tech University's Office of Equal Employment Opportunity at (806)742-3627.

### **3.4. Office for Civil Rights Complaints**

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office for Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100 or Customer Service Hotline (800) 421-3481 or <http://www2.ed.gov/about/offices/list/ocr/index.html>.

### **4.5. Retaliation**

**1.a.** Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or adverse actions related to an individual's

employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

**2.b.** Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

### **3.6. Confidentiality**

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of discrimination or violations of law, to protect the University Community, and to the extent allowed by law. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.

### **4.7. Complaint and Investigation Process**

For additional information regarding the complaint and investigation process involving other students, employees (whether faculty, staff, or students), or non-University individuals see University Operating Policy 16.02, [Non Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#) and University Operating Policy 16.03, [Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#) for matters concerning Sexual Misconduct.

## **SECTION D: CLASS ABSENCES**

### **1. Class Absences**

Responsibility for class attendance rests with the student. Regular and punctual attendance at all scheduled classes is expected, and the University reserves the right to deal at any time, with individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean and/or the Executive Director of Student Affairs or designee. Angelo State University Operating Policy 10.04, [Academic Regulations Concerning Student Performance](#) provides complete information regarding class attendance and reporting student illness and emergencies.

### **2. Religious Holy Day Absences**

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in University Operating Policy 10.19, [Student Absences for Observance of Religious Holy Days](#).

- 3. Student Absence due to Sponsorship of Student Activities and Off-Campus Trips**
  - a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of the University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
  - b. According to University Operating Policy 10.04, [Academic Regulations Concerning Student Performance](#), students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

## **SECTION E: COMPLAINT PROCESSES**

### **1. Complaints**

Angelo State University has various procedures for addressing written student complaints. Students may seek assistance from the Executive Director of Student Affairs, Director of Title IX, or designee as they go through a written complaint process. The Executive Director of Student Affairs, Director of Title IX or designee help students understand all of the steps of the process as well as what information they may want to include in their written complaint.

### **2. Academic Status Complaints**

- a. Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in University Operating Policy 10.07, [Undergraduate Academic Status](#), [University](#) Operating Policy 10.11, [Grading Procedures](#), and [University](#) Operating Policy 10.04, [Academic Regulations Concerning Student Performance](#).
- b. Undergraduate students on academic probation or suspension should refer to University Operating Policy 10.07, [Undergraduate Academic Status](#) for specific instructions regarding returning to good academic standing or reinstatement to the University. Graduate students may appeal to the Graduate School for review.

### **3. Complaints Against Faculty (Non-Grading and Non-Discrimination)**

Conduct of University Faculty is outlined in University Operating Policy 06.05, [Conduct of University Faculty](#). The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the Department Chair.

#### 4. **Conduct Complaints against Other Students and Student Organizations**

The *Code of Student Conduct* Part I, Section C and Section D of the Angelo State University Student Handbook outlines the process for filing a conduct complaint against a student or student organization.

#### 5. **Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure**

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, the University prohibits discrimination based on sex and other types of Sexual Misconduct. The University has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, Angelo State University Operating Policies set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. These policies and complaint procedures are available in University Operating Policies: OP 16.02, [Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#) and OP 16.03, [Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#).

##### a. *Faculty/Staff and Student Relationships:*

Angelo State University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. **Failure to do so may constitute a violation of the Title IX policy of the University.** If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, the Provost/Vice President of Academic Affairs, the Vice President for Student Affairs and Enrollment Management, or designee.

#### 6. **Disability-Related Complaints**

- a. Complaints related to disabilities are guided by University Operating Policy 10.15, [Providing Accommodations for Students with Disabilities](#) and Operating Policy 16.02, [Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#).
- b. Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required



documentation of a disability. Students who are denied services or denied a specific accommodation request by Student Disability Services -may appeal the decision to the Executive Director of Student Affairs or designee. The ADA Campus Coordinator for Students is the Director of Student Disability Services, [located in the Office of Student Affairs](#), room 112, Houston Harte University Center, (325) 942-2047.

## **7. Student Record Complaints & FERPA**

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the Angelo State University Student Handbook Part II, Section O. The Registrar's Office provides oversight for student records and student record complaints.

## **8. Disciplinary Action**

The University conduct procedure for students is outlined in the Angelo State University Student Handbook Part I, Section C. The University conduct procedure for student organizations is outlined in Part I, Section D.

## **9. Employment**

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with her or her immediate supervisor or the person in charge of the department may contact the Office of Human Resources in accordance with the grievance procedures outlined in the University Operating Policy 52.17, [Staff Employee Complaint Procedure](#) and [University Operating Policy 16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#).

## **10. Grades**

The assignment of a grade in a course is the responsibility of the faculty member and is based on the professional judgment of the faculty member. Except for issues of computations, discrimination, equal treatment, or reasonable accommodation when a documented student need is present in accordance with the Americans with Disabilities Act of 1990 (ADA) guidelines, the faculty member's grade determination is final. The complete student grade appeal policy and procedure is listed in University Operating Policy 10.03, [Grade Grievances. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Provost/Vice President of Academic Affairs.](#) Also, refer to the Angelo State University Student Handbook Part I, Section B.1. (Academic Misconduct).

## **11. Parking Citations**

Students may appeal a campus parking citation online at: [http://www.angelo.edu/services/parking\\_services/](http://www.angelo.edu/services/parking_services/). Parking Services rules and a description of the three-tiered appeals process is described in the links on the Parking Services home page (web address as above).

## **12. Graduate School Requirements**

- a. Graduate student complaints related to academic standing and performance follow processes outlined in University Operating Policy 42.01, [Admission to the College of Graduate Studies and Research](#), University Operating Policy 42.02, [College of Graduate Studies and Research Enrollment Policy](#), University Operating Policy 42.03, [Graduate Students Employed as Teaching Assistants, Graduate Assistants, and Graduate Research Assistants](#), and University Operating Policy 42.04, [Academic Status \(Graduate Students\)](#). Such matters include, but are not limited to: disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.
- b. Appeals of course grades are made through the [department chair/Dean](#) of the college in which the course is offered and are guided by [the](#) process in [University](#) Operating Policy 10.03, [Grade Grievance](#).

### **13. Housing Complaints**

Housing regulations and processes are outlined in University Operating Policy 60.02, [Housing Policy](#). The Director of Housing and Residential Programs, Centennial Village Residence Hall office, (325)942-2035 oversees the resolution of complaints related to student housing.

### **14. Online and Distance Student Complaints**

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Angelo State University provides a web-link related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at the Office of Student Affairs website:

[http://www.angelo.edu/services/student\\_services/](http://www.angelo.edu/services/student_services/). ~~<http://www.angelo.edu/services/saem/student-affairs.php>~~

### **15. Tuition, Fee, and Financial Aid Complaints**

Tuition, fee, and financial complaints are guided by the Student Accounts and Bursar's Office and Student Financial Aid processes. Students with complaints related to tuition and fees may contact the Student Accounts and Bursar's Office at (325) 942-2008. Students with financial aid complaints may submit concerns through an online system found on the Financial Aid website: <http://www.angelo.edu/content/forms/413-feedback-form>.

## **SECTION F: FINANCIAL RESPONSIBILITY**

### **1. Financial Responsibility of Students**

- a. Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to



additional fees, fines, suspension of check writing, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, by the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.

- b. Generally, failure to meet financial obligations to the University may result in:
  - Cancellation of the student's registration if tuition and registration fees are not paid by the dates provided by Student Accounts and Bursar's Office or if a returned check given in payment of tuition and fees is not redeemed by that time.
  - Possible criminal prosecution for writing insufficient fund checks.
  - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
  - A hold preventing future registration placed on a student's academic records.
  - A hold on receiving official University transcripts until the obligation is paid.
- c. The University may report individual student financial obligations to a credit reporting agency or a collection agent. A student is responsible for all collection costs charged to Angelo State University including reasonable attorney's fees.
- d. Before registering or requesting a transcript, students may check for holds by accessing their records at: <http://ramport.angelo.edu/cp/home/displaylogin> (~~Student Services tab~~Registration tab, then click on the Check Holds tab at the top of the page).
- e. For more information, please visit the Student Accounts/Bursar's Office website at <http://www.angelo.edu/services/controller/>;  
- [http://www.angelo.edu/services/controller/sa\\_welcome.php](http://www.angelo.edu/services/controller/sa_welcome.php)

## SECTION G: FREEDOM OF EXPRESSION

### 1. Freedom of Expression

Information related to freedom of expression policy is available in the Angelo State University Student Handbook Part II, Section P: [\(Use of University Space\)](#).

## SECTION H: HOUSING REQUIREMENTS

### 1. Housing Information

- a. The Angelo State University residence halls system includes a variety of living options and provides convenient and affordable housing for approximately 2446.8 students. Living/Learning Communities provide students with the opportunity to live with others of similar interests or major. Our current Living/Learning Communities are housed in Plaza Verde Residence Hall, Texan Hall, and ~~Carr Concho~~ Carr Hall. Centennial Village, which is arranged in two-bedroom/one bath units or four-bedroom/two bath units, offers private bedrooms in a suite-style setting. Likewise, Texan Hall offers private bedrooms with a shared common area in a suite-style setting. Carr Hall offers suite-style accommodations ~~to men and women~~. Most suites

are comprised of two double-occupancy rooms adjoined by a shared bathrooms. Carr Hall includes a limited number of private suites with two single-occupancy rooms adjoined by a shared bath. Vanderventer Apartments offer fully furnished apartment style living with full kitchens and an on-site free laundry room. Plaza Verde, Mary Massie and Robert Massie Residence Halls all house residents in a double-occupancy room with its own bath. Concho Hall offers -suites with two double-occupancy rooms adjoined by a shared bath.

- b. Ethernet computer connections are provided in each room. All halls have WiFi. However, students are encouraged to utilize Ethernet connections for quizzes, homework, etc. Other services include laundry rooms, vending machines, and 24-hour professional staff.
- c. An experienced and trained staff of Area Coordinators, Student Hall Directors and Resident Assistants manage each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.
- d. The interests of students living on campus are promoted through the Residence Hall Association. The Residence Hall Association sponsors social, cultural, educational, and recreational activities and participation in the activities is a wonderful way for students to be engaged in their community.
- e. Complete information regarding campus housing can be found at: [http://www.angelo.edu/dept/residential\\_programs/](http://www.angelo.edu/dept/residential_programs/). Information regarding residence hall policies can be found at: [https://www.angelo.edu/dept/residential\\_programs/Housing\\_Requirements/university\\_housing\\_requirements.php](https://www.angelo.edu/dept/residential_programs/Housing_Requirements/university_housing_requirements.php).

## 2. Housing Policy

In support of the Strategic Plan of Angelo State University, the University requires all first-time students who are not residents of Tom Green County to reside on campus their live in the University residence halls for the first year, two long semesters of enrollment, regardless of total credit hours. If, at the end of their first year, they have not completed 30 credit hours, they will be required to reside on campus an additional year. Institutional research suggests that students who live on campus are significantly more inclined to remain in college and achieve higher GPA's in comparison to students living off campus. Compliance with the University ~~H~~ousing ~~P~~olicy is a condition of enrollment, as set forth in the Angelo State University Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents.

## 3. Housing Requirements

- a. Subject to verification and authorization by Housing and Residential Programs, students who meet one or more of the following criteria may be given permission to live off campus prior to moving in:
  1. ~~•~~ A student who graduated from a Tom Green County high school.
  - A student is residing and continues to reside in the established primary residence of her/his parent(s) (or legal guardian), grandparent(s), or sibling(s), if it is within a 70-mile radius of Angelo State University. The parents must have established their primary San Angelo residency at least

one year prior to the request for an exemption. Legal guardianship must have been established by a court of law at least one year prior to the request.

- A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.
  - A student is married or has dependent children living with the student.
  - A student is 21 years of age or over on or before the first day of classes of the initial semester of enrollment.
  - A transfer student has successfully completed the equivalent of the one year live on requirement. If the college or university did not require the student to reside on campus, and the student successfully completed two long semesters, they will be exempted.
  - A student has served six months or more in active military service, as verified by a discharge certificate (DD214).
  - A student presents sufficient evidence of an extreme medical condition, as documented by his/her treating physician for which on-campus accommodations cannot be made.
  - A student presents sufficient and satisfactory evidence of extreme or unusual hardship that will be intensified by living in the residence halls.
  - A student is enrolled in on-line classes only.
  - A student is taking less than 12 hours during the academic year.
- b. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement ~~may will~~ be grounds for disciplinary action. ~~Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and dining plan fees, or probation, as determined by the Director of Housing and Residence Life or designee and in accordance with the Code of Student Conduct of Angelo State University. Violations will be reported through the Student Conduct Office.~~
- c. Students sign a Residence Hall Contract for the summer session or the academic year (fall and spring semesters). Any student wishing to move from the residence halls should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract.
- d. Signing a lease for off-campus housing does not relieve the student of contractual obligations with the University for housing in the residence halls. The student is responsible for complying with all provisions of the Angelo State University Housing and Residential Programs Contract.
- e. The student is responsible for updating any incorrect information including place of residence with the Registrar's Office.
- f. ~~No exemptions will be approved once the student has moved into the residence halls.~~

#### **4. Room and Dining Plan Fees and Advance Payments**

- a. Room and dining plan fees are due and payable by the semester and will be billed by Student Accounts and Bursar's Office. Room and dining plan fees become a part of

the student's bill, and as such, payment plans are available. Payments must be made by the scheduled due dates to avoid delays in registration. Additional remedies available to the University for non-payment of room and dining plan fees include withholding the student's transcript of grades, diploma, and other academic records, and cancellation of enrollment.

- b. Students with academic year contracts are charged 50 percent of the academic year room and dining plan rate for the fall semester and 50 percent for spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50 percent of the academic year rate.

## **SECTION I: GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISCRIMINATION AND TITLE IX POLICY AND COMPLAINT PROCEDURE**

ASU has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, Angelo State University Operating Policies 16.02, [Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#) and 16.03, [Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#) set forth procedures for filing, investigating, and resolving complaints of harassment, sexual misconduct, discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and Title IX can be found at: <https://www.angelo.edu/services/title-ix/>.

## **SECTION J: SOLICITATIONS, ADVERTISEMENTS, AND PRINTED MATERIALS**

### **1. General Policy**

The primary mission of the University is education. The University is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Therefore, solicitations or advertisements and sales, displays or distribution of publications on the campus are not permitted, except as provided below or as provided by law.

### **2. Definitions**

- a. Solicitation includes, but is not limited to, requesting money, and/or donations, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar materials to promote sales.
- b. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
- c. Printed materials are publications, handbills, posters, leaflets, and other written matter intended for public distribution, sale or display on campus.

### 3. University Name, Documents, and Records

- a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Director of Communications and Marketing, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in [University Operating Policy 26.07](#), [University Name Seal and Logo](#).

### 4. Jurisdiction

- a. All solicitation requests should be directed to the Executive Director of Student Affairs or designee for review. Requests should be submitted online using the [Solicitation/Sales Request Form](#). Requests must be submitted at least ten (10) University business days before intended use. Solicitation requests regarding food/beverage items on campus are subject to the approval of the Director of Business Services and are submitted via the [Solicitation/Sales Request Form](#).
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Executive Director of Student Affairs or designee.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Vice President for Student Affairs and Enrollment Management or designee.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Vice President for Academic Affairs or designee.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the ~~Vice President for~~ [Executive Director of Development and Alumni Relations](#) or designee in accordance with University Operating Policy 32.03, [Solicitation of Gifts and Grants from Private Philanthropic Sources](#).

### 5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Angelo State University grounds and facilities except for:
  - Activities supporting the educational mission of the institution.
  - Promotion of organizational activities consistent with organization mission.
  - Recruitment of members or membership drives.
  - Accepting donations on behalf of altruistic or charitable projects.
  - Scholarship and/or fundraising projects in support of organization mission.
  - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Angelo State University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the [Solicitation/Sales Request Form](#).

- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Angelo State University registered names, logos, and trademarks, refer to University Operating Policy 30.07, Licensing and Use of ASU Registered Names, Logos, and Trademarks on the University website and also to the ~~Angelo State~~ University Operating Policy 26.07, University Name Seal and Logo.
- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a reservation request online at: <http://reservations.angelo.edu>. -Permission to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by the Executive Director of Student Affairs, ~~or the Director of Business Services,~~ or designee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Vice President for Student Affairs and Enrollment Management or designee.
- g. A written appeal describing the objections to the denial addressed to the Vice President for Student Affairs and Enrollment Management or designee must be filed no later than five (5) University business days after the receipt of notice of denial from the Executive Director of Student Affairs, the Director of Business Services or designee.
- h. The Executive Director of Student Affairs will convey the appeal decision, in writing, to the student or registered student organization or to the Director of ~~Multicultural and Student Activities Programs~~ or the Director of Business Services within five (5) University business days from the receipt of the written appeal.
- i. The student or registered student organization may not appeal beyond the Vice President for Student Affairs and Enrollment Management.

## 6. Advertisements

- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.
- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the University Police and will be subject to appropriate legal action.
- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.



- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Director of Business Services.
- e. The only approved posting location on campus by non-University guests is located within the Houston Harte University Center with the Director of Business Services review and approval for a two (2) week period on approved posting boards.

## 7. Printed Materials & Digital Signage

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets or any other type of printed materials, except as provided by law.
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request.
- c. Solicitation and Advertising materials must conform with the provisions stated above.
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association.
- e. Use of the Angelo State University campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party.
- f. Printed materials may not be placed on vehicles parked in the University parking lots or on vehicles in motion without permission of the vehicle owners.
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings unless approved in advance by the building manager.
- h. Printed materials and digital signage content shall not violate any local, state, or federal law.
- i. Printed materials shall not include the use of obscenities, libelous statements, or “fighting words” as defined by law.
- j. Registered student organizations and University departments are allowed to hang banners within the Houston Harte University Center at the discretion of the Director of Business Services. A list of requirements regarding the banners is available ~~either online through the Business Services website or~~ in the Office of Special Events located in the Houston Harte University Center.
- k. Use of University trademarks, such as the name or logo, on visual materials or digital signage must follow the University’s Visual Identity Guidelines: <http://www.angelo.edu/collegiate-licensing/identity-guidelines/>.

## 8. Use of Bulletin Boards & Digital Signage

- a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University

announcement bulletin boards and approved digital signs may be used only by students, registered student organizations, and University departments. Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Office of Special Events.

- b. Posters, signs, and announcements shall not exceed a maximum size of 18" x 24" digital signage requirements will differ per location and are available via the coordinator of that signage.
- c. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs.
- d. Posters, signs, and announcements shall not promote unauthorized sponsorship by Angelo State University.
- e. Posters, signs, and announcements shall not violate any local, state, or federal law.
- f. Bulletin boards belonging to academic and administrative departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department.
- g. Posters, announcements, banners, cards, or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.
- h. Use of University trademarks, such as the name or logo, on visual materials or digital signage must follow the University's Visual Identity Guidelines: <http://www.angelo.edu/collegiate-licensing/identity-guidelines/>.

## 9. Violations

A student or registered student organization violating regulations governing solicitations, advertising, and printed materials is subject to the disciplinary sanctions outlined in the *Code of Student Conduct*.

## SECTION K: STUDENT IDENTIFICATION

### 1. Student Identification

The official Angelo State University ID card, the ASU OneCard, is the key to accessing services throughout the campus and also serves as the campus meal card for students who have purchased a meal plan. The first card is issued at no charge and there is ~~a \$20.00 fee to replace lost or stolen cards. no charge to replace lost or stolen cards.~~ However, if a student wants a temporary card to use on-campus while waiting for a replacement card, there is a \$5.00 fee for the temporary card. Students should carry the ASU OneCard with them at all times.

- a. The ASU OneCard is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their ASU OneCards in any way.
- d. On request, students must present their student identification to any member of the University faculty, staff, administration or police.
- ~~e. A student must pay a replacement charge for lost, stolen, or damaged ASU OneCards.~~



For more information about the features of the ASU OneCard, student should visit the website at: <http://www.angelo.edu/services/asuone/>.

## **SECTION L: STUDENT INVOLVEMENT & REPRESENTATION**

### **1. Student Government Association**

The Student Government Association is the official organization representing students. Students may identify with off-campus programs and activities as individuals, but not as representatives of the University.

### **2. Student Media**

The major campus publication at Angelo State University is ~~the~~**THE** RAM PAGE, a weekly newspaper containing articles of interest to the University community. General supervision for the University's student campus publication rests with the Publications Council, which is responsible for ensuring that the publication maintains high professional standards and fulfills the educational objectives for which it has been established. The ten-member council is made up of students, faculty, and staff. One of the chief responsibilities of the council is to appoint the editor each spring for the campus publication, based upon recommendations submitted by the chair of the Publications Council.

Copies of the University publications policies are available in the offices of the chair of the Department of Communication and Mass Media, who serves as Director of Publications, and the Director of Student Life. See University Operating Policy 04.10, [Student Media](#).

Students preparing for careers in the media industry, train as videographers, editors and on-air personalities by producing content for the ~~c~~**C**ampus ~~t~~**T**elevision and ~~r~~**R**adio stations. RAM TV and RAM\_RADIO highlight aspects of Angelo State University to the San Angelo Community and beyond.

RAM TV features live productions, symposia, lectureships, administrative forums, performing arts, athletics, exhibitions of student work, and events sponsored by departments on campus as well as local human-interest stories and public service announcements for non-profit organizations in San Angelo. This material is broadcast on the University educational access channel and the San Angelo local FOX affiliate, KIDY.

RAM\_RADIO is an Internet radio station that streams music, campus news and events, and community stories, 24 hours a day, 7 days a week. RAM\_RADIO also offers students the opportunity to produce programming for National Public Radio (NPR) through the Texas Tech University Public Radio Station.

### **3. Affiliated Military and Veterans Services**

The Affiliated Military and Veteran Services Center is here to assist veterans, active duty ~~or~~ **reserve** service members, and their dependents in their pursuit of higher education.

To that end, the University works in cooperation with the U.S. Department of Veterans Affairs (VA) and other off-campus resources including the Texas Veterans Commission [to ensure top-notch support for service member students](#). The Affiliated Military and Veteran Services Center acts as a central point of intake and processing for the following educational benefits:

- a. VA Education Benefits (Montgomery GI Bill; Post-9/11 GI Bill, Dependents Educational Assistance, and Vocational Rehabilitation).
- b. Tuition Assistance for all active duty and reserve military personnel.
- c. Texas Veterans Commission Hazlewood Tuition Exemption Program.

The Affiliated Military and Veteran Services Center also [helps students transition to campus by offerings](#) a stress-free environment with support services such as peer tutoring, counseling, and relaxed social interaction for service member students and staff.

## **SECTION M: STUDENT ORGANIZATIONS**

### **1. Registered Student Organizations**

- a. A registered student organization is a group (president, treasurer and a minimum of eight (8) other members) comprised of at least ten (10) students enrolled at Angelo State University who voluntarily come together under a common purpose. The purposes and activities of the organization shall be lawful and not in conflict with the policies, rules, regulations and standards of the University and/or federal, state and/or local statutes.
- b. Generally, student groups broadly fall under one of the following categories: Academic/Professional, Boards and Councils, Greek Social Organizations, Honor Societies, Multicultural/International, Club Sports, Spiritual Life, Service, and Special Interest.
- c. All student organization registration is administered by the Office of Multicultural and Student Activities Programs.

### **2. Club Sports**

- a. The Angelo State University Club Sports program is administered by the Office of Multicultural and Student Activities Programs and is designed to provide opportunities for students to participate in a variety of sports activities. This program exists to promote and develop interest in sports. Club Sports members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.
- b. A group seeking Club Sports status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Office of Multicultural and Student Activities Programs for at least an academic year before full consideration for Club Sports status.
- c. Following the organization registration process, a group should request a meeting with Multicultural and Student Activities Programs to initiate the application process for Club Sports affiliation. After obtaining Club Sports status, groups must

also comply with the guidelines of the Multicultural and Student Activities Programs department and facility usage with University Recreation.

### **3. Social Fraternities/Sororities**

- a. The Center for Multicultural and Student Activities Programs is responsible for the oversight of Angelo State University Greek Life Programs (Fraternities and Sororities). A group seeking social fraternity or sorority status should first contact the Center for Multicultural and Student Activities Programs to discuss their interest and the specific (if any) national organization with which they wish to affiliate. Students should understand that the decision to bring a new sorority or fraternity to campus is a joint decision made by the students, the University, and the national organization. All parties must work in concert for the relationship to be successful. A group seeking social fraternity or sorority status must be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and Panhellenic Council.
- b. All student organizations registering as a social fraternity or social sorority must show proof of their Title IX exemption by attaching to the registration application a letter from their national affiliate with their IRS 501 (c) number.

### **4. Conditions for Registration of New and Reforming Student Organizations**

- a. Membership in the organization shall be open only to students enrolled at Angelo State University. A student organization is eligible for registration if it does not deny membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.
- b. Faculty and staff may hold associate memberships to the extent allowed by the student organization's constitution.
- c. The organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Multicultural and Student Activities Programs.
- d. All funds allocated to a registered student organization from University- controlled sources must be maintained in a registered student organization bank account. Additional resources acquired by fundraising may be kept in an off-campus organizational account. Resources acquired by the club may be kept in non-university or alternate accounts. It is recommended that the advisor either co-sign the organization's checks or be a reviewer of the account. If an account becomes dormant due to an inactive club, it is recommended that the remaining funds be remitted to the ASU Foundation and placed in the Ram Family Student Scholarship Endowment. Please see the Center for Multicultural and Student Activities Programs website for a list of financial best-practices.

- e. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Multicultural and Student Activities Programs is available to assist in organizational development.
- f. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Angelo State University.
- g. Only organizations that are an official part of the University and receive direct funding by the University or organizations that are an extension of an academic department may use the name, logo, or symbols of the University as part of its name or in its publications with approval from the Director of Communications and Marketing. Registered student organizations may use the complete statement “a registered student organization at Angelo State University.” Approval for the use of logos, symbols, and names protected by Angelo State University is handled through the oversight of the Office of Communications and Marketing. In addition, the organization shall not advertise or promote events or activities in a manner that suggests sponsorship by the University, unless specifically authorized to do so.
- h. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Angelo State University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials from the Center for Multicultural and Student Activities Programs. Any student organization wishing to solicit on-campus must follow the policies and procedures listed in the current Angelo State University Student Handbook.
- i. All registered student organization resources must be used to advance and support the organization’s purpose, identified goals, and/or mission.
- j. All registered student organizations must comply with University rules, standards, and policies.
- k. Student organization registration does not imply University approval of either the organization or its functions or activities.

## 5. Registration of New and Re-Registering Student Organization

- a. New and/or re-forming student groups that desire to become a registered student organization should contact the Center for Multicultural and Student Activities Programs to discuss the process of forming or re-forming an organization.
- b. A student group seeking to form a new organization may file the [Student Organization Registration/Renewal Form](#) and a Student Organization constitution with the Student Organizations/Activities Coordinator. The initial constitution must follow the template provided by the Center for Multicultural and Student Activities Programs. Once both forms are filed, a pending student organization is permitted to use University facilities and post notices and flyers in accordance with established University posting regulations. A proposed group may apply for registration only once per semester.
- c. Following the submission and review of all required documents and verification of member eligibility, the materials will be sent to the Angelo State University Student

Senate for review and a recommendation on registration. After receiving the recommendation of the Student Senate, the Student Organizations/Activities Coordinator will make the final decision on registering the new organization and will notify the organization of the decision.

- d. A group which has been a registered student organization in the past and which became inactive may apply to reinstate the organization by submitting a Student Organization Registration/Renewal form, a proposed constitution that is in compliance with current requirement, and a letter explaining why the organization should be reinstated.

## **6. Annual Registration and Renewal Process**

- a. A complete Student Organization Registration/Renewal form must be received by the Center for Multicultural and Student Activities Programs by the deadline each September. The form will include the names and contact information for the organization officers and the president of the organization must certify that the organization still has at least ten (10) full-time students who are in good standing with the University.
- b. The organization must also submit an updated copy of the local constitution and by-laws (if applicable) and the constitution and by-laws of any other local, state, or national affiliate organization (if applicable).
- c. The organization shall also furnish the signature, title, campus address, telephone number, and e-mail address of a full-time Angelo State University faculty or unclassified staff member indicating the person's agreement to serve as the organization's advisor.
- d. The organization must also agree to comply with all University standards, rules, and/or policies as well as all federal, state, and/or local laws.
- e. Executive officers of registered student organizations must have at least a 2.0 cumulative grade point average at the time of election, must earn at least a 2.0 grade point average each semester during their term of office, must maintain full-time student status throughout their term of office, and must remain in good standing (academic and disciplinary) throughout their term of office. Student organizations may establish higher eligibility requirements for their executive officers.

## **7. Benefits of Registered Student Organizations**

- a. Benefits include: Meeting room reservations on campus, organization information published online, posting on campus, leadership training, ready references and access to training materials and resources in the Center for Multicultural and Student Activities Programs, and a free web-link. Registered student organizations may apply for funding through the Student Organization Leadership Fund (SOLF) administered through the Center for Multicultural and Student Activities Programs.
- b. Club sports are entitled to all the benefits of a registered student organization. In addition, club sports may receive administrative support and guidance from University Recreation.

## **8. Faculty or Staff Advisor**

- a. Each registered student organization shall have a full-time University faculty or unclassified staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to facilitate incorporating the advisor into the organization's program planning and decision-making and the advisor should work directly with the student organization regarding the financial best practices located online within the Center for Multicultural and Student Activities Programs -website. The advisor must oversee adherence to University standards, rules, and/or policies as well as the organization's constitution and by-laws. Regarding club finances, the advisor should be a co-signer of the organization's account or be a reviewer of the account. If a student organization travels, the advisor is the responsible party for submitting travel requests, for obtaining any travel advances, and for reconciling the travel expenses after the trip in accordance with University procedures. The Center for Multicultural and Student Activities Programs sponsors various advisor training programs throughout the year to assist advisors in working with their organizations. A training program on risk management is mandated by State law and organization advisors must attend this program. Specific information on complying with this training requirement is available in the Center for Multicultural and Student Activities Programs.
- b. Registered student organizations may have additional advisors, i.e. coaches (typical of club sports) or alumni advisors, to the extent permitted by their constitution and/or by-laws; however, one advisor must be a full-time Angelo State University faculty or staff member as required and identified in the registration packet.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Angelo State University employee should also be included when filling out the registration application complete with names, addresses, telephone numbers and e-mails.
- d. Registered student organizations have ten (10) University business days to formally notify the Center for Multicultural and Student Activities Programs with the name, address, telephone number, and e-mail address of any new or replacement full-time University faculty or staff member appointed as their advisor. Failure to do so may result in suspended privileges. In cases where the club is experiencing difficulty securing a replacement, the club leadership should notify the Center for Multicultural and Student Activities Programs. After review, the Director of the Multicultural and Student Activities Programs or designee may appoint a temporary advisor for the club for no more than an additional thirty (30) University business days while the club secures a replacement advisor. Failure of the club to secure a replacement advisor by the end of the additional thirty (30) University business days may result in suspended privileges.
- e. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
- f. Established full-time University faculty or staff members, who reduce employment hours below full-time status, and maintain an office on-campus, may continue to



function as the “Primary” advisor of a student organization with the approval of the Center for Multicultural and Student Activities Programs.

- g. Student organization advisors should complete advisor risk management training set by the Center for Multicultural and Student Activities Programs.

## **9. Prerequisites for Maintaining Registration**

To maintain its active registration status throughout the academic year, a registered student organization must meet or submit the following criteria to the Center for Multicultural and Student Activities Programs:

- a. File a list of its current officers within ten (10) University business days from the day of elections and file notification of the subsequent changes when such occur.
- b. File a list of its current advisor(s) within ten (10) University business days of the acceptance of the full-time faculty or staff advisor to the position. Notification of advisor changes should also be made within ten (10) University business days.
- c. Submit all changes in documents on file relating to the organization (i.e., revisions to the constitution, changes in statement of purpose, procedures for handling organization funds or membership requirements). Registered student organizations shall be responsible for updates and revisions to their local and affiliate constitutions. These changes must be registered with the Center for Multicultural and Student Activities Programs within ten (10) business days of any changes. Should an organizational dispute occur that involves University intervention, registered student organizations are bound by their constitution and by-laws on file with the Center for Multicultural and Student Activities Programs.
- d. Conduct its affairs in a lawful manner as a collaborative entity in accordance with the constitution and by-laws it has on file, in addition to -applicable policies, rules, regulations, and standards of the University and/or federal, state, and/or local statutes.
- e. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Angelo State University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Center for Multicultural and Student Activities Programs.
- f. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations, and standards of the University.
- g. Attend annual risk management training programs provided by the Center for Multicultural and Student Activities Programs. A minimum of one organization officer, the president, vice president, or chairperson in charge of risk management, is required to attend. The officers are then responsible for conveying the information to their student organization members and completing a Risk Management [Statement of Completion](#).
- h. Ensure off-campus individuals or organizations (whose appearance on campus is sponsored by the organization) observe all applicable policies, rules, regulations, and standards of the University.
- i. The Executive Director of Student Affairs, Director of Multicultural and Student Activities Programs, or designee may suspend the registration of an organization for

noncompliance with the regulations and/or standards as set forth in the current Angelo State University Student Handbook.

## **10. Conduct Procedures for Student Organizations**

- a. Student organization conduct procedures are outlined in Part I *Code of Student Conduct*, Section D, including processes for the temporary suspension and denial of registration for student organizations.

## **SECTION N: STUDENT RIGHT TO KNOW**

The University Police Department compiles and publishes campus crime and fire data to comply with the Clery Campus Security Act. Information about crimes that have occurred on-campus and in the immediately surrounding community is published annually and a link to the ~~information~~ [Campus Crime and Safety Report](http://www.angelo.edu/services/student_services/) can be found on the Angelo State University Student Affairs web page: [http://www.angelo.edu/services/student\\_services/](http://www.angelo.edu/services/student_services/).

Additionally, the University maintains a consumer information web page with links to data, support services and accreditation information. [https://www.angelo.edu/consumer\\_info/](https://www.angelo.edu/consumer_info/)

## **SECTION O: STUDENT RECORDS**

### **1. General Policy**

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from the disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Angelo State University Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Angelo State University.

### **2. Address of Record**

Students must maintain an accurate permanent address with the Registrar's Office. The address is used for official notifications including billing and official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at

~~<https://ramport.angelo.edu/cp/home/displaylogin> via the Student Services tab, RAMS Logon link, and Personal Information tab;~~

~~[http://www.angelo.edu/services/registrar\\_office/registrar\\_forms.php](http://www.angelo.edu/services/registrar_office/registrar_forms.php).~~

### **3. Student Access to Education Records**

- All current and former students of the University have the right to access their educational records as provided by law.



- Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.
- The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
- Personally identifiable information such as , personal conduct, class schedule, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student.

#### **4. Records Not Accessible to Students**

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
- b. Employment records of a University employee who is not a student.
- c. Medical records are maintained for students visiting University Health Clinic and Counseling Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Students needing to request a copy of their medical records may contact University Health Clinic and Counseling Services at (325)942-2171. While not considered "education" records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statute still allows the patient, in most instances, access to his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental, or emotional health of the patient.
- d. Medical and/or psychological information submitted for the purpose of determining eligibility for services are not releasable. Students may obtain the original information from the sources.

#### **5. Authorized Non-Student Access to Student Records**

Educational records (or personally identifiable information within a record) may be released without the written consent of the students to:

- a. Officials, faculty, and staff employed by the University if they have a legitimate educational interest.
- b. Officials of other educational institutions in which the student intends or seeks to enroll if the student is notified of what is being released and given a copy if desired.

- c. Authorized representatives of the Comptroller General of the United States, the Secretary of Education and administrative heads of educational agencies or state educational authorities.
- d. Individuals needing this information in connection with a student application for, or receipt of, financial aid;
- e. Federal, state and local officials to whom laws (in effect on or before Nov. 19, 1984) require information to be reported.
- f. Organizations such as Educational Testing Service administering predictive tests, student aid programs and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements.
- g. Accrediting organizations.
- h. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be ascertained by the Registrar's Office.
- i. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
- j. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena, on condition that the student may be notified by the University of all such orders and subpoenas in advance of compliance.
- k. Emergency contacts as listed in students' educational records may be notified by designated staff upon notice of student hospitalization or transport via emergency personnel.

## **6. Students Rights to Challenge Records**

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the Angelo State University Student Handbook, Part II, Section E.10. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

- a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
- b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student, and the author (if appropriate) of the material.
- c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal Hearing will be conducted. The student may present evidence relevant to the content of the educational records to demonstrate how they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The Hearing also provides an opportunity for correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained in the records and for insertion into the records a written explanation by the student requesting the content of the challenged records.

## 7. Release of Student Directory Information

- a. The following student information is considered Angelo State University Directory Information:
  - Student ~~n~~Name
  - Permanent and ~~l~~Local ~~a~~Addresses
  - Hometown
  - Classification
  - Major and ~~m~~Minor ~~f~~Fields of ~~s~~Study
  - Dates of ~~a~~Attendance
  - Degrees, ~~a~~Awards, and ~~h~~Honors ~~r~~Received
  - Specific ~~e~~Enrollment ~~s~~Status
  - Photograph
  - Team ~~p~~Photographs
  - Participation in ~~o~~Officially ~~r~~Recognized ~~s~~Sports and ~~a~~Activities
  - Height/weight of member of ~~a~~Athletic ~~t~~Teams
  - Previous ~~i~~Institution(s) ~~a~~Attended
  - Degree ~~c~~Candidate
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in the Registrar's Office, room 200 of the Dorsey B. Hardeman Building.
- c. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.201, Government Code.

## 8. Destruction of Records

The University constantly reviews the "educational records" it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Registrar's Office. Disciplinary records are maintained for at least seven years in the Office of Student Affairs. Student Disability Services records are maintained for three years after the last date of enrollment. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely.

## 9. Letters of Recommendation

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- b. Under the Family Educational Rights and Privacy Act of 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1,

1975, if the letters or statements are used for purposes for which they were specifically intended.

## **10. Proxy**

When a student reaches the age of 18 **OR** is attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student. Parents of Angelo State University students may not receive non-directory information unless the student creates a FERPA/Proxy Authorized User from their secure RamPort account. Online FERPA/Proxy information can be found on the Registrar homepage at:

<http://www.angelo.edu/ferpa/online-ferpa-proxy.php>

<http://www.angelo.edu/ferpa/online-ferpa-proxy.php>.

## **SECTION P: USE OF UNIVERSITY SPACE**

### **1. General Policy**

With the exception of free expression activities outlined below, the space and facilities of the University are intended primarily for the support of the instructional programs of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is encouraged for activities that have as their purpose, service or benefit to the Angelo State University community, and that are sponsored by registered student organizations.

University buildings, grounds, or property may be available for use by outside groups in accordance with and subject to the provisions of the University policy, to the extent that the programs and activities of these groups do not conflict or interfere with normal University functions or the activities of campus organizations. An individual who is not a student, faculty, or staff member may attend functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Outside groups desiring use of University facilities must obtain approval for their program or activity from the Director of Business Services. The Director of Business Services is responsible for making certain that the proposed program and activity is within the *Regent's Rules* and University policies. Reservation requests must be submitted to the Office of Special Events online at: <http://reservations.angelo.edu>. Appropriate rental charges shall be charged to outside groups using University facilities. State law requires that University facilities and property be used only for state purposes and not for private gain.

## 2. Reservation Requirements

- a. Reservations must be made for the use of buildings and grounds under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. The procedures for requesting use of the University facilities are available online at: <http://reservations.angelo.edu>. Reservation requests must be submitted to the Office of Special Events online at: <http://reservations.angelo.edu>.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with [Texas Education Code, Chapter 51.976](#), which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space of facility will be confirmed.

## 3. Use of Facilities by Student Organizations

- a. Student organizations must be registered to use University facilities or grounds.
- b. A student organization that has petitioned the Center for Multicultural and Student Activities Programs for registration status may hold up to three meetings in the Houston Harte University Center pending action on the petition. These meetings must be held within a 25 calendar-day time period from the date the petitioning organization filed its intent to register. Other campus facilities or space may be reserved by “petitioning” student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Additional reservations will not be approved until the student organization is registered.

## 4. Procedure and Priorities for Designated Facilities

### a. *Houston Harte University Center*

The facilities, services, and programs of the Houston Harte University Center have been designed to support the total educational mission of the University. In addition to recreational and dining facilities, the University Center provides a wide range of facilities and services for ASU students and their registered organizations. The meeting rooms in the University Center may be reserved for departmental/faculty/staff meetings and educational conferences. Co-sponsored conferences and meetings are provided for the cost of expenses incurred (rental fees for said events may be waived by following procedures outlined in the rules and regulations). The ~~Request for~~ ~~Request for Facilities Fee Waiver~~ ~~Form~~ is located at: <http://reservations.angelo.edu> (under the Links tab). ~~online at~~ ~~http://reservations.angelo.edu~~.

### b. *Academic Buildings*

Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Office of Special Events. All requests must be submitted with the agreement of a full-time faculty or unclassified staff advisor for the student organization using the online request form at: <http://reservations.angelo.edu>.

All use of academic space is “as is” (group is responsible for own set-up) and the full-time faculty or staff advisor assumes responsibility for accessing the space, supervising the meeting, and securing the space in same condition it was found. For-credit academic use requests may supersede not-for-credit reservations. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Academic use by departments and colleges has priority over others uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.

Academic Space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.
- The intended use does not conflict with the use by academic programs or academic organizations.
- The intended use does not conflict with normal security and maintenance.

c. *Residence Halls*

Currently enrolled students who live in the residence halls have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, Housing and Residential Programs. University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Director of Housing and Residential Programs or designee.

d. *Intercollegiate Athletic Facilities*

The Junell Center/Stephens Arena, LeGrand Stadium at 1<sup>st</sup> Community Credit Union Field and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Director of Business Services or designee. Requests for use of all intercollegiate athletic facilities must be made to the Office of Special Events -online at: <http://reservations.angelo.edu>.

e. *Recreational Facilities*

The Ben Kelly Center for Human Performance, intramural fields, tennis courts, racquetball courts and basketball court are intended primarily for student recreational and instructional use on an organized group and individual basis. University Recreation is responsible for scheduling the use of these facilities for University Recreation programs and services. [A hammock farm was installed between Robert and Mary Massie Residence Halls and this is the only approved campus location for hammock use. Hammocks are available for check-out in the Ben Kelly Center for Human Performance building.](#) Other University departments, organizations, and off-campus guests may request use of the recreational facilities from the Office of Special Events using an online form located at: <http://reservations.angelo.edu>.

f. *Pavilion*

The Pavilion is designed to meet the recreational needs of students, faculty and staff and to provide programming opportunities for the University and its registered student organizations. Reservation requests may be submitted to the Office of Special Events online at <http://reservations.angelo.edu>. The Pavilion may also be rented according to University policy governing this privilege.

g. *Lake Facility*

The Angelo State University Lake Facility, located at 1925 Beaty Road, is open and operated seasonally by University Recreation for general use by Angelo State University students, faculty and staff. The Lake Facility is also available for University department and registered student organization events as well as private rental events (based on date availability). Reservation requests for the Lake Facility must be submitted to the Office of Special Events online at: <http://reservations.angelo.edu>.

## 5. Use of Campus Grounds

- a. Selected grounds areas (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, staff, and students. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop. Reservation requests must be submitted to the Office of Special Events online at <http://reservations.angelo.edu>.
- b. Students or registered organizations using a designated area are subject to the following requirements:
  - Use of amplification equipment must comply with the guidelines in Item 8. Use of Amplification Equipment (below).
  - A structure may not be erected on campus grounds without prior written approval that will include arrangements for cleaning up after the event.
  - If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Director of Business Services.
  - Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
  - Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the Environmental Health, Safety, and Risk Management Office, Senior Executive Assistant to the President and General Counsel, or other University departments as necessary prior to approval from the Director of Business Services.
  - Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
  - The sponsor should refer to procedures provided by the Environmental Health, Safety, and Risk Management Office to make necessary arrangements for any event that includes food handling or food service on Angelo State



University property by anyone other than the contracted campus food service provider.

- The sponsor should contact Parking Services to make necessary parking arrangements for the event.
- If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with [Texas Education Code 51.976](#), which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

## **6. Appeals of Campus Grounds Use Request Denials**

Students or registered student organizations, whose requests for the use of University grounds are denied, may appeal to the Director of Business Services as follows:

- a. A written appeal describing the objections to the denial presented to the Director of Business Services must be filed no later than five (5) University business days after the receipt of notice of the denial from the Assistant Director for Special Events.
- b. The Director of Business Services will convey the appeal decision, in writing, to the student or registered student organization within a reasonable time from the receipt of the written appeal.

## **7. Freedom of Expression Activities and Forum Areas**

- a. The open exchange of information, opinions, and ideas between students is an essential element of the campus experience. These policies are intended to protect the interests of all students as well as other members of the University community. These policies presume that students are generally free to engage in freedom of expression activities in those outdoor areas of campus that are common and accessible to all students (such as park-like areas and sidewalks) without the need of prior approval of the University.
- b. Although the Angelo State University campus is generally an open campus for purposes of student freedom of expression activities, students are encouraged, and persons and groups not affiliated with the University are required, to use the Forum Areas of the campus for freedom of expression activities.
- c. The Forum Area on the Angelo State University campus is the student gathering area located between the Porter Henderson Library and the Houston Harte University Center. Additional free speech areas may be designated at any time by the University.
- d. Students engaged in freedom of expression activities on campus may be required to relocate under the following circumstances:
  - The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for the event, etc.).
  - The activity substantially interferes with either vehicular or pedestrian traffic.
  - The activity blocks the ingress or egress to buildings.



- The space is not available due to prior reservation.
  - The activity conflicts with a previously planned University activity.
  - The activity creates a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University.
  - The activity presents an unreasonable danger to the health or safety of the applicant or other individuals.
  - The activity is prohibited by local, state, or federal law.
  - The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.
- e. Students engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions:
- Activities which are illegal.
  - Activities that deny the rights of other students, faculty, and staff of the University.
  - Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities.
  - Activities that deny the use of office or other facilities to the students, faculty, staff, or guests of the University.
  - Activities that threaten or endanger the health or safety of any person on the University campus.
  - Activities that include the use of obscenities, libelous statements, or “fighting words” as defined by law.
  - Activities that result in damage to or destruction of University property.
  - Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.
  - Signs, banners, posters, and other displays used for freedom of expression activities must be handheld and must remain in the hands of individuals engaged in the expressive activities at all times.

## **8. Use of Amplification Equipment**

- a. Use of Amplification Equipment for freedom of Expression Activities:
- Use of amplification equipment in Forum Areas: Students and registered student organizations may use amplification equipment for freedom of expression activities within the designated Forum Areas from 8:00 am to 5:00 pm Monday through Friday.
  - Use of Amplification Equipment in All Other Outdoor Areas: Students and registered student organizations may use amplification equipment for freedom of expression activities in all other outdoor areas of the campus after 5:00 pm Monday through Friday.
  - Use of amplification equipment is subject to all rules concerning the time, place, and manner of freedom of expression activities and Forum Areas as set forth in Section 6 of this policy.
  - Only handheld amplification devices are permitted.

- No amplification of sound is permitted during the week prior to or the week of final exams.
  - The volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
  - Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University community.
- b. Other Use of Amplification Equipment:
- The use of loudspeakers, any other type of amplification equipment (e.g. portable stereo devices, portable studios, etc.), or amplified musical instruments on University grounds by students and/or registered student organizations for any purpose other than expressive activities as set forth in Section 6, above, is by permission only.
  - Applications from individuals, departments, and organizations for permission to use amplification equipment must be submitted as a reservation request to the Office of Special Events online at: <http://reservations.angelo.edu>.
  - Applications must be submitted at least two weeks before the intended use.
  - The ~~Assistant Director of Special Events~~ Director of Business Services or designee may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with University functions, classes in session, examinations, other nearby activities, and the campus environment.
  - The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions, as well as policies governing solicitation and commercial activities.
  - The use of such equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours without written permission from the ~~Assistant Director of Special Events~~ Director of Business Services or designee.
  - Sound equipment must not be disruptive, and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
  - Special events such as dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of the ~~Assistant Director of Special Events~~ Director of Business Services or designee.
  - Requests for outdoor dances utilizing sound amplification devices must be submitted as reservation requests to the Office of Special Events online at: <http://reservations.angelo.edu>. Bands may use their own equipment on such dates.
- c. Academic Use:
- The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional

program, is determined and approved by the Office of the Provost and Vice President of Academic Affairs.

- Permission for use of the carillon bells in the Sol Mayer Administration Building must be requested through the Office of the President at least three (3) University business days before time of intended use. Use of the bells must not interfere with the normal function and programs of the University.

## **SECTION Q: WITHDRAWALS**

### **1. Voluntary Withdrawal from the University**

- a. According to the Undergraduate and Graduate Catalog, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Registrar's Office prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13<sup>th</sup> class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Center for International Studies as a part of the withdrawal procedure. Student athletes must receive clearance from the Director of Athletic Academic Services.
- b. Students considering withdrawal for medical reasons may contact the Office of Student Affairs to discuss additional University resources and services.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in Angelo State University student housing, he/she should first contact those offices before applying for the withdrawal.
- d. Refunds  
The Undergraduate and Graduate Catalog indicates that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at: [http://www.angelo.edu/services/registrar\\_office/withdrawals\\_refunds.php](http://www.angelo.edu/services/registrar_office/withdrawals_refunds.php).
- e. Returning to the University after a Voluntary Withdrawal  
Application materials and deadlines for former Angelo State University students are available at: <https://myfuture.angelo.edu>. Official transcripts from all institutions attended subsequent to Angelo State University reenrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Angelo State University.

### **2. Involuntary Withdrawals**

- a. Angelo State University seeks to balance the rights of individual students with the rights of the community. In order to maintain the safety of both, some behaviors require consultation among a network of campus professionals to determine the appropriate course of action to address the behavior.
- b. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision

of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.

- c. Notice regarding students who may be direct threats (both self-reports and third-party reports) should be made to the Executive Director of Student Affairs or designee.
- d. A “direct threat” means:  
There is a high probability (not just a slightly increased, speculative, or remote risk) of substantial harm and based on observation of a student’s conduct, actions, and statements.
- e. The Executive Director of Student Affairs or designee will review the information presented in the notice including what attempts, if any, have been made to reduce or eliminate the direct threat such as the student’s voluntary compliance with medical or counseling assistance.
- f. The Executive Director of Student Affairs or designee will notify the student of the concern.
- g. The Executive Director of Student Affairs or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five (5) University business days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
  - Involvement of parents or significant others.
  - Academic progress.
  - Living arrangements.
  - Previously granted accommodations.
  - Confidentiality waivers.
  - Other possible accommodations, care and support resources including medical or counseling assistance.
  - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.
- h. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via Certified Mail to the student’s last known official, local address as provided by the student to the Registrar’s Office and/or electronically to the student’s University e-mail account. Students not responding to requests for meetings or assessments may be referred to the Executive Director of Student Affairs or designee for allegations of failure to comply with reasonable directive and/or requests of a University official acting in the performance of his or her duties.
- i. Temporary Suspensions  
During the involuntary withdrawal process, if the Vice President for Student Affairs and Enrollment Management or designee determines that an immediate direct threat exists or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, had an opportunity to address the concern, and the student was afforded a Hearing and right to appeal the final decision. During a temporary suspension, the student may

not attend classes, use University services and/or resources (except those expressly permitted by the Executive Director of Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Executive Director of Student Affairs or designee and the University Police Department.

j. Involuntary Withdrawal Assessment

An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University. The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University business days from the initial meeting with the student or five (5) University business days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a licensed professional counselor from University Counseling Services. The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider. The assessment will determine:

- The nature, duration, and severity of the risk.
- The probability that the potentially threatening injury will actually occur.
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

k. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review. The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Academic Dean, Director of the Student Counseling Services, Assistant Director of Student Conduct, Senior Executive Assistant to the President and General Counsel, and the Executive Director of Student Affairs. If the student resides in campus housing, the Director of Housing and Residential Programs will also serve as a voting member of the committee. If the student is receiving disability accommodations the Director of Disability Services will also serve as voting member of the committee. The Executive Director of Student Affairs will chair the committee. A non-voting resource person may be assigned by the Executive Director of Student Affairs to present information and assist the committee. The Involuntary Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be

permitted an opportunity to attend the Hearing, address the evidence being considered by the Involuntary Withdrawal Committee, and present information on his or her behalf. The student may be accompanied by one or more advisors. The Hearing will be scheduled by the Executive Director of Student Affairs or designee within five (5) University business days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Executive Director of Student Affairs or designee in advance of the Hearing. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the Hearing, the Executive Director of Student Affairs or designee will determine one of the following:

- The student may remain enrolled at the University with no restrictions.
- The student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee.
- The student should be involuntarily withdrawn from the University upon a specific date.

l. Review of Committee Recommendation

The Executive Director of Student Affairs or designee will notify the student in writing of the decision within five (5) University business days.

m. Appeals Process

The student may appeal the decision of the Executive Director of Student Affairs by submitting a written appeal to the Vice President for Student Affairs and Enrollment Management within five (5) University business days. The student will be notified in writing of the final decision within five (5) University business days of receipt of the appeal.

n. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 24 hours and may not return to campus unless approved by the Executive Director of Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds or prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Executive Director of Student Affairs or designee, limiting any subsequent registration until approval is given by the Executive Director of Student Affairs.

o. Eligibility for Readmission

Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year from the withdrawal date. At that time, the student should present documentation to the Executive Director of Student Affairs or designee for review. Documentation may include, but is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon re-enrollment. Readmission requests and documentation must be presented at

least 30 University business days prior to the beginning of the semester that the student wishes to attend. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

# APPENDIX A: DEFINITIONS

## **Academic Work, Test, Quiz, or Other Assignment**

The terms “academic work, test, quiz, or other assignment” includes any required or optional academic work that is assigned. Examples include, but are not limited to: exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

## **Administrative Hold**

The term “administrative hold” refers to the indicator placed on a student’s record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

## **Reporting Party**

A person or entity (in the case of the University) who submits a complaint alleging a violation of this policy.

## **Responding Party**

Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.

## **Conduct History**

The term “conduct history” is a compilation of documents related to any student or student organization’s behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*. The student’s academic progress may be considered in the sanctioning phase of an Informal Resolution or Formal Hearing.

## **Consent**

Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22.011

<http://codes.findlaw.com/tx/penal-code/penal-sect-22-011.html>

(<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).



**Disciplinary Good Standing**

The term “disciplinary good standing” is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion.

**Discipline Body**

The term “discipline body” means any University official or group of officials authorized by the Executive Director of Student Affairs to determine whether a student has violated the *Code of Student Conduct* and to recommend imposition of sanctions.

**Hearing Body**

A “hearing body” is the individual or individuals that make the determination of responsible or not responsible and issue sanctions upon a responsible finding in an Administrative Hearing or Panel Hearing.

**Investigation Report**

An “investigation report” is a formal or informal report of all of the evidence and/or information gathered by the Student Conduct Officer/Investigator.

**Member of the University Community**

The term “member of the University community” includes any person who is a student, faculty or staff member, University official, any person employed by the University, or a campus visitors.

**Official Academic Record**

The term “official academic record” includes, but is not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials grade change forms, and reporting forms used by the Registrar’s Office.

**Policy**

The term “policy” is defined as the written regulations, standards and/or rules of the University.

**Policy Warning**

The term “Policy Warning” refers to a verbal or written reminder to a student or student organization regarding a *Code of Student Conduct* provision. A student or student organization’s history of Policy Warnings may be considered in the sanctioning phase of an Informal Resolution or Formal Hearing.

**Preponderance of Evidence**

The term of “preponderance of evidence” is the standard of proof used by Student Conduct Hearing Officers, Office of Student Affairs and the Office of Housing and Residential Programs. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

**Religious Holy Day**

The term “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under [Texas Tax Code §11.20](#).

**Sponsorship and/or Co-sponsorship**

The term “sponsorship and/or co-sponsorship” is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

**Student**

The term “student” includes all persons admitted to or enrolled in courses at the University, either full-time or part-time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Angelo State University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students”.

**Student Conduct Officer**

The term “Student Conduct Officer” means a University designee authorized by the Vice President for Student Affairs and Enrollment Management, Executive Director of Student Affairs, the Director of Title IX Compliance, and /or the Director of Housing and Residential Programs pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

**Student Organization**

The term “student organization” means any number of students who have complied with the formal requirements for University registration.

**University**

The term “University” means Angelo State University.

**University Official**

The term “University official” includes any person employed by Angelo State University while performing assigned administrative or professional responsibilities.

**University Premises**

The term “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).

# Appendix B: Student's Rights and Responsibilities

## NOTICE OF STUDENT'S RIGHTS AND RESPONSIBILITIES

Angelo State University  
*Office of Student Affairs*

### Introduction

When conducting an investigation, the Office of Student Affairs will inquire, review, and gather information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of information. It is our intention to resolve this matter and address this complaint as quickly as possible for all individuals concerned. Angelo State University takes all allegations and complaints very seriously.

### Statement of Student Rights and Responsibilities

In any student conduct proceeding, the student or student representing a student organization has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by an advisor at any meeting or Hearing. An advisor can be any one of the following: a member of the Angelo State University Community (faculty, staff, or student not otherwise involved in the case), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the ~~accused~~ student is an attorney, an attorney from the Texas Tech University System Office of General Counsel and/or General Counsel for Angelo State University may attend the Hearing on behalf of the University. ~~The Complainant and/or the student accused of alleged misconduct is~~ Students are responsible for presenting ~~their his or her~~ own information; ~~and~~ therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer/Investigator. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer/Investigator upon written request five (5) University business days in advance of the scheduled Hearing date.;

3. Refrain from making any statement relevant to the investigation. Students are expected to cooperate in the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Student Conduct Officer/Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

*NOTE: See Pre-Hearing Process for details on inclusion of new, previously unavailable information after conclusion of the investigative process.*

4. The opportunity to provide information and evidence in support of his/her case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Angelo State University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student may be used in a conduct proceeding;
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action;

It is the student's responsibility to:

1. Be responsive to all correspondence from the University;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the investigation;

4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

## FERPA

Angelo State University will respond to all requests for explanations and interpretations of records or information if the response does not violate the Family Educational Rights and Privacy Act of 1974 (as amended). The Executive Director of Student Affairs or designee reserves the right to contact parents or guardians of students who are under twenty one (21) years of age and found responsible for an alcohol or drug violation.

## Records Retention

Disciplinary records are maintained in room 112 of the Houston Harte University Center and both electronic and paper records are destroyed after seven (7) years from the ~~last~~ date the case is completed, a student is seen in the office.

## Important Reminders

1. Discussing this investigation may result in policy violations and in some situations, lawsuits for defamation.
2. Any and all forms of retaliation will be dealt with seriously.

## Retaliation

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, opposes a charge, testifies, assists, or participates in an investigative proceeding or hearing. Retaliatory harassment is an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a grievance process. Retaliation against a person who reports a potential violation of the *Code of Student Conduct*, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to University policy will not be subjected to retaliation.

Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the procedure outlined in Part I, Section A.6. (Reporting Allegations of Misconduct) of the *Code of Student Conduct*.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

## APPENDIX C: SANCTIONING GRID

Violation	<i>Code of Student Conduct Sections</i>	Possible Sanctions Finding
<b>Academic Misconduct</b>	<b>Subsection 1.</b>	
<b><i>Cheating</i></b>		<b>Possible Sanctions</b>
Copying from another student's academic work, test, quiz, or other assignment.	B.1.a.1.	Reprimand-Expulsion
Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.	B.1.a.2.	Reprimand-Expulsion
The use or possession of materials or devices during academic work, test, quiz, or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.	B.1.a.3.	Reprimand-Expulsion
Possessing, using, buying, stealing, transporting, selling, or soliciting in whole or in part items including, but not limited to, the contents of an un-administered test, test key, homework solution, or computer program/software.	B.1.a.4.	Reprimand-Expulsion
Possession, at any time, of current or previous tests materials without the instructor's permission.	B.1.a.5.	Reprimand-Expulsion
Obtaining by any means, or coercing another person to obtain items including, but not limited to, an un-administered test, test key, homework solution or computer program/software, or information about an un-administered test, test key, homework solution or computer program.	B.1.a.6.	Reprimand-Expulsion
Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.	B.1.a.7.	Reprimand-Expulsion
Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz, or other assignment or sign in/register attendance.	B.1.a.8.	Reprimand-Expulsion
Taking, keeping, misplacing, damaging, or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.	B.1.a.9.	Reprimand-Expulsion
Falsifying research data, laboratory reports, and/or other academic work offered for credit.	B.1.a.10.	Reprimand- Expulsion
Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.	B.1.a.11.	Reprimand-Expulsion

<b>Plagiarism</b>		
The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.	B.1.b.1.	Reprimand-Expulsion
Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.	B.1.b.2.	Reprimand-Expulsion
<b>Collusion</b>		
The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.	B.1.c.	Reprimand-Expulsion
<b>Falsifying Academic Records</b>		
Altering or assisting in the altering of any official record of the University and/or submitting false information.	B.1.d.1.	Reprimand-Expulsion
Omitting requested information that is required for, or related to, any academic record of the University.	B.1.d.2.	Reprimand-Expulsion
<b>Misrepresenting Facts</b>		
Providing false grades, falsifying information on a resumé, or falsifying other academic information.	B.1.e.1.	Reprimand-Expulsion
Providing false or misleading information in an effort to injure another student academically or financially.	B.1.e.2.	Reprimand-Expulsion
Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance and/or obtain an academic or financial benefit for oneself or another individual. Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.	B.1.e.3.	Reprimand-Expulsion
<b>Violation of Professional Standards</b>		
Any act or attempted act that violates specific Professional Standards or a published Code of Ethics. Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.	B.1.f.	Reprimand-Expulsion
<b>Unfair Academic Advantage</b>		
Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or	B.1.g.	Reprimand-Expulsion



disadvantage for another student that is not enumerated in items a-f.		
<b>Actions against Members of the University Community and Others</b>	<b>Subsection 2.</b>	<b>Possible Sanctions</b>
Any act, or attempted act, perpetrated against another person or persons including, but not limited to:		
<b><i>Disruptive and/or Obstructive Conduct</i></b>		
Intentional or reckless behavior that disrupts or obstructs the normal operation of the University, its students, faculty, staff and/or University visitors.	B.2.a.	Reprimand-Expulsion
<b><i>Harmful, Threatening, or Endangering Conduct</i></b>		
Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of others, including but not limited to:	B.2.b.	
<i>Assault</i>		
Intentionally or recklessly causing physical harm or endangering the health or safety of another person.	B.2.b.1.a.	Reprimand-Expulsion
Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.	B.2.b.1.b.	Reprimand-Expulsion
<i>Threats</i>		
Written or verbal acts that would cause significant distress or fear in a reasonable person or that a reasonable person would interpret as a serious expression of a intent to inflict harm upon any person, group of people, or damage to any property.	B.2.b.2	Reprimand-Expulsion
<i>Intimidation</i>		
An implied threat or act that causes a reasonable fear of harm in another.	B.2.b.3.	Reprimand- Expulsion
<i>Bullying/Cyber Bullying</i>		
Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of speech will not be considered violations of the <i>Code of Student Conduct</i> .	B.2.b.4.a.	Reprimand-Expulsion
Severe, pervasive, and objectively offensive behaviors that intimidate or intentionally harm or control another person emotionally.	B.2.b.4.b.	Reprimand-Expulsion
<b><i>Sexual Misconduct</i></b>		
Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency,	B.2.c.	

interpersonal violence, sexual violence, and any other misconduct based on sex.		
<i>Interpersonal Violence</i>		
An offense that meets the definition of domestic violence or dating violence:	B.2.c.1.	
<i>Domestic Violence</i>		
Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting party shares a child in common, by a person with whom the Reporting Party is cohabitating (or has cohabitated) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting party under the domestic or family violence laws of the State of Texas, or by any other person against an adult of youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Texas.	B.2.c.1.a.	Probation-Expulsion
<i>Dating Violence</i>		
Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social contact shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.	B.2.c.1.b.	Probation-Expulsion
<i>Public Indecency</i>		
Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to: exposing one’s genitals or private area(s), public urination, defecation, and/or public sex acts.	B.2.c.2.	Probation-Expulsion
<i>Sexual Assault</i>		
Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.	B.2.c.3.	
<i>Non-Consensual Sexual Contact</i>		
Intentional sexual touching, however slight and with any object or part of one’s body, of another’s private areas	B.2.c.3.a.	Deferred Suspension-Expulsion

without consent. Sexual Contact includes: intentional contact with the breasts, buttock, groin, or genitals; touching another with any of these body parts; making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.		
<i>Non-Consensual Sexual Intercourse</i>		
Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.	B.2.c.3.b.	Suspension-Expulsion
<i>Sexual Exploitation</i>		
Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:	B.2.c.4.	
Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person’s knowledge or consent;	B.2.c.4.a.	Deferred Suspension-Expulsion
Sexual voyeurism;	B.2.c.4.b.	Deferred Suspension-Expulsion
Inducing another to expose one’s genitals or private areas;	B.2.c.4.c.	Deferred Suspension-Expulsion
Prostituting another; or	B.2.c.4.d.	Deferred Suspension-Expulsion
Knowingly exposing someone to or transmitting a sexually transmitted disease.	B.2.c.4.e.	Deferred Suspension-Expulsion
<i>Sexual Harassment</i>		
Unwelcome verbal, written, or physical conduct of a sexual nature when:	B.2.c.5.	
Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;	B.2.c.5.a.	Reprimand-Expulsion
Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or	B.2.c.5.b.	Reprimand-Expulsion
Such conduct has the purpose or effect of interfering with the individual’s work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.	B.2.c.5.c.	Reprimand-Expulsion
<i>Stalking</i>		
A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors,	B.2.c.6.	Probation-Expulsion

observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Reporting Party. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.		
<b>Hazing</b>		
Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises that endangers the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes but is not limited to:	B.2.d.	Reprimand-Expulsion
Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.	B.2.d.1.	Reprimand-Expulsion
Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics.	B.2.d.2.	Reprimand-Expulsion
Any Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.	B.2.d.3.	Reprimand-Expulsion
Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame or humiliation, adversely affects the mental health or dignity of a student, or discourages a student from entering or remaining enrolled at the University, or may reasonably be expected to cause a student to leave the organization or the University rather than submit to acts described above.	B.2.d.4.	Reprimand-Expulsion
Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has	B.2.d.5.	Reprimand-Expulsion

occurred and knowingly fails to report the incident in writing to the Office of Student Affairs.		
Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates, or alumni of the organization of committing or assisting in the commission of hazing.	B.2.d.6.	Reprimand-Expulsion
Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances. See <a href="#">Texas Education Code</a> , Sections 37.151-37.155 and Section 51.936.	B.2.d.7.	Reprimand-Expulsion
<b><i>Discriminatory Harassment</i></b>		
Conduct based on a student’s sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that is adversely affects the victim’s education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student’s ability to realize the intended benefits of the University’s resources and opportunities.	B.2.e.	Reprimand-Expulsion
<b><i>Retaliatory Discrimination or Harassment</i></b>		
Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant (or supporter of a participant) in a conduct process, civil rights grievance proceeding, or other protected activity.	B.2.f.	Reprimand-Expulsion
<b><i>Complicity</i></b>		
Assisting, via acts or omission, another student, individual, or group in committing or attempting to commit a violation of the <i>Code of Student Conduct</i> , specifically violations that constitute Actions Against Members of the University Community.	B.2.g.1.	Reprimand-Expulsion
Complicity with or failure of any organized group to address known or obvious violations of the <i>Code of Student Conduct</i> by its members, specifically Actions Against Members of the University Community. Actions involving free expression activities are covered in Part II: Community Policies, Section <b>HG</b> .	B.2.g.2.	Reprimand-Expulsion
<b>Alcoholic Beverages</b>		
<b>Subsection 3. Possible Sanctions</b>		
Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.3.a.	Reprimand-Expulsion

Being under the influence of alcohol and/or intoxication as defined by federal, state, local law, and/or Angelo State University policy.	B.3.b.	Reprimand-Expulsion
<b>Narcotics or Drugs</b>	<b>Subsection 4.</b>	<b>Possible Sanctions</b>
Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, and/or medicine prescribed to another person, chemical compound or other controlled substance or drug paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.4.a.	Reprimand-Expulsion
Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.4.b.	Reprimand-Expulsion
Being under the influence of narcotics, drugs, medicine prescribed to another person-, chemical compound or other controlled substance that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.4.c.	Reprimand-Expulsion
<b>Smoking/Tobacco</b>	<b>Subsection 5.</b>	<b>Possible Sanctions</b>
Smoking <u>or the use of smokeless tobacco products</u> in unauthorized areas on University property as designated by the Angelo State University Smoke/Tobacco-Free Environment policy.	B.5.	Reprimand-Expulsion
<b>Firearms, Weapons, and Explosives</b>	<b>Subsection 6.</b>	<b>Possible Sanctions</b>
Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, tasers, or explosive or noxious materials on University premises that would constitute a violation of any federal, state, local law, and/or Angelo State University policy. See <i>RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates)</i> for specific approved devices allowed in the residence halls.	B.6.	Reprimand-Expulsion
<b>Flammable Materials/Arson</b>	<b>Subsection 7.</b>	<b>Possible Sanctions</b>
Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.	B.7.a.	Reprimand-Expulsion
Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.	B.7.b.	Reprimand-Expulsion
<b>Theft, Damage, Littering, or Unauthorized Use</b>	<b>Subsection 8.</b>	<b>Possible Sanctions</b>

Attempted or actual theft of property or services of the University or of another.	B.8.a.	Reprimand-Expulsion
Possession of property known to be stolen or belonging to another person without the owner's permission.	B.8.b.	Reprimand-Expulsion
Attempted or actual damage to property owned or leased by the University, by other University students, other members of the University community, or campus visitors.	B.8.c.	Reprimand-Expulsion
Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University by other University students, other members of the University community, or campus visitors.	B.8.d.	Reprimand-Expulsion
Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, OneCard account information and/or personal check, or other unauthorized use of personal property or information of another.	B.8.e.	Reprimand-Expulsion
Altercation, forgery or misrepresentation of any form of identification.	B.8.f.	Reprimand-Expulsion
Possession or use of any form of false identification.	B.8.g.	Reprimand-Expulsion
Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds.	B.8.h.	Reprimand-Expulsion
<b>Gambling, Wagering, Gaming, and /or Bookmaking</b>	<b>Subsection 9.</b>	<b>Possible Sanctions</b>
Gambling, wagering, gaming, and bookmaking as defined by federal, state, local laws, and/or Angelo State University policy are prohibited on University premises involving the use of University equipment or services.	B.9.	Reprimand-Expulsion
<b>False Alarms, <u>Emergency Equipment</u>, or Terroristic Threats</b>	<b>Subsection 10.</b>	<b>Possible Sanctions</b>
Intentional sounding of a false alarm, falsely reporting an emergency <del>or terroristic threat</del> in any form, <del>and/or filing false police reports.issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with or destroying fire equipment or emergency signs on University premises.</del>	B.10.a.	Reprimand-Expulsion
<del>Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.</del>	<del>B.10.b.</del>	<del>Reprimand-Expulsion</del>
<del>Threats to commit any offense involving violence to any person or property with intent to:</del>	<del>B.10.c.-B.11.b.</del>	<del>Reprimand-Expulsion</del>

<ul style="list-style-type: none"> <li>• <u>Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;</u></li> <li>• <u>Place any person in fear of imminent serious bodily injury;</u></li> <li>• <u>Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the University Community has access, place of employment or occupation, University automobile, or other place of use to the University Community;</u></li> <li>• <u>Cause impairment or interruption of University communications, University transportation, or other University service; or</u></li> <li>• <u>Place the University in fear of serious bodily injury.</u><del>Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use on the University premises or equipment.</del></li> </ul>		
Unauthorized use of the University name, logo, registered marks, symbols; however, registered student organizations are permitted to use the complete statement “a registered student organization at Angelo State University.”	B.11.c.	Reprimand-Expulsion
Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.	B.11.d.	Reprimand-Expulsion
<b>Failure to Comply</b>	<b>Subsection 12.</b>	<b>Possible Sanctions</b>
Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.	B.12.a.	Reprimand-Expulsion
Failure to present student identification on request or identify oneself to any University official acting in the performance of his or her duties.	B.12.b.	Reprimand-Expulsion
Failure to comply with the sanctions imposed by a Student Conduct Officer/Investigator under the <i>Code of Student Conduct</i> or the Student Handbook.	B.12.c.	Reprimand-Expulsion
<b>Abuse, Misuse, or Theft of University Information Resources</b> <del>Systems</del>	<b>Subsection 13.</b>	<b>Possible Sanctions</b>
Unauthorized use of University information <del>resources</del> <u>systems</u> is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the <i>Code of Student Conduct</i> . <del>“Information resources” means procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record,</del>	B.13.	Reprimand-Expulsion



<p><del>process, store, retrieve, display, and transmit University information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the University or retained as independent contractors. Usage</del>Use of Angelo State University information <del>resources-systems</del> may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information <del>resources-systems</del> is also subject to <del>the</del> Information Technology <del>Operating and Security Policy</del>olicies (OP <del>Section</del> 44.00), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information <del>resources-systems</del> includes, but is not limited to, the following:</p>		
<p>Unauthorized use of University information <del>resources-systems</del> including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access University information <del>resources-systems</del>.</p>	B.13.a.	Reprimand-Expulsion
<p>Use of University information <del>resources-systems</del> for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).</p>	B.13.b.	Reprimand-Expulsion
<p>Using University information <del>resources-systems</del> to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).</p>	B.13.c.	Reprimand-Expulsion
<p>Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to Angelo State University information <del>resources-systems</del>, compromising the privacy of another user or disrupting the intended use of Angelo State University information <del>resources-systems</del>.</p>	B.13.d.	Reprimand-Expulsion
<p>Attempted or actual use of the Angelo State University information <del>resources-systems</del> for unauthorized political or commercial purposes, or for personal gain.</p>	B.13.e.	Reprimand-Expulsion
<p>Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the</p>	B.13.f.	Reprimand-Expulsion

written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information <u>resource-system</u> must be reported to the Chief Information Officer immediately.		
Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using Angelo State University information <u>resourceessystems</u> .	B.13.g.	Reprimand-Expulsion
Attempted or actual use of Angelo State University information <u>resources-systems</u> to interfere with the normal operation of the University.	B.13.h.	Reprimand-Expulsion
Intentional “spamming” of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information <u>resourceessystems</u> .	B.13.i.	Reprimand-Expulsion
<b>Providing False Information or Misuse of Records</b>	<b>Subsection 14.</b>	<b>Possible Sanctions</b>
Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record, or instrument of identification.	B.14.	Reprimand-Expulsion
<b>Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation</b>	<b>Subsection 15.</b>	<b>Possible Sanctions</b>
Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property. Refer to University Parking Services regulations at: <a href="http://www.angelo.edu/services/parking_services/">http://www.angelo.edu/services/parking_services/</a>	B.15.	Reprimand-Expulsion
<b>Violation of Published University Policies, Rules, or Regulations</b>	<b>Subsection 16.</b>	<b>Possible Sanctions</b>
Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, violations of University Operating Policies and <u>Pp</u> rocedures and Texas Tech <u>University System</u> Regent’s’ Rules.	B.16.	
<a href="#">University Parking Services</a>	B.16.a.	Reprimand-Expulsion
<a href="#">Housing and Residential Programs</a>	B.16.b.	Reprimand-Expulsion

<a href="#">Student Life</a>	B.16.c.	Reprimand-Expulsion
<a href="#">Multicultural and Student Activities Programs</a>	B.16.d.	Reprimand-Expulsion
<a href="#">University Recreation</a>	B.16.e.	Reprimand-Expulsion
<a href="#">ASU Student-Athlete Handbook</a>	B.16.f.	Reprimand-Expulsion
<a href="#">Texas Tech University System Board of Regents' Rules</a>	B.16.gf.	Reprimand-Expulsion
<a href="#">Angelo State University Operating Policies and Procedures</a>	B.16.hg.	Reprimand-Expulsion
<a href="#">Community Policies of the Student Handbook (Part II)</a>	B.16.iH.	Reprimand-Expulsion
<b>Violation of Federal, State, Local Law, and/or University Policy</b>	<b>Subsection 17.</b>	<b>Possible Sanctions</b>
Misconduct which may constitute a violation of federal, state, local laws, and/or Angelo State University policy will be considered a violation of this policy and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding.	B.17.	Reprimand-Expulsion
<b>Abuse of the Discipline System</b>	<b>Subsection 18.</b>	<b>Possible Sanctions</b>
Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.	B.18.a.	Reprimand-Expulsion
Falsification, distortion, or misrepresentation of information in disciplinary proceedings.	B.18.b.	Reprimand-Expulsion
Disruption or interference with the orderly conduct of a disciplinary proceeding.	B.18.c.	Reprimand-Expulsion
Filing an allegation known to be without merit or cause.	B.18.d.	Reprimand-Expulsion
Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.	B.18.e.	Reprimand-Expulsion
Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding.	B.18.f.	Reprimand-Expulsion

# APPENDIX D: CAMPUS RESOURCES

## Office of Academic Affairs

Provost and Vice President for Academic Affairs.....AD 204

## College of Arts and Humanities

Dean of the College of Arts and Humanities.....CARR 146

Department of Communication and Mass Media.....LIB B309

Department of English and Modern Languages .....A 010

Department of History .....A 210

Department of Political Science and Philosophy .....RAS 213

Department of Security Studies and Criminal Justice .....HAR 202

Department of Visual and Performing Arts.....CARR 139

## College of Business

Dean of the College of Business.....RAS 262

Department of Accounting, Economics, and Finance.....RAS 258

Department of Aerospace Studies .....RAS 227

Department of Management and Marketing.....RAS 212

## College of Education

Dean of the College of Education .....CARR 104

Department of Curriculum and Instruction.....CARR 154

Department of Teacher Education.....CARR 145

**College of Graduate Studies and Research.....AD 109**

## Archer College of Health and Human Services

Dean of the Archer College of Health and Human Services.....VIN 175

Department of Kinesiology .....Ben Kelly CHP 201

Department of Nursing .....VIN 268

Department of Physical Therapy.....VIN 267

Department of Psychology, Sociology and Social Work.....A 204

## College of Science and Engineering

Department of Agriculture.....VIN 212

Department of Biology.....CAV 101

Department of Chemistry and Biochemistry.....CAV 102L

Department of Computer Science.....MCS 205

David L. Hirschfeld Department of Engineering.....West Annex 106

Department of Mathematics.....MCS 220

Department of Physics and Geosciences.....VIN 114

**Administrative Staff**

Athletic Director (Academic, Athletic, and Health Records of Student Athletes).....Junell Center 226  
Chief of University Police (Incident Reports and Police Investigations).....Reidy Building  
Clinic Director (Medical Records).....University Clinic  
Director of Admissions (Admissions Files).....HAR 101  
Director of Affiliated Military & Veteran Services.....UC 113  
Director of Career Development (Career Files).....UC 107  
Director of Counseling Services (Counseling Records).....University Clinic  
Director of Financial Aid (Financial Aid and Scholarship Records).....HAR 101  
Director of Housing and Residential Programs (Housing Records).....Centennial Village  
Director of Multicultural Programs/Student Activities Center (Student Organization Records).....UC  
~~11406~~  
Director of Registrar Services (Permanent Academic Record Files).....HAR 200  
Director of Scholarship Programs (Scholarship Records).....HAR 215  
Director of Student Disability Services (ADA Records).....UC 112  
Director of Student Life.....UC 001  
Director of Title IX Compliance (Title IX Records).....UC 112  
Director of University Recreation.....Ben Kelly CHP  
~~12113~~  
Executive Director of Enrollment Management.....HAR 100A  
Executive Director of Student Affairs (Discipline and Conduct Records).....UC 112  
Vice President for Student Affairs and Enrollment Management.....AD 205

# ATTACHMENT

## 8

Consent  
Item e.

TTU Student Handbook 2017-2018 with proposed revisions

**TEXAS TECH UNIVERSITY**  
**STUDENT HANDBOOK 2017-2018**

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Section B: Academic Integrity  
Section C: Anti-Discrimination Policy  
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Section J: Solicitations, Advertisements and Printed Materials  
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**Appendix**

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## **FOREWARDWA**

### **General Purpose**

A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its organization functions. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook and the ~~Code of Student Conduct~~ Code of Student Conduct contained within are intended to serve these purposes in the interest of all segments of Texas Tech University.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and/or policies. Enrollment requires students to share this responsibility. Students are responsible for knowing the information, policies and procedures outlined in this document. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the Undergraduate Catalog and other official University publications, as well as the Texas Education Code. Student organizations also agree to follow these standards, rules, and/or policies. The University or its representative may amend this document at any time without notice.

The University reserves the right to make changes to this *Code* as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online <http://www.depts.ttu.edu/dos/handbook/> for the updated versions of all policies and procedures. Students are also informed of changes to the ~~Code of Student Conduct~~ Code of Student Conduct by electronic notification outlets and/or official campus publications. The Student Handbook was approved by the Board of Regents on May 18<sup>4</sup>, 2017<sup>54</sup> to be effective Monday, May 22<sup>18</sup>, 2017<sup>5</sup>.

### **Membership in the TTU Community**

As members of the academic community, University students enjoy the privileges and share the obligations of the larger community of which the University is a part. Students are entitled to the privileges which accrue to them by virtue of this membership. These privileges carry with them the obligations of responsible citizenship. Students shall conform to University regulations. Students should recognize that citizenship also includes contributing deliberately to strengthening the educational community, improving learning for themselves and their classmates and promoting excellence within the above context. Freedom of discussion, inquiry and expression is protected and nurtured in the classroom as the safeguard of the freedom to learn. Students are expected to exercise their freedom to learn in a manner consistent with the maintenance of good order. Responsibility for maintaining good order in the classroom is vested in the instructor. ~~The Code of Student Conduct~~ Code of Student Conduct outlines the standards of behavior for University students and the disciplinary processes to address misconduct.



### **Texas Tech University Vision**

Texas Tech is a great public research University where students succeed, knowledge is advanced, and global engagement is championed.

### **Texas Tech University Mission**

As a public research University, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The University is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The University is committed to enhancing the cultural and economic development of the state, nation, and world. *Approved by the Texas Tech University Board of Regents on May 14, 2010.*

### **Texas Tech Statement of Ethical Principles**

Texas Tech University is committed to ethical leadership practices at all levels and to our tradition of community service, both within the University community and in our relationships with the greater community. We strive for exemplary professional and community service through research, creative works, and service programs that extend beyond the University environment. We strive to provide excellent service in a caring and friendly environment and encourage such involvement in the community by all faculty, students, staff, and administration.

### **School of Law and Texas Tech University Health Sciences Center**

Students enrolled in, and student organizations registered with, the Texas Tech University School of Law are subject to the *Code of Student Conduct*. In addition to the *Code of Student Conduct*, Tech Law students and registered organizations are also subject to the [Honor Code of the School of Law](#). In specific situations, students may find themselves in violation of either the ~~*Code of Student Conduct*~~ or the [Honor Code of the School of Law](#), or both.

Questions concerning the respective jurisdiction of the ~~*Code of Student Conduct*~~ and the [Honor Code of the School of Law](#) will be resolved by the Vice Provost for Undergraduate Education & Student Affairs and the Dean of the School of Law.

Students enrolled in the Schools of Medicine, Allied Health Sciences, Nursing, Pharmacy, Graduate School of Biomedical Sciences, and organizations registered with the Texas Tech University Health Sciences Center are subject to the [TTUHSC Student Handbook/Code of Professional and Academic Conduct](#).

**PART I**  
**CODE OF STUDENT CONDUCT**

**SECTION A: STUDENT CONDUCT MISSION AND POLICIES**

The ~~Code of Student Conduct~~ Code of Student Conduct outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the *Code of Student Conduct*. Any student or student organization found responsible for misconduct may be subject to conduct sanctions.

The University provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial ~~investigation~~ Investigation, from which is generated a prompt resolution.

The ~~Code of Student Conduct~~ Code of Student Conduct and related processes educate students about their rights and ~~responsibilities~~ Responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry and expression is also fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

The Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

**1. ~~1.~~ Disciplinary Authority**

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The Office of the Vice Provost, Undergraduate Education and Student Affairs is the principal

agency for the administration of student conduct. The Office of the Dean of Students, the Office of Student Conduct, and University Student Housing shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Dean of Students, Managing Director of the Office of Student Conduct, herein after referred to as the “Managing Director” or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

a. Student Conduct Officer/Investigator

An Student Conduct Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation and compile the information that they gathered into an Investigation Report of alleged violations of the Code of Student Conduct. In most cases heard by a Hearing Panel, the Student Conduct Investigator will present the information and evidence obtained through the investigation to the Panel, which will make a determination of responsible or not responsible, and assign a sanction. In cases heard through the Administrative Hearing process, or completed via an Informal Resolution, the Student Conduct Investigator may issue allegations, may render findings and may issue sanctions. In Sanction Only Hearings, the Investigator will issue allegations and the finding and may issue the sanction(s) but may at times only issue the allegations and the finding. Investigators are assigned to cases by the Dean of Students, The Managing Director of the Office of Student Conduct, or designee. Investigators may be staff members in the Office of Student Conduct, or trained staff in other departments such as the Office of Student Rights and Resolution Office for Student Rights and Resolution Student Resolution Center, the Office of the Dean of Students Office, Center for Campus Life, and University Student Housing.

b. Administrative Hearing Officer

An Administrative Hearing Officer is a trained University staff member whose role is to make a decision of responsibility and assign sanctions, as appropriate in an Administrative Hearing. The Administrative Hearing Officer may be the Student Conduct Officer/Investigator who completed the Investigation/Investigation Report, or an Administrative Hearing Officer assigned by the “Managing Director”.

c. Hearing Panel

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel will be composed of full-time faculty members, full-time students, full-time staff, and Administrative Hearing officers.

1. ~~1.~~ Hearing Panel Appointments

The “Managing Director” will be responsible for assembling and training the ~~Hearing Panel~~ annually. Students, faculty and staff may apply to serve to serve on the ~~Hearing Panel~~ pool by contacting the Office of Student Conduct. The ~~Hearing Panel~~ will consist of at least 6 students, ~~6~~ faculty, ~~6~~ and staff members, ~~and 6 Administrative Hearing Officer~~ according to the following guidelines:

~~—~~ Student Recommendations

a.

The President of the Student Government Association, Graduate Student ~~a.~~—Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for student members to serve on the ~~Hearing Panel~~. Upon recommendation, student members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, selected student members will be appointed by the “Managing Director”. To be eligible for appointment, undergraduate students must be considered full-time students, be in academic good standing and have completed 12 hours of Texas Tech University academic credit with a cumulative GPA of at least 2.5, be in good standing with the Office of Student Conduct throughout the semester(S) in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the ~~panel~~. Graduate students must be in academic good standing and have completed 6 hours of Texas Tech University academic credit with a cumulative GPA of at least 3.0, and be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the ~~panel~~. A serious history of misconduct could disqualify a student for service. Students must submit a letter of recommendation from a faculty member or administrator from within the University community.

b. Faculty Recommendations

~~e.~~—The President of the Faculty Senate and Associate Academic Deans are invited to make recommendations for faculty members to serve on the ~~Hearing Panel~~. Upon recommendation, faculty members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, faculty members will be appointed by the “Managing Director”.

~~d.~~c. Staff Appointments

e.——The President of the Staff Senate is invited to make recommendations for staff members to serve on the ~~Hearing~~Hearing Panel. Upon recommendation, staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, staff members will be appointed by the “Managing Director”, in consultation with the Dean of Students. Staff who served as investigator~~Investigators will not serve as a resource person in a hearing~~Hearing.

f.d. Administrative ~~Hearing~~Hearing Officer Appointments

Administrative ~~Hearing~~Hearing Officer members of the ~~Hearing~~Hearing Panel are appointed by the “Managing Director” and are selected from the group of trained University staff members designated as Administrative ~~Hearing~~Hearing Officers. Administrative ~~Hearing~~Hearing Officers who served as ~~Investigator~~Investigators in the case may not serve on the ~~Hearing~~Hearing Panel as a voting participant or as the non-voting Resource Person, and will participate only as the ~~Investigator~~Investigator in the ~~Panel~~Panel ~~Hearing~~Hearing.

2. ~~Hearing~~Hearing Panel Terms

Each member will be appointed for a single one-year term by the “Managing Director”. Members may be re-appointed for consecutive one-year terms, but must complete the ~~Hearing~~Hearing Panel training each year.—

3.——

4.3. ~~Hearing~~Hearing Panel Composition

For each ~~Panel~~Panel ~~Hearing~~Hearing, a ~~panel~~Panel of three (3) members will be chosen from the available pool by the “Managing Director”. The ~~Hearing~~Hearing Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative ~~Hearing~~Hearing Officer. Availability may determine a different composition for the ~~Panel~~Panel. In cases involving Part I, section B.1 (Academic Misconduct), the ~~Hearing~~Hearing Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the “Managing Director” will appoint three Administrative ~~Hearing~~Hearing Officers for the ~~Panel~~Panel.

——Resource Person

4.

The “Managing Director” appoints a Resource Person in each ~~Panel~~Panel ~~Hearing~~Hearing. The Resource Person is a non-voting participant~~Administrative Hearing Officer~~ and assures that University/College procedures are followed throughout the ~~Panel~~Panel

~~HearingHearing~~. The Resource Person is responsible for composing the ~~PanelPanel~~'s decision, assisting the ~~panelPanel~~ in composing the rationale, providing clarification on policy and procedure and providing clarification on appropriate sanctions, if assigned.

5. ~~Removal of a HearingHearing PanelPanel Member~~

The "Managing Director" may remove a member from this ~~PanelPanel~~ when, in his/her judgment, the member has failed or refused to effectively serve and perform the duties and functions of the ~~PanelPanel~~. The ~~HearingHearing PanelPanel~~ member may recuse themselves on a case by case basis if there is a conflict of interest. Additionally, the ~~ComplainantComplainant~~ or Respondent may request the removal of a ~~PanelPanel~~ Member whose ability to be impartial is in question. The "Managing Director" will review and approve or deny student requests for removal of a ~~PanelPanel~~ Member.

6. ~~PanelPanel HearingHearings~~

The Office of Student Conduct will establish meeting dates and times during which cases will be heard and will also provide for scheduling special meetings as needed. ~~PanelPanel HearingHearings~~ will be conducted by a subgroup of the ~~HearingHearing PanelPanel~~ Members.

7. ~~PanelPanel HearingHearing Deliberation~~

When deliberating a case, the ~~HearingHearing PanelPanel~~ will meet in closed session with only voting ~~PanelPanel~~ members and the Resource Person present.

8. ~~Additional HearingHearing PanelPanel Members~~

The Managing Director for the Office of Student Conduct or designee may appoint additional members of the ~~HearingHearing PanelPanel~~ to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the University. The additional member(s) of the ~~HearingHearing PanelPanel~~ will complete the same training, have the same duties and ~~responsibilitiesResponsibilities~~, and the same authority as the original ~~HearingHearing PanelPanel~~ member.

9. ~~HearingHearing PanelPanel Orientation & Training~~

Prior to serving in a ~~HearingHearing~~, members of the ~~HearingHearing PanelPanel~~ will be required to participate in an orientation and training program facilitated by the Office of Student Conduct. Members are encouraged to attend additional trainings throughout their service on the Administrative ~~HearingHearing PanelPanel~~.

d. ~~a. The Code of Student Conduct~~ Code of Student Conduct Review Committee

The ~~Code of Student Conduct~~ Code of Student Conduct is reviewed every year by the ~~Code of Student Conduct~~ Code of Student Conduct Review Committee in conjunction with the Office of Student Conduct, University Student Housing, Dean of Students, and the Associate Vice Provost for Student Affairs.

The ~~Code of Student Conduct~~ Code of Student Conduct Review Committee will conduct

an annual review of the ~~Code of Student Conduct~~ Code of Student Conduct and make recommendations to the Associate Vice Provost for Student Affairs regarding omissions, clarifications, constructive changes and other matters relevant to the proper interpretation and operation of the Code of Student Conduct. The Associate Vice Provost for Student Affairs will then present the ~~Code of Student Conduct~~ Code of Student ~~to~~ Conduct to the Vice Provost for Undergraduate Education & Student Affairs and the Provost for review and consideration by the Board of Regents.

1. Committee Appointment

The ~~Code of Student Conduct~~ Code of Student Conduct Review Committee members are appointed by the “Managing Director” who will invite recommendations by the President of the Faculty Senate, President of the Staff Senate, President of the Student Government Association, President of the Graduate Student Advisory Council, and the President of the Residence Halls Association.

2. Committee Composition

The ~~Code of Student Conduct~~ Code of Student Conduct Review Committee will include members from the following classes of Texas Tech University community members:

- a. Full-time faculty;
- b. Full-time staff;
- c. Full-time undergraduate student(s);
- d. Full-time graduate student(s).

3. Committee Removals

The “Managing Director” may remove a member from this committee when, in his/her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

The Office of Student Conduct will establish meeting dates and times during which the ~~Code of Student Conduct~~ Code of Student Conduct will be reviewed and will provide for scheduling special meetings as needed.

5. Committee Quorum

A quorum for the committee is five (5) members.

6. Additional Committee Members

The “Managing Director” may appoint additional members of the ~~Code of Student Conduct~~ Code of Student Conduct Review Committee to expedite the review process of the code. The additional members of the ~~Code of Student Conduct~~ Code of Student Conduct Review Committee.



## 2. ~~2.~~ Jurisdiction

Students at the University are provided an electronic copy of the ~~Code of Student Conduct~~ *Code of Student Conduct* annually in the form of a link on the Student Handbook website. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The University community has developed standards of behavior pertaining to students and to student organizations. Students and ~~registered~~ student organizations are subject to conduct action according to the provisions of the *Code of Student Conduct*. The University respects the rights and ~~responsibilities~~ responsibilities of students and will consider each violation of University policy and each violation of federal, state and/or local law on a “case-by-case” basis and will further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students.

The ~~Code of Student Conduct~~ *Code of Student Conduct* and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, including law students and all ~~registered~~ student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The ~~Code of Student Conduct~~ *Code of Student Conduct* applies to behaviors that take place on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Dean of Students or Managing Director ~~of Student Conduct~~ determine that the off-campus conduct affects a substantial University interest, such as situations where a student’s conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community or detrimental to the educational mission of the University.

Proceedings under the ~~Code of Student Conduct~~ *Code of Student Conduct* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings. Misconduct which may constitute a violation of federal, state, local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in favor of or against a criminal law defendant.



The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to reenrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree.

The ~~Code of Student Conduct~~ Code of Student Conduct may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information, but may take action if and when such information is brought to the attention of University officials.

The ~~Code of Student Conduct~~ Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Code* may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of [the](#) University may seek resolution of violations of the ~~Code of Student Conduct~~ Code of Student Conduct committed against them by members of University community.

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### 3. 3.3. Notice

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. ~~Pre Scheduled~~ meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, they should do so in a timely manner. The University will make all reasonable efforts to accommodate student scheduling conflicts, but will not permit unreasonable delays in the Conduct Process. After proper notice has been given to the student, the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ or designee may proceed with the conduct process. Should a student fail to comply with the requests of an ~~an Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ or designee, the Office of Student Conduct may issue a 'Failure to Comply' ~~Code of Student Conduct~~ ~~Code of Student Conduct~~ allegation to the student. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at [www.raiderlink.ttu.edu/](http://www.raiderlink.ttu.edu/).

Student organizations are provided notice through the organization's spokesperson via the notification procedures described above. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization.

### 4. 4. Timelines

It is recommended that reports of alleged violations of the ~~Code of Student Conduct~~ ~~Code of Student Conduct~~ should be received by the Office of Student Conduct within ten (10) University working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

Incidents ~~may should~~ be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal

~~investigation~~ Investigations, breaks between academic semesters, and other delays.

## **5. 5- Standards of Evidence**

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in ~~Code of Student Conduct~~ Code of Student Conduct proceedings is the preponderance of evidence, or more likely than not.

## **6. 6- Reporting Allegations of Misconduct**

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online [incident report form](#). The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of Student Conduct, located in suite 211 of the Student Wellness Building. Staff are also available in the ~~Dean of Students Office~~ Office of the Dean of Students to take initial reports of allegations and assist with conduct processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an [online form at online form](#). [https://cm.maxient.com/reportingform.php?TexasTechUniv&layout\\_id=11](https://cm.maxient.com/reportingform.php?TexasTechUniv&layout_id=11) <http://ttu.org/sync.com/org/orgeconduct/home>. Individuals may also file a report in person with the Center for Campus Life, 201 Student Union. Staff are also available in the ~~Student Resolution Center~~ Office of the Dean of Students and Office of Student Conduct to discuss reports of misconduct against student organizations.

Student organization leaders, members, and/or advisors are encouraged to ~~also can~~ self-report organization or member behavior, including future events, ~~that events that~~ that may be considered violations of TTU policy. ~~When an organization is able to quickly identify a concern, address it, and report it, it is less likely that the organization would be held responsible for behavior that may be a policy violation. The self-report allows the University, in conjunction with the student organization to collect information, begin individual student conduct processes, and ensure that behavior has ceased and does not reoccur. When incidents are unreported by organizations and instead come to the attention of the University via a Complainant or third party, the options for resolution are more limited. Self-reporting allows the University to work collaboratively with the organization to address the situation and can allow for lower levels of sanctioning for misconduct.~~

~~Sometimes organization leaders may also become aware that organization or member~~

~~activities may result in violations of policy but have not occurred yet. In these cases, the organization leadership is encouraged to work directly with Campus Life staff to intervene and address the concern. This type of pre-report has the highest likelihood of lowering the risk of potential conduct violations and sanctions for the organization. Organization leaders may self-report misconduct or potential misconduct by utilizing the online form at <http://ttu.orgsync.com/org/orgconduct/home> or by contacting the appropriate student organization or fraternity/sorority life staff member in the Center for Campus Life.~~

If after an initial report has been made a student experiences a subsequent concern or continued incident(s) of alleged misconduct, a student may file an additional report pursuant to the procedures in this section (Part I, section A.6).

## **7. Confidentiality**

Texas Tech University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, that offer confidential assistance and support. Information about the

~~TTU Student Counseling Center~~ can be found at [www.depts.ttu.edu/scc/](http://www.depts.ttu.edu/scc/).

The University is committed to facilitating an environment that supports students reporting incidents of misconduct, and will always attempt to resolve a situation in accordance with a student's wishes. In most cases, the University will not initiate student conduct proceedings or take administrative action without consulting with the reporting student.

In some exceptional circumstances, where the incident in question presents a continuing threat to the campus community, the University may be required to investigate irrespective of the Complainant's desire to pursue allegations of student misconduct, and may be required to issue a "timely warning" to the campus community, as required by ~~the~~ The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ~~Clery Act~~. Timely warnings do not include personally identifiable information of involved parties.

All reports of misconduct will be maintained with the highest possible level of confidentiality. Information provided by the student will only be shared with essential staff members and only as is necessary for the effective ~~investigation~~ Investigation and adjudication of the case. Where reports of misconduct involve other students, either as Respondents or witnesses in the case, some information may need to be shared with those involved parties in order to complete a thorough ~~investigation~~ Investigation.

## **8. Anonymity**

Texas Tech understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of a Complainants' desire, in some cases, to report an

incident without disclosing their name or other identifying information. Texas Tech will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

## **9. 9. Family Educational Rights and Privacy Act (FERPA)**

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to school officials with legitimate educational interest, other schools to which a student is transferring, to comply with a judicial order or lawfully issued subpoena, to parents when there is a health or safety emergency involving the student, to parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure, to the victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense concerning the final results of a disciplinary ~~hearing~~Hearing.

*NOTE: Additional information on Student Records is available in The Student Handbook, Part II, Section O.*

## **10. 10. Student Organizations**

Information gathered during an ~~investigation~~Investigation of student organization misconduct, as well as any conduct findings and decisions, may be shared with the student organization's Headquarters, sponsoring department, or organization ~~inter/national or regional headquarters of organizations~~ as appropriate. This otherwise confidential information will not be shared with other students or the Greek community.

Student organization records do not impact the content of individual student records for members of those student organizations. A finding of responsibility for misconduct for a student organization does not indicate a finding of responsibility for individual students. Individual students may be subject to their own conduct processes separate from the student organization process.

All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via Informal Resolution, any ~~hearing~~Hearing process ~~Administrative or Panel Hearing~~, and/or conduct appeal processes.

### 11. 11. Reporting Criminally

Some instances of student misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. Texas Tech administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

### 12. Amnesty

#### 12.

The University will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part II, section B.2 (Actions against Members of the University Community and Others). ~~The *Code of Student Conduct*~~ *Code of Student Conduct* amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling and alcohol assessments. The ~~Student Resolution Center~~ Office for Student Rights and Resolution can assist with questions related to amnesty provisions.

### 13. 13. Withdrawal

A responding student facing an alleged violation of the ~~*Code of Student Conduct*~~ *Code of Student Conduct* may have a hold placed on their transcript requiring them to contact the “Managing Director” to request permission to withdraw from the University. While a student may be permitted to withdraw from the University, the hold will remain on the student’s transcript until all allegations are resolved. The investigation Investigation into alleged conduct violations may continue regardless of the student’s withdraw or choice to participate in the investigation Investigation. The University reserves the right to reinstate a student who withdraws at any point during the conduct process. may not be permitted to withdraw from the University until all allegations are resolved.

~~The University reserves the right to reinstate the student to their schedule if they withdraw during the review of the alleged violation.~~

**NOTE:** *For information pertaining to withdrawing from a course involving Academic Integrity*

*allegations, see Part II Community Policies Section Academic Integrity item d. Withdrawal and Assignment of Grades.*

## **SECTION B: MISCONDUCT**

### **1. Academic Misconduct**

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Community Policies section.

~~1.~~ a. Cheating

a. ~~1.~~

~~2.1. Copying from another student's academic work, test, quiz, or other assignment~~

1. Copying from another student's academic work, test, quiz, or other assignment

2.

2. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.

~~3.~~

3. The use or possession of materials or devices during academic work, test, quiz or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.

~~4.~~

4. Possessing, using, buying, stealing, transporting, selling or soliciting in whole or in part items including, but not limited to, the contents of an unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor's permission.

~~5.~~

5. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution or computer program/software, or information about an unadministered test, test key, homework solution or computer program.

~~6.~~

7. Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.

~~6.~~

8.7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.



~~9.8.~~ Taking, keeping, misplacing, damaging or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.

~~10.9.~~ Falsifying research data, laboratory reports, and/or other academic work offered for credit.

~~11.10.~~ Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.

b. Plagiarism

1. The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased or summarized materials.
2. Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.

c. Collusion

The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

d. Falsifying academic records

1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
2. Omitting requested information that is required for, or related to, any official record of the University.

e. Misrepresenting facts

1. Providing false grades, falsifying information on a resume, or falsifying other academic information.
2. Providing false or misleading information in an effort to injure another student academically or financially.
3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

*NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.*

f. Violation of Professional Standards

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

*NOTE: Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.*

g. Unfair Academic Advantage

Any other action or attempted action that may result in creating an unfair academic



advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f.

## **2. Actions against Members of the University Community and Others**

Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

a. Disruptive and/or Obstructive Conduct

b.—Intentional or reckless behavior that disrupts or obstructs the normal operation of the University, its students, faculty, staff and/or University visitors.

~~e.~~b. Harmful, Threatening, or Endangering Conduct

Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of self or others, including but not limited to:

a.—Assault

1.

b.—Intentionally or recklessly causing physical harm to another individual.

a.

e.—Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

2.

b.

~~3.2.2.~~ Threats

Written or verbal acts that would cause significant distress or fear in a reasonable person or that a reasonable person would interpret as a reasonable serious expression of a threat or intent to inflict harm upon any person, group of people, or damage to any property.

~~4.3.~~ Intimidation

An implied threat or act that causes a reasonable fear of harm in another.

~~5.4.~~ Intimate partner / relationship violence

Violence or abuse, verbal or physical, by a person in an intimate and/or dating relationship with another.

*NOTE: Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.*

~~6.5.~~ Bullying / cyber bullying

~~a.~~ Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the *Code of Student Conduct*. NOTE: Information related to freedom of expression policy is available in Part II, Section P Use of University Space.

## 7.6. Stalking

Behavior which includes, but is not limited to, knowingly and repeatedly engaging in conduct that the individual knows or reasonably should know the other person will regard as unwelcome and would cause a reasonable person to be fearful or suffer substantial emotional distress.

## ~~d.c.~~ Sexual Misconduct

### 1. Sexual Harassment

Unwelcome verbal, written, or physical conduct or attempted conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with the student's educational experience or creates a hostile educational environment.

### 2. Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

a. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent;

~~b.~~ Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent;

~~b.~~

~~c.~~ e. Sexual voyeurism;

~~e.~~

~~e.~~ Inducing another to expose one's genitals or private areas;

~~d.~~

~~f.~~

~~g.e.~~ ~~e.~~ Prostituting another student;

~~h.f.~~ ~~f.~~ Engaging in sexual activity while knowingly infected with an STD.

### 3. Public Indecency

Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.

### 4. Nonconsensual Sexual Contact

Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Private area includes butt, breasts, mouth, genitals, groin area, or other bodily orifice.

### 5. Nonconsensual Sexual Intercourse

Sexual penetration or intercourse, however slight and with any object, without consent. Penetration can be oral, anal, or vaginal.

*NOTE: Refer to Appendix A: Definitions for a comprehensive definition of consent*

## d. ~~d.~~ Hazing

Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises that endangers the

mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
2. Any type of activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as sleep deprivation, exposure to the elements, confinement in a small space, personal servitude, or calisthenics.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
4. Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame or humiliation, adversely affects the mental health or dignity of a student, or discourages a student from entering or remaining enrolled at the University, or may reasonably be expected to cause a student to leave the organization or the University rather than submit to acts described above.
5. Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Conduct.
6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.
7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

*NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936*

e. Discriminatory Harassment

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

f. Retaliatory Discrimination or Harassment

Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

- g. Complicity
  1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*, specifically violations that constitute Actions against Members of the University Community [and others](#).
  2. Complicity with or failure of any organized group to address known or obvious violations of the ~~*Code of Student Conduct*~~ *Code of Student Conduct* by its members, specifically Actions against Members of the University Community [and others](#).

*NOTE: Actions involving free expression activities are covered in Community Policies, Section G.*

### **3. Alcoholic Beverages**

a.—~~Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Texas Tech University policy.~~

—~~Being under the influence of alcohol and/or intoxication that would constitute a violation of any federal, state, local law and/or Texas Tech University policy.~~

b.—

~~-Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.~~

### **4. Narcotics or Drugs**

a.—~~Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, and/or medicine prescribed to another person, chemical compound or other controlled substance that would constitute a violation of any federal, state, local law, and/or Texas Tech University policy.~~

b.—~~Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law and/or Texas Tech University Policy.~~

e. ~~Being under the influence of narcotics, drugs, prescription drugs, chemical compound or other controlled substance that would constitute a violation of any federal, state, local law and/or Texas Tech University policy.~~

### **5. Smoking**

Smoking in unauthorized areas on University property as designated by the Texas Tech University [smoke-free and tobacco-free environment policy](#).

## **6. Firearms, Weapons and Explosives**

Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, tasers, or explosive or noxious materials on University premises except in accordance with federal, state, local law, and/or Texas Tech University policy.

[Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others.](#)

*NOTE: See Texas Tech University Operating Policy related to Campus Carry at <http://www.depts.ttu.edu/opmanual/> and University Student Housing Contract Guide for specific approved devices allowed in the residence halls.*

## **7. Flammable Materials/Arson**

- a. Use ~~or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used to~~ of items or materials to ~~ignite, spread, or intensify flames for fire,~~ or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, such as the Outdoor Events Coordinating Committee.
- b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

## **8. Theft, Damage, Littering or Unauthorized Use**

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, campus visitors or others.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property, including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, ~~or~~ by campus visitors or others.
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, ~~or~~ campus visitors, or others.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.
- f. Alteration, forgery or misrepresentation of any form of identification.
- g. Possession or use of any form of false identification.
- h. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds.

### **9. Gambling, Wagering, Gaming and/or Bookmaking**

Gambling, wagering, gaming and bookmaking as defined by federal, state, local laws, and/or Texas Tech University policy are prohibited on University premises involving the use of University equipment or services.

### **10. False Alarms or Terroristic Threats**

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with or destroying fire equipment or emergency signs on University premises.

### **11. Unauthorized Entry, Possession or Use**

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use in University premises or equipment.
- c. Unauthorized use of the University name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a registered student organization at Texas Tech University."
- d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.

### **12. Failure to Comply**

- a. Failure to comply with reasonable directives ~~and/or requests~~ of a University official acting in the performance of their duties.
  - b. Failure to present student identification on ~~directive request~~ or identify oneself to any University official acting in the performance of ~~their his other~~ duties.
  - c. Failure to comply with the sanctions imposed by an ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ under the ~~Code of Student Conduct~~ ~~Code of Student Conduct~~ or the Student Handbook.
- e- *NOTE: Examples include but are not limited to directives from the Office of the Dean of Students staff, Office of Student Conduct staff, University Student Housing staff, Texas Tech University Police Department, Athletic staff, and others.*

### **13. Abuse, Misuse, or Theft of University Information Resources**

Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. "Information resources" means procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store,

~~retrieve, display, and transmit information, and associated personnel including consultants and contractors (as defined by Texas Government Code §2054.003.) procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit University information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the University or retained as independent contractors.~~

Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources, regardless of location or method of access, is also subject to the Information Technology Security Policies (<http://depts.ttu.edu/infotech/security/>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

- a. Unauthorized use of University information resources including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords with individuals who ~~otherwise have no authority to~~ have not been granted access to University information resources.
- b. Use of University information resources:
  - ~~b.~~ For unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
  - 1.
  - ~~e.~~ 2. Using University information resources to violate Part I, ~~section~~ Section B.2 of the Code of Student Conduct (*Code of Student Conduct*) (Actions against Members of the University Community and Others).
- c. Attempted or actual:
  1. ~~B~~ breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
- d. Use of TTU information resources to interfere with the normal operation of the University.
  1. ~~Attempted or actual u~~ Use of the TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
  - ~~e.~~ 2. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources.
- ~~f.~~ e. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the ~~written consent of the Department Head~~ explicit approval by the TTU official processes regarding academic ethical issues. Discovery of obscene material, including child pornography, on any TTU information resource must be reported to the Information



Security Officer or Chief Information Officer immediately.

~~g. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using TTU information resources.~~

~~h. Attempted or actual use of TTU information resources to interfere with the normal operation of the University.~~

~~i.f.~~ Intentional “spamming” of students, faculty, or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to e-mails and text messages to parties with whom the sender has no existing business, professional or personal ~~acquaintance~~ relationship) using TTU information resources.

#### **14. Providing False Information or Misuse of Records**

Knowingly furnishing false information to the University, to a University official in the performance of their duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

#### **14. 15. Skateboards, Rollerblades, Scooters, Bicycles or Similar Modes of Transportation**

Use of skateboards, rollerblades, scooters, bicycles or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

*NOTE: Refer to University Parking Services Regulations at <http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf>.*

#### **16. Violation of Published University Policies, Rules or Regulations**

Violation of any published University policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of:

~~b.~~ a. Transportation & Parking Services

~~a.~~

~~e.~~ b. University Student Housing

~~d.~~ c. Recreational Sports

~~e.~~ d. Student Organization and Fraternity and Sorority Life

~~f.~~ e. Texas Tech University Board of Regents’ Rules

~~g.~~ f. Texas Tech University Operating Policies and Procedures

g. Community Policies of the Student Handbook

h. TTU Athletics

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#### **17. Violation of Federal, State, Local Law and/or University Policy**

Misconduct which may constitute a violation of federal, state local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and



adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding.

### **18. Abuse of the Discipline System**

- a. Failure of a student to respond to a notification to appear before an ~~an Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ during any stage of the conduct process.
- b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during ~~and/or after~~ the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

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## **SECTION C: CONDUCT PROCEDURES FOR STUDENTS**

Upon notice or receipt of potential ~~an alleged~~ violation(s) of the *Code of Student Conduct*, The Dean of Students or

The "Managing Director" will appoint an ~~an Student Conduct Officer/~~ ~~Investigator~~ ~~Investigator~~ ~~to review allegations of misconduct. The Student Conduct Officer/~~ ~~Investigator~~ ~~who~~ will inquire, gather and review information about the reported student misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

~~Incidents will be forwarded for investigation when there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Complainant statement. If it is determined that the information reported does not warrant an allegation, a Policy Clarification For Information Only policy warning letter may be issued to involved parties to clarify the policy in question. to clarify the policy that was in question in order to clarify to the respondent.~~

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties -victim or the victim are is are not available, the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified, but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the

investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

## 1. ~~1.~~ Remedies and Resources

The University ~~may~~will take immediate interim actions to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal ~~investigation~~Investigation and/or formal conduct procedures. These ~~interim~~immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, support coordinator~~victim's advocate assistance~~, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

### a. ~~a.~~ Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. ~~The Student Resolution Center is also available to help students understand the student conduct process and identify resources. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.~~

### b. ~~b.~~ Interim Actions

Under the Code of Student Conduct, the "Managing Director" Dean of Students or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process for alleged violation(s) of the ~~Code of Student Conduct~~Code of Student Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an ~~investigation~~Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community pending the completion of the conduct process for alleged violation(s) of the ~~Code of Student Conduct~~Code of Student Conduct. A student who receives an interim action(s) or interim suspension may request a meeting with the "Managing Director" Dean of Students or designee to demonstrate why an interim action(s) or suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an investigationInvestigation and the scheduling of a campus h~~Hearing~~. Through an interim action or d~~During an interim suspension, a student may be denied~~

access to University Student Housing and/or the University campus/facilities/events. As determined appropriate by the “Managing Director” ~~Dean of Students~~ or designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the “Managing Director” ~~Dean of Students~~ or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the ~~Code of Student Conduct~~ *Code of Student Conduct*. Interim action(s) or an Interim Suspension ~~are~~ Suspension ~~are~~ is not a ~~sanctions~~. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim administrative action may result in additional allegations of the Code of Student Conduct.

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student’s official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. Immediate Temporary Suspension – Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Dean of Students, or on recommendation of an Student Conduct Investigator ~~Investigator~~ Officer/Investigator, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Dean of Students or designee will notify the “Managing Director” to initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension.

Upon Immediate Temporary Suspension, the student may no longer attend classes,

use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
- Violation of a No Contact Order;
- Retaliatory harm, discrimination, or harassment.

3. Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings, [and representing the University](#).

*NOTE: In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension by the "Managing Director".*

4. Non-Student Interim Actions

Any guest to the University who is alleged to have violated the ~~Code of Student Conduct~~ Code of Student Conduct and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Office of Student Conduct, in conjunction with the Texas Tech Police Department, will issue a Criminal Trespass to that individual(s).

*NOTE: Students of Texas Tech University may be held accountable for actions of their guests.*

5. Withdrawal of Consent

a. ~~a.~~ Grounds for Removal

The ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer~~ ~~Investigator~~ or another University agent acting in accordance with his/her duties may recommend to the Dean of Students that, in accordance with the Texas Education Code, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the

~~Student Conduct Investigator~~~~Investigator~~~~Officer/Investigator~~ and Dean of Students, it is determined that:

- The student has willfully disrupted the orderly operation of the premises, and;  
—The student’s presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.

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—If the Dean of Students concurs with the ~~Student Conduct~~

- ~~Investigator~~~~Officer/Investigator~~’s recommendation, permission for the student to be on University premises will be withdrawn. This Withdrawal of Consent will not be longer than fourteen (14) calendar days and a ~~Hearing~~~~Hearing~~ must be held within these fourteen (14) calendar days to determine the student’s status at the University. Permission to be on University premises must be coordinated through the Dean of Students and the Texas Tech Police Department. The Dean of Students will notify all parties of the final decision using the written notification procedures outlined in Part I, section A.3 within five (5) University working days.

b. ~~b.~~ Registration Flag Following Withdrawal of Consent

When a student is withdrawn under this section, an administrative hold will be placed on the student’s readmission to the University. This administrative hold will remain on the student’s records until the student is readmitted.

*NOTE: See Texas Education Code, sections 51.233-51.244*

2. ~~2.~~ **Referral Meeting:**

~~A university~~University official may request a meeting with a student in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the code of student conduct, but when the ~~investigator~~Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the respondent that repeated referrals may warrant an ~~investigation~~Investigation which may warrant adjudication.

3. ~~3.2.~~ **The Conduct Process**

a. Notice of ~~Investigation~~Investigation~~Involvement~~

~~b.~~—A student will be given notice of their involvement in ~~an~~ regard to a referral received by the ~~university~~University or once the ~~university~~University is put on notice ~~alleged violation of the Code of Student Conduct~~ by receipt of a “Notice of ~~Investigation~~Investigation~~Involvement/Need to Talk~~” Letter. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an ~~Student Conduct Officer~~ /~~Investigator~~Investigator. ~~In addition to the possible sanctions, and i~~In the event that a student fails to respond to written notification, an administrative hold may be placed on the student’s record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the ~~Student Conduct Officer~~ /~~Investigator~~Investigator receives an appropriate response. Failure to comply with

or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an ~~an Student Conduct Officer/Investigator~~ Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

~~e-b.~~ Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and ~~Responsibilities~~ Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the ~~Investigator~~ Investigator ~~Officer/Investigator~~. The Student Rights and ~~Responsibilities~~ Responsibilities document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the ~~investigation~~ Investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

1. A prompt, fair, and equitable process;
2. ~~Be accompanied by an advisor to any meeting or~~ Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), ~~support coordinators~~ Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the ~~Hearing~~ Hearing on behalf of the University. The Complainant and/or the ~~Respondent~~ student accused of alleged misconduct is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any ~~Hearing~~ Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the ~~Hearing~~ Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of an ~~Student Conduct Investigator~~ Investigator ~~Officer/Investigator~~ upon written request five (5) University working days in advance of the scheduled ~~Hearing~~ Hearing date;
3. Refrain from making any statement relevant to the ~~investigation~~ Investigation. Students are expected to cooperate with the University conduct process, but may elect not to participate in the ~~investigation~~ Investigation process, either in part or entirely. However, a student's refusal to participate in the ~~investigation~~ Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the ~~investigation~~ Investigation, they will not be allowed to present new information during the ~~Hearing~~ Hearing; similarly, if a student provides only limited information during the ~~investigation~~ Investigation (i.e., answering some of the ~~Investigator~~ Investigator's questions but not others), then



during the ~~Hearing~~Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the ~~Hearing~~Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

*NOTE: See ~~Pre-Hearing~~Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.*

4. The opportunity to provide information and evidence in support of his/her case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student may be used in a conduct proceeding;
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

1. Be responsive to all correspondence from the University;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the ~~investigation~~Investigation;
4. Review the ~~Code of Student Conduct~~Code of Student Conduct in order to fully understand all aspects of the student conduct process.

#### ~~d.b.~~InvestigationInvestigation

The "Managing Director" will appoint an ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ who will conduct a thorough, reliable, and impartial ~~investigation~~Investigation of the reported allegation. Reported allegations of misconduct under the Code have varying degrees of complexity and severity. Therefore, the ~~investigation~~Investigation procedures described below may vary.

When initial inquiry indicates a concurrent police ~~investigation~~Investigation is occurring, the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ will, where possible, collaborate with the Texas Tech Police Department during the ~~investigation~~Investigation. Elements of this collaborative ~~investigation~~Investigation may include the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence

into the Investigative report.

During the ~~Investigation~~Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the ~~Investigation~~Investigation is complete, the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ will compile the relevant information and evidence into an ~~Investigation Report~~Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police ~~investigation~~Investigations. A student will have access to review the completed ~~Investigation Report~~Investigation Report and/or investigative materials relevant to the ~~investigation~~Investigation after the ~~Investigation~~Investigation has concluded. In order to protect confidentiality however, students may not be given copies of ~~Investigation Report~~Investigation Reports and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the ~~Investigation~~Investigation at which point the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ explains the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ may assign allegation(s) to the respondent based on the information that the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ collected without the student's participation, if appropriate.

d. Informal Resolution

If after the ~~Investigation~~Investigation, the responding student accepts responsibility for the allegations of the ~~Code of Student Conduct~~ *Code of Student Conduct* outlined in an ~~Investigation Report~~Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ conducting the initial inquiry/~~investigation~~Investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the ~~Student Conduct~~



~~Investigator~~~~Investigator~~~~Officer/Investigator~~. The case will only be reopened if new material, previously unavailable is presented. Mediation will not be used to resolve cases involving Title IX-based allegations. The Informal Resolution, while not considered mediation, will also not be utilized to resolve cases of nonconsensual sexual intercourse.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

e. ~~Pre-Hearing~~~~Hearing~~ Process

In cases involving an Administrative or ~~Panel~~~~Panel~~ ~~Hearing~~~~Hearing~~, the ~~Pre-Hearing~~~~Hearing~~ Process will be followed. Once the ~~investigation~~~~Investigation~~ is complete, the involved parties will participate in the ~~Pre-Hearing~~~~Hearing~~ Process. During the ~~Pre-Hearing~~~~Hearing~~ Process, students will be given the opportunity to review the ~~Investigation Report~~~~Investigation Report~~, relevant evidence, and other documents to be used in the Administrative or ~~Panel~~~~Panel~~ ~~Hearing~~~~Hearing~~. Other documents reviewed may include notification of Respondent's allegations, ~~Hearing~~~~Hearing~~ ~~Panel~~~~Panel~~ composition, and ~~Hearing~~~~Hearing~~ Script. Following the ~~Pre-Hearing~~~~Hearing~~, student(s) will be notified, via the notification procedures, outlined in Part I, section A.3 of a date, time, and location of the ~~Hearing~~~~Hearing~~. Should students not participate in the ~~Pre-Hearing~~~~Hearing~~ Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or ~~Panel~~~~Panel~~ ~~Hearing~~~~Hearing~~.

While students may identify errors in their own statements during the ~~Pre-Hearing~~~~Hearing~~, they are not able to add additional information to the ~~Investigation Report~~~~Investigation Report~~ unless that information, in the judgment of the ~~Student Conduct~~~~Investigator~~~~Investigator~~~~Officer/Investigator~~, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the ~~Pre-Hearing~~~~Hearing~~ but before the Administrative or ~~Panel~~~~Panel~~ ~~Hearing~~~~Hearing~~, the student should inform the ~~Student Conduct~~~~Investigator~~~~Investigator~~~~Officer/Investigator~~ immediately. If the new information is pertinent to the consideration of the case, the ~~Student Conduct~~~~Investigator~~~~Investigator~~~~Officer/Investigator~~ will determine whether the new information should be included in the ~~Investigation Report~~~~Investigation Report~~ or presented verbally during the Administrative or ~~Panel~~~~Panel~~ ~~Hearing~~~~Hearing~~. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or ~~Panel~~~~Panel~~ ~~Hearing~~~~Hearing~~.

The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the ~~investigation report~~ Investigation Report, during the Pre-HearingHearing, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the ~~Student Conduct Investigator~~ Student Conduct Investigator Officer/Investigator, who will pose the questions and supplement the ~~Investigation Report~~ Investigation Report.

*NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the ~~Student Conduct Investigator~~ Student Conduct Investigator Officer/Investigator may be rejected.*

Students may indicate whether an Administrative ~~HearingHearing, or PanelPanel~~ HearingHearing or Sanction Only HearingHearing is preferred. However, the ~~Dean of Students, “Managing Director”~~ Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative ~~HearingHearing, or PanelPanel~~ HearingHearing or Sanction Only HearingHearing will be held notwithstanding the student’s preference.

In cases requiring a ~~HearingHearing PanelPanel~~, the ~~Student Conduct Investigator~~ Student Conduct Investigator Officer/Investigator will share the pool of faculty, staff, and students trained for ~~HearingHearing PanelPanels~~. Students will be given the opportunity to request to strike any member of the ~~HearingHearing PanelPanel~~ whose impartiality may be in question. In order to strike a member of the ~~HearingHearing PanelPanel~~, the student must provide the ~~Student Conduct Investigator~~ Student Conduct Investigator Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the ~~HearingHearing PanelPanel~~ is set, the ~~Student Conduct Investigator~~ Student Conduct Investigator Officer/Investigator will schedule the ~~PanelPanel HearingHearing~~.

#### **4. 43. HearingHearings**

Upon completion of the initial inquiry/~~investigation~~ Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the University may proceed to conduct either an Administrative or a ~~PanelPanel HearingHearing~~ and issue a finding and accompanying sanctions, if applicable. The Administrative or ~~PanelPanel HearingHearing~~ may be held and a decision made, regardless of whether the student responds, fails to respond, attends the ~~HearingHearing~~, or fails to attend the ~~HearingHearing~~. Should the student fail to attend the Administrative or ~~PanelPanel HearingHearing~~, the ~~Student Conduct Investigator~~ Student Conduct Investigator Officer/Investigator or the ~~HearingHearing PanelPanel~~ may consider the information contained in the ~~Investigation Report~~ Investigation Report and render a decision. If the student accepts responsibility for the allegations issued in the ~~investigation report~~ Investigation Report the student may request a Sanction Only HearingHearing.

~~Hearing~~Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent students have the right to be present at the ~~Hearing~~Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to physically be in the ~~Hearing~~Hearing room at the same time. To request changes in the scheduled ~~Hearing~~Hearing time, students should contact the Office of Student Conduct prior to the scheduled ~~Hearing~~Hearing.

a. ~~a.~~ Administrative ~~Hearing~~Hearing

An Administrative ~~Hearing~~Hearing is the process of adjudicating allegations of violations of the

~~Code of Student Conduct~~ *Code of Student Conduct* by an Administrative ~~Hearing~~Hearing Officer. The Administrative

~~Hearing~~Hearing Officer in an Administrative ~~Hearing~~Hearing may be the ~~Student Conduct~~

~~Officer~~/Investigator/Investigator that completed the ~~Investigation Report~~Investigation Report, or Administrative ~~Hearing~~Hearing

Officer assigned by the “Managing Director”. The ~~Investigator~~Investigator or Administrative ~~Hearing~~Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate. Written notification of the outcomes of the Administrative ~~Hearing~~Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative ~~Hearing~~Hearing. Decisions made through the Administrative ~~Hearing~~Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C.5.

b. ~~b.~~ Panel~~Panel~~ ~~Hearing~~Hearing

For each ~~Panel~~Panel ~~Hearing~~Hearing, a ~~panel~~Panel of three (3) members will be chosen from the available pool by the “Managing Director”. The ~~Panel~~Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative ~~Hearing~~Hearing Officer. Availability may determine a different composition for the ~~Panel~~Panel. In cases involving Part I, section B.1 (Academic Misconduct), the ~~Panel~~Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the “Managing Director” will appoint three Administrative ~~Hearing~~Hearing Officer members for the ~~Panel~~Panel.

Administrative ~~Hearing~~Hearing Officers who served as ~~Investigator~~Investigators for the case being heard by a ~~Hearing~~Hearing ~~Panel~~Panel may not serve as either a member of the ~~Panel~~Panel as a voting participant or as the non-voting Resource Person, and will participate only as the ~~Investigator~~Investigator in the ~~Panel~~Panel ~~Hearing~~Hearing.

All ~~HearingHearing~~ proceedings, excluding the deliberations of the ~~HearingHearing PanelPanel~~, will be recorded by the University.

The “Managing Director” shall appoint a Resource Person in each ~~PanelPanel~~ ~~HearingHearing~~ who facilitates the ~~HearingHearing~~. The Resource Person is a non-voting participant in the ~~HearingHearing~~ and is selected from the pool of Administrative ~~HearingHearing~~ Officers. The Resource Person assures that University/College procedures are followed throughout the ~~HearingHearing~~.

The ~~PanelPanel~~ Resource Person may:

- Prepare the Administrative ~~PanelPanel~~ ~~HearingHearing~~ materials;
- Record the Administrative ~~PanelPanel~~ ~~HearingHearing~~ proceedings;
- Escort participants into the ~~HearingHearing~~ room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative ~~PanelPanel~~ ~~HearingHearing~~;
- Ensure the procedural soundness of the Administrative ~~PanelPanel~~ ~~HearingHearing~~;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative ~~PanelPanel~~ ~~HearingHearing~~; • Compile the post-~~HearingHearing~~ documentation, • Deliver notification to student parties.

The ~~Student Conduct InvestigatorInvestigatorOfficer/Investigator~~ will present the ~~Investigation ReportInvestigation Report~~, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to add or make additional comments about the facts of the case. The ~~PanelPanel~~ may ask questions of the ~~Student Conduct InvestigatorInvestigatorOfficer/Investigator~~, Complainant,

Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the ~~Student Conduct InvestigatorInvestigatorOfficer/Investigator~~. Should new evidence be presented without prior discussion with the ~~Student Conduct InvestigatorInvestigatorOfficer/Investigator~~, the ~~HearingHearing~~ may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the ~~HearingHearing~~. In the event the Resource Person of the ~~HearingHearing~~ removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the ~~HearingHearing~~, the ~~HearingHearing PanelPanel~~ will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the ~~HearingHearing PanelPanel~~ have any questions for the ~~Student Conduct InvestigatorInvestigatorOfficer/Investigator~~, the Complainant, and/or the Respondent during deliberations, the ~~HearingHearing~~ will reconvene so that all parties have the opportunity to hear and respond to other parties’ responses. Outcomes of the

~~Panel~~ ~~Hearing~~ ~~Hearing~~ should be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the ~~Panel~~ ~~Hearing~~ ~~Hearing~~. Decisions made through the ~~Panel~~ ~~Hearing~~ ~~Hearing~~ may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

c. ~~\_\_\_\_\_~~ ~~c. Sanction~~ ~~Sanction Only~~ ~~Hearing~~ ~~Hearing~~:

~~\_\_\_\_\_~~ ~~If the student accepts responsibility for the allegations issued in the investigation report~~ ~~Investigation Report~~, ~~the student may request a Sanction Only~~ ~~Hearing~~ ~~Hearing~~, ~~by either a hearing~~ ~~Hearing officer or a hearing~~ ~~Hearing panel~~ ~~Panel~~. ~~During a Sanction Only~~ ~~Hearing~~ ~~Hearing~~, ~~the investigation report~~ ~~Investigation Report~~ ~~and finding are presented to the hearing~~ ~~Hearing body by the investigator~~ ~~Investigator~~. ~~During presentation of the investigation report~~ ~~Investigation Report~~ ~~and finding, -the respondent and the Ce~~ ~~omplainant are not allowed to dispute the facts or details of the case. Both the respondent~~ ~~Respondent and the complainant~~ ~~Complainant may be present and both the respondent~~ ~~Respondent and the complainant~~ ~~Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the respondent~~ ~~Respondent and may be considered by the hearing~~ ~~Hearing body. Written notification of the outcome of the Sanction Only~~ ~~Hearing~~ ~~Hearing~~ ~~will be provided to the student(s) within five (5) University working days of the conclusion of the Sanction Only~~ ~~Hearing~~ ~~Hearing~~. ~~Decisions made through the Sanction Only~~ ~~Hearing~~ ~~Hearing~~ ~~may be appealed by the students by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C.5. In Sanction Only~~ ~~Hearing~~ ~~Hearings~~, ~~students may appeal the sanction(s), and can only appeal on the following grounds, “the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions.”~~

*NOTE: A student may only choose a ~~hearing~~ ~~Hearing panel~~ ~~Panel~~ for Sanction Only ~~Hearing~~ ~~Hearings~~ for potentially separable offenses.*

## 5. 54. Sanctions

~~An~~ ~~Student~~ ~~Conduct~~ ~~Investigator~~ ~~Investigator~~ ~~Officer~~ ~~Investigator~~, Administrative ~~Hearing~~ ~~Hearing~~ Officer, or a ~~Hearing~~ ~~Hearing~~ Panel

~~Panel~~ may impose sanctions as a result of an Informal Resolution, Administrative ~~Hearing~~ ~~Hearing~~, or ~~Panel~~ ~~Panel~~ ~~Hearing~~ ~~Hearing~~, when a student is found responsible. The potential sanctions are listed in the ~~Code of Student Conduct~~ ~~Code of Student Conduct~~ grid at <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for administering sanctions by the ~~Student~~ ~~Conduct~~ ~~Investigator~~ ~~Investigator~~ ~~Officer~~ ~~Investigator~~, Administrative ~~Hearing~~ ~~Hearing~~ Officer, or the ~~Hearing~~ ~~Hearing~~ Panel ~~Panel~~. The ~~Student~~ ~~Conduct~~ ~~Investigator~~ ~~Investigator~~ ~~Officer~~ ~~Investigator~~, Administrative ~~Hearing~~ ~~Hearing~~ Officer and/or the ~~Hearing~~ ~~Hearing~~ Panel ~~Panel~~ may deviate from the grid ~~for sufficient reason.~~ - ~~Implementation of the disciplinary sanction(s) will not begin and are not deemed final until~~

~~either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Implementation of the disciplinary sanction(s) will begin immediately or as assigned. Students may request to have their sanctions held in abeyance through the appellate process. Students must provide written justification to the “Managing Director” with regard to why they are asking for abeyance through the appellate process. Sanctions agreed upon through the Informal Resolution process are final upon effectuation of the Informal Resolution. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions. The “Managing Director” will notify the respondent Respondent and complainant Complainant (if applicable) if abeyance is granted. Upon the judgement of the tThe “Managing Director”, some cases resulting in sanctioning of suspension or expulsion may begin prior to the completion of the disciplinary appeal process and may not be held in abeyance.~~

~~With regard to the appellate officer’s decision, bBoth the respondent Respondent and the complainant Complainant (if applicable) will be notified of the appellate officer’s decision and sanctions as appropriate. Upon the judgement of the Managing Director of the Office of Student Conduct or designee, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions.~~

*NOTE: Findings and sanctions agreed upon through the Informal Resolution Process are final and cannot be appealed.*

All records related to the disciplinary process will remain on file in the Office of Student Conduct or University Student Housing for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Administrative ~~Hearing~~Hearing, or ~~Panel~~Panel ~~Hearing~~Hearing and/or Disciplinary Appeal Procedures in Part I, section C.5. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the *Code of Student Conduct*, sanctions may be imposed and can include, but are not limited to the following:

— a. Disciplinary Reprimand

a.

The disciplinary reprimand is an official written notification using the notice procedures outlined in Part I, section A.3 to the student that the action in question was misconduct.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which a student’s conduct will be



observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct Code of Student Conduct* during this period may result in additional sanctions.

~~e. Deferred Disciplinary Suspension~~

~~d. Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the Code of Student Conduct during this period may result in additional sanctions.~~

~~e.c. e. Time-Limited Disciplinary Suspension~~

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class or University related activities. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Time-limited disciplinary suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. The notation of disciplinary suspension will remain on the transcript indefinitely. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The ~~Student Conduct Investigator~~~~Investigator~~~~Officer/Investigator~~ may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the ~~Student Conduct Investigator~~~~Investigator~~~~Officer/Investigator~~ may deny readmission to a student. On denial of a student's readmission, the "Managing Director" will set a date when another application for readmission may again be made. An administrative hold will be placed on the student record to prevent registration during the Disciplinary Suspension.

*NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>*

~~f.d. Disciplinary Expulsion~~

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase "~~Disciplinary~~ Expulsion" and the date in which the student's expulsion was effective. An administrative hold will be placed on the student record to prevent future registration.

~~g.e. Conditions~~

A condition is an educational or personal element that is assigned by ~~an Student Conduct Investigator~~~~Investigator~~~~Officer/Investigator~~, Administrative Hearing~~Hearing~~ Officer, or ~~Hearing~~~~Hearing~~ Panel~~Panel~~. Costs associated with conditions may be the responsibility

of the student. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the University;
- ~~Completion~~ Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.

g. Restrictions

A restriction is an additional component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:

- Revocation of parking privileges;
- Denial of eligibility for holding office in registered student organizations;
- Denial of participation in extracurricular activities;
- Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community;
- Loss of privileges on a temporary or permanent basis.

h. Academic Penalties

In cases involving violations of Part II, section B.1 (Academic Misconduct) an academic penalty may be imposed by the referring party. Academic penalties include, but are not limited to:

- Assignment of a grade for the relevant assignment, exam, or course;
- Relevant make-up assignments;
- No credit for the original assignment;
- Reduction in grade for the assignment and/or course;
- Failing grade on the assignment;
- Failing grade for the course;
- Dismissal from a departmental program;
- Denial of access to internships or research programs;
- Loss of appointment to academically-based positions;
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities;
- Removal of fellowship or assistantship support.

i. Parental Notification

Violations of Part I, sections B.3 (Alcoholic Beverages) or B.4 (Narcotics or Drugs) may result in notification to the parents/guardians of dependent students under the age of 21.



## 6. ~~65.~~ Conduct Appeal Procedures

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the designated appeal officer within five (5) University working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and can only appeal on the following grounds, “the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions.” The student may appeal by submitting a written petition to the designated appeal officer within five (5) University working days of delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Dean of Students, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained University staff or faculty member who did not serve as the ~~Student Conduct Investigator~~ or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

In cases involving alleged misconduct involving Part I, section B.1 (Academic Misconduct), the designated appeal officer is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course where the violation occurred. In situations where the Associate Academic Dean participated in the ~~Hearing~~ as the ~~Student Conduct Investigator~~ or Instructor of Record, the designated appeal officer is the Academic Dean.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the ~~Hearing~~ (e.g. substantiated bias, material deviation from established procedures, etc.);
  - The discovery of new evidence, unavailable during the original ~~Hearing~~ or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
  - The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.
- ————NOTE: Lack of participation at any part of the ~~investigation~~ or conduct process does not —constitute as new evidence.

In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or

Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide ~~the written~~~~he request for~~ appeal to the other party and provide opportunity for response.

The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. ~~The Hearing~~~~Hearing~~ Body may provide a response to the appeal upon request of the appellate officer.

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original ~~Hearing~~~~Hearing~~, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative ~~Hearing~~~~Hearing~~ Officer or ~~Hearing~~~~Hearing~~ Panel~~Panel~~. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions; •  
Remand the case to the original ~~Hearing~~~~Hearing~~ Body; or
- Remand the case to a new ~~Hearing~~~~Hearing~~ Body.

The Office of Student Conduct shall make all reasonable efforts to notify the ~~parties~~~~student~~(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days. If necessary, the Designated Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new ~~Hearing~~~~Hearing~~ Body, the decision of that ~~Hearing~~~~Hearing~~ Body is final and may not be appealed.

*~~NOTE: For information pertaining to abeyance of sanctions, please see **sanction procedures**. Implementation of the disciplinary sanction(s) will begin immediately or as assigned. Students may request to have their sanctions held in abeyance through the appellate process. Studhave two business days to indicate their intent to appeal, in which sanctions may be held in abeyance through the appellate process. Upon the judgement of the Managing Director of the Office of Student Conduct or designee, some cases resulting in sanctioning of suspension or expulsion may begin prior to the completion of the disciplinary appeal process and may not be held in abeyance.~~*

## **7. 76. Former Student Conduct & Readmission**

A former student who engages in conduct that is a violation of the ~~Code of Student Conduct~~ Code of Student Conduct may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.

A student who has had an administrative hold placed on their records under this section must request readmission from the “Managing Director” at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the “Managing Director” to submit evidence in writing supportive of his/her present ability to return to the University, function properly and effectively in the University community. The University will evaluate the student’s request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Managing Director for the Office of Student Conduct for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

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### **SECTION D. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS**

Upon notice of an alleged violation of the ~~Code of Student Conduct~~ Code of Student Conduct by a student organization, the ~~Dean of Students or the~~ “Managing Director” will appoint an Investigator~~Investigator~~an Student Conduct Officer/Investigator to review allegations of misconduct. ~~The Investigator~~Investigator~~The Student Conduct Officer/Investigator~~ will inquire, gather and review information about the reported student organization misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

Incidents will be forwarded for ~~investigation~~Investigation when there is reasonable cause to believe a policy has been violated. ~~Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Complainant statement.~~ If it is determined that the information reported does not warrant an allegation, a Policy Clarification Letter ~~policy warning~~ letter may be issued to involved parties to clarify the policy ~~that was~~ in question.

When an initial report of misconduct by a third party does not identify the victim or the victim involved parties or the involved parties are not available, the Investigator~~Investigator~~will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified, but is reluctant to participate in the investigative process and/or the student organization conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the

extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

## **1. Remedies & Resources**

The University may take immediate interim actions to eliminate hostile environments, prevent recurrence, and address any effects on the Complainant and community prior to the initiation of formal investigation and/or formal conduct processes. These interim immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, support coordinator assistance, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

### a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to student and/or student organization conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

## **1. Initial Inquiry**

An initial inquiry would occur to review information about the alleged misconduct and to evaluate the accuracy, credibility, and sufficiency of the information. When an initial report does not identify victims of misconduct or victims are not available, it can limit the ability to investigate the incident. When the reporting party or complainant is identified but is reluctant to participate in the investigation process or student conduct process, the University will make every attempt to follow the wishes of the complainant while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the complainant does not want to participate in the investigative process but has no aversion to the university pursuing the conduct process, the University will proceed to the extent of the information available.

## **Policy Clarification Letter Decision to Document the Incident without Further Investigation**

If it is determined that the information reported and available does not warrant an allegation of a conduct violation, a policy warning letter may be issued to clarify the policy that was in question. This may happen in situations where reports received are from anonymous sources with no ability to validate the credibility of the concern and the initial inquiry identifies little to no other information to support the report.

## **2. Remedies & Resources to Reporting Parties/Complainants**

a. — The University may will take immediate interim actions to eliminate hostile

~~environments, prevent recurrence, and address any effects on the Complainant and community prior to the initiation of formal investigation and/or formal conduct processes. These interim steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, support coordinator/victim's advocate assistance, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.~~

~~a.b.~~ Interim Actions for Student Organizations

~~Under the Code of Student Conduct, the "Managing Director" may impose restrictions and/or impose an Interim Suspension of Student Organization Activities on a student organization pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct when a student organization represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include Interim Suspension of Organization Activities or restrictions pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct. A student organization that receives an interim action(s) or Interim Suspension of Student Organization Activities may request a meeting with the "Managing Director" to demonstrate why an interim action(s) or Interim Suspension of Student Organization Activities is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an investigation and the scheduling of a campus hearing. Through an interim action or during an interim suspension, a student may be denied access to University facilities/events. As determined appropriate by the "Managing Director", this restriction may include University activities or privileges for which the student organization might otherwise be eligible. Student organizations are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the Code of Student Conduct. Interim action(s) or an Interim Suspension of Student Organization Activities are not sanctions. Interim actions are taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; and are in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the Code of Student Conduct. pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct.~~

1. No Contact Order

b. When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or designee via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of

communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in an Interim Suspension of Student Organization Activities~~Interim Suspension of Student Organization Activities~~ immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. Interim Suspension of Student Organization Activities~~immediate Temporary Suspension~~ Student Organizations

Under the *Code of Student Conduct*, the ~~Dean of Students~~, “Managing Director” may, when the student organization represents a threat of serious harm to others, or is facing allegations of ~~serious~~ criminal activity, impose restrictions, including, but not limited to temporarily suspending the activities of activities registration~~of a student organization pending the outcome of the University’s and/or Headquarters, sponsoring department or organization (where applicable) conduct process, and/or requiring that the student organization cease and discontinue all organized functions pending the scheduling of a campus Hearing on alleged violation(s) of the Code of Student Conduct. The purpose of an interim suspension of activities is in order to protect students,~~ preserve the integrity of an investigation~~Investigation~~, to preserve University property and/or to prevent disruption of, or interference with, the normal operation of the University.

Examples of conduct or incidents that may result in an Interim Suspension of Student Organization Activities, include but are not limited to, Activities~~immediate temporary suspension~~ n are hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an Interim Suspension of Student Organization Activities~~immediate temporary suspension~~ may request a meeting with the ~~Dean of Students~~, “Managing Director” to discuss the rationale for the action~~demonstrate why an immediate temporary suspension is not merited. Regardless of the outcome of the meeting, the University may still proceed with the scheduling of a campus Hearing.~~ During an Interim Suspension of Student Organization Activities~~immediate temporary suspension~~, the student organization is limited to minimal functions in order to conduct the investigation~~Investigation only not able to access the benefits of being a registered student organization during this time period.~~ Failure or refusal to follow the Interim Suspension of Student Organization Activities~~immediate temporary suspension~~ may result in additional charges of misconduct. Student organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct*. An interim action is not considered a sanction.



*NOTE: In the event an Immediate Suspension of Student Organization Activities is issued, a student organization may request a review of the Immediate Suspension of Student Organization Activities by the “Managing Director”.*

## 2. ~~2.~~ Referral Meeting

A University official may request a meeting with a student organization spokesperson in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the Code of Student Conduct, but when the ~~investigator~~ Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student organization that repeated referrals may warrant an ~~investigation~~ Investigation which may warrant adjudication.

## 3. ~~2.~~ The Conduct Process for Student Organizations

### a. Notice of ~~Investigation~~ Investigation

A student organization will be given notice of the organization’s involvement in a referral or report received by the University related to ~~the~~ ~~on alleged violation of the Code of Student Conduct~~ Code of Student Conduct by receipt of a “Notice of ~~Investigation~~ Investigation” letter which will include an invitation for the student organization spokesperson to meet with an ~~Investigator~~ Investigator. In a case of a student organization’s dangerous misconduct, serious injury, and/or death, The “Managing Director” may issue an interim suspension of all organizational activities. In the event that a student organization fails to respond to written notification, interim actions and/or restrictions may be implemented by the “Managing Director”. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an ~~Investigator~~ Investigator from proceeding with the conduct process. Likewise, failure of a student organization to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

~~or direct contact by a University staff member. Student Organization or Fraternity/Sorority Life staff member.~~

### 1. ~~Initial Contact to the Student Organization Leadership and Advisor~~

~~In most cases, the appropriate Student Organization or Fraternity/Sorority Life staff will ask the student organization President and Faculty/Staff Advisor or Alumni Advisor for an initial response to the information received within a prompt timeframe. At this time, student organization officers and members accused of conduct violations will also receive information about resources that can assist them during the conduct proceedings. When organization leaders are prompt, cooperative and forthcoming with information to assist in the inquiry, it can reduce conduct findings and sanctions. Organizations should be aware that information gathered during this initial contact is documented for use during~~

conduct proceedings. Organizations that fail to comply with or respond to a notice issued as part of conduct procedures and/or failure to appear will not prevent the continuation of the conduct process. Likewise, a student organization that ignores requests for information, misrepresents information, or conceals information can face additional allegations of misconduct and increased sanctions.

2. Notification of the Inter/National or Regional Headquarters (if relevant)

~~The Investigator~~ Investigator In most cases (with the exception of low-level concerns), Fraternity and Sorority Life staff will may notify a student organization's advisor, Headquarters, sponsoring department or organization (representatives of the inter/national or regional headquarters of the that a referral was complaint received by the University. and process for reviewing the complaint.

— TTU believes in an active partnership with inter/national and regional organization staff to resolve concerns. These inter/national and regional staff and volunteers are often better able to identify opportunities to address concerns and may be conducting their own investigation and conduct process. TTU staff will specifically contact inter/national and regional organizations when a recurring concern indicates a climate issue for the organization, when the response of the organization is not compliant or timely, when there is an immediate threat to member or others safety, or when the organization has already participated in conduct processes for concerns.

— b. Rights & Responsibilities Responsibilities

b.

Prior to the formal ~~investigation~~ Investigation process, ~~the~~ a student organization spokesperson will be provided a Student Organization Rights & Responsibilities Responsibilities document to review and sign prior to an interview with the ~~appointed~~ Investigator Investigator. Additionally, each individual student involved in any capacity with a student organization investigation Investigation will be provided the Student Rights and Responsibilities Responsibilities document detailed in Part I, Section C.3.b. The Rights & Responsibilities Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Information gathered during the course of the investigation Investigation and student conduct process may be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student organization has the right to: Those rights include the right to:

A prompt, fair, and equitable process;

1. A prompt, fair, and equitable process;

a. — Be accompanied by one an advisor at any conduct or related proceeding.



- An “advisor” can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a support coordinator~~victim’s advocate~~, a parent
- or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney.
- An advisor’s role is that of support – he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University. Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the investigator~~Investigator~~ and with advanced notice. Student organizations are reminded that the organization’s advisor of choice is only permitted to accompany a student in a conduct or related proceeding if they are chosen by that student as that student’s advisor of choice. ~~Student organizations are encouraged to include an advisor for the organization throughout the student conduct process for student organizations.~~
- 2. In the case of a student organization conduct proceeding,
  - ~~The President of the student organization spokesperson is responsible for making all official~~asked to make a responses ~~on behalf of the organization during any student organization conduct proceeding.~~ During these processes, the spokesperson ~~President of the student organization.~~ is also encouraged to include the faculty/staff advisor for the student organization. In many cases, the student organization spokesperson ~~President may not be able to speak on behalf of the local advisory board to the student organization, so the inclusion of a local alumni advisor is also allowed.~~
  - ~~In the case of student organizations — the current President of the organization, is responsible for presenting information during the formal hearing. The roles of the advisors during formal hearings should be for support and guidance, not to speak or participate directly in the formal hearing unless authorized.~~
  - ~~Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the investigator and with advanced notice.~~
  - b. ~~Refrain from making any statement relevant to the investigation~~Investigation.
  - e. ~~Student organizations are expected to cooperate with the University conduct process, but may elect not to participate in the investigation~~Investigation process, either in part or entirely. However, a student organization’s refusal to participate in the ~~investigation~~Investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the ~~investigation~~Investigation, they will not be allowed to present new information during the ~~Hearing~~Hearing; similarly, if a student organization provides only limited information during the ~~investigation~~Investigation (i.e., answering some of the ~~Investigator~~Investigator’s

questions but not others), then during the ~~Hearing~~Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary, The rationale for this policy is to prevent parties from presenting new evidence at the ~~Hearing~~Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

- ~~3.~~
- ~~d.~~ The opportunity to ~~P~~provide information and evidence in support of the case;
- ~~4.~~
- ~~e.~~5. Know if they have been issued any allegations of misconduct;
- ~~f.~~ Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- ~~6.~~
- ~~g.~~ Know the Texas Tech University conduct policies and procedures, and where to find them;
- ~~7.~~
- ~~h.~~ Know that any information provided by the student organization may be used in a conduct proceeding;
- ~~8.~~
  - ~~Any information provided by a student during an investigation may be used in formal conduct processes related to allegations against the student organization, the student or other students.~~
    - ~~Student and student organization records are subject to the Federal Education Rights & Privacy Act (FERPA). Identifiable information about individual studentsInformation collected during an investigation will be compiled into an investigation report and is a considered student or student organization records. The investigation report may be shared with the assigned student conduct hearing board members or administrative officers assigned to adjudicate concerns as officials with legitimate educational interest and without written consent for release. Student and student organization records can be subpoenaed in accordance with criminal processes which could include the release of the investigation report to law enforcement officials. The investigation report may also be shared with the inter/national or regional organization headquarters staff to assist with collaborative investigations.~~
- ~~i.~~9. Know that if ~~a~~ the student organization spokesperson makes any false or misleading statements on behalf of the organization during the student conduct process, ~~the~~~~hat~~ student organization could be subject to further disciplinary action.

It is the Student Organization's Responsibility to:~~Student organization responsibilities include:~~

Appoint one organizational spokesperson. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be

an alumni advisor, chapter advisor, faculty/staff advisor, national or international Headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization. The student organization spokesperson is responsible for making all official responses on behalf of the organization during any student organization conduct preceding. In the event that the student organization spokesperson is not be able to speak on behalf of the local advisory board to the student organization, a representative from the local advisory board may speak on behalf of the local advisory board.

1. Be responsive to all communications from the University;

~~j.—~~

2. Provide information relevant to the incident or situation;

~~k.—~~

~~—Be honest and provide true and accurate information during the investigation~~Investigation;

~~l.—~~

~~3. If a student or student organization needs additional time to gather information, please inform your investigator/conduct officer.~~

~~m.—~~

~~n.4. Review the *Code of Student Conduct* *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.~~

~~c. e.7. Investigation~~Investigation

~~The **Dean of Students**, “Managing Director” will appoint an **Student Conduct Investigator** **Investigator** **Officer/Investigator** to conduct a thorough, reliable, and impartial investigation~~Investigation of the reported concern. ~~Reported allegations of misconduct under the *Code of Student Conduct* *Code of Student Conduct* have varying degrees of complexity and severity. Therefore, the investigation~~ Investigation procedures described below may vary.

~~a. Student organizations may also be permitted to conduct a thorough, reliable, and impartial internal investigation under the guidance of the appointed Investigator.~~

1. Student Organization Self Investigation (Internal Investigation) Cooperative Investigation Process

At all times, the “Managing Director” retains the discretion to investigate a referrals of student organization misconduct. However, in the initial meeting with the Investigator, a student organization may indicate their preference to conduct an internal Investigation as a part of a Cooperative Investigation with the Office of Student Conduct.

Student organizations participating in a Cooperative Investigation must commit to the deadlines and formatting requirements provided by the

“Managing Director.” Upon the conclusion of the internal Investigation, the student organization spokesperson shall present a written report of its internal Investigation findings to the “Managing Director.” If the “Managing Director” determines that no further action is necessary, he/she may conclude the investigative process, and consider the matter closed.

Upon completion of the internal Investigation, the “Managing Director” has the discretion to approve and/or adopt the internal investigative report, in whole or in part, as the Final Investigation Report. An internal Investigation may be rejected, in whole, or in part for reasons including, but not limited to, the following:

- The student organization obstructed the process, or provided false, incomplete, or inaccurate information;
- The student organization did not conduct its Investigation or provide a report in a timely manner;
- The student organization violated Interim Actions imposed by the “Managing Director”; or
- The Office of Student Conduct receives additional referrals of misconduct against the student organization during the pendency of the internal Investigation.

If the internal Investigation Report is accepted by the “Managing Director,” the assigned Investigator may proceed to assign allegations of the *Code of Student Conduct* to the student organization. If information contained in the internal Investigation Report indicates that there is insufficient evidence to support organizational allegations, but that individual organization members may be responsible, the Investigator may proceed with the conduct process for individual students. In order to proceed with the conduct process for individual students, the names of individuals involved must be provided in the internal Investigation Report.

In the event the internal Investigation Report is rejected, in whole or in part, the “Managing Director” may proceed with a University Investigation (Part I, Section D.3.c.2).

*NOTE: Student organizations conducting any internal Investigation may be subject to Interim Actions that may be imposed upon the student organization by the “Managing Director.” In the initial meeting with the Investigator, the student organization spokesperson may indicate their preference to conduct an internal investigation. The “Managing Director” will determine if the student organization is eligible to conduct an internal investigation for the University conduct process.*

Student organizations that are eligible to complete internal investigations must discuss the organization's internal investigation strategy with the appointed Investigator and commit to the deadlines provided by the appointed Investigator. At the conclusion of the internal investigation, the student organization must provide a formal, written internal investigation report to the appointed Investigator within the assigned timeframe. The report should be detailed and specific and may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. If the internal investigation yields information to support that organizational member(s) may be individually responsible for violations of the *Code of Student Conduct* and/or the organization imposed or plans to impose organizational sanctions on individual members related to the referral, the report must include the names of individual members and the course of action taken by the organization specific to each member(s).

Upon completion of the internal investigation, the appointed Investigator will review the internal investigation report with the student organization spokesperson. The "Managing Director" will determine if the internal investigation is acceptable as the Final Investigation Report to be considered for resolution. The "Managing Director" may reject an internal investigation at their discretion including, but not limited to, the following reasons:

- The student organization obstructs the process, provides false or inaccurate information, or omits information;
- The student organization misses any deadlines;
- The student organization violates Interim Actions imposed by the "Managing Director";
- Additional reports of organizational misconduct are received during the investigation.

If the internal investigation report is deemed acceptable by the "Managing Director", the assigned Investigator will proceed to assign allegations to the student organization based on the information and evidence in the internal investigation report. If information contained in the internal investigation report indicates that there is insufficient evidence to support organizational allegations, but that individual organization members may be responsible, the Investigator may proceed with the conduct process for individual students. In order to proceed with the conduct process for individual students, the names of individuals involved must be provided in the internal investigation report.

## 2. ~~2.~~ University Investigation Investigation Process

Should a student organization not complete the Cooperative Investigation Process, the "Managing Director" may proceed with the University Investigation Process.

Should a student organization choose not to complete an internal investigation, they are deemed ineligible to complete an internal investigation for the University conduct process by the "Managing Director", or the internal investigation report is

~~deemed unacceptable by the “Managing Director”, the appointed Investigator will proceed with a University investigation.~~

e. \_\_\_\_\_

~~Reported allegations of misconduct under the Code of Student Conduct have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary.~~

b. In student organization incidents there is the potential for three or more separate investigations to be occurring in a similar time frame.

- TTU Student Organization Conduct Investigation
- Criminal Investigation by Texas Tech, Lubbock or Other Police Departments
- Inter/National or Regional Headquarter Investigation
- Local Student Organization Advisory Board Investigation

When initial inquiry indicates that another concurrent investigation is occurring alongside the TTU student conduct investigation, the appointed Investigator(s) will, where possible, collaborate with the other entities conducting investigations. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing within the limits of student records policies.

d. \_\_\_\_\_

e. Investigations of student organization conduct may include the requirement for student organization members to attend an investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the investigation. Regardless of the nature of the investigation, students and student organizations should be aware of their rights and responsibilities in the conduct process and recognize that any information shared during the course of the student conduct investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative investigation meeting and meet only with the student conduct investigator instead of meeting together with other investigators. ~~he statements of individual interviewees in organizational conduct investigations may be~~ The identities of individuals who issue a statements in organizational conduct investigations, may be withheld from the Final Investigation Report Investigation Reports at the discretion of the “appointed Investigator, in consultation with the “Managing Director.”

During the investigative process, the student organization spokesperson is representatives are responsible for providing all information or evidence that they



believe should be considered.

~~f.~~ — Once the investigative process is complete, the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ will compile the relevant information and evidence into an ~~Investigation Report~~ ~~Investigation Report~~, which will include the allegations of the ~~Code of Student Conduct~~ ~~Code of Student Conduct~~ and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The ~~Investigator~~ ~~Investigator~~ will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police ~~investigation~~ ~~Investigations~~. ~~The s~~ Student organization ~~spokesperson~~ ~~representatives~~ will have access to review the completed ~~Investigation Report~~ ~~Investigation Report~~ and/or investigative materials relevant to the ~~investigation~~ ~~Investigation~~ after the Investigative Process has concluded. In order to protect confidentiality, ~~the~~ student organization ~~spokesperson and other student organization~~ representatives may not be given copies of ~~Investigation Report~~ ~~Investigation Reports~~ and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the ~~Investigation~~ ~~Investigation~~ at which point the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ explains the options for resolution to the involved parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ may assign allegation(s) to the ~~respondent~~ ~~Respondent~~ based on the information that the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ collected without the student organization's participation, if appropriate.

~~g.~~ — Student organizations will be asked to provide information about any actions occurring voluntarily by the organization to address concerns or actions occurring related to other conduct processes (intern/national or regional actions, local alumni board actions). This information is used to inform the opportunity for an organization to be eligible for informal resolution processes or the sanctioning portion of a formal hearing if an organization is found responsible for a policy violation.

~~h.~~ — A student organization will have access to a completed Investigation Report and/or investigative materials relevant to the allegation(s) after the investigative process has concluded. In order to protect confidentiality however, student organizations are not given copies of the Investigation Reports and/or investigative materials.

### **8. Investigation Report is Completed by Investigator and Pre-Hearing Scheduled**

~~a.~~ — Once the investigation report is completed, the President and his/her advisors for the

~~student organization will be given notice of a Pre-Hearing Meeting. During this meeting, the representatives will be given an opportunity to review the Investigation Report and other documents or evidence that would be used in a formal hearing. If new or previously unavailable information is now available, the investigator will make a determination about the inclusion of the information in the report.~~

~~• If there is not sufficient evidence to proceed to a hearing, a policy warning letter would be issued to the organization and the incident would be closed.~~

~~• If there is sufficient evidence to proceed to a hearing, the investigation report will outline the formal allegations against the student organization.~~

~~• A discussion would occur around the opportunity for an informal resolution or a formal hearing.~~

~~b. In cases proceeding to a formal hearing, the student organization representative(s) would review the formal hearing script and the pool of faculty, staff, and students trained for the Hearing Panel.~~

~~d. d.9. Informal Resolution (Cooperative Sanctioning Process)~~

~~If after the Investigation, the responding student organization accepts responsibility for the allegation(s) of *The Code of Student Conduct* outlined in the Final Investigation Report, the student organization may be eligible to resolve the issue informally. Student organizations participating in the Informal Resolution process must commit to the deadlines and formatting requirements provided by the “Managing Director.” The student organization spokesperson is responsible for ~~+~~ ~~Student organization~~ preparing the Informal Resolution which will include proposed sanction(s), corrective actions, and educational enhancement plans for the student organization. The student organization spokesperson is encouraged to consult appropriate University staff in the Center for Campus Life, the appointed Investigator, the Office of Student Conduct sanction grid, the student organization’s officers, advisor, Headquarters, sponsoring department or organization, and/or governing council representative to develop an Informal Resolution that is appropriate, effective, and is proportionate to the severity of the incident and the cumulative conduct history of the student organization.~~

~~Upon timely receipt of the Informal Resolution, the “Managing Director” may adopt, reject, or supplement, in whole or in part, the sanction(s) proposed in the Informal Resolution presented by the student organization. If there is a Complainant, the Complainant must also agree to all elements of the Informal Resolution. In the event the proposed Informal Resolution is rejected, in whole or in part, the student organization’s alleged violations of the *Code of Student Conduct* may be resolved pursuant to the Pre-Hearing process outlined in Part I, Section D.3.e and the Formal Hearing process as outlined in Part I, Section D.4.~~

~~a. Student organizations that complete an internal investigation report that is deemed acceptable by the “Managing Director”, may be eligible for the Inf Upon review of the investigation report~~



and the investigation process, the organization and accept responsibility for the allegation(s) of The Code of Student Conduct assigned by the appointed Investigator at the conclusion of the internal investigation may have the opportunity to resolve the issue informally. Should the student organization wish to participate in the Informal Resolution process, the student organization spokesperson is responsible for 1. Student organization preparing an initial draft of the Informal Resolution to the appointed Investigator by a deadline determined by the appointed Investigator, which will include proposed sanction(s), corrective actions, and educational enhancement plans for the student organization. The student organization spokesperson is encouraged to consult appropriate University staff in the Center for Campus Life, the appointed Investigator, the Office of Student Conduct sanction grid, the student organization's officers, advisor, Headquarters, sponsoring department or organization, and/or governing council representative to develop an Informal Resolution that is appropriate, effective, and is proportionate to the severity of the incident and the cumulative conduct history of the student organization. Upon timely receipt of the initial draft of the Informal Resolution, the appointed Investigator may assist the student organization spokesperson to further develop the proposed Informal Resolution and submit the proposed Informal Resolution to the appointed Investigator by a deadline determined by the appointed Investigator.

The proposed Informal Resolution is then reviewed by The "Managing Director". If the "Managing Director" determines that the proposed Informal Resolution is appropriate and the student organization spokesperson agrees to all alleged violations of the Code of Student Conduct assigned by the appointed Investigator and all elements of the proposed Informal Resolution, then the appointed Investigator will finalize the Informal Resolution with the student organization spokesperson by a deadline determined by the appointed Investigator. If there is a complainant, the complainant must also agree to all elements of the Informal Resolution.

In the event that the Informal Resolution is deemed unacceptable by the "Managing Director", and/or the student organization spokesperson does not accept responsibility for all violations of the Code of Student Conduct assigned by the appointed Investigator and all elements of the proposed Informal Resolution, then the student organization is not eligible for the Informal Resolution and will proceed to the Pre-Hearing process and a formal Hearing.

~~The investigator would provide an informal resolution in writing to the organization representatives for their consideration. The organization would agree to the outlined findings of responsibility for misconduct and the outlined sanctions, conditions, and restrictions. If there is a complainant, the complainant must also agree to the informal resolution. To participate in the Informal Resolution process, student organizations must accept both the finding and the sanction, condition(s), restriction(s). There is no appeal of signed informal resolutions. Once completed, the informal resolution~~

completes the conduct process for student organizations. The case will only be reopened if new materials, previously unavailable are-is presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student organization and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

~~— Following the effectuation of the Informal Resolution, the student organization spokesperson, in conjunction with organizational officers, may be required to present the outcome of the Informal Resolution to the full student organization by a deadline determined by the appointed Investigator.~~

e. ~~e. 10.~~ Pre-HearingHearing Process

In cases involving an Administrative or ~~Panel~~Panel HearingHearing, the Pre-HearingHearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-HearingHearing Meeting. Should student organizations not participate in the Pre-HearingHearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or ~~Panel~~Panel HearingHearing. During this meeting, student organizations will be given the opportunity to review the ~~Investigation Report~~Investigation Report, relevant evidence, and other documents to be used in the Administrative or ~~Panel~~Panel HearingHearing. Other documents include notification of Respondent's allegations, ~~HearingHearing~~ ~~Panel~~Panel composition, and ~~HearingHearing~~ script. Following the ~~Pre-prehearing~~Hearing, student organizations will be notified, via the notification procedures, outlined in Part I, Section A.3 of a date, time, and location of the ~~HearingHearing~~.

1. ———

2. ——— While students may identify errors in their own statements during the Pre-HearingHearing, they are not able to add additional information to the ~~Investigation~~Investigation

Report unless that information, in the judgment of the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-HearingHearing but before the Administrative or ~~Panel~~Panel HearingHearing, the student should inform the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ immediately. If the new information is pertinent to the consideration of the case, the ~~Student Conduct Investigator~~Investigator ~~Officer/Investigator~~ will determine whether the new information should be included in the ~~Investigation Report~~Investigation Report or

presented verbally during the Administrative or ~~Panel~~ Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or ~~Panel~~ Hearing.

3. The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the ~~investigation report~~ Investigation Report, during the Pre-Hearing, ~~complainant~~ Complainants and ~~respondent~~ Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Student Conduct Investigator/Investigator Officer/Investigator, who will pose the questions and supplement the Investigation Report.

*NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Investigator/Investigator Officer/Investigator may be rejected.*

4. Student organizations may indicate whether an Administrative Hearing or ~~Panel~~ Hearing is preferred. However, the Student Conduct Investigator/Investigator Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or ~~Panel~~ Hearing will be held notwithstanding the student's preference.

5. In cases requiring a ~~Hearing~~ Panel, the Student Conduct Investigator/Investigator Officer/Investigator will share the pool of faculty, staff, and students trained for ~~Hearing~~ Panels. Student organization representatives will be given the opportunity to request to strike any member of the ~~Hearing~~ Panel whose impartiality may be in question. In order to strike a member of the ~~Hearing~~ Panel, the student organization representative must provide the Student Conduct Investigator/Investigator Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the ~~Hearing~~ Panel is set, the Student Conduct Investigator/Investigator Officer/Investigator will schedule the ~~Panel~~ Hearing.

#### **4. 11. Formal Hearings**

a. — Upon completion of the initial inquiry/~~investigation~~ Investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a ~~Panel~~ Hearing and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or ~~Panel~~ Hearing may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative or ~~Panel~~ Hearing, the Student Conduct

~~Investigator~~Investigator~~Officer/Investigator~~ or the ~~Hearing~~Hearing Panel~~Panel~~ may consider the information contained in the ~~Investigation Report~~Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a ~~Hearing~~Hearing Panel~~Panel~~.

b. — ~~Hearing~~Hearings are closed to the public. Complainants and ~~respondent~~Respondents have the right to be present at the formal ~~hearing~~Hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that complaining and responding students are not present in the ~~hearing~~Hearing room at the same time.

e. — Student organizations are typically represented by the ~~current President and an advisor~~student organization spokesperson.

d. — In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.

e.a. Administrative ~~Hearing~~Hearing

An Administrative ~~Hearing~~Hearing is the process of adjudicating allegations of violations of the ~~Code of Student Conduct~~Code of Student Conduct by an Administrative ~~Hearing~~Hearing Officer. The Administrative ~~Hearing~~Hearing Officer in an Administrative ~~Hearing~~Hearing may be the ~~Student Conduct Investigator~~Investigator~~Officer/Investigator~~ that completed the ~~Investigation Report~~Investigation Report, or Administrative ~~Hearing~~Hearing Officer assigned by the "Managing Director". The Administrative ~~Hearing~~Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative ~~Hearing~~Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative ~~Hearing~~Hearing. Decisions made through the Administrative ~~Hearing~~Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part I, Section D.14.

f.b. ~~Panel~~Panel ~~Hearing~~Hearing

For each ~~Panel~~Panel ~~Hearing~~Hearing, a ~~panel~~Panel of three (3) members will be chosen from the available pool by the "Managing Director". The ~~Panel~~Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative ~~Hearing~~Hearing Officer. Availability may determine a different composition for the ~~Panel~~Panel. In cases involving Part I, section B.1 (Academic

Misconduct), the ~~Panel~~Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the “Managing Director” will appoint three Administrative ~~Hearing~~Hearing Officers for the ~~Panel~~Panel.

Administrative ~~Hearing~~Hearing Officers who served as ~~Investigator~~Investigators for the case being heard by a ~~Hearing~~Hearing ~~Panel~~Panel may not serve as either a member of the ~~Panel~~Panel as a voting participant or as the non-voting Resource Person, and will participate only as the ~~Investigator~~Investigator in the ~~Panel~~Panel ~~Hearing~~Hearing.

All ~~Hearing~~Hearing proceedings, excluding the deliberations of the ~~Hearing~~Hearing ~~Panel~~Panel, will be recorded by the University.

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each ~~Panel~~Panel ~~Hearing~~Hearing who facilitates the ~~Hearing~~Hearing. The Resource Person is a non-voting participant in the ~~Hearing~~Hearing and is selected from the pool of Administrative ~~Hearing~~Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the ~~Hearing~~Hearing. The ~~Panel~~Panel Resource Person may:

- Prepare the Administrative ~~Panel~~Panel ~~Hearing~~Hearing materials;
- Record the Administrative ~~Panel~~Panel ~~Hearing~~Hearing proceedings;
- Escort participants into the ~~Hearing~~Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative ~~Panel~~Panel ~~Hearing~~Hearing;
- Ensure the procedural soundness of the Administrative ~~Panel~~Panel ~~Hearing~~Hearing;
- Provide student conduct history of the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative ~~Panel~~Panel ~~Hearing~~Hearing;
- Compile the post-~~Hearing~~Hearing documentation,
- Deliver notification to student parties.

The ~~Student Conduct~~ ~~Investigator~~Investigator ~~Officer~~/Investigator presents the ~~Investigation Report~~Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to add or make additional comments about the facts of the case. The ~~Panel~~Panel may ask questions of the ~~Student Conduct~~ ~~Investigator~~Investigator ~~Officer~~/Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the ~~Student Conduct~~ ~~Investigator~~Investigator ~~Officer~~/Investigator. Should new evidence be presented without prior discussion with the ~~Student Conduct~~

~~Investigator~~Investigator~~Officer/Investigator~~, the ~~Hearing~~Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the ~~Hearing~~Hearing. In the event the Resource Person of the ~~Hearing~~Hearing removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the ~~Hearing~~Hearing, the ~~Hearing~~Hearing ~~Panel~~Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The ~~investigator~~Investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

Should the ~~Hearing~~Hearing ~~Panel~~Panel have any questions for the ~~Student~~Conduct

~~Investigator~~Investigator~~Officer/Investigator~~, the Complainant, and/or the Respondent during deliberations, the ~~Hearing~~Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the ~~Panel~~Panel ~~Hearing~~Hearing will be provided to the student(s) in writing within five (5) University working days of the ~~Panel~~Panel ~~Hearing~~Hearing. Decisions made through the ~~Panel~~Panel ~~Hearing~~Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

c. ~~e. Sanction Only~~ ~~Hearing~~Hearing:

~~————If the student organization accepts responsibility for the allegations issued in the investigation report~~Investigation Report, the student organization may request a Sanction Only ~~Hearing~~Hearing, by either a ~~hearing~~Hearing officer or a ~~hearing~~Hearing panel~~Panel~~. ~~During a Sanction Only~~ ~~Hearing~~Hearing, the ~~investigation report~~Investigation Report and finding are presented to the ~~hearing~~Hearing body by the ~~investigator~~Investigator. ~~During presentation of the investigation report~~Investigation Report and finding, ~~-the respondent~~Respondent and the ~~complainant~~Complainant are not allowed to dispute the facts or details of the case. Both the ~~respondent~~Respondent and the ~~complainant~~Complainant may be present and both the ~~respondent~~Respondent and the ~~complainant~~Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the student organization spokesperson and may be considered by the ~~hearing~~Hearing body. Written notification of the outcome of the Sanction Only ~~Hearing~~Hearing will be provided



to the student organization within five (5) University working days of the conclusion of the Sanction Only HearingHearing. Decisions made through the Sanction Only HearingHearing may be appealed by student organizations by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C.5. In Sanction Only HearingHearings, students may appeal the sanction(s), and can only appeal on the following grounds, “the sanction imposed substantially varies from the range of sanctions normally imposed for similar infractions.”

NOTE: A student organization may only choose a hearingHearing panelPanel for Sanction Only HearingHearings for potentially separable offenses.

## 5. 12. Sanctions

An ~~Student Conduct Investigator~~Investigator~~Officer/Investigator~~, Administrative HearingHearing Officer, or a HearingHearing PanelPanel may impose sanctions as a result of an Informal Resolution, Administrative HearingHearing, or PanelPanel HearingHearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the ~~Student Conduct Investigator~~Investigator~~Officer/Investigator~~, Administrative HearingHearing Officer or the HearingHearing PanelPanel.

The cooperation of an organization during the ~~investigation~~Investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Upon the judgment of the “Managing Director”, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

If a student organization is found responsible for violating the Code of Student Conduct, sanctions may be imposed and can include, but is not limited to the following:

a. **Disciplinary Reprimand**

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good standing.

b. **Disciplinary Probation**

Disciplinary Probation is a period of time during which the organization’s conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements

stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

~~e. Deferred Disciplinary Suspension~~

~~Deferred Disciplinary Suspension is utilized for misconduct that could have resulted in suspension, but the suspension is deferred for a period of observation and review. Deferred suspensions are assigned for no less than one semester. Further instances of misconduct during this time period may result in immediate temporary suspension of organization activities and often result in suspension or expulsion. Deferred suspension often includes multiple conditions and restrictions for the organization to continue recognition with the university.~~

d.c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended, including the privileges and benefits of registration. All organizational activity, whether on or off campus, official or unofficial, must immediately cease until the conclusion of the suspension. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. The suspension will not commence for purposes of calculating the end date of such suspension until all activity of the organization has completely ceased, and such end date will be extended for any time in which such activities resume and/or continue during the suspension. If an inter/national or regional organization suspends the charter of an organization, the time-limited suspension for the student organization will be the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization has failed to satisfy any sanction that was imposed prior to application for registration, the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ may deny registration to the student organization. On a denial of student organization registration, the ~~Student Conduct Investigator~~ ~~Investigator~~ ~~Officer/Investigator~~ or Managing Director of Campus Life will set a date when another application for registration may again be made.

e.d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization.

f.e. Conditions



A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to

- Hosting educational programs or initiatives for the organization or community related to the misconduct
- Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans

g. Restrictions

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to

- Revocation of organization benefits such as eligibility for SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus
- Denial of participation or restrictions associated with participation in ~~university~~University activities as a student organization such as homecoming, intramurals, recruitment activities

h. Required Notifications

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student during the first three weeks of each semester a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three years.

**6. ~~13.~~ Conduct Appeal Procedures**

- a. A student organization may appeal the decision of a formal ~~hearing~~Hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal

~~hearing~~Hearing by submitting a written petition for appeal to the designated appeal officers with five (5) University working days of receiving the written decision.

- b. The Dean of Students, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
- d. The only proper grounds for appeal are as follows
  - Procedural or substantive error that significantly impacted the outcome of the ~~hearing~~Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
  - Discovery of new evidence, unavailable during the original ~~hearing~~Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
  - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for response.
- f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original ~~Hearing~~Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative ~~Hearing~~Hearing Officer or ~~Hearing~~Hearing ~~Panel~~Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
  - Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
  - Remand the case to the original ~~Hearing~~Hearing Body;
  - Remand the case to a new ~~Hearing~~Hearing Body.
- h. The Office of Student Conduct or designee shall make all reasonable efforts to

notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days. If necessary, the Designated Appeal Officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

- i. If the designated appeal officer remands the decision to a new ~~Hearing~~Hearing Body, the decision of that ~~Hearing~~Hearing Body is final and may not be appealed.

#### **7. 14. Student Organization Records**

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via informal resolution, formal ~~hearing~~Hearing, and/or conduct appeal processes.
- b. Student organization records do not impact the content of individual student records for student organization members. Findings of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
- c. Student organization conduct decisions and finding are shared with the student organization's Headquarters, sponsoring department, or organization inter/national or regional headquarters of organizations as appropriate.

## PART II COMMUNITY POLICIES

### SECTION A. ALCOHOL POLICY & INFORMATION

a. Alcoholic Beverage Provisions in the ~~Code of Student Conduct~~ *Code of Student Conduct*

### SECTION B. ACADEMIC INTEGRITY

a. Texas Tech University Statement of Academic Integrity

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers. [[Texas Tech University \("University"\) Quality Enhancement Plan, Academic Integrity Task Force, 2010](#)]

b. Academic Dishonesty Definitions

Students must understand the principles of academic integrity, and abide by them in all class and/or course work at the University. Academic Misconduct violations are outlined Part II, section B.2 of the [Code of Student Conduct](#). If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

c. Instructor ResponsibilitiesResponsibilities

Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the Office of Student Conduct to discuss the nature of the violation and the student's record of academic integrity violations. Instructions for reporting allegations of academic dishonesty are available in the [Code of Student Conduct](#). The instructor should attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to assigning a paper or research project related to academic integrity, make-up assignment that is different

than the original assignment, issue no credit for the original assignment, reduce the grade for the assignment and/or course, issue a failing grade on the assignment, and/or issue a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Office of Student Conduct as a central clearinghouse of violations and for adjudication as a ~~*Code of Student Conduct*~~ *Code of Student Conduct* violation where disciplinary sanctions will be assigned.

**d. Withdrawal and Assignment of Grades**

1. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Associate Vice Provost for Student Affairs for approval to drop the course or withdraw from the University retroactively.
2. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Associate Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Office of the Registrar, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, section C.5 (Disciplinary Appeals Procedures).

**e. Academic and Disciplinary Penalties**

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

**f. Referrals to the Office of Student Conduct**

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Office of Student Conduct for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the *Code of Student Conduct*. A student referred to the Office of Student Conduct for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*. Law students are subject to discipline procedures as described in the [Honor Code of the School of Law](#). Instructors of record of the course where the violation occurred and the associate academic dean of the college where the student is enrolled or of the college

housing the course where the violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Office of Student Conduct as outlined in the *Code of Student Conduct*.

*NOTE: Additional Academic Integrity information is available from the [Office of Student Conduct](#) and [TTU Ethics Center](#)*

## SECTION C. ANTI-DISCRIMINATION POLICY

The university does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the ~~university~~University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases. (<http://www.depts.ttu.edu/opmanual/OP40.02.pdf>)

### 1. Discriminatory Harassment

- a. Discriminatory harassment is verbal or physical conduct that shows hostility toward an individual<sup>[1]</sup> based on or related to<sup>[2]</sup> a student's sex, race, national origin, religion, age, disability, sexual orientation, gender identity, genetic information<sup>[3]</sup>, or other protected categories, classes, or characteristics and that<sup>[4]</sup> is so severe, persistent, or pervasive it adversely affects the victim's education or creates an intimidating, hostile,<sup>[5]</sup> or offensive educational environment; has the purpose or effect of unreasonably interfering with a student's educational performance; adversely affects a student's educational opportunities and is<sup>[6]</sup> sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.<sup>[7]</sup>
- b. Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:
  - Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
  - Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, e-mails, or cartoons<sup>[8]</sup> or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category;
  - Derogatory remarks about a person's national origin, race or other ethnic characteristic;
  - Disparaging or disrespectful comments if such comments are made because of a person's protected status;
  - Loud or angry outbursts or obscenities in the academic environment directed toward another student, faculty, staff, or visitor; or

- Disparate treatment without a legitimate business reason; or
- Other threats, discrimination, hazing, bullying, stalking, or violence based on the referenced above a protected category, class, or characteristic.

## 2. Sexual Harassment

- Unwelcome verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with the student's educational experience. When submission to such conduct is made, either explicitly or implicitly a term or condition of education; submission to or rejection of such conduct is used as a basis for decisions affecting education; or such conduct has the purpose or effect of interfering with the individual's educational performance or of creating an intimidating, hostile educational environment. To constitute an intimidating, hostile, or offensive educational environment, the complained of conduct must be severe, pervasive, or persistent. [9]
- Examples of inappropriate behavior that may constitute unlawful sexual harassment include, but are not limited to:
  - Sexual teasing, jokes, remarks, questions
  - Sexual looks and gestures;
  - Sexual innuendoes or stories;
  - Communicating in a demeaning manner with sexual overtones;
  - Inappropriate comments about dress or physical appearance;
  - Gifts, letters, calls, e-mails, or materials of a sexual nature;
  - Sexually explicit visual material (calendars, posters, cards, software, internet materials);
  - Sexual favoritism;
  - Pressure for dates or sexual favors;
  - Inappropriate discussion of private sexual behavior;
  - Unwelcome physical contact (touching, patting, stroking, rubbing);
  - Non-consensual video or audio-taping of sexual activity;
  - Exposing one's genitals or inducing another to expose their genitals;
  - Sexual assault;
  - Stalking; [10]
  - Non-consensual sexual intercourse or contact [11]
  - Interpersonal or Relationship violence [12]; or violence; or
  - Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.
  - *Note: While not appropriate, not all rude or offensive comments or conduct constitute sexual harassment or unlawful discrimination.*

## 4. Reporting Concerns

Students wishing to report an incident of discrimination or harassment, including gender-based discrimination, sexual harassment, or sexual assault, should contact the Deputy Title IX Coordinator for Students. Additional reporting information can be found at



[titleix.ttu.edu/students](http://titleix.ttu.edu/students). Students reporting discrimination or harassment in their employment capacity should contact the Office of Equal Employment Opportunity. An online reporting form is also available:

[https://www.depts.ttu.edu/titleix/students/Report\\_an\\_Incident.php](https://www.depts.ttu.edu/titleix/students/Report_an_Incident.php)

## **5. Office of Civil Rights Complaints**

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

## **6. ~~Non-[13]~~Retaliation**

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment ~~assists someone in reporting a complaint or participated in any manner in an investigation~~ ~~Investigation~~ [14] in good faith, ~~opposes a charge or testifies, or assists or participates in an investigative proceeding or Hearing~~ ~~Hearing~~. Retaliatory harassments is ~~an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a grievance process.~~ Retaliation is defined as any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity. [15]

## **7. Confidentiality**

Confidentiality of involved parties ~~both Complainant and accused Respondent~~ [16][17] will be honored to ~~such~~ [18] the extent ~~as is~~ [19] possible without compromising the University's commitment to investigate allegations of discrimination or violations of the law, to protect the ~~university~~ ~~University~~ community, and to the extent allowed by law. [20] ~~and harassment and only in instances where there is no credible threat to the safety of the Complainant, Respondent, or others.~~ The willful and unnecessary disclosure of confidential information by ~~involved parties anyone, including the alleged victim,~~ [21] may affect the integrity of the ~~investigation~~ ~~Investigation~~ and may result in appropriate disciplinary measures against the offending party. regarding discrimination and harassment complaints to any person outside of the ~~investigation~~ ~~Investigation~~ process may result in appropriate disciplinary measures against the offending party. [22]

## **8. Faculty/Staff and Student Relationships**

Texas Tech University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should



recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, Provost's Office or the Dean of Students.

### **9. Grievance or Complaint Processes**

A grievance is a formal complaint pertaining to adverse actions taken on the basis of a student's protected status or other violation of law or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. For additional information regarding the complaint process, see TTU Operating Policies 40.02 and 40.03.

### **10. Grievances Complaint[23] and Investigation Investigations Process[24] – Complaints Involving Other Students against an employee[25]**

~~Grievances and investigation Investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTU policy are guided by TTU Operating Policies 40.02 and 40.03. A student who has a complaint of discrimination or harassment by an employee, should follow the procedures set forth in TTU Operating Policies 40.02 and 40.03. [26][27]~~

### **10. Grievances or Complaints and Investigation Investigations – Complaints Involving Employees, Whether Faculty, Staff, or Students**

- a. This grievance or complaint[28] process is applicable to all students who choose to complain about unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is an employee, whether faculty, staff, or student.
- b. All grievance or complaint[29] investigation Investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
- c. The filing of a grievance or complaint[30] shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance.
- d. A student may consult with the Office of the Dean of Students to determine if he/she wishes to file a formal grievance or complaint[31]. Students wishing to file a grievance or grievance or complaint[32] should complete the grievance or complaint[33] form located at [www.deanofstudents.ttu.edu](http://www.deanofstudents.ttu.edu). However, even if a formal grievance or complaint[34] is not filed, the Dean may notify key personnel at their discretion about the allegation, and other action may be taken by TTU as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing the responding party alleged offenders[35] of TTU's policy and educating departments and supervisors as needed on this and other policies.
- e. If the grievance or complaint[36] involves the Dean of Students, the grievance or

- complaint[37] should be presented to the Equal Employment Opportunity Office.
- f. Student grievances or complaints of discrimination or harassment by an employee will be investigated jointly by the Office of the Dean of Students and the Office of Equal Employment Opportunity.
  - g. The ~~investigation~~Investigation may consist of the review of the grievance ~~or complaint~~[38] and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the ~~investigation~~Investigation and its procedures will be determined by and at the discretion of the Dean of Students or the Office of Equal Employment Opportunity. Any findings in the ~~investigation~~Investigation will be based upon a preponderance of the evidence. ~~Other administrators may be consulted to assist with the investigation~~Investigation. [39]
  - h. After the ~~investigation~~Investigation is complete, the Office of the Dean of Students or the Office of Equal Employment Opportunity or designee will provide a written determination to the student who has filed the grievance ~~or complaint~~[40], the responding party ~~accused parties~~[41], and the appropriate administrators.
  - i. The finding of the Office of the Dean of Students or the Office of Equal Employment Opportunity is final and not appealable.
  - j. In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
  - k. If either party disagrees with the imposed disciplinary action, or lack thereof, he or she may appeal within the time period and ~~10 business days~~ through procedures established in OP 32.05 for faculty and OP 70.10 for staff.
  - l. Any disciplinary action taken in connection with a grievance ~~or complaint~~[42] filed pursuant to this policy shall be reported in writing to the Office of the Dean of Students and the Office of Equal Employment Opportunity at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.
  - m. At the conclusion of the ~~investigation~~Investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of Equal Employment Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a ~~grievance or complaint~~[43] has taken place, the student should contact the Dean of Students or the Office of Equal Employment Opportunity, and/or file a ~~grievance or complaint~~[44] ~~complaint~~ for retaliation.
  - n. In the event of a finding of a violation of this policy, the Office of Equal Employment Opportunity will follow up with the ~~grievant~~ reporting party within 60 days to ensure that the complained of behavior has ceased.

## **SECTION D. CLASS ABSENCES**

### **1. Class Absences**

Responsibility for class attendance rests with the student. Regular and punctual attendance at all scheduled classes is expected, and the University reserves the right to deal at any time with individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean. Texas Tech University Operating Policy 34.04 provides complete information regarding class attendance and reporting student illness and emergencies.

### **2. Religious Holy Day Absences**

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in Texas Tech University Operating Policy 34.19.

### **3. Student Absence due to Sponsorship of Student Activities and Off-Campus Trips**

- a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
- b. According to Texas Tech University Operating Policy 34.06, students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

## **SECTION E: COMPLAINT PROCESSES**

### **1. Complaints/Grievances**

Texas Tech University has various procedures for addressing written student complaints/grievances. Students may seek assistance from the Office of the Dean of Students as they go through a written complaint/grievance process. The Office of the Dean of Students helps students understand all of the steps of the process as well as what information they may want to include in their written complaint/grievance.

### **2. Academic Status Complaints**

- a. Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in Operating Policy 34.07 Undergraduate Academic Status, Operating Policy 34.15 Grade Replacement Policy, and Operating Policy 64.04 Academic Probation and Suspension of Graduate Students. [45]

### **3. Complaints Against Faculty (Non-Grading and Non-Discrimination)**

Conduct of University Faculty is outlined in Operating Policy 32.04 Conduct of

University Faculty. The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the department chair.

#### **4. Conduct Complaints Against Other Students and Student**

**Organizations** The ~~Code of Student Conduct~~ *Code of Student Conduct* Part I, Section C and Section D of the TTU Student Handbook outlines the process for filing a conduct complaint against a student or student organization.

#### **~~5. Discriminatory and/or Sexual Harassment~~**

- a. ~~Texas Tech University has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination.~~[46]

#### **6. Disability-Related Complaints**

- a. Complaints related to disabilities are guided by Operating Policy 10.08 Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) and Operating Policy 34.22 Establishing Reasonable Accommodation for Students with Disabilities.
- b. Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by a Student Disability Services counselor may appeal the decision to the Managing Director of Student Disability Services. The ADA Campus Coordinator for Students is the Managing Director of Student Disability Services, 335 West Hall, (806) 742-2405.

#### **7. Student Record Complaints & FERPA**

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the Student Handbook Part II, section O. The Registrar's Office provides oversight for student records and student record complaints.

#### **8. Disciplinary Action**

The University disciplinary appeals process is outlined in the Student Handbook Part I, section D. Conduct Procedures relating to the School of Law are contained in the Honor Code of the School of Law. Procedures relating to the School of Medicine, School of Nursing and the School of Allied Health are contained in the School of Medicine Student Handbooks, School of Nursing Student Handbook, and the School of Allied Health Student Handbooks.

## **9. Employment**

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with their immediate supervisor or the person in charge of that department may contact Human Resources or the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the University Operating Policy 70.10 Non-Faculty Employee Complaint Procedures and Operating Policy 40.03 (formerly 70.28) Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws.

## **10. Grades**

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. The complete student grade appeal policy and procedure is listed in Operating Policy 34.03 Student Grade Appeal. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Office of the Provost. Also, refer to the Student Handbook Part I, section B.1 (Academic Misconduct).

## **11. Parking Citations**

Students may appeal a campus parking citation online at [www.parking.ttu.edu](http://www.parking.ttu.edu). Transportation & Parking Services rules and a description of the three-tiered appeals process is described in the *Traffic and Parking Regulations* available online at <http://www.parking.ttu.edu/resources/pdf/rulesregulations.pdf>

## **12. Graduate School Requirements**

- a. Graduate student complaints related to academic standing and performance follow processes outlined in Operating Policy 64.07 Graduate Student Appeals. Such matters include, but are not limited to, disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.
- b. Appeals of course grades are made through the dean of the college in which the course is offered and are guided by process in Operating Policy 34.03 Student Grade Appeal.

## **13. Housing Complaints**

Housing regulations and processes are provided annually in the University Student Housing Contract Guide, on the University Student Housing website. University Student Housing oversees the resolution of complaints related to student housing.

## **14. Online and Distance Student Complaints**

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for

filing with the accrediting agency and other appropriate state agencies at <http://www.depts.ttu.edu/elearning/complaint-process/>.

### **15. Tuition, Fee, and Financial Aid Complaints**

Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

- 16.** Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at <http://www.depts.ttu.edu/elearning/complaint-process/>.

## **SECTION F. FINANCIAL RESPONSIBILITY**

### **1. Financial Responsibility of Students**

- a. Students must meet all financial ~~responsibilities~~ **Responsibilities** due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing and cashing privileges, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, but the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.
- b. Generally, failure to meet financial obligations to the University may result in:
  - Cancellation of the student's registration.
  - Possible criminal prosecution for writing insufficient fund checks.
  - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
  - A hold preventing future registration placed on a student's academic records.
  - A hold on receiving official University transcripts until the obligation is paid.
  - The University may report individual student financial problems to a credit agency or a collection agent. Before registering or requesting a

transcript, students may check on the presence of holds by accessing their records at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) under the TTU MyTech (for Students) tab.

- c. For more information, please visit the Student Business Services website at [www.sbs.ttu.edu](http://www.sbs.ttu.edu).

## **SECTION G. FREEDOM OF EXPRESSION**

### **1. Freedom of Expression**

- a. Information related to freedom of expression policy is available in Part II, Section P Use of University Space.

## **SECTION H. GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, DISCRIMINATION, AND TITLE IX**

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and Title IX can be found at [titleix.ttu.edu](http://titleix.ttu.edu). Further information and definitions may be found here: [https://www.depts.ttu.edu/titleix/students/Gender-Based-Harassment\\_Sexual-Misconduct\\_Discrimination\\_and-Title-IX.pdf](https://www.depts.ttu.edu/titleix/students/Gender-Based-Harassment_Sexual-Misconduct_Discrimination_and-Title-IX.pdf).



## **SECTION I: HOUSING REQUIREMENTS**

### **1. Housing Information**

- a. Ethernet computer connections are provided in each room. All halls will have WiFi throughout the building. Other services include basic cable television service with Showtime, limitless laundry rooms, and in hall 24hour professional office.
- b. An experienced and trained staff of Residence Life Coordinators and Community Advisors manages each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.
- c. The interests of students living on campus are promoted through the Residence Halls Association and individual hall governments. Each hall government sponsors social, cultural, educational, and recreational activities.
- d. Complete information regarding campus housing can be found at [housing.ttu.edu](http://housing.ttu.edu). Information regarding residence hall policies can be found at [housing.ttu.edu/hallpolicies](http://housing.ttu.edu/hallpolicies).

### **2. Housing Policy**

- a. In support of the Strategic Plan of Texas Tech University, the University requires enrolled first year students to live in the University residence halls. Institutional research suggests that students who live on campus are significantly more inclined to remain in college and achieve higher GPAs in comparison to students living off campus. Compliance with the University housing policy is a condition of enrollment, as set forth in the Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents.

### **3. Housing Requirement**

- a. Subject to verification and authorization by University Student Housing, students who meet one or more of the following criteria may be given permission to live off campus prior to moving in:
  1. —A student is residing and continues to reside in the established primary residence of her/his parents (or legal guardian) if it is within a 60-mile radius of Texas Tech University. The parents must have established their primary Lubbock residency at least six months prior to the request for an exemption. Legal guardianship must have been established by a court of law at least one year prior to the request.
  2. A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.
  3. A student is married or has dependent children living with the student.
  4. A student is 21 years of age or over on or before the first day of classes of



the initial semester of enrollment.

5. A transfer student has successfully completed 30 or more semester hours of academic credit prior to the student's enrollment or re-enrollment. Credit earned by exam (Advanced Placement, CLEP, ACT, and SAT) and hours received from concurrent high school credit are not considered.
  6. A student is awarded a ~~university~~University scholarship/sponsorship that is managed by a ~~university~~University department or college, which minimally includes the equivalence of the current academic school year's room, dining plan, tuition, fees, and textbooks (as estimated by the Student Financial Aid Office). Upon prior approval from the managing department or college, the student may request to be exempt from living on campus. The managing department or college must provide verification in writing to ~~University~~University Student Housing prior to the student's enrollment and/or re-enrollment to the ~~university~~University.
  7. A student is enrolled in the Graduate School or Law School.
  8. A student has served in active military service, as verified by a discharge certificate (DD214).
  9. A student presents sufficient evidence of an extreme medical condition, as documented by his/her treating physician for which on-campus accommodations cannot be made.
  10. A student presents sufficient and satisfactory evidence of extreme or unusual hardship that will be intensified by living in the residence halls.
  11. A student has completed a full academic year (fall and spring terms) of living on campus in the Texas Tech University residence halls; or provides sufficient evidence of living on campus at another ~~university~~University prior to off campus residence eligibility.
  12. A student is enrolled in on-line classes only.
  13. A student is taking less than six hours during the academic year.
  14. A student enrolled for a Texas Tech University or Texas Tech University Health Sciences Center at a campus other than the Lubbock campus.
- b. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and dining plan fees, or probation, as determined by the Office of Student Conduct and in accordance with the ~~Code of Student Conduct~~ Code of Student Conduct of Texas Tech University.
- c. Students sign a University Student Housing and Hospitality Services Contract -for the summer session or the academic year (fall and spring semesters). Any student wishing to move from the residence halls should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract.

1. Signing a lease for off-campus housing does not relieve the student of contractual obligations that may have been assumed with the ~~university~~University for housing in the residence halls. It is responsibility of the student to comply with all provisions of the contract.
2. It is the responsibility of the student to update any incorrect information, regarding place of residence with the Office of the Registrar.
3. No exemptions will be approved once the student has moved into the residence halls.

#### **4. Room and Dining Plan Fees and Advance Payments**

- a. Room and dining plan fees are due and payable by the semester and will be billed by Student Business Services.
- b. Payment Plans are available. A payment plan is available. Payments must be made by the scheduled due dates to avoid delays in registration or termination of the University Student Housing and Hospitality Services Contract. Additional remedies available to the ~~university~~University for non-payment of room and dining plan fees include withholding the student's transcript of grades, diploma, other academic records, and cancellation of enrollment.
- c. Students with academic year contracts are charged 60 percent of the academic year room and dining plan rate for the fall semester and 40 percent for spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50 percent of the academic year rate.
- d. An Initial Deposit must be paid prior to reserving a room/space in the residence halls. These fees are applied to the student's billing account at the end of the contract term provided the contract is not cancelled prior to the end date of the contract term.
- e. An Additional ~~Deposit must~~Deposit must be paid prior to reserving a room/space in suite and apartment style residence halls. These fees are applied to the student's billing account at the end of the contract term provided the contract is not cancelled prior to the end date of the contract term.

### **SECTION J. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS**

#### **1. General Policy**

- a. The primary mission of the University is education. The University is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Therefore, solicitations or advertisements and sales, displays or distribution of publications on the campus are not permitted, except as provided below or as provided by law.

## **2. Definitions**

- a. Solicitation includes, but is not limited to requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar materials to promote sales.
- b. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
- c. Printed materials are publications, handbills, posters, leaflets and other written matter intended for public distribution, sale or display on campus.

## **3. University Name, Document and Records**

- a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in Operating Policy 01.06 Use of Texas Tech University Name or Logo for Private Business Purposes, Operating Policy 72.23 Licensing and Use of TTU Registered Names, Logos, and Trademarks, and Operating Policy 68.03 Visual Identity Guidelines.

## **4. Jurisdiction**

- a. All solicitation requests should be directed to the Outdoor Events Coordinating Committee for review. Complete the Grounds Use/Solicitation Request form at [www.depts.ttu.edu/centerforcampuslife/](http://www.depts.ttu.edu/centerforcampuslife/) and return to the Center for Campus Life. Requests must be submitted at least six (6) University working days before intended use.
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Managing Director of the Center for Campus Life.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Senior Vice President of Administration and Finance.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Senior Vice President of Academic Affairs.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice Chancellor of Institutional Advancement and in accordance with OP 02.02.

## **5. Solicitation Processes**

- a. Solicitations by registered student organizations and students are prohibited on Texas Tech University grounds and facilities except for:
  - Activities supporting the educational mission of the institution;
  - Promotion of organizational activities consistent with organization

- mission;
  - Recruitment of members or membership drives;
  - Accepting donations on behalf of altruistic or charitable projects;
  - Scholarship and/or fundraising projects in support of organization mission.
  - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Texas Tech University or violates any federal, state and/or local laws and/or University policies.
  - c. In order to solicit in University buildings, authorization is required via the Outdoor Events Coordinating Committee and appropriate building manager.
  - d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Texas Tech University registered names, logos and trademarks, refer to OP 54.03 or contact the Office of Intercollegiate Athletics External Operations.
  - e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a Grounds Use/Solicitation request form to the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. A permit to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
  - f. Decisions by the Outdoor Events Coordinating Committee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Director of the Center for Campus Life.
  - g. A written appeal describing the objections to the denial to the Director of the Center for Campus Life must be filed no later than five (5) University working days after receipt of notice of denial from the Outdoor Events Coordinating Committee.
  - h. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within five (5) University working days from the receipt of the written appeal.
  - i. The student or registered student organization may not appeal beyond the Director of the Center for Campus Life.

## **6. Advertisements**

- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific

registered student organization functions. This implies sponsorship and/or co-sponsorship, which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the Texas Tech Police and will be subject to appropriate legal action.
- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Outdoor Events Coordinating Committee.

### **7. Printed Materials & Digital Signage**

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets or any other type of printed materials, except as provided by law
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request;
- c. Solicitation and Advertising materials must conform with the provisions stated above;
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association;
- e. Use of the Texas Tech campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party;
- f. Printed materials may not be placed on vehicles parked in University parking lots or on vehicles in motion without permission of the vehicle owners;
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings;
- h. Printed materials and digital signage content shall not violate any local, state, or federal law; Printed materials shall not include the use of obscenities, libelous statements, or “fighting words” as defined by law.
- i. Registered student organizations and University departments are allowed to hang banners within the Student Union at the discretion of the Director of the Center for Campus Life. A list of requirements regarding the banners is available in the Center for Campus Life.

## **8. Use of Bulletin Boards & Digital Signage**

- a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University announcement bulletin boards and approved digital signs may be used only by students, registered student organizations, and University departments. Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Center for Campus Life.
- b. Posters, signs and announcements shall not exceed a maximum size of 18" x 24", digital signage requirements will differ per location and are available via the coordinator of that signage;
- c. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs;
- d. Posters, signs, and announcements shall not promote unauthorized sponsorship by Texas Tech University;
- e. Posters, signs, and announcements shall not violate any local, state or federal law;
- f. Bulletin boards belonging to academic and administrative Departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department; and
- g. Posters, announcements, banners, cards or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.

## **9. Violations**

A student or registered student organization violating regulations governing solicitations, advertising, and printed materials is subject to the disciplinary sanctions outlined in the *Code of Student Conduct*.

## **SECTION K. STUDENT IDENTIFICATION**

### **1. Student Identification**

- a. The student identification card is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their student identification in any way.
- d. On request, students must present their student identification to any member of the University faculty, staff, administration or police.
- e. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

## SECTION L. STUDENT INVOLVEMENT & REPRESENTATION

### 1. Student Government Association

The Student Government Association (SGA) is the official organization representing student interests and voicing concerns to administration. SGA provides programs and activities directed to enhance and develop premier leadership and career success through education.

### 2. Student Media

Texas Tech University recognizes the editorial independence and press freedom of all student-edited campus media, specifically *The Daily Toreador* student newspaper and *La Ventana* yearbook. Student editors have the authority to make all content decisions; consequently, they bear the responsibility for the decisions they make. Student media should be operated and published within the canons of responsible journalism and policies as established by the University Student Media Committee and the Department of Student Media. See TTU Operating Police 30.27.

### 3. Military & Veterans Programs

Military & Veterans Programs (MVP) is here to assist veterans and their families in achieving academic and personal success. The department serves as a resource to connect veterans and their family members to the University and surrounding community. MVP oversees the certification of Veterans Educational Benefits such as:

- a. The exemption for Texas Veterans under the Hazelwood Act which provides an education benefit to honorably discharged or separated Texas veterans and to eligible dependent children and spouses of Texas veterans.
- b. The educational programs such as the various educational benefits offered through the Department of Veteran Affairs.

## SECTION M. STUDENT ORGANIZATIONS

### 1. Registered Student Organizations

- a. Texas Tech University defines a student organization as a group consisting of 5 or more students (president, treasurer, and a minimum of three members) joining together for a common mission, cause, and/or any other association. Only currently enrolled students are eligible to be part of student organizations at TTU. TTU registers student organizations annually through the Center for Campus Life. Registered student organizations are bound by the expectations set forth by the Center for Campus Life and receive all rights and ~~responsibilities~~Responsibilities outlined by TTU. Student organizations that are unregistered may not access University resources however, unregistered student organizations shall be subject to the TTU Code of Student Conduct.[47][48]
- b. Generally, student groups broadly fall under one of the following categories:

Advocacy/Lobby, Campus Departmental Support, Cultural/International, Fraternity/Sorority, Graduate, Hobby/Leisure/Recreation, Honor, Law, Professional-Agricultural Sciences and Natural Resources, Professional-Architecture, Professional-Arts and Sciences, Professional-Business, Professional-Education, Professional-Engineering, Professional-Human Sciences, Professional-Media and Communications, Professional-Visual and Performing Arts, Religious, Residential, Service, and Sports Clubs.

- c. All student organization registration is administered by the Center for Campus Life.

- d. Must be in compliance with Texas Education Code, Section 51.9361, Risk Management Programs for Members and Advisors of Student Organizations.[49]  
*Note: See Texas Education Code, Sections 37, 151-37, 155 and Section 51.936 as delivered by the Office of Campus Life annually.*

## **2. Sport Clubs**

- a. Recreational Sports is responsible for the oversight of the Texas Tech Sports Clubs Program. This program exists to promote and develop interest in sports. Sport club members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.
- b. A group seeking sports club status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Center for Campus Life for at least an academic year before full consideration for Sport Club status.
- c. Following the organization registration process, a group should request a meeting with Recreational Sports to initiate the application process for sports club affiliation. After obtaining Sport Clubs status, groups must also comply with the guidelines of Recreational Sports.

## **3. Social Fraternities/Sororities**

- a. The Center for Campus Life is responsible for the oversight of Texas Tech Social Fraternities and Sororities. A group seeking single-sex social fraternity or sorority status must first be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and Panhellenic Council.
- b. All student organizations registering as a single-sex social fraternity or social sorority must show proof of their Title IX exemption by attaching to their registration application a letter from their national affiliate with their IRS 501(c) 7 number.

## **4. Conditions for Registration of New and Reforming Student Organizations**

- a. A student organization is eligible for registration if it does not deny membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that: a registered student organization created primarily for



religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.

- b. Faculty and staff may hold associate memberships to the extent allowed by the student organization's constitution.
- c. The organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Campus Life.
- d. All funds allocated to a registered student organization from University-controlled sources must be maintained in a University account. Additional resources acquired by fundraising may be kept in an off-campus organizational account.
- e. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Campus Life is available to assist in organizational development.
- f. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/ associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Texas Tech University.
- g. Registered student organizations shall not use the name, logo or symbols of the University in print, online, and on social media as part of its name or in its publications. In addition, the organization shall not advertise or promote functions or activities in a manner that suggest sponsorship by the University. Registered student organizations are permitted to use the word "Tech" as a part of their names or to use the complete statement "a registered student organization at Texas Tech University." Approval of the use of logos or symbols protected by Texas Tech University is under the discretion of the Athletic Department External Operations, Texas Tech University.
- h. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials in the Center for Campus Life. Any student organization wishing to solicit on campus must follow the policies and procedures listed in the current Student Handbook.
- i. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
- j. Must comply with University rules, standards, and policies.
- k. Student organization registration does not imply University approval of either the organization or its functions or activities.

#### **5. Registration of New and Re-Registering Student Organization**

- a. A student may submit the "intent to form" request, a new student organization application on OrgSync. The student is then required to meet with the Student

Organization Staff to discuss the registration process. After the form has been submitted and the student has met with the Student Organization Staff the non-registered group will be placed on a 30 day temporary status, which will allow the group the privileges of the University facilities and publicity venues common to registered student organizations. The 30-day time period should be used to recruit new members, develop a constitution and by-laws and obtain a permanent full-time faculty/staff advisor. A student organization may choose to register within the 30-day time period if they have met all of the requirements to register.

- b. Before the “intent to form” expiration deadline, students still interested in permanent status should complete the on-line registration process, and schedule an additional meeting with the Student Organization Staff, if necessary to discuss finalizing their status as a registered student organization. Extensions of the “intent” status are possible under extenuating circumstances and requests should be addressed to the Student Organization Staff. Although re-registration of current groups occurs during the spring, this does not mean that new or reforming groups have to wait until the spring to complete the process.
- c. New and/or re-registering student organizations that desire the benefits of a registered student organization should attend request an appointment with the Student Organization staff to discuss the policy regulating the registration of student organizations.
- d. After attending the meeting or individual appointment and reviewing the policy regulating student organization registration, students who are still interested in re-registering or forming an organization and are in a position to meet the requirements of registered student organizations, must complete the online registration process.
- e. Registration occurs by going to the Student Organization website at <http://ttu.orgsync.com> and logging in to OrgSync. Students are guided through completing the registration process online. Students will be prompted to create an individual profile if they have not already created one.
- f. To validate the online process, student organizations must provide:
  - List of Officers (must include president and treasurer).
  - List a member of the organization as the Student Organization Representative Council (SORC) representative (either an officer or a general member may be listed) or an Organization representative (for fraternities, sororities, and sport clubs).
  - List of membership, must have a minimum of two members in addition to a president, treasurer and SORC/Organization Representative (total minimum organization size of five).
  - List an on-campus address, also known as a Mail Stop or box number.
  - Submit updated copy of constitution and/or by-laws and constitution and/or by-laws of any other local, state or national affiliate organization (if applicable). An organization’s constitution and/or by-laws should

address a minimum of these areas: purpose, membership selection and removal, officer titles, duties, election and removal, departmental and/or external relationships, financial procedures, procedures for decision making, advisor selection and expectations, and parliamentary authority. It is recommended to include the organization's risk management policy into the bylaws or upload it to the organization OrgSync files folder.

- New student organizations registering as a single-sex, social fraternity or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must attach a letter from their national affiliate with their IRS 501(c) 7 (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify eligibility for single-sex exemption.
  - Provide the title, campus address, telephone number and e-mail address of a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member indicating their willingness to serve as the organization's advisor.
  - President, Treasurer, SORC or Organization representative, advisor(s) and two (2) members must sign a "University Policy Agreement" (found within registration in OrgSync and in the OrgSync "files" folder) stating they intend to comply with all University standards, rules and/or policies as well as all federal, state, and/or local laws.
  - Submit the signed University Policy Agreement page(s) to complete the registration process. These form(s) should be scanned and uploaded into the OrgSync registration application.
- g. The registration process must be completed annually for student organizations and sport clubs to maintain registration status. Registration will open up in mid-spring and will need to be completed by the first day of the fall semester. The registration process for fraternities and sororities will take place twice a year needing to be completed by the first day of the fall and spring semesters.

## **6. Benefits of Registered Student Organizations**

- a. Benefits include: free space reservations in the Student Union, opportunity to reserve rooms in academic space (i.e. classrooms), free mailbox in the Student Union, organization information published online, posting on campus, use of University logo (with permission of Athletics Department External Operations), leadership training, student org resources, and access to Involvement Center, opportunity for free cubicle space through Student Union Main Office, and free webpage via OrgSync.
- b. Registered student organizations may apply for funding through the Student Government Association (SGA) each year provided they are registered as a student organization with the Center for Campus Life and have completed the annual risk management requirement prior to the application deadline for reviewing registered student organization funding and meet other eligibility

requirements.

c. Sport Clubs

Sport clubs are entitled to all of the benefits of a registered student organization. In addition, each club receives administrative and financial support from Recreational Sports. However, since the Sport Club program receives its funding from the Student Recreation Fee, organizations that affiliate with Recreational Sports are not eligible for SGA funding.

**7. Faculty or Staff Advisor**

- a. Each registered student organization shall have a full-time University faculty or staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to facilitate incorporating the advisor into the organization's program planning and decision-making. The advisor should certify the organization's expenditures by co-signing all checks or vouchers. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and by-laws.
- b. Registered student organizations may have additional advisors, i.e. coaches (typical of sports clubs) or alumni advisors, to the extent permitted by their constitution and/or by-laws; however, one advisor must be a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member as required and identified in the registration packet.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Texas Tech employee should also be included when filling out the registration application, complete with names, addresses, telephone numbers and emails.
- d. Registered student organizations have ten (10) University working days to update their Org Profile at <http://ttu.orgsync.com> with the name, address, telephone number and email of any new or replacement full-time University faculty or staff member appointed as their advisor. Failure to do so may result in suspended privileges.
- e. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
- f. Established full-time University faculty or staff members, who reduce employment hours below full-time status and maintain an office on-campus, may continue to function as the "Primary" advisor of a student organization with the approval of the Center for Campus Life.
- g. Student organization advisors should complete advisor risk management training set by the Student Organization Staff.

**8. Prerequisites for Maintaining Registration**

To maintain its active registration status throughout the academic year, a registered student organization must meet the following criteria:

- a. Organizations must update the "Org Profile" on OrgSync at <http://ttu.orgsync.com>

within ten (10) University working days of any of the following:

- b. Election of or change in officers and/or SORC/Organization representatives;
  - c. Change of full-time faculty or staff advisor;
  - d. Changes in organization documents (i.e. constitution, membership requirements);
  - e. Conduct its affairs in a lawful manner as a collaborative entity, in accordance with the constitution and by-laws it has on file, and applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.
  - f. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Student Organization Staff or designee.
  - g. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations and standards of the University.
  - h. In accordance with Texas Education Code, Section 51.9361, all registered student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities. Social fraternities and sororities are required to attend the Clay R. Warren Risk Education Programming annually. The Student Organization Staff and/or other designated departments may require other student organizations to attend the Clay Warren Risk Education Programming in order to fulfill this requirement. Student organizations not required to attend will participate in an alternative risk management training opportunity identified by the Student Organization Staff.
  - i. Student organizations will be assigned a tier group based on the questions they answer in their student organization registration regarding risk.
  - j. The Student Organization Staff will determine any additional risk management training requirements for student organizations.
- a. Student Organizations are expected to send at least their president to the Student Org Academy each spring to receive needed training to prepare them for next academic school year.
  - b. Center for Campus Life and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the Student Handbook, Part I, Section D

## **9. Conduct Procedures for Student Organizations**

- a. All student organizations, registered and operating as a registered organization are held accountable for the ~~Code of Student Conduct~~ *Code of Student Conduct* to include but not limited to academic integrity, sexual misconduct, hazing, and federal/state/local laws (a lack of conviction in any criminal proceeding of members of the organization or the student organization does not preclude the University from proceeding with TTU conduct processes). The student organization conduct process is outlined in Part I Code of

Student Conduct, Section D, including processes for the interim suspension and denial of registration for student organizations. [50][51]

## **SECTION N. STUDENT RIGHT TO KNOW**

In compliance with federal guidelines, Texas Tech University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at <http://www.depts.ttu.edu/studentconduct/right-to-know.php>.

## SECTION O. STUDENT RECORDS

### **1. General Policy**

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University.

### **2. Address of Record**

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) via the MyTech (for Students) tab.

### **3. Student Access to Educational Records**

- a. All current and former students of the University have the right to access their educational records as provided by law.
- b. Upon written requests, students may obtain copies of their educational records at their expense. [52]
- c. The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- d. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards. A student seeking employment through the University Career Center[53] may sign a waiver.
- e. Directory information may be disclosed without the student's permission, unless the student has requested confidentiality See [http://www.depts.ttu.edu/registrar/Academic\\_Information.php](http://www.depts.ttu.edu/registrar/Academic_Information.php) for more information.
- f. Non-directory information such as personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student. [54]

### **4. Records Not Accessible to Students**

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of

observation and notes for recollection purposes).

- b. Employment records of a University employee who is not a student.
- c. Medical records are maintained for students visiting Student Health Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Medical records are kept on file indefinitely at the Student Wellness Center at the corner of Main and Flint, Lubbock, Texas 79430. Students needing to request a copy of their medical records may contact Student Health Services at (806) 743-2848[55]. While not considered “education” records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statute still allows the patient, in most instances, access to his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental or emotional health of the patient.
- d. Medical and/or psychological information submitted to Student Disability Services for the purpose of determining eligibility and services are not releasable. Students may obtain the original information from the sources.

#### **5. Authorized Non-student Access to Student Records**

Educational records, including non-directory information and personally identifiable information within a record, may be released without the written consent of the student to:[56]

- a. Officials, faculty and staff employed by the University if they have a legitimate educational interest.
- b. Officials of other educational institutions in which the student intends to enroll or seeks to enroll so long as the disclosure is for purposes related to the student’s enrollment or transfer. [57]
- c. Authorized representatives of federal, state or local educational authorities[58].
- d. Individuals needing this information in connection with a student application for, or receipt of, financial aid.
- e. Organizations such as Educational Testing Service administering predictive tests, student aid programs and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements. [59]
- f. Accrediting organizations.
- g. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be ascertained by the Office of the Registrar.
- h. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.



- i. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena. [60]

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the Student Handbook, Part VI, section A.7. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

- a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
- b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student and the author (if appropriate) of the material.
- c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal HearingHearing will be conducted under the following procedures:
  - The HearingHearing will be conducted within seven University working days following the request for the HearingHearing.
  - The HearingHearing will be conducted by an institutional official or other party who does not have direct interest in the outcome of the HearingHearing appointed by the Associate Vice Provost for Student Affairs.
  - The student may present evidence relevant to the content of the educational records to demonstrate how they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The HearingHearing also provides an opportunity for correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained in the records and for insertion into the records a written explanation by the student requesting the content of the challenged records.
  - A written decision must be delivered in writing to all interested parties within seven University working days after the conclusion of the HearingHearing.

## **7. Release of Student Directory Information**

- a. Directory information of students who have not elected to restrict their directory information may be released to third parties upon request. [61]
  - Student Name
  - Permanent and Local Addresses
  - Place of Birth
  - Classification

- Major Field of Study
  - Dates of Attendance
  - Degrees, Awards, and Honors Received
  - Specific Enrollment Status
  - Full-time, Part-time, Half-time
  - Undergraduate, Graduate, Law
  - Participation in Officially Recognized Sports and Activities
  - Height/weight of members of Athletic Teams
  - Previous Institution(s) Attended
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in West Hall, room 103, or by restricting personal directory information at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) under the MyTech (for Students) tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.
- c. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.021, Government Code.[62]

## **8. Destruction of Records**

The University constantly reviews the “educational records” it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student’s basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Office of Student Conduct. Student Disability Services records are maintained for three years after the last date of enrollment. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely.

## **9. Letters of Recommendation**

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- b. Appropriate forms are available in University Career Center for students using this service for future employment purposes. These forms are designed to provide the student with several options concerning the use and confidentiality of future letters of reference and recommendation.
- c. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

## **SECTION P. USE OF UNIVERSITY SPACE**

### **1. General Policy**

With the exception of free expression activities outlined below, the space and facilities of the University are intended primarily for the support of the instructional programs of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is encouraged for activities that have as their purpose, service or benefit to the Texas Tech University community, and that are sponsored by registered student organizations. University buildings, grounds or property may not be used by individuals or organizations not connected with the University, with the exception of the use of Forum Areas for free expression as set forth in the section below or as otherwise permitted under Texas Tech University or Texas Tech University System policies. An individual who is not a student, faculty, or staff member may attend functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Except as otherwise permitted under Texas Tech University or Texas Tech University System policies, non-registered organizations or off-campus groups or persons not sponsored by a department or registered organization will not be permitted to reserve space on campus. State law requires that University facilities and property be used only for state purposes and not for private gain.

### **2. Reservation Requirements**

- a. Reservations must be made for the use of buildings and grounds under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. Requests must be made to the appropriate office. Requests from registered student organizations must be signed by the organization's president and full-time faculty/staff advisor. Requests from individuals must be signed by the person applying for the use of the space or facilities.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

### **3. Use of Facilities by Student Organizations**

- a. Student organizations must be registered to use University facilities or grounds.

- b. These meetings must be held within a 30 calendar-day time period from the date the Center for Campus Life Staff notifies the Student Union for the petitioning organization's intent to register. Academic campus facilities may be reserved by “-petitioning-” student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Petitioning student organizations are also allowed to submit unlimited grounds use requests during the 30 day time period. If the petitioning student organization does not have a faculty/staff advisor yet the staff in the Center for Campus Life can sign off. Additional reservations will not be approved until the student organization is registered.

#### **4. Procedure and Priorities for Designated Facilities**

a. Student Union

Priority for use of space in the Student Union is given to programs and activities which are conducted by the various departments within the Student Union. Secondary priority is given to registered student organizations and University departments. Reservations must be made in the Student Union Office Room 203.

b. Academic Buildings

Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Operations Division Planning and Administration. All requests must be submitted by an active member of the student organization using the online request form in Ad Astra Schedule at

[http://academicscheduling.ttu.edu/Astra\\_Schedule](http://academicscheduling.ttu.edu/Astra_Schedule) or in person at the Operations Division Planning and Administration. A link to the scheduling site and complete instructions can be found on the department website at

<http://www.depts.ttu.edu/registrar/sections/>[63]

All requests must include the full name, department, and phone number of the student organization's full-time faculty or staff advisor. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Space assignments for student organizations will not be scheduled on weekends, holidays, or during final examination periods. Academic use by departments and colleges has priority over other uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.

Academic space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.
- The intended use does not conflict with the use by academic programs or academic organizations.

- The intended use does not conflict with normal security and maintenance schedules.
- c. **Residence Halls**  
 Currently enrolled students who live in the residence halls and participate in the residence hall governments have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, University Student Housing. University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Managing Director of University Student Housing.
- d. **Intercollegiate Athletic Facilities**  
 The Jones/AT&T Stadium Athletic Complex, Fuller Track and Field, Rip Griffin Park, McLeod Tennis Center, Rocky Johnson Field, John Walker Soccer and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of all intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office.
- e. **Recreational Facilities**  
 The Robert H. Ewalt Recreational Center, Aquatic Center, Leisure Pool, recreation fields, gazebos, tennis courts, racquetball courts and basketball courts are intended primarily for student recreational and instructional use on an organized group and individual basis. Recreational Sports is responsible for scheduling the use of these facilities. [64]
- f. **McKenzie-Merket Alumni Center**  
 The McKenzie-Merket Alumni Center, located on the southeastern corner of the Texas Tech campus, directly west of the Kent R. Hance Chapel, is the home for all Texas Tech Alumni and friends. This facility boasts a ballroom that can seat 300-plus for a banquet and more than 500 in a theatre setting. Two separate courtyards provide space for outdoor events. Booking of this facility is coordinated by the Texas Tech Alumni Association at (806) 742-0400.
- g. **Frazier Alumni Pavilion**  
 The Frazier Alumni Pavilion, situated just southwest of Jones AT&T Stadium is a 6,000-square foot facility designed to host large banquets but can be configured for weddings, press conferences, and other events. It also has a 10,000-square foot outdoor porch area that can be used to increase the size of your event. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.
- h. **Kent R. Hance Chapel**  
 A 6,879-square foot, 250-seat, non-denominational Spanish Renaissance chapel is

capable of supporting a broad range of services and events. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

i. **United Supermarkets Arena**

The United Supermarkets<sup>[65]</sup> Arena is a 15,000-seat multi-purpose facility and is host to a variety of entertainment and athletic events, including Texas Tech University basketball and volleyball, commencement ceremonies, concerts and numerous meeting room events. Facilities available for lease within the United Supermarkets Arena include the four meeting rooms in the City Bank Conference Center, Club Red, the arena concourse, the arena floor and the arena bowl area. Registered student organizations receive rental discount for the City Bank Conference Center meeting rooms. Texas Tech University Commencement, Health Sciences Center Commencement, Texas Tech basketball and volleyball games and major arena events, such as concerts, have priority in booking the United Supermarkets Arena. Space in the United Supermarkets Arena is reserved through the Arena Management Office.

**5. Use of Campus Grounds**

- a. Selected grounds area (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, students and employees. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Students or registered student organizations desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. Faculty, staff, or departments of the University desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304 as well. In accordance with the University's Operating Policy 61.02 regarding Use of University Grounds, Facilities and Amplification, each use must be approved in writing by the Outdoor Events Coordinating Committee (OECC). Requests must be submitted at least two (2) weeks before the intended use. Recurring use assignments shall not be permitted.
- c. The Outdoor Events Coordinating Committee (OECC) will coordinate all grounds use applications and shall grant only grounds use requests that are consistent with applicable University regulations and local, state and federal law.
- d. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires and any special provisions concerning the use of the space. No request will be approved for activities occurring during individual study days and/or final examination period.
- e. Students or registered organizations using a designated area are subject to the following requirements:
  - Use of amplification equipment must comply with the guidelines below.
  - A structure may not be erected on campus grounds without prior written

approval that will include arrangements for securing the structure[66], and cleaning up after the event.

- If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Outdoor Events Coordinating Committee.
- Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
- Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the General Counsel's Office, Risk Management Office, other University departments or others as necessary prior to approval from the Outdoor Events Coordinating Committee.
- Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
- The sponsor should contact the Environmental Health and Safety Department to make necessary arrangements for any event that includes concessions or a mobile concession stand. In order for any person, vendor, or organization to operate a temporary food service or mobile unit on Texas Tech property, the Environmental Health and Safety Department must issue a valid Temporary Food Service Permit.
- The sponsor should contact Transportation & Parking Services to make necessary parking arrangements for the event.
- If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

## **6. Freedom of Expression Activities and Forum Areas**

- a. The open exchange of information, opinions, and ideas between students is an essential element of the campus experience. These policies are intended to protect the interests of all students as well as other members of the University community. These policies presume that students are generally free to engage in freedom of expression activities in those outdoor areas of campus that are common and accessible to all students (such as park-like areas and sidewalks) without the need of prior approval of the University.
- b. Although the Texas Tech University campus is generally an open campus for purposes of student freedom of expression activities, students are encouraged, and

persons and groups not affiliated with the University are required, to use the Forum Areas of the campus for freedom of expression activities.

- c. The following are the Forum Areas as currently defined at Texas Tech University. Each location is marked with a plaque that reads, "Forum Area," and may be used on a first-come, first-serve basis.
- Southwest Collections – the outdoor gazebo and concrete octagon surrounding it located immediately east of the Southwest Collections building close to the corner of 15<sup>th</sup> Street and Boston Avenue.
  - Engineering Key – the northern 1/3 of the grassy area of the Engineering Key from the diagonal sidewalk going north to the flowerbed and bound by the street curbs on the east and west sides.
  - Student Union – northeast corner (15<sup>th</sup> Street and Akron Avenue).
  - Student Union/Library Plaza – the southern 1/3 of the plaza between the Student Union and Library described as follows: From the southwest raised flowerbed in front of the Library on the west to the black brick border of the flowerbeds on the east; and from the black brick border that stretches from the Library steps to the flowerbed outside the Student Union west entrance on the north to the bollards on the south end.
  - College of Media and Communication – the western half of the courtyard between the College of Media and Communication building and the Architecture building as described by the midway sidewalk on the east to the inside of the Flint Avenue sidewalk on the west and the sidewalks on the north and south sides.
  - Jerry S. Rawls College of Business Administration – the western half of the courtyard between the College of business Administration building and the Architecture building as described by the midway sidewalk on the east to the inside of the Flint Avenue sidewalk on the west and the sidewalks on the north and south sides.
  - Urbanovsky Amphitheater – the Urbanovsky Amphitheater bound on the west by the second semicircular sidewalk, on the east by the inside of the sidewalk bordering Flint Avenue, and by the north and south sidewalks.
- d. Students engaged in freedom of expression activities on campus may be required to relocate under the following circumstances:
- The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for the event, etc.);
  - The activity substantially interferes with either vehicular or pedestrian traffic;
  - The activity blocks the ingress or egress to buildings;
  - The space is not available due to prior reservation;
  - The activity conflicts with a previously planned University activity;



- The activity creates a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University;
  - The activity presents an unreasonable danger to the health or safety of the applicant or other individuals;
  - The activity is prohibited by local, state, or federal law; or
  - The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.
- e. Students engaged in freedom of expression activities may be subject to discipline under the ~~Code of Student Conduct~~ Code of Student Conduct for the following actions:
- Activities which are illegal.
  - Activities that deny the rights of other students, faculty and staff of the University.
  - Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities.
  - Activities that deny the use of office or other facilities to the students, faculty, staff or guests of the University.
  - Activities that threaten or endanger the health or safety of any person on the University campus.
  - Activities that include the use of obscenities, libelous statements, or “fighting words,” as defined by law.
  - Activities that result in damage to or destruction of University property or;
  - Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.
  - Signs, banners, posters, and other displays used for freedom of expression activities must be handheld and must remain in the hands of individuals engaged in the expressive activities at all times.

### **7. Appeals of Ground Use Request Denials**

Students of registered student organizations, whose requests for the use of campus grounds or non-academic space are denied, may appeal to the Director of the Center for Campus Life as follows:

- a. A written appeal describing the objections to the denial presented to the Director of the Center for Campus Life must be filed no later than five (5) University working days after the receipt of notice of the denial from the Outdoor Events Coordinating Committee.
- b. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within a reasonable time from the receipt of the written appeal.

### **8. Use of Amplification Equipment**

- a. Use of Amplification Equipment for Freedom of Expression Activities

- Use of Amplification Equipment in Forum Areas. Students and registered student organizations may use amplification equipment for freedom of expression activities within the designated Forum Areas from 8:00 am to 5:00 pm Monday through Friday.
  - Use of Amplification Equipment in All Other Outdoor Areas. Students and registered student organizations may use amplification equipment for freedom of expression activities in all other outdoor areas of the campus after 5:00pm Monday through Friday.
  - Use of amplification equipment is subject to all rules concerning the time, place, and manner of freedom of expression activities and Forum Areas as set forth in section 7 of this policy.
  - Only handheld amplification devices are permitted.
  - No amplification of sound is permitted during the week prior to or the week of final exams.
  - The volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
  - Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University community.
- b. Other Use of Amplification Equipment
- The use of loudspeakers, any other type of amplification equipment (e.g. portable stereo devices, portable studios, etc.), or amplified musical instruments on University grounds by students and/or registered student organizations for any purpose other than expressive activities as set forth in section 7, above, is by permission only.
  - Applications from individuals, departments, and organizations for permission to use amplification equipment must be made on the Grounds Use and Solicitation Request form provided by the Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration.
  - Applications must be submitted at least two weeks before the intended use.
  - The Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with University functions, classes in session, examinations, other nearby activities, and the campus environment.
  - The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions, as well as policies governing solicitation and commercial activities.
  - The use of such equipment or loudspeakers is not permitted in the vicinity

of classrooms during regularly scheduled class hours without written permission from Operations Division Planning and Administration.

- Sound equipment must not be disruptive, and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
- Special events such as dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of the Outdoor Events Coordinating Committee (OECC).
- Outdoor dances utilizing sound amplification devices may be held only on Friday and Saturday nights, and must terminate by 1:00 a.m. Bands may use their own equipment on such dates.

c. Academic Use

- The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the Provost.
- Permission for use of the victory bells or carillon bells in the towers of the Administration Building must be requested through the Office of the Provost at least one University working day before time of intended use. Use of the bells must not interfere with the normal functions and programs of the University. See OP 30.21.

## **SECTION Q. WITHDRAWALS**

### **1. Voluntary Withdrawal from the University**

- a. According to the Undergraduate and Graduate Catalog and OP 34.05, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Office of the Registrar prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Office of International Affairs as a part of the withdrawal procedure. Student athletes must receive clearance from their Athletic Academic Advisor. Withdrawal and re-enrollment procedures vary for School of Law students. Students enrolled in the School of Law and seeking withdrawal information should contact the Associate Dean for Student Affairs at the School of Law for assistance.
- b. Students considering withdrawal for medical reasons may contact the Office of the Dean of Students to discuss additional University resources and services.
- c. There may be financial implications to withdrawal. If a student receives financial

aid or is living in TTU student housing, he/she should first contact those offices before applying for the withdrawal. If a registration hold exists on the student's record, it must be cleared before the withdrawal can be processed. To check your student record for registration holds, log on at [www.raiderlink.ttu.edu](http://www.raiderlink.ttu.edu) and select the MyTech (for Students) tab.

d. Refunds

The Undergraduate and Graduate Catalog indicate that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at <http://www.depts.ttu.edu/registrar/>.

e. Returning to the University after a Voluntary Withdrawal

Application materials and deadlines for former Texas Tech students are available at [www.gototexastech.com](http://www.gototexastech.com). Official transcripts from all institutions attended subsequent to Texas Tech re-enrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Texas Tech. Please visit the following for more information: <http://www.depts.ttu.edu/formertech/>.

## **2. Involuntary Withdrawals**

- a. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.
- b. Notice  
Notice regarding students who may be direct threats (both self-reports and third party reports) should be made to the Office of the Dean of Students or designee.
- c. A "direct threat" means
  - There is a high probability (not just a slightly increased, speculative, or remote risk)
  - of substantial harm
  - Based on observation of a student's conduct, actions, and statements.
- e. The Dean of Students or designee will review the information presented in the notice, including what attempts, if any, have been made to reduce or eliminate the direct threat, such as the student's voluntary compliance with medical or counseling assistance.
- f. The Dean of Students or designee will notify the student of the concern.
- g. The Dean of Students or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five University working days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
  - Involvement of parents or significant others;

- Academic progress;
  - Living arrangements;
  - Previously granted accommodations;
  - Confidentiality waivers;
  - Other possible accommodations, care and support resources including medical or counseling assistance; and
  - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.
- h. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via certified mail to the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's University email account. Students not responding to requests for meetings or assessments may be referred to the Office of Student Conduct for allegations of failure to comply with reasonable directives and/or requests of a University official acting in the performance of their duties.
- i. **Temporary Suspensions**  
 During the involuntary withdrawal process, if the Vice Provost, Undergraduate Education and Student Affairs or designee determines that an immediate direct threat exists against others or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, and had an opportunity to address the concern, and the student is afforded a ~~Hearing~~Hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use University services and/or resources (except those expressly permitted by the Vice Provost, Undergraduate Education and Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Vice Provost, Undergraduate Education and Student Affairs or designee and the Texas Tech Police Department.
- j. **Involuntary Withdrawal Assessment**  
 An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University.  
 The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.  
 Within five (5) University working days from the initial meeting with the student or five University working days from the date of notice regarding the meeting, the

student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a psychiatrist from Student Health Services and a psychologist from the Student Counseling Center.

The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider.

The assessment will determine:

- The nature, duration, and severity of the risk;
- The probability that the potentially threatening injury will actually occur; and
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

k. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review.

The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Associate Academic Dean, Director of the Student Counseling Center, Medical Director of Student Health Services, Director of Student Disability Services, and Dean of Students. If the student resides in campus housing, the Director of Student Housing will also serve as a voting member of the committee. The Dean of Students or designee will chair the committee. A non-voting resource person may be assigned from the Vice Provost for Undergraduate Education and Student Affairs to present information and assist the committee. The Involuntary University Withdrawal Committee will meet with the student in an informal, non-adversarial ~~Hearing~~Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Committee.

The ~~Hearing~~Hearing will be scheduled by the Office of the Dean of Students within five (5) University working days of the completion of the individualized assessment. The student will be provided the information to be considered at the ~~Hearing~~Hearing by the Dean of Students in advance of the ~~Hearing~~Hearing. The student may elect to attend the Involuntary Withdrawal Committee ~~Hearing~~Hearing and present information on their behalf. The student may be accompanied by one or more advisors. A non-voting resource person will present information and act as a recorder for the committee. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the ~~Hearing~~Hearing, the Involuntary Withdrawal Committee will recommend one of the following:

- the student may remain enrolled at the University with no restrictions;

- the student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee; or
- The student should be involuntarily withdrawn from the University upon a specific date.

l. Review of Committee Recommendation

The Dean of Students or designee will notify the student in writing of the decision within five University working days.

m. Appeals Process

The student may appeal the decision of the Dean of Students or designee by submitting a written appeal to the Associate Vice Provost for Student Affairs within five (5) University working days. The student will be notified in writing of the final decision within five (5) University working days of receipt of the appeal.

n. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 48 hours and may not return to campus unless approved by the Vice Provost, Undergraduate Education and Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds of prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Dean of Students or designee, limiting any subsequent registration until approval is given by the Dean of Students or designee.

o. Eligibility for Readmission

Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year. At that time, the student should present documentation to the Office of the Dean of Students for review. Documentation may include, but it is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon re-enrollment. The documentation shall be presented to the Involuntary Withdrawal Committee for recommendation to the Dean of Students or designee. Readmission requests and documentation must be presented by February 1 for summer enrollment, May 1 for fall enrollment, and October 1 for spring enrollment. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

## APPENDIX A DEFINITIONS

### **Academic Work, Test, Quiz, or Other Assignment**

The terms “academic work, test, quiz, or other assignment” includes any required or optional academic work that is assigned. Examples include, but are not limited to, exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

### **Administrative Hold**

The term “administrative hold” refers to the indicator placed on a student’s record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

### **Complainant**

The term “Complainant” refers to the party reporting the complaint or concern against another party.

### **Conduct History**

The term “conduct history” is a compilation of records related to any student or student organization’s behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*.

### **Consent**

The term “consent” means mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for sexual activity. Consent cannot be compelled or coerced.

### **Coercion**

Sexual coercion is defined as the use of violence or threats of violence against a person or the person's family or property; depriving or hindering a person in the use of any tool, implement or clothing; attempting to intimidate a person by threats or force; or when committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing. Coercion is more than an effort to persuade, entice, or attract another person to have sex. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure. ~~Consent~~

### **Designee**



The term “designee” refers to the Managing Director of the Office of Student Conduct or could include but is not limited to an individual staff member, Office of the Dean of Students staff and members of the Behavior Intervention Team.

### **Disciplinary Good Standing**

The term “disciplinary good standing” is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion and who has fulfilled in a timely manner, if any, sanctions imposed.

### **Discipline Body**

The term “discipline body” means any University official or group of officials authorized by the Director of the Office of Student Conduct to determine whether a student has violated the ~~Code of Student Conduct~~ *Code of Student Conduct* and to recommend imposition of sanctions.

### **HearingHearing Body**

A “~~hearing~~Hearing body” is the individual or individuals that make the determination of responsible or not responsible and issue sanctions upon a responsible finding in an Administrative ~~HearingHearing~~ or ~~PanelPanel~~ HearingHearing.

### **Investigation ReportInvestigation Report**

An “~~investigation report~~Investigation Report” is a formal or informal report of all of the evidence and/or information gathered by the ~~Student Conduct Investigator~~Investigator~~Officer/Investigator~~.

### **Managing Director**

The term “Managing Director” refers to the Managing Director of the Office of Student Conduct” or designee who has oversight of implementation of the ~~code of student conduct~~ *Code of Student Conduct* ~~to include but is not limited to~~ determination of investigationInvestigation of incidents, all notification procedures, interim actions/suspensions, investigationInvestigation procedures, adjudication procedures and appellate procedures.

### **Member of the University Community**

The term “member of the University community” includes any person who is a student, faculty or staff member, University official or any person employed by the University or campus visitors.

### **Official Academic Record**

The term “official academic record” includes, but is not limited to applications 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.

## **Policy**

The term “policy” is defined as the written regulations, standards and/or rules of the University.

## **Policy Clarification Warning**

The term “policy clarification” refers to written notice to a student when it is determined that the information reported does not warrant an allegation, but may warrant notice to the involved parties to clarify the policy in question. ~~The term “Policy Clarification Warning” refers to a verbal or written reminder to a student or student organization regarding a Code of Student Conduct provision.~~ [67]

## **Preponderance of Evidence**

The term “preponderance of evidence” is the standard of proof used by Student Conduct Hearing Hearing Officers, Office of Student Conduct and University Student Housing. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

## **Religious Holy Day**

The term “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20.

## **Respondent**

The term “Respondent” refers to the party responding to the complaint or concern reported regarding their behavior or actions.

## **Sponsorship and/or co-sponsorship**

The term “sponsorship and/or co-sponsorship” is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

## **Student**

The term “student” includes all persons admitted to or enrolled in courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Texas Tech University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students”.

## **Student/Student Organization Conduct History**

The term “student/student organization conduct history” includes, but is not limited to any responsible finding in a conduct proceeding.

## **Student Conduct Investigator Investigator Officer/Investigator**

The term “~~Student Conduct Investigator Investigator Officer/Investigator~~” means a University

designee authorized by the Director of the Office of Student Conduct, Dean of Students and/or the Director of University Student Housing pursuant to the ~~Code of Student Conduct~~ Code of Student Conduct to adjudicate alleged violations of the *Code of Student Conduct*.

### **Student Organization**

Texas Tech University defines a student organization as a group consisting of 5 or more students (president, treasurer, and a minimum of three members) joining together for a common mission, cause, and/or any other association. Only currently enrolled students are eligible to be part of student organizations at TTU. TTU registers student organizations annually through the Center for Campus Life. Registered student organizations are bound by the expectations set forth by the Center for Campus Life and receive all rights and ~~responsibilities~~ Responsibilities outlined by TTU (Section M. Registered student organizations 1.a). Student organizations that are unregistered may not access University resources however, unregistered student organizations shall be subject to the TTU Code of Student Conduct.[68]

### **Student Organization Event**

#### **University**

The term “University” means Texas Tech University and Texas Tech University Health Sciences Center.

#### **University Official**

The term “University official” includes any person employed by Texas Tech University or Texas Tech University Health Sciences Center while performing assigned administrative or professional ~~responsibilities~~ Responsibilities.

#### **University Premises**

The term “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks)

# ATTACHMENT

## 9

Consent  
Item f.

TTUHSC El Paso Institutional Student Handbook:  
Code of Professional and Academic Conduct 2017-2018 with proposed revisions



**TEXAS TECH UNIVERSITY  
HEALTH SCIENCES CENTER EL PASO**

**Institutional  
Student  
Handbook: Code  
of Professional  
and Academic  
Conduct**

~~2016~~2017-  
20172018

**Paul L. Foster School of Medicine  
Gayle Greve Hunt School of Nursing  
Graduate School of Biomedical  
Sciences**

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## STATEMENT OF ACCREDITATION

The Texas Tech University Health Sciences Center is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award baccalaureate, masters, doctoral, and professional degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of the Texas Tech University Health Sciences Center. The Commission should be contacted only if there is evidence that appears to support the institution's significant non-compliance with a requirement or standard.

2

## PART I. FOREWORD

### A. General Policy

1. The mission of TTUHSC El Paso is to improve the lives of people in our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

The following institutional goals are broad, measurable priorities that will enable TTUHSC El Paso to fulfill its mission:

- Train competent health professionals and scientists
  - Increase externally funded, peer-reviewed research, especially NIH-funded research, with an emphasis on cancer, infectious disease, neuropsychiatric disorders and diabetes.
  - Improve access to quality health care for TTUHSC El Paso's target populations
  - Prepare health professions students for an increasingly diverse workforce and patient population
  - Provide leadership in the development of partnerships and collaborations to improve community health
  - Operate TTUHSC El Paso as an efficient and effective institution
2. A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the TTUHSCEP Operating Policies and Procedures, and the individual School's catalogs are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center at El Paso.
  3. The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules and/or policies. Enrollment requires students to share this responsibility. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the TTUHSCEP Operating Policies and Procedures, and the individual Schools' catalogs and any other official University publications. Registered student organizations are required to follow all of these standards, rules and policies.
  4. ***The Texas Tech University Health Sciences Center at El Paso (TTUHSCEP or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook do not constitute a contract, expressed or implied, between any student or faculty member and Texas Tech University System, TTUHSCEP, Paul L. Foster School of Medicine, , Gayle Greve Hunt School of Nursing or the Graduate School of Biomedical Sciences.***

## B. Tobacco-Free Environment

1. According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk for a number of cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration (HSCEP OP 10.19).
2. As a health care institution, TTUHSCEP is committed to the establishment and enforcement of a healthier tobacco-free environment. TTUHSCEP OP 10.19, Tobacco- Free Environment Policy, includes regulation and assessment.

## C. Authority

1. The authority to enact and enforce regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the President of the University and any University officials the President designates.
2. All references to the Chancellor and/or President of the University, the Vice President of Academic Affairs or Assistant Vice President for Student Services or designee shall be interpreted to include persons designated to act on behalf of these officials.

## D. Policy on Non-Discrimination

The University brings together, in common pursuit of its educational goals, persons of many backgrounds and experiences. The University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, color, religion, national origin, age, sex, disability, genetic information, status as a protected veteran, or any other legally protected category class or characteristic, and that equal opportunity and access to facilities shall be available to all. Non-discrimination is observed in the admission, ~~housing~~, and education of students and in policies governing discipline, extracurricular life and activities. For more information, visit [www.ttuhsce.edu/HSC-OP-51.01](http://www.ttuhsce.edu/HSC-OP-51.01) <http://el Paso.ttuhsce.edu/opp/ documents/51/op5101.pdf>, Equal Employment Opportunity Policy and ~~Affirmative Action~~ Affirmative Action Plan.

## E. University Name, Documents, and Records

The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement or designee, or any unauthorized use of University documents, records or seal is prohibited. See TTUHSCEP EP OP 67.01, at <http://el Paso.ttuhsce.edu/opp/ documents/67/op6701.pdf> ~~Publication Guidelines~~ Publication Guidelines.

## F. Definitions

1. "Accused Student" means any student accused of violating the TTUHSCEP Code of Professional Conduct set forth in Part II of this Handbook. This term may also mean an accused registered student organization. If a registered student organization is alleged to have violated the Student Code, only one student from the organization may appear or act on behalf of the student organization (such as appearing before a Student Conduct Board or Student Conduct Administrator) for purposes of the Student Code.
2. "Business day" means a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.
3. "Complainant" means a member of the University community who submits a Complaint alleging that a student violated the Student Code. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Student Code as are provided to the Complainant, even if the victim is not acting as a Complainant.
4. "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Student Code(s). The form for a Complaint of Misconduct is attached to this Handbook as Attachment A. An anonymous report or a report by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such report may initiate an investigation and/or filing of a Complaint of Misconduct by an appropriate University official.
5. Conduct Board reference F. Definitions, pg. 9, item # 22.
6. "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation; or, a student, whose disciplinary suspension, expulsion or conditions and/or restrictions imposed, if any, have been totally fulfilled in a timely manner.
7. "Faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by University to be a member of its faculty.
8. "Flag" means the indicator placed on a student's official record which may prevent registration and/or the issuance of a transcript until the student meets the requirements of the University office placing the indicator, as described herein and in the Schools' catalogs.
9. "May" is used in the permissive sense.

10. "Member of the University community" means any person who is a volunteer including high school students, an enrolled student, faculty or staff member, University official, any other person employed by the University or campus visitors.
11. "Policy" means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSCEP Student Handbook; Gayle Greve Hunt School of Nursing handbook and catalog; Paul L. Foster School of Medicine catalog; the Graduate School of Biomedical Sciences Catalog; and/or the TTUHSCEP web page and computer use policies.
12. "Department Chair" means the Chair is charged primarily with mentoring and guiding faculty, overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and Texas Tech University Health Sciences Center at El Paso (TTUHSCEP). Matters of student misconduct and academic deficiency that are addressed from faculty/program directors etc. are referred to the Department Chair, and if not resolved referred to the appropriate student conduct administrator for each school.
13. "Registered student organization" means any number of students who have complied with the formal requirements for University registration.
14. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Vernon's Texas Codes Annotated, Tax Code. The term "Religious Holy Day" generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Tex. Gov't Code § 62.112.
15. "Representative" means a University official authorized on a case-by-case basis by the Dean of each School to investigate and resolve alleged violations of the Code of Professional and Academic Conduct.
16. "School" means Gayle Greve Hunt School of Nursing, Paul L. Foster School of Medicine, or Graduate School of Biomedical Sciences.
17. "Shall" is used in the imperative sense.
18. "Sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, participation in planning, coordination and implementation directed by members of the sponsoring organizations.
19. "Student" means all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate or professional studies, specifically excluding Paul L. Foster School of Medicine House staff (residents). In addition, for purposes of Part II of this Handbook, persons who withdraw or on a leave of absence after alleging violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who



have been notified of their acceptance may be considered “students.”

20. “Student Code” means the TTUHSCEP Code of Professional Conduct, which is set forth in Part II of this Handbook. Section D, Misconduct, applies to all students, while Section E, Other Professional and Ethical Standards, applies to students in certain TTUHSCEP Schools. A student must have applied for admission or be enrolled in the applicable School before a School’s provisions in Section E apply to the student.
21. “Student Conduct Administrator” means a TTUHSCEP official authorized by the Dean of each School to receive complaints and administer the procedures outlined herein. The Student Conduct Administrator will provide technical assistance and support to the Student Conduct Board and may be present at the Student Conduct Board Hearing, but will not be present during the Board’s deliberations. In any case in which the Student Conduct Administrator is the Complainant, the Dean or designee of the applicable School will appoint an alternate to serve as Student Conduct Administrator for that case. For each School at TTUHSC El Paso, the Assistant Vice President for Student Services will serve as the Student Conduct Administrator.
22. “Student Conduct Board” or “Board” means any person or persons authorized by the Dean of each School to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Dean shall appoint another person with the same or similar faculty/student status as the person declining to serve. For each School, appointments are made as follows.
  - a. For the Graduate School of Biomedical Sciences, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
    - i. One (1) Faculty member from the membership of the Graduate Council, who shall serve as Chair;
    - ii. Two (2) other faculty members from the membership of the Graduate Faculty; and,
    - iii. Two (2) graduate students from the School.
  - b. For the Gayle Greve Hunt School of Nursing, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
    - i. Three (3) ( faculty members not directly involved with the Complainant or the Accused Student; and,
    - ii. Two (2) students not directly involved with the Complainant or the Accused Student.
    - iii. The Board will elect one (1) of the faculty members as its Chair

- c. For the Paul L. Foster School of Medicine, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
  - iv. Two (2) faculty members chosen by the Chair of the Grievance Committee or designee;
  - v. One (1) faculty member chosen by the Chair of the Student Affairs Committee or designee; and,
  - vi. Two (2) medical students, who will be chosen by the Chair of the Student Affairs Committee from a list of second, third, and fourth year students.
  - vii. The Board will elect one (1) of the faculty members as its Chair.
- 23. “Student Conduct Board Hearing” or “Hearing” refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Student Code and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student’s responsibility related to the alleged violation of the Student Code is valid and appropriate sanctions, if any.
- 24. “Student Handbook” or “Handbook” means the TTUHSCEP Student Handbook.
- 25. “Student organization” means any number of students who have complied with the formal requirements for Texas Tech University Health Sciences Center at El Paso registration.
- 26. “University” means Texas Tech University System or Texas Tech University Health Sciences Center at El Paso (inclusive of all regional sites and their components).
- 27. “University official” means any person employed by Texas Tech University System, Texas Tech University or Texas Tech University Health Sciences Center at El Paso while performing their assigned administrative or professional responsibilities.
- 28. “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- 29. “User” means any member of the University community who uses any University computing and/or networking resources.
- 30. “Will” is used in the imperative sense.

## **PART II. CODE OF PROFESSIONAL CONDUCT (“STUDENT CODE”)**

### **A. General Policy**

1. An environment in which the privileges of citizenship are protected and the obligations of citizenship are understood fosters freedom of discussion, inquiry, and expression. Accordingly, the University community has developed standards of behavior pertaining to students and to student organizations.
2. Students and student organizations are subject to disciplinary action according to the provisions of the Student Code and/or any other applicable University rules or regulations.
3. Each student is responsible to become familiar with the various regulations of the University and meet the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools' individual catalogs and student affairs handbooks. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of University officials to take such disciplinary action, including dismissal or expulsion, as may be deemed appropriate for failure to abide by such rules and regulations.
4. Each student is responsible for his/her own integrity, and is likewise responsible for reporting possible violations of this Student Code by other students. Faculty and staff shall take all reasonable steps to prevent violations, and each faculty/staff member likewise is responsible for reporting violations.

### **B. Disciplinary Jurisdiction**

1. The Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University and/or pursuit of its objectives. On a case-by-case basis, the Dean and his/her designee of each respective School, in his or her sole discretion, shall determine whether the Student Code should be applied to conduct occurring off premises.
2. All students are expected to subscribe to an honor system which is implicit in accepting admission to the University. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to persons who withdraw after alleged violation of the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance.

### C. Violation of Law and TTUHSCEP Discipline

A disciplinary proceeding may be instituted against a student regardless of whether conduct allegedly violates both the criminal and/or civil law and/or this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil and/or criminal proceedings at the discretion of the Dean of each School. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

### D. Misconduct

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. Alcoholic Beverages
  - a. The use, possession, sale, delivery or distribution of alcoholic beverages, except as expressly permitted by University policy as allowed by law.
  - b. Being under the influence of alcohol and/or intoxication except as allowed by law.

*NOTE: State law will be strictly enforced at all times on all property controlled by the University and is inclusive of all regional sites and its components.*

2. Narcotics or Drugs
  - a. Use, possession, sale, delivery or distribution of any narcotic, drug or medicine prescribed to someone else, chemical compound or other controlled substance or drug<sup>[AH1]</sup>-related paraphernalia, except as expressly permitted by the laws of the State of Texas; or,
  - b. Being under the influence of narcotics or drugs, except as permitted by law.
  - c. The failure of a drug test whether required by TTUHSCEP or any health care facility to which a student is assigned or has any type of patient care, contact or responsibility.
3. Firearms, Weapons, and Explosives
  - a. Use or possession of firearms, ammunition, explosive weapons, illegal knives and other deadly weapons are prohibited on university property except as specifically authorized by federal, state, or local laws.
  - b. Campus Carry Policy, TTUHSCEP OPS 10.30  
As a health-related educational institution, TUHSCEP facilitates a complex

composition of activities, which include education, patient care, research, and community engagement. As such TTUHSCEP campuses must accommodate the unique needs of diverse stakeholders, including patients, learners of all types, faculty, staff, contractors, and visitors. Within the context of this unique and complex composition, TTUHSCEP is committed to the following principles for the campus environment:

- i. TTUHSCEP will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
- ii. Within reasonable effort, TTUHSCEP will create an environments in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
- iii. TTUHSCEP will communicate safety policies to stakeholders through all appropriate means.

#### 4. Theft, Damage, or Unauthorized Use

- a. Attempted or actual theft of property of the University, students, of members of the University community or campus visitors;
- b. Possession of property known to be stolen or belonging to another person without the owner's permission;
- c. Attempted or actual damage to property of the University, University students, members of the University community or campus visitors; or,
- d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or driver's license number.

#### 5. Actions Against Members of the University Community

- a. Physical harm or threat of harm to any person;
- b. Intentional or reckless conduct which endangers the health or safety of any person, campus visitor, or volunteer;
- c. Behavior that disrupts the normal operation of the University, including its students, faculty, staff or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a student or students' academic pursuits or a faculty or staff's work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.
- d. Sexual conduct that involves:
  - i. Deliberate touching of another's sexual parts without consent;
  - ii. Deliberate sexual invasion of another without consent; or,

iii. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at risk of sexual injury; see Part IV Anti-discrimination and Title IX.

e. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile or demeaning environment for an individual's:

- i. Academic pursuits;
- ii. University employment;
- iii. Participation in activities sponsored by the University or organizations or groups related to the University; or,
- iv. Opportunities to benefit from other aspects of University life; see Part IV Anti-discrimination and Title IX.

f. Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.

g. Actions involving free expression activities are covered in Parts VII and VIII of this Handbook.

## 6. Gambling, Wagering, or Bookmaking

Gambling, wagering, or bookmaking on University premises is prohibited.

## 7. Hazing

Hazing means any intentional, knowing or reckless act directed against a student, occurring on or off campus, by one or more individuals acting alone or collectively, that endangers the mental or physical health or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose members are, or include, students. Consent or acquiescence by a student or students subjected to hazing is not a defense in a disciplinary proceeding. Hazing includes, but is not limited to:

- a. Any type of physical or emotional brutality, or the threat of such activity, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity;
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health or safety of a

student;

d. Any activity that intimidates or threatens a student with ostracism that subjects a student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this university, or that may reasonably be expected to cause a student to leave the organization or the university rather than submit to acts described above;

e. Any activity in which a person engages in, solicits, encourages, directs, aids or attempts to aid another, directly or indirectly, in hazing; intentionally, knowingly or recklessly permits hazing to occur; having firsthand knowledge of the planning of a specific hazing incident which has occurred; and fails to report the incident in writing to the specific School's student affairs office;

f. Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates or alumni of the organization in committing or assisting in the commission of hazing; or,

g. Any act that is unlawful as designated by local, state, or federal gg government.   

NOTE: *Texas Education Code, Sections 37.151-37.157 and Section 51.936*

#### 8. False Alarms or Terrorist Threats

Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibrillators (AED) or emergency signs on University premises.

#### 9. Financial Irresponsibility

Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds see also 4d above.

#### 10. Unauthorized Entry, Possession or Use.

a. Unauthorized entry into or use of University facilities;

b. Unauthorized possession or duplication, processing, production, or manufacture of any key or unlocking device or access code for use in any University facility;

c. Unauthorized use of the University name, logotype, registered marks or symbols of the University; or,

d. Use of the University's name to advertise or promote events or activities in a

manner which suggests sponsorship by the University without prior written permission.

#### 11. Traffic and Parking

- a. Violation of University Traffic and Parking regulations; or,
- b. Obstruction of the free flow of vehicle, pedestrian or other traffic on University premises.

#### 12. Student Recreation Regulations

Violation of rules, which govern behavior in the student lounges or exercise areas.

#### 13. Failure to Comply with Reasonable Directions or Requests of University Officials.

Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.

#### 14. Failure to Present Student Identification\_

The failure to present their student identification to any University official upon request and identify himself/herself to any University official acting in the performance of his/her duties. The student identification card is the property of the university. Students shall neither allow their student identification card to be used by other persons, nor shall they alter their student identification in any way. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

#### 15. Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment

- a. Unauthorized or non-academic use of computing and/or networking resources;
- b. Unauthorized accessing copying, or removing of programs, records or data belonging to the University or another user or copyrighted software
- c. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources;
- d. Attempted or actual use of the University's computing and/or networking resources for personal or financial gain;
- e. Attempted or actual transport of copies of University's programs, records or data to another person or computer without written authorization;



f. Attempted or actual destruction or modification of programs, records or data belonging to the University or another user or destruction of the integrity of computer-based information;

g. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the University's computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer); or,

h. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

i. Attempted or actual addition/modification/removal/circumventing of Institutionally-approved computer security products/processes.

j. Participate in any computer-related activity that may cause TTUHSCEP to incur legal liability, or embarrassment.

k. Violate any policy defined in the TTUHSCEP IT Security Policies List (<http://www.depts.ttu.edu/infotech/security/docs/index.php?>).

#### 16. Providing False, Misleading or Untrue Statements or Misuse of Records

Knowingly providing to the University, or to a University official in the performance of his/her duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of identification.

#### 17. Skateboard, Roller Blades, or Similar Devices

Use of skateboards, roller blades or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property or which disrupts the normal operation of the University.

*NOTE: Also refer to TTUHSCEP OP 76.32, Traffic and Parking Regulations,*

#### 18. Academic Misconduct

a. A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part II.D). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with Part II.D.

b. "Academic misconduct" involves any activity that tends to compromise the academic integrity of the University, or subvert the educational process, including, but not limited to, cheating, plagiarism, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage

to the student or the attempt to commit such an act.

c. "Cheating" includes, but is not limited to:

- i. Using any aid, sources and/or assistance beyond those authorized by the instructor in taking a course, laboratory, field work, quiz, test or examination; writing papers; preparing reports; solving problems; or carrying out assignments;
- ii. Failing to comply with instructions given by the person administering the test;
- iii. Using, buying, stealing, transporting or soliciting in whole or part the contents of an examination, test key, homework solution or computer program;
- iv. Seeking aid, receiving assistance from, or collaborating (collusion) with another student or individual during a course, quiz, test, examination or in conjunction with other assignment (including, but not limited to writing papers, preparing reports, solving problems or making presentations) unless specifically authorized by the instructor;
- v. Discussing the contents of an examination with another student who will take the examination;
- vi. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room, be returned to or kept by the student;
- vii. Substituting for another person, or permitting another person to substitute for oneself to take a course, test or any course-related assignment;
- viii. Paying or offering money or other valuable thing to, or coercing another person to obtain an examination, test key, homework solution or computer program, or information about an examination, test key, homework solution or computer program;
- ix. Falsifying research data, laboratory reports and/or other academic work offered for credit;
- x. Taking, keeping, misplacing or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
- xi. Possession at any time of current or previous test materials without the instructor's permission;
- xii. Acquisition or dissemination by any means, without written permission, of tests or other academic material belonging to a member of the University community;
- xiii. Alteration of grade records;
- xiv. Bribing, or attempting to bribe, a member of the University community or any other individual to alter a grade;
- xv. Falsification, fabrication, or dishonesty in reporting laboratory and/or research results;
- xvi. Submitting substantially the same work to satisfy requirements for one course that has been submitted in satisfaction of requirements for another

course, without specific permission of the instructor of the course for which the work is being submitted.

xvii. Possession during an exam of prohibited materials, including but not limited to study/review materials, class notes, review questions, etc.

d. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work (such as words, ideas, expressions, illustrations, or product of another), in whole or in part, and the submission of it as one's own work offered for an academic credit or requirement. When a student presents the works of another (published or unpublished) in his/her academic work, the student shall fully acknowledge the sources according to methods prescribed by his/her instructor.

e. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the University and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the University. Academic records include, but are not limited to, applications 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.

f. "Misrepresenting facts" to the University or an agent of the University includes, but is not limited to, providing false grades or resumes, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual, or providing false or misleading information in an effort to injure another student academically or financially.

g. For additional information relating to the Paul L. Foster School of Medicine Academic Misconduct procedures, please refer to E.2.d.

#### 19. Violation of Published University Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, applicable publications for each TTUHSC School, such as student handbooks, catalogs, professional and ethical standards and course syllabus.

#### 20. Violation of Federal, State, and/or Local Law

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

#### 21. Abuse of the Discipline System

a. Failure by an Accused Student to comply with or respond to a notification to appear before the Dean of his or her School, Dean's representative and/or an official of the University, including, but not limited to, the Student Conduct

Administrator, during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Dean or Dean's representative and/or an official of the University from proceeding with disciplinary action;

- b. Falsification, distortion or misrepresentation of information in disciplinary proceedings;
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding;
- d. Filing an allegation known to be without merit or cause;
- e. Discouraging or attempting to discourage an individual's proper participation in, or use of, the discipline system;
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding;
- g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a disciplinary body prior to, during and/or after disciplinary proceeding;
- h. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Student Code;
- i. Influencing or attempting to influence another person to commit an abuse of the discipline system; or,
- j. Retaliation against any person or group who files a Complaint of Misconduct in accordance with the Student Code or files a grievance under the applicable School grievance policy.

## **E. Other Professional and Ethical School Standards**

In addition to the Misconduct identified in Part II.D, the following constitute professional and ethical standards for individual TTUHSCEP Schools and for the basis of a disciplinary action.

### **1. Gayle Greve Hunt School of Nursing**

- a. All students entering into the Gayle Greve Hunt School of Nursing are required to subscribe to the standards and codes of the profession.
- b. GGHSON students as nursing professionals, are expected, not only by patients, but also by society as a whole to adhere to:

- i. American Nurses Association (ANA) Code of Ethics for Nurses, and the; TTUHSCEP Student Handbook

<http://www.nursingworld.org/codeofethics>

ii. Texas Board of Nurse Practice/Unprofessional Conduct Rules  
[https://www.bon.state.tx.us/practice\\_nursing\\_practice.asp](https://www.bon.state.tx.us/practice_nursing_practice.asp)

c. Students who fail to uphold and/or comply with the above codes and standards for safe and professional nursing practice will be considered in violation of the law and/or professional nursing standards.

## 2. Paul L. Foster School of Medicine

a. All students entering the Paul L. Foster School of Medicine are required to subscribe to the Medical Student Honor Code, as well as the Student Code. Adherence to the Medical Student Honor Code and the Student Code is considered a requirement for admission to the Paul L. Foster School of Medicine.

b. Paul L. Foster School of Medicine students, as well as medical professionals in general, are expected, not only by patients, but also by society as a whole, to possess certain attributes, which include, but are not limited to:

- i. Altruism, whereby they subordinate their own interests to take care of their patients;
- ii. High ethical and moral standards;
- iii. Honesty, integrity, trustworthiness, caring, compassion and respect in their interactions with patients, colleagues and others;
- iv. . Accountability, not only for their own actions, but also for those of their colleagues, which is the basis for the autonomy of the profession; and,
- v. Maintaining confidentiality concerning the patient and the patient's records.

### c. *Medical Student Honor Code*

“In my capacity as a Paul L. Foster School of Medicine medical student, I will uphold the dignity of the medical profession. I will, to the best of my ability, avoid actions which might result in harm to my patients. I will protect the dignity of my patients and the deceased, and will protect their confidential information in accordance with the prevailing standards of medical practice. I will not lie, cheat, or steal. I will enter into professional relationships with my colleagues, teachers, and other health care professionals in a manner that is respectful and reflective of the high standards and expectations of my profession. I will not tolerate violations of this Code by others and will report such violations to the appropriate authorities.”

d. In matters of Academic Misconduct, the student shall refer to the Paul L. Foster School of Medicine Student Affairs Handbook, Code of Professional and Academic Conduct and Promotions Policy. \_

## 3. Graduate School of Biomedical Sciences

- a. All students enrolled in the GSBS are required to maintain a high level of performance and comply fully with the policies of the institution.
- b. GSBS students as future scientists and health-related professionals are expected, by society as a whole, not to engage in scientific misconduct.
  - i. Allegations of scientific misconduct (fraud, dishonesty, or any kind of misconduct in science) will be investigated by the university's research integrity officer as outlined in HSCEP OP 73.07 Honesty in Research & Allegations of Scientific Misconduct-Attachment A.

**F. Disciplinary Procedures** *Academic issues, such as grading and promotion issues, should be addressed by each school's policies and procedures.*

1. Nature of Proceedings. These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under individual School policies.

1.  
2.

Procedural Deviations. If the Student Conduct Board has not yet been appointed, or in the absence of the Chair of the Student Conduct Board, the parties and the Student Conduct Administrator may agree in advance and in writing to deviations from procedure. If a Student Conduct Board has been appointed, the parties and the Chair of the Student Conduct Board may mutually agree to procedural deviations, such as deadlines for submission of evidence and hearing dates and times.

### 3-2.

NOTE: Any notices that are sent by mail will be considered to have been received on the third calendar day after the date of mailing, excluding any intervening Saturday, Sunday or holiday.

### 4.—

### 5.—

### 6-3. Filing A Complaint

- a. Any faculty, staff, or student of TTUHSCEP may file a Complaint(s) against a student(s) or a student organization(s) for violation(s) of the Student Code. A preliminary investigation/discussion with a supervisor (program director, chair, etc.) must be done prior to filing a Complaint. If a basis for the Complaint exists, Attachment A shall be completed and delivered by the Complainant to the Student Conduct Administrator. A Complaint shall be submitted no later than twenty (20) business days from the date of the event or when the Complainant becomes aware of the event. Complaints filed more than twenty business days after the event shall include a justification for the delay and will be accepted on a “case by case” basis as determined by the Student Conduct Administrator.
- b. When a Complaint is filed, the Student Conduct Administrator will provide the Accused Student with the Complaint of Misconduct filed by the Complainant and will -notify the ~~that the~~ Accused Student in writing that he or she shall -appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. The Accused Student shall meet with the Student Conduct Administrator.
- c. The Student Conduct Administrator may conduct an informal meeting to determine if the complaint may be disposed prior to a formal hearing. Any informal disposition must be in writing and agreed to by all of the parties. Such disposition shall be final and there shall be no subsequent proceedings. The Student Conduct Administrator will send a written notification of the resolution to all parties involved.
- d. If the Complaint is not disposed of administratively under Part II.F.3.c above, the Student Conduct Administrator will meet with the Accused Student to determine if the Accused Student admits or denies violating institutional rules.
  - i. If the Accused Student admits violating institutional rules, but sanctions are not agreed to, a Student Conduct Board Hearing shall be conducted in accordance with Part II.F.4 but shall be limited to recommending the appropriate sanction(s) Part II.G.
  - ii. If the Accused Student denies violating University rules, the allegations shall be referred by the Student Conduct Administrator for a Hearing before the Student Conduct Board under Part II.F.4 below.

e.e. A Student Conduct Board Hearing shall be scheduled within thirty (30) business days after the Accused Student has met with the Student Conduct Administrator under Part II.F.3.d. above. In cases in which an examination period intervenes between the time of the notice to the Accused Student and the



Student Conduct Board Hearing date, such Hearing will be held during the first week in which classes are again in session. In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.

#### 7.4. Student Conduct Board Hearings

a. *Closed Hearing.* A Student Conduct Board Hearing will be conducted in closed session. Any request for an exception must be submitted in writing to the Chair of the Student Conduct Board, who shall render a final written decision.

b. *Hearing Notice.* At least fifteen (15) business days prior to the Student Conduct Board Hearing, the Chair of the Student Conduct Board will provide written notice to the parties of the following:

- i. Date, time and place for the hearing,
- ii. Name of the members of the Student Conduct Board,
- iii. Summary statement of the charge(s), or a copy of the complaint and
- iv. Request in writing that at least five (5) business days prior to the Student Conduct Board Hearing, the Accused Student and the Complainant submit the information outlined herein below.

c. *Challenge.* An Accused Student and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice by submitting their reasons for the challenge to the Student Conduct Administrator.

Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board Administrator or his or her designee that the member can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and a substitute will be appointed by the Student Conduct Administrator. If such member is removed the Student Conduct Administrator, may in his or her sole discretion choose to reschedule the hearing.

d. *Evidence Submission.* At least ten (10) business days prior to the date scheduled for the Student Conduct Board Hearing, the Complainant and the Accused Student must submit to the Chair of the Student Conduct Board the following information, if applicable. Requests for extensions to file information with the Student Conduct Board shall be submitted to the Chair.

- i. All pertinent records and exhibits
- ii. Written statements must be notarized (including Impact or Position Statements);
- iii. A list of all witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant,; and
- iii.,
- iv. The name of the advisor, if any, who may be present in an advisory\_

~~v~~.iv. capacity at the hearing. See Part II.F.4. i below.

~~f~~.e. *Evidence Exchange*. At least five (5) business days prior to the hearing, the Chair will provide each party with the information, if any, submitted by the other party.

~~g~~.f. *Separate or Joint Hearings*. A Student Conduct Board Hearing involving two or more Accused Students, may be conducted separately or jointly as determined by the Student Conduct Administrator. An accused student may request in writing to the Student Conduct Administrator a separate hearing up to three (3) business days after receiving the notice of hearing. The Student Conduct Board Administrator shall notify the student within three (3) business days the determination of the request.

~~h~~.g. *Recordings*. The University shall record, either digitally, through audiotape, or otherwise as deemed appropriate all Student Conduct Board Hearings until such time that the Student Conduct Board begins discussion and deliberation and prepares its' Findings and Recommendations. Deliberations shall not be recorded. The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the Accused Student nor any witnesses are permitted to make any independent record of the proceedings.

~~i~~.h. *Hearing Attendance*. The Complainant, Accused Student and their respective advisor, if any, shall be allowed to attend the portion of the Student Conduct Board Hearing at which information is received, excluding deliberations.

~~j~~.i. *Advisors*. The advisor must be a faculty, staff, or student of TTUHSCEP. However, if an Accused Student is also the subject of a pending criminal investigation, indictment or charge arising out of the same circumstances, he or she may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate only in the same manner as any other advisor. If an advisor for the Accused Student is an attorney, an attorney from the Office of General Counsel may attend the Student Conduct Board Hearing on behalf of the University. The University will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems it necessary.

The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly or indirectly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Chair upon written request seven (7) business days in advance of the date scheduled for the Student

| Conduct Board Hearing.

j. *Witnesses.* Members of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the Accused Student may be limited in the sole discretion of the Chair of the Student Conduct Board for such issues as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and/or providing for the efficient administration of the Hearing. Witnesses are permitted to attend the Student Conduct Board Hearing only during the time they are providing testimony, they are being questioned by the complainant, the accused or the committee unless the Student Conduct Board Chair, in his/her sole discretion determines otherwise.

i. *Parties Witnesses.* The Complainant and the Accused Student may arrange for witnesses to present pertinent information to the Student Conduct Board. The Complainant and the Accused Student are responsible for arranging for the voluntary attendance of his or her own witnesses.

ii. *Board Witnesses.* In its sole discretion, the Student Conduct Board may call other witnesses not identified by the Accused Student or the Complainant. If prior to the hearing the Student Conduct Board anticipates calling additional witnesses, the Board shall notify the Chair of the Student Conduct. The Chair of the Student Conduct Board will then arrange for the voluntary attendance of the witnesses identified by the Student Conduct Board. The Chair of the Student Conduct shall notify the Accused Student and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board intends to present written information to the Board, the Chair of the Student Conduct Board is responsible for forwarding such information to the Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the Hearing with the Accused Student and Complainant present.

k. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not been appointed, the Student Conduct Administrator will issue a final decision in response to procedural questions.

l. *Deliberations.* If the Student Conduct Board concludes that all pertinent information has been received, the Student Conduct Board shall adjourn the Hearing to discuss, deliberate and prepare Findings and Recommendations. The Student Conduct Board will determine by a simple majority (more than half of the votes cast) of members present at a duly called meeting vote whether the Accused Student has violated any section of the Student Code which the student is charged with violating. If the Student Conduct Board finds a violation(s) of the Student Code, the Student Conduct Board may also recommend all or any of the sanctions identified in Part II.G below.

m. *Failure to Appear.* The Accused Student is expected to attend and participate in the Student Conduct Board Hearing. If the Accused Student or the

Complainant elects not to attend a hearing after appropriate written notice Section II.F.4.b above, the charges will be reviewed as scheduled on the basis of the information available, and a recommendation will be made by the Board. Although no inference may be drawn against an Accused Student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the Accused Student to attend the hearing or answer the charges.

n. Findings and Recommendations. The Chair is responsible to prepare the Student Conduct Board's Findings and Recommendations in writing. . If the Findings and Recommendations are not unanimous, opinion(s) may be written by those who differ with the Majority's Findings and Recommendations. The Chair will forward the Findings and Recommendations, including differing opinion(s), within ten (10) business days to the Dean, the Student Conduct Administrator, the Accused Student and the Complainant.

o. Dean's Review. The Dean of the school will review the Findings and Recommendations of the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing within ten (10) business days from receipt to the Accused Student, the Complainant, the Student Conduct Administrator, and the Chair of the Student Conduct Board. Actions of the Dean are not limited to sanctions recommended by members of the Student Conduct Board. The Dean's decision shall be final.

p. Appeal. Within ten (10) business days of receipt of the decision of the Dean, if either party believes that the *due process* procedures have been violated, an appeal may be made, in writing, to the President of the University. The President will review the case and notify all parties of his decision within ten (10) business days. If a written appeal is not submitted within ten (10) business days following receipt of the Dean's letter, the right to appeal is thereby waived and the Dean's decision is final. In the event that the same individual serves as both Dean of the School and President of the University, the Vice President for Academic Affairs is designated to hear any such appeal.

The Accused Student or Complainant may only raise, and the President shall only consider, the following:

- a. Whether a procedural deviation occurred that substantially affected the outcome of the case;
- b. Whether there is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

The President will review the Findings and Recommendations and, at his or her sole discretion, the record from the Student Conduct Hearing and supporting

documents, and transmit his or her decision in writing to the Accused ~~Student,~~

~~the~~ Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Dean. The President's decision shall be final.

If the Vice President for Academic Affairs reviews the appeal and finds no procedural deviation and no new information, then the Dean's determination is final. If there has been a procedural deviation or new information sufficient to alter findings, then the case will be referred back to the hearing committee for further deliberation. That decision will be transmitted to the dean as described in "o" above and the Dean's decision is final.

## G. Sanctions

1. Sanctions which may be recommended by the Student Conduct Board, and imposed by the Dean of the School, upon any student found to have violated this Student Code. include but are not limited to the following:

a. Failing Grade or Cancellation of Credit. Failing grade for an examination or assignment or for a course, and/or cancellation of all, or any portion, of a prior course credit.

b. Censure. A notice in writing to the student that the student is in violation or has violated institutional regulations. At the Dean's discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

c. Probation. A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the likelihood of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

d. Loss of Privileges. Denial of specified privileges for a designated period of time.

e. Restitution. Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. Discretionary Sanctions. Assignments may be made at the discretion of the board, such as work assignments, essays, training, service to the University, temporary dismissal from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the ~~students~~ student's disciplinary file or other related discretionary assignments.

g. Suspension. Separation of the student from University for a defined (or specific) period of time, after which the student is eligible to return. Conditions for readmission must be specified.



| h. *Dismissal With or Without Readmission.* Separation or dismissal of  
| the student from their current program, with or without the option to  
| apply for readmission to the University. The student's transcript will  
| reflect the nature of\_

the dismissal.

i. Revocation of Admission and/or Degree. Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation or other violations of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

j. Withholding Degree. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Disciplinary Procedures.

k. Multiple Sanctions. More than one of the sanctions listed above may be imposed for any single violation.

l. Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

2. Other than dismissal from the University or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the Office of the Dean or designee for the applicable School.
3. In situations involving both an Accused Student(s) (or a registered student organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim.
4. The following sanctions may be imposed upon registered student organizations and/or members thereof:

a. Those sanctions listed above in Part II.G.1 above.

b. Loss of selected rights and privileges for a specified period of time.

c. Deactivation. Loss of all privileges, including University recognition and/or registration, for a specified period of time.

## **H. Interpretation and Revision**

1. Any question of interpretation or application of this Student Code shall be referred to the Dean of the appropriate School or his or her designee for final determination.
- ~~2-2.~~ The Student Code Review Committee (Review Committee) shall conduct an annual review of the Student Code and make recommendations to the President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Student Code. The Review Committee is composed of the Student Affairs representatives from each School. The President

| may invite\_

recommendations by the President of the Student Government Association. A quorum for the Review Committee is four members.

### **PART III. WITHDRAWAL OF CONSENT**

#### **A. Recommendation to Withdraw Consent During Periods of Disruption**

1. The term “period of disruption” is any period in which it reasonably appears that there is any of the following (Texas Education Code § 51.231):

- a. Threat(s) of destruction to University premises;
- b. Physical or emotional injury to human life on University premises; or,
- c. Threat(s) of willful disruption of the orderly operation of the University.

2. During periods of disruption, the Associate Dean for Student Affairs within the applicable School may recommend to the Dean that prior to a Student Conduct Board Hearing, and in accordance with Texas Education Code, Section 51.233, a student have his/her consent to be in attendance at the University or on University premises be withdrawn when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University premises and that his/her presence on University premises will constitute a substantial and material threat to the orderly operation of the University premises.

3. Withdrawal of Consent shall not be longer than fourteen (14) days from the date on which consent was initially withdrawn.

4. Withdrawal of Consent is specifically provided by state statute (Texas Education Code § 51.233, et seq.). The provisions of Part III do not affect the power of the University to suspend, dismiss, or expel any student or employee at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Student Code, and Withdrawal of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.

#### **B. Concurrence by Dean**

1. If the Dean concurs with the Associate Dean’s recommendation, the student will have his/her consent to be in attendance at the University or on University premises withdrawn in writing by the Dean. Texas Education Code § 51.233(a) & 51.234.

2. The written notice by the Dean shall contain all of the following:

- a. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed fourteen (14);

~~b.a.~~ Name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;

~~e.b.~~ Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,

~~d.c.~~ Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt by the Dean of a request for hearing from the person.

3. Whenever consent is withdrawn by the Dean, the Dean shall submit a written report to the President within twenty-four (24) hours, unless the Dean has reinstated consent for the student. The report shall contain all of the following:

a. Description of the student, including, if available, the student's name, address, and phone number; and,

b. Statement of the facts giving rise to the Withdrawal of Consent.

### **C. Confirmation by President**

1. If the President or his/her designee upon reviewing the written report described above finds that there was reasonable cause to believe that the student has willfully disrupted the orderly operation of the University or University premises, and that his presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, he/she may enter written confirmation upon the report of the action taken by the Dean. Texas Education Code § 51.236 (b).

2. If the President or his/her designee does not confirm the action taken by the Dean within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

### **D. Hearing**

1. The student from whom consent to remain on campus has been withdrawn may submit a written request for a hearing to the President, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.

2. The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

~~a.~~ *Hearing Notice.* Upon receipt of the request for hearing, the President shall grant the request and immediately mail a written notice of the time, place, and

~~b.a.~~ date of the hearing, along with pertinent records, exhibits and written statements to the student. A hearing will be conducted no later than three (3)

days from the date that the President receives the request for hearing. The Hearing Committee will be appointed by the President and will be comprised of members from the respective schools other than the accused.

e.b. *Representation.* The student may be represented by counsel. The University will be represented by the Office of General Counsel.

e.c. *Witnesses.* The student, as well as the Department Chair who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

e.d. *Evidence.* All matters upon which the decision to withdraw consent may be based shall be introduced into evidence at the hearing. The decision to withdraw consent shall be based solely on the evidence presented at the hearing. At least one (1) day prior the date scheduled for the Hearing, the parties must submit to the Chair of the Hearing Committee the following information, if applicable.

- i. All pertinent records, exhibits and written statements (including Impact or Position Statements);
- ii. A list of witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant, including a brief summary of the information to be given by each; and,
- iii. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4.i.

f.e. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair.

f.f. *Recordings.* University shall record, either digitally or through audiotape, or otherwise as deemed appropriate all Hearings until such time that the Hearing Committee begins discussion and deliberation and prepares Findings and Recommendations. Deliberations shall not be recorded. The record is University property.

f.g. *Appeal to President.* The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the President. If the student does not appeal the decision by the hearing committee, the decision is final. The president will review and render a decision within seven (7) days.

i.h. *Appeal to the Board of Regents.* If the student is not satisfied with the decision by the President, the student may appeal to the Texas Tech Board of Regents by sending a written appeal to the Chairman of the Board of Regents, with a copy to the President, within three (3) days from the date of the President's decision. If the student does not appeal the President's decision, the President's decision is final.

j.i. If the student appeals to the Texas Tech Board of Regents, the decision by the Board is final.

## **PART IV. Anti-Discrimination and Sexual Misconduct Procedures (Including Title IX)**

### A. Introduction

~~Texas Tech University Health Sciences Center (TTUHSC EL PASO) is an Equal Employment Opportunity employer and ensures compliance with federal and state employment laws and regulations. TTUHSC EL PASO provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.~~

~~Non-Discrimination and Anti-Harassment Policy (see TTUHSC EP-OP 51.02 for complete policy)~~

#### **1. Anti-Discrimination Policy**

~~TTUHSC El Paso is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. TTUHSC EL PASO is dedicated to fostering and supporting a culture of mutual respect and communication.~~

~~This policy applies to all University students and employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on campus.~~

~~TTUHSC EL PASO does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.~~

~~Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX,~~

~~which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.~~

~~TTUHSC EL PASO expects all members of the University Community to comply with the law. Members of the University Community who violate University policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. See TTUHSC EL PASO OP 51.02, *Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws* for additional information on TTUHSC EL PASO's Non-Discrimination and Anti-Harassment Policy. <http://www.TTUHSC-EL-Paso.edu/hsc/op/op51/op5102.pdf>~~

## ~~2. Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy (see TTUHSC EL PASO OP 51.03 for complete policy)~~

~~TTUHSC EL PASO is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, the University prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.~~

~~While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.~~



See ~~TTUHSC EL PASO OP 51.03,~~  
<http://elpaso.ttuhsce.edu/opp/documents/51/OP5103.pdf> ~~Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure,~~ for additional information on TTUHSC EL PASO's policy and information on TTUHSC EL PASO's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, intrapersonal violence and stalking. <http://www.TTUHSC-EL-Paso.edu/hsc/op/op51/op5103.pdf>

### **3. Definitions**

For purposes of this Part IV, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at <http://www.TTUHSC-EL-Paso.edu/hr/Title9-Home.aspx>.

a. **Consent** — Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22.011 (-).

b. **Employee** — Any person who receives a W-2 or 1042-S from the University, including full and part-time faculty, staff, and students.

e. **Incapacitation** — A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

d. **Interpersonal Violence** — An offense that meets the definition of domestic violence or dating violence:

• **Domestic Violence** — Abuse or violence committed by a current or

~~former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.~~

~~Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.004>).~~

~~• **Dating Violence** — Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.~~

~~Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.0021>).~~

~~e. **Public Indecency** — Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:~~

- ~~• Exposing one's genitals or private areas;~~
- ~~• Public urination;~~
- ~~• Defecation; and/or~~
- ~~• Public sex acts.~~

~~f. **Reporting Party** — A person or entity (in the case of the University) who submits a complaint alleging a violation of this policy.~~

~~g. **Responding Party** — Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a~~

complaint.

~~h. **Responsible Employee** — A University employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or Title IX Deputy Coordinators; or whom an individual could reasonably believe has this authority or duty.~~

~~Responsible Employees include, but are not limited to:~~

- ~~• Administrators;~~
- ~~• Academic advisors;~~
- ~~• Coaches, and other athletic staff who interact directly with students;~~
- ~~• Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;~~
- ~~• Student services personnel;~~
- ~~• Graduate research assistants;~~
- ~~• Residence life or community advisors;~~
- ~~• Student organization advisors;~~
- ~~• All supervisory personnel;~~
- ~~• Human Resources personnel; and~~
- ~~• The Texas Tech Police Department.~~

~~i. **Sex Discrimination** — An act that deprives a member of the University Community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits or opportunities with the University on the basis of the person's sex.~~

~~j. **Sexual Misconduct** — A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.~~

~~k. **Sexual Assault** — Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.~~

~~(1) **Non-Consensual Sexual Contact** — Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes:~~

- Intentional contact with the breasts, buttock, groin, or genitals;
- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

~~(2) **Non-Consensual Sexual Intercourse**— Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.~~

~~The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.~~

- ~~**Rape**— The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.~~
- ~~**Incest**— Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.~~
- ~~**Fondling**— The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity~~
- ~~**Statutory Rape**— Non-forcible sexual intercourse with a person who is under the statutory age of consent.~~

~~Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).~~

~~1. **Sexual Exploitation**— Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:~~

- ~~Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;~~
- ~~Sexual voyeurism;~~
- ~~Inducing another to expose one's genitals or private areas;~~
- ~~Prostituting another; or~~
- ~~Knowingly exposing someone to or transmitting a sexually transmitted~~

disease.

m. **Sexual Harassment**—Unwelcome verbal, written, or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;
- (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or
- (3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained-of conduct must be either severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful sexual harassment or Sexual Misconduct include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio taping of sexual activity;
- Exposing one's genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

n. **Stalking**—A course of conduct directed at a specific person that would cause a reasonable person to fear for his/ her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly,

~~indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Reporting Party. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~

~~Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (<http://www.statutes.legis.state.tx.us/SOT-WDocs/PE/htm/PE.42.htm#42.072>).~~

~~o. **University Community**—All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.~~

## ~~2. Title IX Coordinators~~

~~TTUHSC EL PASO has a Title IX Coordinator who oversees the University's compliance with Title IX, which prohibits discrimination based on sex. TTUHSC EL PASO has also designated a Title IX Deputy Coordinator for students.~~

~~The Office of Student Services will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of Sexual Misconduct by or between employees.~~

<del>CONTACT</del>	<del>PHONE</del>	<del>ADDRESS</del>	<del>EMAIL</del>
<del>Rebecca Salcido TTUHSC EL PASO Title IX Coordinator Executive Director of Human</del>	<del>915-215-4140</del>	<del>TTUHSC EL PASO Office of Human Resources, 200 N. Concepcion El Paso, TX 79905</del>	<del>Rebecca.salcido@ttuhsc.edu</del>

<p><del>Kathryn Horn, M.D. TTUHSC EL PASO Title IX Deputy Coordinator for Students Assistant Vice President for Student</del></p>	<p><del>915-215-4786</del></p>	<p><del>TTUHSC EL PASO Office of Student Services 5001 El Paso Dr. MEB 2140E El Paso, TX 79905</del></p>	<p><del>Kathryn.horn@ttuhsc.edu</del></p>
<p><del>TTUHSC EL PASO Title IX Deputy Coordinator for Employees Managing Director of the Office of Equal Employment Opportunity</del></p>	<p><del>806-742-3627</del></p>	<p><del>Office of Equal Employment Opportunity  TTU Administration Building, Room 210 Box 1073 Lubbock, TX 79409</del></p>	<p><del><a href="mailto:eee@ttu.edu">eee@ttu.edu</a></del></p>

~~e. Reporting Concerns~~

- ~~i. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO.~~
- ~~ii. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of Law Enforcement Agencies, please see page 45. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.~~
- ~~iii. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal~~



investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services. For more information about the SAFE, see <http://hopelaws.org/> or [https://www.texasattorneygeneral.gov/victims/sapcs\\_shtml#survivors](https://www.texasattorneygeneral.gov/victims/sapcs_shtml#survivors).

- iv. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- v. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the University Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.
- vi. Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.

d. Office of Civil Rights Complaints

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

e. Non-retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions



related to an individual's employment or education. TTUHSC EL PASO will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

#### f. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

#### g. Faculty/Staff and Student Relationships

TTUHSC El Paso is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty member's class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean or the Assistant Vice President for Student Services.

#### h. Grievance or Complaint Processes

A grievance is a formal complaint pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC El Paso policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law.

vii. ~~Grievances and Investigations—Complaints Involving Employees, Whether, Faculty, Staff, or Students~~

- ~~1. This grievance process is applicable to all students who choose to complain about unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is an employee, whether faculty, staff or student.~~
- ~~2. All grievance investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.~~
- ~~3. The filing of a grievance shall not affect the ability of TTUHSC El Paso to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance.~~
- ~~4. A student may consult with the Assistant Vice President for Student Services to determine if he/she wishes to file a formal grievance. Students wishing to file a grievance should complete the grievance form located at <http://elpaso.ttuhsce.edu/fostersom/studentaffairs/>. However, even if a formal grievance is not filed, the Assistant Vice President for Student Services may notify key personnel at his or her discretion about the allegation, and other action may be taken by TTUHSC El Paso as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of TTUHSC El Paso's policy and educating departments and supervisors as needed on this and other policies.~~
- ~~5. If the grievance involves the Assistant Vice President for Student Services, the grievance should be presented to the Equal Employment Opportunity Office.~~
- ~~6. Student complaints of Sexual Misconduct, discrimination or harassment by an employee will be investigated jointly by the Assistant Vice President for Student Services and the Office of Equal Opportunity.~~
- ~~7. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Assistant Vice President for Student Services or the Equal Employment Opportunity Office or other administrators may be consulted to assist with the investigation.~~
- ~~8. After the investigation is complete, the Assistant Vice President for Student Services or Equal Employment Opportunity Office or designee will provide a written determination to the student who has filed the grievance, the accused parties, and the appropriate administrators.~~
- ~~9. The findings of the Assistant Vice President for Student Services or the Office of Equal Employment Opportunity is final and not appealable.~~
- ~~10. In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by~~

~~the appropriate administrator.~~

#### ~~TTUHSC EL PASO Student Handbook~~

~~Any disciplinary action taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Assistant Vice President for Students and the Office of Equal Employment Opportunity at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via copy of a counseling or other written disciplinary action, resignation, termination document, etc.~~

~~At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Officer of Equal Employment Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance has taken place the student should contact the Vice President for Student Services or the Office of Equal Employment Opportunity, and/or file a grievance for retaliation.~~

~~11. In the event of a finding of a violation of this policy, the Office of Equal Employment Opportunity will follow up with the grievant within 60 days to ensure that the complained of behavior has ceased.~~

~~12. In addition, in complaints of Sexual Misconduct against employees the provisions of TTUHSC EL PASO OP 51.03 (5) (b) shall apply and control.~~

~~j. Grievances and Investigations – Complaints Involving Other Students – Grievances and investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC El Paso policy are guided by the Student Conduct Procedures outlined in the Student Handbook, Part II and Part IV, B, as applicable. Section B of this Part IV of the Student Handbook contains the processes and procedures pertaining to sexual misconduct.~~

### ~~B. Sexual Misconduct Complaints Involving Other Students~~

#### ~~1. Jurisdiction:~~

~~Part IV of the Student Handbook shall apply to conduct that occurs on TTUHSC El Paso premises, at TTUHSC El Paso sponsored activities, and to off-campus conduct that adversely affects TTUHSC El Paso and/or pursuit of its objectives. On a case-by-case basis, the Deputy Title IX Coordinator for Students and/or his/her designee, in his or her sole discretion, shall determine whether this Part IV of the Student Handbook should be applied to conduct occurring off-premises. Part IV may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online.~~

~~The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.~~

~~a. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Part IV of the Student Handbook shall apply to persons who withdraw after alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with TTUHSC El Paso, or who have been notified of their acceptance.~~

~~b. This Part IV. B. of the Student Handbook refers to processes and procedures pertaining to Sexual Misconduct. For all other types of misconduct, refer to Part II of the Student Handbook.~~

## ~~2. Timelines~~

~~It is recommended that reports of Sexual Misconduct should be received by the Deputy Title IX Coordinator for Students within ten (10) university working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.~~

~~Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays~~

## ~~3. Standards of Evidence~~

~~The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in TTUHSC El Paso proceedings in Part IV. B. of the Student Handbook is the preponderance of evidence. The term "preponderance of evidence" is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.~~

## ~~4. Reporting Allegations of Sexual Misconduct~~

To file allegation(s) of sexual misconduct against student(s) or student organization(s), individuals must complete a *Complaint of Sexual Misconduct* form that can be found as Appendix B in the Student Handbook. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of the Assistant Vice President for Student Services at 5001 El Paso Dr., MEB Rm. 2140, El Paso, TX 79905-915-215-4786

## **5. Confidentiality**

### ~~TTUHSC EL PASO~~

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.

Students may make confidential reports to the Program for Assistance to Students. Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

## **6. Anonymity**

~~TTUHSC EL PASO El Paso~~ understands the sensitive nature of incidents involving Sexual Misconduct. Further, the University is mindful of Reporting Parties' desire, in some cases, to report an incident without disclosing their name or other identifying information.

~~TTUHSC EL PASO El Paso~~ will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can often times make it more difficult to thoroughly and effectively investigate an incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

## 7. Reporting Criminally

Some instances of student misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. TTUHSC EL PASO El Paso administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

Administrative Agencies:

<u>CONTACT</u>	<u>PHONE</u>	<u>ADDRESS</u>
U.S. Equal Employment Opportunity Commission	1-800-669-4000	300 E. Main Dr. Suite 500
Texas Workforce Commission	512-463-2222	101 E. 15th Street Austin,
U.S. Department of Education, Office of Civil Rights	214-611-9600	1999 Bryan Street Suite 1620 Dallas, Texas 75201

Law Enforcement Agencies:

<u>CONTACT</u>	<u>PHONE</u>	<u>ADDRESS</u>
TTU Police Department	806-742-3931	413 Flint Avenue Lubbock, Texas 79409
Lubbock Police Department	806-775-2865	916 Texas Avenue Lubbock, Texas 79401
Lubbock County Sheriff's Department	806-775-1400	811 Main Street P.O. Box 10536 Lubbock, Texas 79407
Texas Department of Public Safety	512-424-2000	5805 North Lamar Blvd. Austin, Texas

## 8. Amnesty Provisions

The University will provide educational options in lieu of conduct proceedings in certain situations. Victims of misconduct who were engaging in minor policy violations, such as underage drinking or drug use, at the time of the incident. Examples of the amnesty provision include, but are not limited to:

- Students who offer assistance to others by calling medical personnel or law enforcement.



- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the Code of Student Conduct. Amnesty does not preclude students from being charged with allegations of misconduct related to Actions against Members of the University Community and

Others. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, or actions required to comply with professional ethic requirements. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling. The Deputy Title IX Coordinator for Students can assist with questions related to amnesty provisions.

## **9. Conduct Procedures for Sexual Misconduct**

### **a. Intake and Initial Inquiry**

Upon notice of an alleged Sexual Misconduct, the Deputy Title IX Coordinator for Students will appoint a Title IX Investigator to review allegations of Sexual Misconduct. The Deputy Title IX Coordinator for Students, in his or her sole discretion, may appoint more than one Title IX Investigator or co-investigators to review an allegation of Sexual Misconduct. Reported allegations of misconduct have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary. The Title IX Investigator will inquire, gather and review information about the reported student Sexual Misconduct and will evaluate the accuracy, credibility, and sufficiency of the information. Incidents will not be forwarded for to a hearing officer unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Reporting Party statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to any individual involved to clarify the policy that was in question. Unsupported allegation with no credible information will not be forwarded to a hearing. When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the Title IX Investigator will investigate the reported incident to fullest extent of the information available. When a Reporting Party is identified but is reluctant and/or refuses to participate in the investigative process and/or the Sexual Misconduct process entirely, TTUHSC EL PASO will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the university community and the possibility of a continuing threat. If the

~~Reporting Party does not want to participate in the investigative process but has no aversion to TTUHSC EL PASO pursuing conduct action with respect to the named Responding Party, TTUHSC EL PASO will proceed with the Sexual Misconduct process to the extent of the information available.~~

~~b. Remedies and Resources~~

~~i. Remedies~~

~~TTUHSC EL PASO will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This may include immediate steps to protect Reporting Parties even before the final outcome of the investigations, including prohibiting the Reporting Party from having any contact with the Responding Party. These steps will attempt to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, modifications to parking assignments, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.~~

~~ii. TTUHSC EL PASO No Contact Orders~~

~~TTUHSC EL PASO When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Deputy Title IX Coordinator via the student's official TTUHSC EL PASO email. The notice serves as an official directive that the student(s) have no contact with the other-listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Deputy Title IX Coordinator for Students. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in possible violation(s) under Part II of the Student Handbook, and/or a referral to the Texas Tech Police Department during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.~~



### iii. ~~Resources~~

~~Sexual Violence. TTUHSC El Paso has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or El Paso Police Department, counseling services, medical assistance, student legal services, academic support referrals, and other support services.~~

## c. ~~Interim Actions~~

### Immediate Temporary Suspension – Students

~~A student may be temporarily suspended and/or referred to the Texas Tech Police Department pending completion of conduct procedures if, in the judgment of the Deputy Title IX Coordinator for Students, or on recommendation of a Title IX Investigator, the physical or emotional well-being of a student or other students or members of the university community could be endangered or if the presence of the student could significantly disrupt the normal operations of TTUSHCEP. The Deputy Title IX Coordinator for Students or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university-working days from the date of temporary suspension. A student who receives an interim suspension may request a meeting with the Deputy Title IX Coordinator for Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. Upon immediate temporary suspension, the student may no longer attend classes, use TTUHSC El Paso or TTU services and/or resources, and is not allowed to be on campus until the conduct proceedings under Part IV have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Deputy Title IX Coordinator for Students and the Texas Tech Police Department. Conduct, on or off campus that typically results in interim suspension under Part IV include but is not limited to:~~

- ~~i. A significant and articulable threat to the health or safety of a student or other member(s) of the university community.~~
- ~~d. Sexual Assault, other forms of Sexual Misconduct that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation.~~
  - ~~i. Violation of a No Contact Order~~
  - ~~ii. Retaliatory harm, discrimination or harassment~~

### ~~Notice of Involvement~~

~~When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a~~

~~Title IX Investigator. In addition to other possible sanctions, conditions and/or restrictions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Title IX Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent the Deputy Title IX Coordinator for Students from proceeding with disciplinary process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply in Part II of the Student Handbook.~~

### **e. Student Rights and Responsibilities**

~~Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Title IX Investigator. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.~~

~~A student has a right to:~~

- ~~i. A prompt, fair, and equitable process;~~
- ~~ii. Be accompanied by an advisor to any meeting or Hearing. An "advisor" can be any one of the following: a member of the TTUHSC El Paso Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support — he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the hearing on behalf of the TTUHSC El Paso.~~

~~The Reporting Party and/or Responding Party is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by the Hearing Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Hearing Officer upon written request five (5) University working days in advance of the scheduled hearing date.~~

~~iii. Students are expected to cooperate with the University sexual misconduct process, but may elect not to participate in the investigation process, either in part or entirely. In other words, if a student chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.~~

~~iv. NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.~~

~~v. The opportunity to provide information and evidence in support of his/her case;~~

~~vi. Know if they have been issued any allegations of misconduct;~~

~~vii. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;~~

~~viii. Know the TTUHSC EL PASO conduct policies and procedures, and where to find them;~~

~~ix. Know that any information provided by the student may be used in a conduct proceeding;~~

~~x. Know that if a student makes any false or misleading statement(s) during the investigation or Hearing the student will be subject to further disciplinary action under Part II of the Student Handbook.~~

It is the student's responsibility to:

- ~~1. Be responsive to all correspondence from the University;~~
- ~~2. Provide information relevant to the incident or situation;~~
- ~~3. Be honest and provide true and accurate information during the investigation;~~
- ~~4. Review the Code of Student Conduct in order to fully understand all aspects of the student conduct process.~~

~~f. Initial Inquiry/Formal Investigation~~

~~A trained Title IX Investigator will conduct a thorough, reliable, and impartial investigation of the reported incidents including meeting with the party bringing the Complaint to finalize the Reporting Party's statement, interview witnesses, collect evidence, create timelines, and receive information from the~~

### Responding Party:

When initial inquiry indicates a concurrent police investigation is occurring, the Title IX Investigator will, where possible, collaborate with the Texas Tech Police Department during investigation. Elements of this collaborative investigation may include the Title IX Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Title IX Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the investigative process, Reporting Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Title IX Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Title IX Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations.

A student will have access to the completed Investigation Report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, students are not given copies or Investigation Reports and/or investigative materials.

If after the Initial Inquiry/Investigation, the Responding Party accepts responsibility for the allegations of the Code of Student Conduct outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Title IX Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal. The case will only be reopened if new material, previously unavailable is presented. The Informal Resolution, or any other form of mediation will not be utilized to resolve cases involving Title IX allegations,

~~such as sexual harassment, sexual violence, or other forms of Sexual Misconduct.~~

~~g. Prehearing/Formal Allegations Assigned~~

~~Once the investigative process is complete, the student will be given notice of a Pre-Hearing Meeting scheduled outside of the student's academic schedule. Should students not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and Hearing. During this meeting, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or University Discipline Hearing. Other documents include notification of Responding Party's allegations, name of Hearing Officer, and Hearing script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in in the Student Handbook of a date, time, and location of the Hearing.~~

~~While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Title IX Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the student should inform the Title IX Investigator immediately. If the new information is pertinent to the consideration of the case, the Title IX Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Hearing.~~

~~Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are assigned for deliberation in the Hearing by the Hearing Officer to determine the student's responsibility for misconduct. An Allegation Letter will be provided to the student in the Pre-Hearing Meeting or via other methods of notice. Title IX Investigator will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Deputy Title IX Coordinator for Students upon consultation with the involved student(s).~~

~~h. Hearing~~

~~After proper notice has been given to the students, TTUHSC EL PASO may proceed to conduct a hearing and deliver a decision or recommendation respectively. The Deputy Title IX Coordinator for Students shall appoint a Hearing Officer to conduct a Hearing under Part IV of the Handbook. The Hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. Should the student fail to attend the Hearing, the Hearing Officer may consider the information and render a decision.~~

~~Hearings are closed to the public. Both the Reporting Party and Responding Party have the right to be present at the Hearing; however, they do not have the right to be present during the deliberation. Arrangements can be made so that Reporting Party and Responding Party do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, students should contact the Deputy Title IX Coordinator for Students not less than three (3) days prior to the scheduled hearing.~~

~~The Title IX Investigator presents the investigation report, evidence, witnesses, allegations, and questions for deliberation. The Hearing Officer may question the Title IX Investigator, Reporting Party, Responding Party and any witnesses. The Reporting Party and Responding Party do not have the right to question each other nor witnesses directly but may do so through the Title IX Investigator. The Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. The Hearing Officer may ask questions to all parties through the Title IX Investigator. Should new evidence be presented without prior discussion with the Title IX Investigator, the hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officer removes a student due to misconduct (Reporting Party, Responding Party, or witnesses) the alleged misconduct will be forwarded to the Deputy Title IX Coordinator for Students or his/her designee. In regard to removal of the student, the Deputy Title IX Coordinator for Students or his/her designee will forward the alleged misconduct to the appropriate student conduct administrator, who will follow the conduct process in Part II of the Student Handbook in regard to adjudication of the alleged misconduct.~~

~~Following the hearing, the Hearing Officer will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. The Hearing Officer will inform the Deputy Title IX Coordinator for Students in writing within five (5)~~



~~University working days of the decision(s). Outcomes of the Hearing will be provided to the student(s) in writing within five (5) University working days of the conclusion of the Hearing.~~

~~Either the Reporting Party or Responding Party may utilize Disciplinary Appeal Procedures outlined in sub-section j below.~~

~~i. Conduct Outcomes/Findings (Sanctions, Conditions, Restrictions)~~

~~The Hearing Officer may impose sanctions, including but not limited to those described in Part II of the Student Code, conditions and/or restrictions as a result of a Hearing where the student is found responsible.~~

~~If the allegation involves a student organization, the Hearing Officer may meet with a University staff member whose professional capacity involves the advising of the organization. This staff member may provide information relevant to potential sanctions, conditions, and restrictions for the Hearing Officer.~~

~~All records concerning a student or student organization related to the disciplinary process will remain on file with the Deputy Title IX Coordinator for Students for a minimum of seven (7) years from the date the case is completed through a Hearing and/or disciplinary appeal procedures.~~

~~j. Conduct Appeal Procedures~~

~~A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officer by submitting a written appeal to the Vice President of Academic Affairs or his/her designee within five (5) University working days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:~~

~~i. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)~~

~~ii. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and~~

~~iii. The sanctions imposed substantially vary from the range of sanctions~~

normally imposed for similar infractions.

~~Either the Reporting Party or Responding Party may appeal the decision of the Hearing Officer. The Deputy Title IX Coordinator for Students will provide the request for appeal to the other party and provide opportunity for response.~~

~~The Vice President of Academic Affairs will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If an appeal is granted, the results of the appellate process as outlined below will be final. If the designated appeal officer determines that new evidence should be considered, he/she may return the complaint to the original Hearing Officer to reconsider the new evidence, or may order a new Hearing. If new evidence is considered, the Hearing Officer may increase, decrease, or otherwise modify the sanctions, conditions, and/or restrictions. The Hearing Officer or designee will notify the student of the outcome using the written notice procedures within eight (8) University working days of the decision. The decision is final and may not be appealed. If a new Hearing is ordered, all hearing Conduct Procedures in Part IV will be followed. The Hearing Officer will notify the student of the outcome using the written notification procedures within five (5) University working days of the decision. The decision of the new Hearing Officer is final and may not be appealed.~~

~~If the Vice President of Academic Affairs or designee determines that a material procedural or substantive error has occurred, he/she may return the complaint to the original hearing officer with instructions for another hearing in light of the appellate findings. All hearing Conduct Procedures described in Part IV will be followed. The original Hearing Officer will notify the student in writing of the outcome using the written notification procedures within five (5) University working days of the decision. This decision is final and may not be appealed. In those cases in which the error cannot be cured by the original Hearing Officer (i.e., some cases of bias), the Vice President of Academic Affairs or designee may order a new hearing with a new Hearing Officer. If a new Hearing is ordered, all hearing Conduct Procedures in Part IV will be followed. The new Hearing Officer or designee will notify the student in writing of the outcome within five (5) University working days of the decision. The decision of the new Hearing Officer is final and may not be appealed.~~

~~If the Vice President of Academic Affairs determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the Vice President of Academic Affairs or designee may~~



~~then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead of returning the case to the original Hearing Officer or convening a new Hearing. The Vice President of Academic Affairs will notify the student in writing of the outcome using the written notification procedures within five (5) University working days of the decision. The decision of the Vice President of Academic Affairs is final and cannot be appealed.~~

~~The Deputy Title IX Coordinator for Students shall make all reasonable efforts to timely notify the student(s) of the status of the appeal throughout the appellate process, and shall make all reasonable efforts to notify the students as to the result of the appeal within five (5) University working days after the final decision is rendered. The appeals officer's decision is final.~~

### **A. Introduction**

Texas Tech University Health Sciences Center at El Paso (TTUHSCEP) is an Equal Employment Opportunity employer and ensures compliance with federal and state employment laws and regulations. TTUHSCEP provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

#### 1. Non-Discrimination and Anti-Harassment Policy (see TTUHSCEP OP 51.02 for complete policy)

TTUHSCEP is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. TTUHSCEP is dedicated to fostering and supporting a culture of mutual respect and communication.

This policy applies to all TTUHSCEP students and employees, visitors, applicants for admission to or employment with TTUHSCEP, as well as TTUHSCEP affiliates and others conducting business on campus.

TTUHSCEP does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is TTUHSCEP's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which

prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

TTUHSCEP expects all members of the University Community to comply with the law. Members of the University Community who violate TTUHSCEP policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from TTUHSCEP, or being barred from TTUHSCEP premises and events. See TTUHSCEP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws for additional information on TTUHSCEP's Non-Discrimination and Anti-Harassment Policy. <http://www.TTUHSCEP.edu/hsc/op/op51/op5102.pdf>

## 2. Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy (see TTUHSCEP OP 51.03 for complete policy)

TTUHSCEP is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, TTUHSCEP prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is TTUHSCEP's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

See TTUHSCEP OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure, for additional information on TTUHSCEP's policy and information on TTUHSCEP's prevention

and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, interpersonal violence and stalking. [http://www. TTUHSCEP.edu/hsc/op/op51/op5103.pdf](http://www.TTUHSCEP.edu/hsc/op/op51/op5103.pdf)

### 3. Definitions

For purposes of this Part IV, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at [http://www.TTUHSCEP. edu/title-ix/](http://www.TTUHSCEP.edu/title-ix/).

a. **Consent** – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

b. **Employee** – Any person who receives a W-2 or 1042-S from TTUHSCEP, including full and part-time faculty, staff, and students.

c. **Incapacitation** – A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

d. **Interpersonal Violence** – An offense that meets the definition of domestic violence or dating violence:

• **Domestic Violence** – Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is

protected from that person's acts under the domestic or family violence laws of the State of Texas.

Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.004>).

• **Dating Violence** – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.0021>).

e. **Public Indecency** – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:

- Exposing one's genitals or private areas;
- Public urination;
- Defecation; and/or
- Public sex acts.

f. **Reporting Party** – A person or entity (in the case of TTUHSCEP) who submits a complaint alleging a violation of this policy.

g. **Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.

h. **Responsible Employee** – A TTUHSCEP employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the Title IX

Coordinator or Title IX Deputy Coordinators; or whom an individual could reasonably believe has this authority or duty.

Responsible Employees include, but are not limited to:

- Administrators;
- Academic advisors;
- Coaches, and other athletic staff who interact directly with students;
- Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;
- Student services personnel;
- Graduate research assistants;
- Residence life or community advisors;
- Student organization advisors;
- All supervisory personnel;
- Human Resources personnel; and
- The Texas Tech Police Department.

**i. Sex Discrimination** – An act that deprives a member of the University Community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits or opportunities with TTUHSCEP on the basis of the person's sex.

**j. Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.

**k. Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.

**(1) Non-Consensual Sexual Contact** – Intentional sexual touching, however slight, with any object or part of one's body of another's private areas without consent. Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals;
- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or

- Any other intentional bodily contact in a sexual manner.

(2) **Non-Consensual Sexual Intercourse** – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.

- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.

- **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity

- **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

l. **Sexual Exploitation** – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

- Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
- Sexual voyeurism;
- Inducing another to expose one's genitals or private areas;
- Prostituting another; or
- Knowingly exposing someone to or transmitting a sexually transmitted disease.

m. **Sexual Harassment** – Unwelcome verbal, written, or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;

(2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or

(3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful sexual harassment or Sexual Misconduct include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

n. **Stalking** – A course of conduct directed at a specific person that would cause a reasonable person to fear for his/ her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. “Reasonable person” means a reasonable person under similar circumstances and similarly situated to the



Reporting Party. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (<http://www.statutes.legis.state.tx.us/SOT-WDocs/PE/htm/PE.42.htm#42.072>).

o. **University Community** – All faculty, staff, and students of and visitors to any TTUHSCEP premises or TTUHSCEP- affiliated activity.

#### 4. Title IX Coordinators

TTUHSCEP has a Title IX Coordinator who oversees TTUHSCEP’s compliance with Title IX, which prohibits discrimination based on sex. TTUHSCEP has also designated Title IX Deputy Coordinators for students and employees.

The Office of Student Services will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of Sexual Misconduct by or between employees.

<u>CONTACT</u>	<u>PHONE</u>	<u>ADDRESS</u>	<u>EMAIL</u>
<u>TTUHSCEP Title IX Coordinator Rebecca Salcido Assist. Vice President for Human Services</u>	<u>915-215-4140</u>	<u>TTUHSCEP Title IX Office  Texas Tech University Health Sciences Center El Paso 200 N. Concepcion Drive El Paso, Texas 79905</u>	<u>Rebecca.Salcido@ttuhsc.edu</u>
<u>TTUHSCEP Title IX Deputy Coordinator for Students Kathryn V. Horn, M.D. Assist. VP for Student Services Assoc. Dean for Student Affairs</u>	<u>915-215-4786</u>	<u>TTUHSCEP Office of Student Affairs  Texas Tech University Health Sciences Center El Paso 5001 El Paso Drive Medical Education Bldg. 2140 El Paso, Texas 79905</u>	<u>Kathryn.Horn@ttuhsc.edu</u>
<u>TTUHSCEP Title IX Deputy Coordinator for Employees</u>		<u>Office of Equal Employment Opportunity</u>	<u>TitleIXCoordinator@ttuhsc.edu</u>



<u>Charlotte Bingham</u> <u>Assist. Vice Chancellor/Director</u> <u>Office of Equal</u> <u>Employment Opportunity</u>	<u>806-742-3627</u>	<u>TTU Administration Building,</u> <u>Room 210</u> <u>Box 1073</u> <u>Lubbock, TX 79409</u>	<u>eeo@ttu.edu</u>
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## 5. Reporting Concerns

- a. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO.
- b. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of Law Enforcement Agencies, please see page 8546<sup>[HK2]</sup>. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- c. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to four (4) calendar days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services. For more information, see <https://www.texasattorneygeneral.gov/cvs/sexual-assault-prevention-and-crisis-services> or [https://www.texasattorneygeneral.gov/files/cvs/sexualassault\\_examination.pdf](https://www.texasattorneygeneral.gov/files/cvs/sexualassault_examination.pdf).
- d. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- e. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a

duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.

f. Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding TTUHSCEP reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to TTUHSCEP administrators without the student or employee's express permission. Students may make confidential reports to the Program of Assistance for Students (PAS). Likewise, employees may make confidential reports through the Employee Assistance Program.

#### 6. Office of Civil Rights Complaints

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

#### 7. Non-retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/ or adverse actions related to an individual's employment or education. TTUHSCEP will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with TTUHSCEP using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to

disciplinary action, up to and including termination of employment, expulsion from TTUHSCEP, or being barred from TTUHSCEP premises and events.

## 8. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by TTUHSCEP to the extent possible without compromising TTUHSCEP's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because TTUHSCEP also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many TTUHSCEP employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

## 9. Faculty/Staff and Student Relationships

TTUHSCEP is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean or the Assistant Vice President for Student Services.

## **B. Complaint Process Involving Employees, whether Faculty, Staff, or Students**

1. A formal complaint pertains to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSCEP policy. A violation of a TTUHSCEP policy alone does not necessarily constitute a violation of law or an action prohibited by law.

2. If a student has a complaint about Sexual Misconduct, unlawful discrimination, harassment, or other violations of the law and the Responding Party is an employee, whether faculty, staff or student, the general provisions relating to employees and the employee complaint procedures set forth in TTUHSCEP OP

51.02 and TTUHSCEP OP 51.03 shall apply. In addition, in student complaints involving employees, the following provisions shall apply:

a. These procedures are entirely administrative in nature and are not considered legal proceedings.

b. All complaint investigations and procedures will be non-adversarial in nature. Additionally, mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

c. The filing of a complaint shall not affect the ability of TTUHSCEP to pursue academic and disciplinary procedures for reasons other than the student's filing of a complaint.

d. A student may consult with Title IX Coordinator, the Deputy Coordinators, or Office of EEO to determine if he/ she wishes to file a formal complaint. Students wishing to file a complaint should complete the complaint form available at <http://www.TTUHSCEP.edu/title-ix/>. However, even if a formal complaint is not filed, the Title IX Coordinator or Office of EEO may conduct an investigation regarding the allegation, at his or her discretion, and other action may be taken by TTUHSCEP as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of TTUHSCEP's policy and educating departments and supervisors as needed on this and other policies.

e. If the complaint involves the Title IX Coordinator and/or Deputy Coordinators, the complaint should be presented to the Office of EEO.

f. Student complaints of Sexual Misconduct, discrimination or harassment by an employee may be investigated jointly by TTUHSCEP's Title IX Investigators and the Office of EEO.

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g. The investigation may consist of the review of the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Both Parties may notify TTUHSCEP's Title IX Investigators and the Office of EEO of any witnesses and other evidence relevant to the complaint. The extent of the investigation and its procedures will be determined by and at the discretion of the Title IX Coordinator or the Office of EEO. Additionally, other administrators may be consulted to assist with the investigation.

h. After the investigation is complete, the Title IX Coordinator or Office of EEO or designee will provide notice in writing to the student who has filed the complaint, the Responding Party, and the appropriate administrators of the following:

i. Determination of the outcome;

ii. The finding of the Office of EEO is final and not appealable by either Party;

iii. In the event of a finding of a violation of TTUHSCEP OP 51.02 or TTUHSCEP 51.03 is made, appropriate disciplinary action will be taken as determined by the appropriate administrator; and

iv. If either Party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, he or she may appeal within five (5) university working days to the Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to TTUHSCEP OP 60.10.

i. The Reporting Party and Responding Party will be simultaneously notified in writing of any changes to the results that occur prior to the time such results become final, and when such results become final.

3. Any disciplinary action taken in connection with a complaint filed pursuant to this policy shall be reported in writing to the Title IX Coordinator and the Office of EEO at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via copy of a counseling or other written disciplinary action, resignation, termination document, etc.

4. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists, the student should contact the Title IX Coordinator or Office of EEO. Likewise, in the event the student believes unlawful retaliation for filing a complaint has taken place, the student should contact the Title IX Coordinator or the Office of EEO, and/or file a grievance for retaliation.

5. In the event of a finding of a violation of this policy, the Title IX Coordinator or Office of EEO will follow up with the student within sixty (60) university working days to ensure that the complained of behavior has ceased.

### **C. Complaint Process Involving Students**

1. Grievances and investigations of formal complaints against student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSCEP policy are guided by the Student Conduct Procedures outlined in the Student Handbook, Part II, as applicable. This Part IV. C. of the Student Handbook contains the processes and procedures pertaining to Sexual Misconduct involving students.

2. These procedures are entirely administrative in nature and are not considered legal proceedings.

3. All complaint investigations and procedures will be non-adversarial in nature. Additionally, mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

#### 4. Jurisdiction

a. Part IV of the Student Handbook shall apply to conduct that occurs on TTUHSCEP premises, at TTUHSCEP sponsored activities, and to off-campus conduct that adversely affects TTUHSCEP and/or pursuit of its objectives. On a case-by- case basis, the Title IX Coordinator or the Deputy Title IX Coordinator for Students, in his or her sole discretion, shall determine whether this Part IV of the Student Handbook should be applied to conduct occurring off premises. Part IV may also be applied to behavior conducted online, via email, or other electronic medium. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. TTUHSCEP does not regularly search for this information but may take action if and when such information is brought to the attention of TTUHSCEP officials.

b. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Part IV of the Student Handbook shall apply to persons who withdraw after alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with TTUHSCEP, or who have been notified of their acceptance.

c. Part IV. C. of the Student Handbook refers to processes and procedures pertaining to Sexual Misconduct. For all other types of misconduct, refer to Part II of the Student Handbook.

## 5. Timelines

a. It is recommended that reports of Sexual Misconduct should be received by the Title IX Coordinator or the Deputy Title IX Coordinator for Students within ten (10) university working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

b. Incidents should be resolved within sixty (60) calendar days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays

## 6. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in TTUHSCEP proceedings in Part IV. C. of the Student Handbook is the preponderance of evidence. The term “preponderance of evidence” is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

## 7. Reporting Allegations of Sexual Misconduct

All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. To file a complaint of Sexual Misconduct against student(s) or student organization(s), individuals should complete the complaint form at <http://www.TTUHSCEP.edu/title-ix/>. Individuals may also file a report in person to the Deputy Title IX Coordinator for Students at 3601 4th Street, Room 2C400 located in the Office of Student Services. However, even if a formal complaint is not filed, the Title IX Coordinator or Deputy Title IX Coordinator for Students may conduct an investigation regarding the allegation, at his or her discretion.

## 8. Confidentiality

a. The confidentiality of both the Reporting Party and the Responding Party will be honored by TTUHSCEP to the extent possible without compromising TTUHSCEP’s commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by



law. However, because TTUHSCEP also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many TTUHSCEP employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

b. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.

c. Students may make confidential reports to the Program of Assistance for Students (PAS). Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

#### 9. Anonymity

TTUHSCEP understands the sensitive nature of incidents involving Sexual Misconduct. Further, TTUHSCEP is mindful of Reporting Parties' desire, in some cases, to report an incident without disclosing their name or other identifying information. TTUHSCEP will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. TTUHSCEP will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

#### 10. Reporting Criminally

Some instances of Student Misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to TTUHSCEP, to local law enforcement, or to both. TTUHSCEP administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

Nothing in this policy shall limit a person from seeking assistance or filing a complaint with an outside agency. Administrative Agencies:



<u>CONTACT</u>	<u>PHONE</u>	<u>ADDRESS</u>
<u>U.S. Equal Employment Opportunity Commission</u>	<u>1-800-669-4000</u>	<u>300 E. Main Dr. Suite 500 El Paso, Texas 79901</u>
<u>Texas Workforce Commission</u>	<u>512-463-2222</u>	<u>101 E. 15th Street Austin, Texas 78778</u>
<u>U.S. Department of Education, Office of Civil Rights</u>	<u>241-611-9600</u>	<u>1999 Bryan Street Suite 1620 Dallas, Texas 75201</u>

Law Enforcement Agencies:

<u>CONTACT</u>	<u>PHONE</u>	<u>ADDRESS</u>
<u>TTUHSCEP Police Department</u>	<u>915-215-7111</u>	<u>200 N. Concepcion El Paso, Texas 79905</u>
<u>El Paso Police Department</u>	<u>915-212-4000</u>	<u>911 N. Raynor Street EL Paso, Texas 79902</u>
<u>El Paso County Sheriff's Department</u>	<u>915-538-2292</u>	<u>3850 Justice Drive El Paso, Texas 79938</u>
<u>Texas Department of Public Safety</u>	<u>512-424-2000</u>	<u>5805 North Lamar Blvd. Austin, Texas 78752</u>

11. Amnesty Provisions

TTUHSCEP will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of misconduct who were engaging in minor policy violations, such as underage drinking or drug use, at the time of the incident;
- Students who offer assistance to others by calling medical personnel or law enforcement; or
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of TTUHSCEP prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the Code of Student Conduct. Amnesty does not preclude students from being charged with allegations of misconduct related to Actions against Members of the University Community and Others. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, or actions required to comply with professional ethic requirements. Amnesty does not preclude students from being required to meet with TTUHSCEP staff and to participate in conditions such as counseling. The Deputy Title IX Coordinator for Students can assist with questions related to amnesty provisions.

## 12. Considerations for Sexual Misconduct Procedures

### a. Remedies and Resources

#### i. Remedies

TTUHSCEP will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This may include immediate steps to protect Reporting Parties even before the final outcome of the investigations, including prohibiting the Responding Party from having any contact with the Reporting Party. These steps will attempt to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, modifications to parking assignments, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

#### ii. No Contact Orders

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Deputy Title IX Coordinator for Students via the student's official TTUHSCEP email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Deputy Title IX Coordinator for Students. This notice may also come with other

information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in possible violation(s) under Part II of the Student Handbook, and/or a referral to the Texas Tech Police Department during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

### iii. Resources

TTUHSCEP has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, student legal services, academic support referrals, and other support services.

### b. Interim Measures

The Reporting Party and/or Responding Party may request and TTUHSCEP may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. The Title IX Coordinator or Deputy Title IX Coordinator for Students will decide if and what interim measures are necessary. Additionally, other appropriate TTUHSCEP officials may be consulted regarding interim measures. Such interim measures may include, but are not limited to:

- Separating the Reporting Party's and Responding Party's academic interactions;
- Forbidding contact between parties involved in a complaint; or
- Suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.

Other interim measures may be implemented depending on the Responding Party's relationship with TTUHSCEP. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Reporting Party pursues formal TTUHSCEP or criminal action.

### c. Immediate Temporary Suspension for Students

A student may be temporarily suspended and/or referred to the Texas Tech Police Department pending completion of conduct procedures if, in the judgment of the Deputy Title IX Coordinator for Students, or on recommendation of a Title IX Investigator, the physical or emotional well-being of a student or other students or members of the University Community could be endangered or if the presence of the student could significantly disrupt the normal operations of TTUHSCEP. The Deputy Title IX Coordinator for Students or his/her designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university working days from the date of temporary suspension. A student who receives an interim suspension may request a meeting with the Deputy Title IX Coordinator for Students or his/her designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, TTUHSCEP will still proceed with investigation proceedings. Upon immediate temporary suspension, the student may no longer attend classes, use TTUHSCEP or TTU services and/or resources, and is not allowed to be on campus until the conduct proceedings under Part IV have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Deputy Title IX Coordinator for Students and the Texas Tech Police Department. Conduct, on or off campus that typically results in interim suspension under Part IV includes but is not limited to:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University Community;
- Sexual Assault, other forms of Sexual Misconduct that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation;
- Violation of a No Contact Order; or
- Retaliatory harm, discrimination or harassment

#### d. Notice of Involvement

When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Title IX Investigator. In addition to other possible sanctions, conditions and/or restrictions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Title IX Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent the Deputy Title IX Coordinator for Students from proceeding with disciplinary process. Likewise,

failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply in Part II of the Student Handbook.

e. Student Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Title IX Investigator. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has a right to:

i. A prompt, fair, and equitable process;

ii. Be accompanied by an advisor to any meeting or Hearing an “advisor” can be any one of the following: a member of TTUHSCEP Community (faculty, staff, or student), a Victim’s Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Texas Tech University System Office of General Counsel may attend the hearing on behalf of TTUHSCEP. The Reporting Party and/or Responding Party is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by the Title IX Investigator or Hearing Officers. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Hearing Facilitator upon written request five (5) university working days in advance of the scheduled hearing date.

iii. The Reporting Party and the Responding Party are expected to cooperate with the TTUHSCEP Sexual Misconduct process, but may elect not to participate in the investigation process, either in part or entirely.

However, if a either Party chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if either Party provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, that party will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either Party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other Party. NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.

iv. The opportunity to provide information and evidence in support of his/her case;

v. Know if they have been issued any allegations of misconduct;

vi. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;

vii. Know the TTUHSCEP conduct policies and procedures, and where to find them;

viii. Know that any information provided by the student may be used in a conduct proceeding;

ix. Know that if a student makes any false or misleading statement(s) during the investigation or Hearing the student will be subject to further disciplinary action under Part II of the Student Handbook.

It is the student's responsibility to:

1. Be responsive to all correspondence from TTUHSCEP;
2. Provide information relevant to the incident or situation in the event they choose to participate in the Title IX formal adjudication process;
3. Be honest and provide true and accurate information during the investigation;
4. Review the TTUHSCEP Student Handbook: Code of Professional Conduct in order to fully understand all aspects of the Title IX adjudication process.

### 13. Investigation Procedures

#### a. Intake and Initial Inquiry

Upon notice of alleged Sexual Misconduct, the Deputy Title IX Coordinator for Students will appoint a Title IX Investigator to review the allegations. The Deputy Title IX Coordinator for Students, in his or her sole discretion, may appoint more than one Title IX Investigator or co-investigators to review an allegation of Sexual Misconduct. Reported allegations of misconduct have varying degrees of complexity and severity. Therefore, the investigation and resolution procedures described below may vary. The appointed Title IX Investigator(s) will inquire, gather and review information about the reported student Sexual Misconduct and will evaluate the accuracy, credibility, and sufficiency of the information.

The Title IX Investigator will conduct an initial meeting with the Reporting Party and inform him/her of on and off- campus resources, immediate safety and security measures, procedural options, and TTUHSCEP's policy regarding retaliation. If the Reporting Party is not willing or able to submit his/her complaint in writing, notes taken by the Title IX Investigator may be used to initiate an investigation.

Incidents will not be forwarded to Formal Investigation unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Reporting Party statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to any individual involved to clarify the policy that was in question. Unsupported allegations with no credible information will not be forwarded to Formal Investigation.

When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the Title IX Investigator will investigate the reported incident to fullest extent of the information available. When a Reporting Party is identified but is reluctant and/or refuses to participate in the investigative process and/or the Sexual Misconduct process entirely, TTUHSCEP will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the University Community and the possibility of a continuing threat. If the Reporting Party does not want to participate in the investigative process but has no aversion to TTUHSCEP pursuing conduct action with respect to the named Responding Party, TTUHSCEP will proceed with the Sexual Misconduct process to the extent of the information available.

#### b. Formal Investigation



A Title IX Investigator will conduct a thorough, reliable, and impartial investigation of the reported incidents, which may include meeting with the Party bringing the complaint, interviewing the Responding Party and any witnesses, collecting evidence, creating timelines, and receiving any additional relevant information.

When initial inquiry indicates a concurrent police investigation is occurring, the Title IX Investigator will, where possible, collaborate with the Texas Tech Police Department during investigation. Elements of this collaborative investigation may include the Title IX Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Title IX Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the investigative process, Reporting Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Title IX Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Title IX Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations.

Reporting Parties and Responding Parties will have access to the completed Investigation Report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, Reporting Parties and Responding Parties are not given copies or Investigation Reports and/or investigative materials.

#### 14. Informal Resolution

If, after the Initial Inquiry or Investigation, the Responding Party accepts responsibility for the alleged violations of the Student Handbook, and the Reporting Party agrees, the Parties may choose to resolve the issue through the Informal Resolution process outlined below. The Informal Resolution process is voluntary.



After completion of the Initial Inquiry or Investigation, the Deputy Title IX Coordinator for Students, will, in consultation with the appropriate TTUHSCEP dean, review the complaint and information gathered about the reported student Sexual Misconduct and, if applicable, propose findings and specify appropriate sanctions. The Deputy Title IX Coordinator for Students or his/her designee will send written notice to both the Reporting Party and the Responding Party of the proposed findings and sanctions. The Parties will have five (5) university working days to review the Informal Resolution and decide whether they would like to accept or decline the proposed findings and recommended sanctions. Agreement with the terms of the Informal Resolution is established by one of the two following ways:

- (1) A signature, or an electronic signature, by a Party or the Parties attesting to agreement with the findings and sanctions; or
- (2) No written objection by the Reporting Party or the Responding Party to the findings and sanctions within five
- (3) University working days of the date the proposed findings and recommended sanctions were sent to the Parties.

If both the Reporting Party and the Responding Party agree with the proposed findings and recommended sanctions, the matter is considered concluded. Additionally, if accepted, the Parties waive their right to a formal resolution, the process ends, the finding is final, and there is no appeal. The case will only be reopened if new material, previously unavailable is presented.

If either Party disagrees with or does not accept the proposed findings and/or recommended sanctions, then the case will proceed and a formal hearing process will take place.

## 15. Hearing Procedures

### a. Prehearing/Formal Allegations Assigned

Once the investigative process is complete, if the case is not otherwise resolved through Informal Resolution, the Reporting Party and the Responding Party will be given notice of a Pre-Hearing Meeting scheduled outside of the Parties' academic schedules. Should the Reporting Party or the Responding Party not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and Hearing. During this meeting, the Reporting Party and the Responding Party will be given the opportunity to review the Investigation

Report, relevant evidence, and other documents to be used in the Hearing. Other documents include notification of Responding Party's allegations, list of potential Hearing Officers panel, and Hearing Script. Following the Pre-Hearing, the Reporting Party and the Responding Party will be notified, via the notification procedures, outlined in in the Student Handbook of a date, time, and location of the Hearing.

While the Reporting Party and the Responding Party may identify errors in their own statements during the Pre- Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Title IX Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a Reporting Party or Responding Party discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the Party should inform the Title IX Investigator immediately. If the new information is pertinent to the consideration of the case, the Title IX Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Hearing.

Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are assigned for deliberation in the Hearing by the Hearing Officers to determine the Responding Party's responsibility for misconduct. An Allegation Letter will be provided to the Responding Party in the Pre-Hearing Meeting or via other methods of notice. The Title IX Investigator will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Deputy Title IX Coordinator for Students upon consultation with the involved Parties.

#### b. Hearing

After proper notice has been given to the Reporting Party and the Responding Party, TTUHSCEP may conduct a hearing and render a finding of Responsible or Not Responsible for the Responding Party's alleged misconduct and, if appropriate, decide appropriate sanctions, conditions, and/or restrictions. The Deputy Title IX Coordinator for Students shall appoint a panel of three (3) Hearing Officers to conduct a Hearing in accordance with Part IV of this Handbook. All persons serving as Hearing Officers shall be oriented and trained to adjudicate a sexual misconduct case in accordance

with this Handbook. If there is a conflict of interest, or appearance thereof, with one of the selected Hearing Officers, that person will recuse themselves and the Deputy Title IX Coordinator for Students shall appoint another person to the panel. Additionally, both the Reporting Party and the Responding Party may raise issues of conflicts of interest with regard to the potential Hearing Officer panel to the Title IX Coordinator or Deputy Title IX Coordinator for Students within three (3) university working days after notice has been given to the Parties of the panel members. The Title IX Coordinator will weigh these issues and resolve them accordingly. No party has a right to disqualify a Hearing Officer Panel member absent a demonstrated bias.

The Hearing may be held, regardless of whether the Reporting Party or the Responding Party fails to respond, attends the hearing or fails to attend the hearing. Should the Reporting Party or the Responding Party fail to attend the Hearing, the Hearing Officers may consider the information and render a decision.

Hearings are closed to the public. Both the Reporting Party and Responding Party have the right to be present at the Hearing; however, they do not have the right to be present during the deliberation of the Hearing Officers. Arrangements can be made so that Reporting Party and Responding Party do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, the Parties should contact the Deputy Title IX Coordinator for Students not less than three (3) university working days prior to the scheduled Hearing.

As provided in further detail in the Title IX Hearing Script, the Title IX Investigator presents the investigation report, evidence, witnesses, allegations, and questions for deliberation in the Hearing. The Hearing Officers may question the Title IX Investigator, Reporting Party, Responding Party and any witnesses through the Title IX Investigator. The Reporting Party and Responding Party do not have the right to question each other nor witnesses directly but may do so through the Title IX Investigator. The Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. Should new evidence be presented without prior discussion with the Title IX Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officers remove a student due to misconduct in the hearing process (Reporting Party, Responding Party, or witnesses) the alleged misconduct will be forwarded to the Deputy Title IX Coordinator for Students or his/her designee. In regard to removal of the student, the Deputy Title IX Coordinator for Students or his/her designee will

forward the alleged misconduct to the appropriate student conduct administrator, who will follow the conduct process in Part II of the Student Handbook in regard to adjudication of the alleged misconduct.

Following the Hearing, the Hearing Officers will deliberate and will render a finding of Responsible or Not Responsible for the Responding Party's alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. The Hearing Officers will inform the Deputy Title IX Coordinator for Students in writing within five (5) university working days of the decision(s). Outcomes of the Hearing will be provided to the Reporting Party and the Responding Party in writing within five (5) university working days after the Hearing Officers inform the Deputy Title IX Coordinator for Students of their decision(s).

Either the Reporting Party or Responding Party may utilize Disciplinary Appeal Procedures outlined in sub-section "d" below.

#### c. Conduct Outcomes/Findings (Sanctions, Conditions, Restrictions)

The Hearing Officers may impose sanctions, including but not limited to those described in Part II of the Student Code, conditions and/or restrictions as a result of a Hearing where the Responding Party is found responsible.

If the allegation involves a student organization, the Hearing Officers may meet with a TTUHSCEP staff member whose professional capacity involves the advising of the organization. This staff member may provide information relevant to potential sanctions, conditions, and restrictions for the Hearing Officer.

All records concerning a student or student organization related to the disciplinary process will remain on file with the Deputy Title IX Coordinator for Students for a minimum of seven (7) years from the date the case is completed through a Hearing and/or disciplinary appeal procedures.

#### d. Conduct Appeal Procedures

Either the Reporting Party or Responding Party may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officers by submitting a written appeal to the Executive Vice President of Academic Affairs or his/her designee within five (5) university working days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A dis-agreement with the decision alone shall not constitute grounds for

appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

i. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)

ii. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and

iii. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The Deputy Title IX Coordinator for Students will provide the request for appeal to the other Party and provide opportunity for response.

The Vice President of Academic Affairs will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal. If any of these requirements are not met, the appeal will be dismissed, and the original decision of the Hearing Officers will be final. If an appeal is granted, the results of the appellate process as outlined below will be final.

If the Vice President of Academic Affairs determines that new evidence should be considered, he/she may return the complaint to the original Hearing Officers to reconsider the new evidence, or may order a new Hearing. If new evidence is considered, the Hearing Officers may increase, decrease, or otherwise modify the sanctions, conditions, and/or restrictions. The Hearing Officers or designee will notify the student of the outcome in writing within eight (8) university working days of the decision. The decision is final and may not be appealed.

If a new Hearing is ordered, all hearing procedures in Part IV.C.15 will be followed. The Hearing Officers will notify the Reporting Party and Responding Party of the outcome in writing within five (5) university working days of the decision. The decision of the Hearing Officers is final and may not be appealed.

In those cases in which the error cannot be cured by the original Hearing Officers (i.e., some cases of bias), the Vice President of Academic Affairs or designee may order a new hearing with new panel of Hearing Officers.

If the Vice President of Academic Affairs determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the Vice President of Academic Affairs or designee may then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead of returning the case to the original Hearing Officers or convening a new Hearing. The Vice President of Academic Affairs will notify the student in writing of the outcome within five (5) university working days of his/her decision. The decision of the Vice President of Academic Affairs is final and cannot be appealed.

The Deputy Title IX Coordinator for Students shall make all reasonable efforts to timely notify the Reporting Party and Responding Party of the status of the appeal throughout the appellate process, and shall make all reasonable efforts to notify the Parties as to the result of the appeal within five (5) university working days after the final decision is rendered.

## 16. Follow up

a. After the finding(s) and sanctions become final and all appeals, if any, are exhausted, the Reporting Party shall be advised that if the complained of activity persists, the Party should contact the Deputy Title IX Coordinator for Students. Likewise, in the event the student believes retaliation for filing a complaint has taken place, they should contact the Deputy Title IX Coordinator for Students.

b. The Deputy Title IX Coordinator for Students will follow up with the Reporting Party within sixty (60) university working days after conclusion of the matter to ensure that the complained of behavior has ceased.

## **PART V. STUDENT RECORDS**

### **A. General Policy**

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University Health Sciences Center at El Paso.

### **B. Address of Record**

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official university requirements. Students should maintain a current local address and telephone number that is used by university officials, and/or student organizations and the campus community.

### **C. Student Access to Educational Records**

All current and former students of the university have the right to access their educational records as provided by law.

Notification of Rights under FERPA for Postsecondary Institutions The Family Educational Rights and Privacy ACT (FERPA) afford eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Texas Tech University Health Sciences Center El Paso receives a request for access.

A student should submit to the Office of the Registrar a request by completing and submitting HSCEPOP 77.13 Attachment B that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Generally if the Education Record is covered under FERPA, the student may inspect or review the education record at the Office of the Registrar, but does not have the right to receive copies of the education record unless a student is effectively prevented from onsite inspection or review of his/her education record. The student may then have a right to receive copies of the education record at the student's expense after evaluation of the circumstances by the Office of the Registrar. Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.



2. The right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the [School] in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the [School] who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the [School]. [Optional] Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO POSTSECONDARY INSTITUTION: FERPA requires a school to make a reasonable attempt to notify each student of these disclosures unless the school states in its annual notification that it intends to forward records on request.

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education 400 Maryland  
Avenue, SW Washington, DC 20202

4. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
5. Personally identifiable information such as rank in class, personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

#### **D. Records Not Accessible to Students**

The following are records not accessible to students:

1. Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;
3. Records relating solely to an employee of TTUHSC EL PASO in his/her capacity as an employee that are not available for any other purpose, unless the Student is employed as a result of his/her status as a Student;
4. Student medical and counseling records created, maintained, and/or used only in connection



with providing medical treatment or counseling to the Student, that are not disclosed to anyone other than the individuals providing the treatment; and

5. Alumni records or other records that contain information about an individual after he/she is no longer a Student at that agency or institution (e.g., information gathered on the accomplishments of alumni).

## E. Disclosure of Education Records

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student –

1. To other school officials, including teachers, within Texas Tech University Health Sciences Center whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))
2. To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31 (a)(2))
3. To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal-or-State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31 (a)(3) and 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31 (a)(4))
5. To organizations conducting studies for, or on behalf of, the school, in order to:
  - (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a)(6))
6. To accrediting organizations to carry out their accrediting functions. ((§99.31 (a)(7))  
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- ~~7.~~ To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31 (a)(8))
- ~~9.~~8. To comply with a judicial order or lawfully issued subpoena.

(§99.31 (a)(9))

~~10.~~ To appropriate officials in connection with a health or safety emergency, subject ~~11.9.~~ to §99.36. (§99.31 (a)(10))

~~12.~~ Information the school has designated as “directory information” under §99.37. ~~13.10.~~ (§99.31 (a)(11))

~~14.~~ To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex ~~15.~~ offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime ~~16.11.~~ or offense, regardless of the finding. (§99.31 (a)(13))

~~17.~~ To the general public, the final results of a disciplinary proceeding, subject to the ~~18.12.~~ requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31 (a)(14))

~~19.~~ To parents of a student regarding the student’s violation of any Federal, State, or ~~20.~~ local law, or of any rule or policy of the school, governing the use of possession of alcohol or a controlled substance if the school determines the student ~~21.13.~~ committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## F. Student’s Request to Amend Records

Students have the right to request an amendment of their educational records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student Handbooks for each School and the TTUHSC EL PASO Student Handbook/Code of ~~Professional Conduct~~Professional Conduct. The request is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed to amend the records.

1. Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.
2. If the result of the informal discussion with the Office of the Registrar is not satisfactory to the Student, and the Student still wishes to have the record corrected, the Student should submit a Student Request to Amend Education Records form HSC OP 77.13 ~~(Attachment C)~~ to the Assistant Vice President for Student Services or designee. The request shall clearly identify the part of the record the Student believes should be changed, and specify why it should be changed, i.e., why the Student believes the record is inaccurate, misleading or in violation of his/her privacy rights. **[Note: The substantive judgment of a faculty member regarding a Student’s work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for Students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student handbooks for each School and the TTUHSC EL PASO Student Handbook/ Code of Professional Conduct.]**
3. After receiving the written request from the Student for a change in his/her Education Records, the

Assistant Vice President for Student Services or designee shall request, and the Office of the Registrar shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the Office of the Registrar, the Assistant Vice President for Student Services or designee will provide written notification to the Student whether or not TTUHSC EL PASO will implement the change. If not, the SVPAA or designee will notify the Student of the right to a hearing to challenge the information believed by the Student to be inaccurate, misleading, or in violation of the Student's rights.

4. Upon receiving a written request from the Student for a hearing, the Assistant Vice President for Student Services or designee shall arrange for a hearing and provide written notice to the Student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:

a. The hearing shall be conducted by a hearing official or committee appointed by the President or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the Student or the Office of the Registrar.

b. At least five (5) days prior to the date scheduled for the hearing, the Student and the Office of the Registrar, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The Student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. If the Student has an advisor, the Office of General Counsel shall represent the University. The Student and the Office of the Registrar are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the Parties are not permitted to speak or participate directly in the hearing.

c. At the hearing, the Student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the Student.

d. Any additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.

e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the Student, the Office of the Registrar, and the Assistant VP for Student Services or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the Student, the Student will be notified of the right to place a statement in the record contesting the information in the record or stating why the Student disagrees with the decision of the agency or institution, or both. Any statement provided by the Student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

## **G. Release of Student Directory Information**

The following student information is considered Texas Tech University Directory Information:

1. Student Name
2. Permanent and Local Addresses
3. Telephone Numbers
4. Classification
5. Major Field of Study
6. Dates of Attendance
7. Degrees, Awards, and Honors Received
8. Specific Enrollment Status
  - a. Full-time, Part-time, Half-time
  - b. Undergraduate, Graduate
9. Participation in Officially Recognized Sports and Activities
10. Previous Institutions Attended
11. Postgraduate Training/Clinical sites for R.N., M.D., or Ph.D. graduates and degree candidates

This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld by submitting a completed HSC<sup>EP</sup> OP 77.13 Attachment A, Student Consent to Release Education Records, or by restricting personal directory information at WebRaider.TTUHSC EL Paso.edu on the MyTech tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name. The publication known as the Texas Tech Campus Directory is one type of printed periodical containing data classified as “directory information”. To restrict directory information from appearing in the printed directory, students must go to WebRaider and restrict directory information **prior** to the 12th class day in the fall term. Restricted directory information will remain restricted until the students unrestricts the information.

## **H. Destruction of Records**

The university constantly reviews the “educational records” it maintains and periodically destroys certain records. The university will not destroy records if prohibited by state or federal law. The student’s basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Associate Dean for Student Affairs office. Student Disability Services records are maintained for three years after the last date of enrollment.

## **I. Letters of Recommendation**

1. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
2. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

## **J. Medical Records**

Medical records are maintained for students seen by a Texas Tech faculty at Texas Tech Physicians at Hague or other Texas Tech clinics. Information contained in the medical record is completely confidential and will not be released to another person or institution without written permission of the student unless otherwise authorized by law. Students needing to request a copy of their medical records should contact the office where they received care.

## **PART VI. REGISTRATION OF STUDENT ORGANIZATIONS**

### **A. Conditions for Registration**

1. Student organizations wishing to register with the Texas Tech University Health Sciences Center at El Paso must file an application with the Office of Student Services. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center at El Paso.
2. This application shall contain, but not be limited to, the following information:
  - a. A statement of the organization's purposes;
  - b. Any present or intended relation the organization may have to any other local, state, or national organization;
  - c. The organization's proposed activities;
  - d. A list of the organization's officers;
  - e. A copy of the organization's constitution/bylaws;
  - f. A copy of the constitution/bylaws of any related organization if any; and,
  - g. The signature, title, and campus address of a full-time member of the faculty or staff indicating his or her willingness to serve as the advisor to the organization.
  - h. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by TTUHSC EL PASO at El Paso
3. Membership in the organization shall be open only to students of Texas Tech University Health Sciences Center at El Paso without regard to race, religion, sex, handicap or national origin, except in cases of designated fraternal organizations which are exempted by federal law from Title IX regulations concerning discrimination on the basis of sex. Faculty and staff may hold adjunct memberships in accordance with the organization's constitution.
4. The organization shall not duplicate the purposes and functions of a previously registered organization unless need for such duplication is substantiated.
5. All funds allocated to the organization from TTUHSC EL PASO controlled sources must be maintained in a TTUHSC EL PASO account.
6. The organization shall show promise of effectively meeting its stated objectives, be free from control by any other organization and be lawful and peaceful in its activities.

7. The organization shall not use the name of the Texas Tech University Health Sciences Center El Paso, logotype, or symbols of TTUHSC EL PASO as part of its name in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC EL PASO. The organization is permitted to use the word "TTUHSC EL PASO Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC EL PASO." Requests to use logos or symbols protected by TTUHSC EL PASO, Texas Tech University or the Texas Tech University System shall be submitted to Office of Communications and Marketing

Registration of an organization results from compliance with these regulations; it does not imply TTUHSC EL PASO approval of the organization or its activities. The organization shall agree to adhere to the policies, rules, and regulations of TTUHSC EL PASO.

## **B. Faculty or Staff Advisor**

Each registered organization shall have a TTUHSC EL PASO full-time faculty or staff advisor to be available to the officers and members for consultation about the organization's affairs, to attend organization meetings and functions as often as possible, to certify the expenditures of the organization to offer suggestions regarding the operations of the organization and to oversee adherence to TTUHSC EP regulations and the organization's constitution and bylaws.

## **C. Conditions for Maintaining Registration**

1. In order to maintain its registration, a student organization shall comply with the following requirements:

a. The organization shall file a list of its current officers and advisor within one (1) month of the first day of classes of the fall semester each year. The current president of the organization, or his or her designated representative shall file notification of subsequent changes, when such changes occur.

b. The organization shall submit to the TTUHSC EL PASO Office of Student Services for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds or changes in membership requirements.

c. The organization shall maintain its funds in accordance with Section A of this part and be in good standing with the Texas Tech University Health Sciences Center at El Paso.

d. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose as stated on the application.

e. The organization shall conduct its affairs in a lawful manner, in accordance with the constitution and bylaws it has on file, and in accordance with applicable Texas Tech University Health Sciences Center at El Paso regulations and state statutes.

f. The organization shall be responsible for the observance of all applicable TTUHSC EL PASO regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.

g. The Office of TTUHSC EL PASO Student Services may withdraw the registration of an organization for non-compliance with University policies and procedures.



## D. Denial of Registration

1. No student organization will be officially registered with the Texas Tech University Health Sciences Center El Paso if the Office of Student Services determines that the organization's actions or activities are detrimental to the educational purposes of the University or not in accordance to the Student Handbook.
2. If registration is denied, the designated president and advisor of the applying organization shall be notified of the decision by the Office of Student Services in writing. The applying organization may appeal in writing to the Assistant Vice President for Student Services within five (5) business days from the date of the denial letter. The decision of the Assistant Vice President for Student Services is final.

## PART VII. USE OF UNIVERSITY SPACE, FACILITIES AND AMPLIFICATION EQUIPMENT

### 1. Space and Facilities

- a. The space and facilities of the University are intended primarily for the support of the instructional program of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is permitted and encouraged for activities which are intended to serve or benefit the entire University community.
- b. Outside individuals or groups who are not faculty, staff or a currently enrolled student may attend functions held on TTUHSC EL PASO property, but to be eligible for use of campus facilities, the function must be sponsored or cosponsored by, and affiliated with, a recognized TTUHSC EL PASO department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, participation in, planning, coordination, and implementation directly by members of the sponsoring organizations. Sponsors are directly responsible for ensuring that activities and events comply with TTUHSC EL PASO requirements for liability insurance, hold-harmless agreements, financial responsibility for property damage, etc.
- c. Permission to use campus space facilities may be granted only by the offices designated by TTUHSC EL PASO OP 61.07, *Use of TTUHSC EL PASO Premises and Amplification Equipment*. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person.
- d. TTUHSC EL PASO reserves the right to move the location of any assembly should it appear that the activity might interfere with the normal operations of TTUHSC EL PASO or interfere with the rights of others. The use of buildings, grounds or TTUHSC EL PASO property must conform to these regulations and to local, state and federal law.
- e. Although TTUHSC EL PASO is generally an open campus for purposes of student, faculty and staff free expression activities, students, faculty and staff are encouraged, and person and groups not affiliated with TTUHSC EL PASO are required, to use the Forum Areas of the campus for free expressions activities. Forum Areas for each campus are set forth in TTUHSC EL PASO OP 61.07, *Use of TTUHSC EL PASO Premises and Amplification Equipment*.

f. With the exception of free expression activities mentioned above, reservations must be made for the use of TTUHSC EL PASO premises and must be in accordance with TTUHSC EL PASO OP 61.07, *Use of TTUHSC EL PASO Premises and Amplification Equipment*. The term “TTUHSC EL PASO premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by TTUHSC EL PASO (including adjacent streets and sidewalks).

## **PART VIII. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS**

Solicitation and sales and services on University premises or in University-owned or University-controlled buildings are prohibited without prior written approval from the Office of Student Services. This includes financial planners, mortgage vendors and other financial services. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on University premises is also prohibited without prior approval from the Office of Student Services.

## **PART IX. STUDENT TRAVEL POLICY**

### **A. TTUHSC EL PASO OP 77.08, Student Travel Policy**

1. TTUHSC EL PASO OP 77.08 regulates any travel undertaken by one or more students presently enrolled at TTUHSC EL PASO to an activity or event that is located more than 25 miles from the campus of TTUHSC EL PASO. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC EL PASO, is undertaken using a vehicle owned or leased by the university or is a required event or activity by a student organization registered at TTUHSC EL PASO.

2. Modes of travel by students to events or activities as defined above include:

- a. personally-owned vehicles;
- b. rental cars, vans, chartered buses;
- c. commercial airlines; and
- d. use of TTUHSC EL PASO-owned vehicle.

3. The purpose of this policy is to help minimize the risks of liability connected with motor vehicle travel by University students. The policy applies to the use of the above modes of travel to any activities directly related to the academic, research and/or administrative responsibility of the department involved. This policy also applies to travel undertaken by one or more students presently enrolled at the University to reach a University-related activity located more than 25 miles from the University. It applies to travel required by a registered student organization.

### **B. Travel Using University-Owned Vehicles**

1. **Appropriate Use.** Only persons who are acting within the course and scope of University-related activities should use University vehicles.



2. Drivers. Because of the risks of personal injury, it is required that only those persons whose names appear on the approved driver's list be asked or allowed to use University-owned motor vehicles. If students will be using state-owned or rental vehicles, the following is required:
- a. The requesting department or unit must place students who drive on behalf of the University on the approved driver's list.
  - b. Qualifications for drivers of all University or rental vehicles are as follows:
    - i. Must possess a valid (Texas or other U.S. state) driver's license, be at least 18 years of age and have held a valid license for at least two years;
    - ii. Must have available documentation of current personal insurance;
    - iii. Must sign a disclosure statement;;
    - iv. Must not have any moving violations within the last 18 months,
    - v. Are required to report any driving violations to their immediate supervisor as soon as possible. This includes violations that occur while driving a vehicle not owned by the University; and
    - vi. Must not have had any violations for drunk driving, driving under the influence of drugs or reckless driving. Must not have had a reinstated license in effect for less than one year after a revocation.
    - vii. Must be able to provide documentation of current personal automobile liability insurance
  - c. Additional qualifications for drivers of vans equipped for 15 passengers are:
    - i. Must be at least 21 years of age;
    - ii. Must comply with Motor Vehicle check on an annual basis;
    - iii. Must successfully complete a driver training course;
    - iv. Must attend retraining annually; and
    - v. Must not have any moving violation in the last 18 months.
    - vi. must successfully pass a drug test
3. Operator Conduct.
- a. Operators of University vehicles must take a 15-minute break every 3 hours and may drive no more than 10 hours in a 24-hour period. When the vehicle driven is a van with passengers, a second person must remain awake at all times and ride in the front passenger seat.
  - b. Those who operate a University vehicle represent the University to the general public. The image conveyed does affect the University; therefore:
    - i. DO NOT use University vehicles for personal transportation or business;
    - ii. DO NOT allow alcoholic beverages or narcotics to be transported or consumed in any University vehicle;
    - iii. DO NOT pick up hitchhikers or transport family members;
    - iv. DO NOT allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public;
    - v. DO observe all traffic rules and regulations;
    - vi. DO drive carefully, safely, and courteously;
    - vii. DO require driver and all passengers to use seat belts and other appropriate occupant restraints at all times the vehicle is being operated;
    - viii. DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints; and,

- ix. DO NOT allow the number of passengers to exceed the authorized capacity of the vehicle.
- x. Are restricted the use of a cell phone use while operating vehicle

c. When a vehicle is damaged through operator misuse or operated by a person under the influence of alcohol or narcotics, the operator shall provide a complete statement of the circumstances and a copy of the police report to the department head for appropriate administrative action. Citations for all parking and traffic violations will be the personal responsibility of the operator.

d. Use common sense when driving. For road trips of 100 miles or more, share the driving, if possible, and take frequent breaks.

#### 4. Accidents.

The following procedures should be followed whenever a University vehicle is involved in an accident, regardless of the extent of damage.

- a. Stop immediately and notify local police so that an official report can document the accident;
- b. Take necessary steps to prevent another accident;
- c. Use the motor pool card with instructions on the front and numbers to call on the back;
- d. Call a doctor, ambulance, or emergency medical team, if necessary. Render aid to the injured until help arrives;
- e. Get names and addresses of all witnesses;
- f. Provide all required information to the police officer;
- g. Notify the department head or supervisor (if you are unable to contact or reach someone, contact the Texas Tech Police Department); and,
- h. Refer to TTUHSC EL PASO OP 76.34, *Accidents Involving University Vehicles*, for the completion of required vehicle accident documentation.

### C. Travel Using Personal Vehicles

1. **Transportation Generally.** The University recognizes that students occasionally use personal vehicles while engaged in University-related activities on campus and in the local area. Because personal automobile insurance will be looked to first in the event of an accident, all persons who use their personal vehicles while conducting University business should be made aware of the possibility of personal liability related to such use. No University coverage for personal injuries is available to students if they drive their personal vehicles on university-related activities as defined hereinabove.

2. **Reimbursement for Costs.** Mileage costs related to any significant use of personal vehicles to conduct University-related business unrelated to required academic experiences, e.g. clinical rotations, clerkships, etc. will not be reimbursed.

3. **Use of Personal Vehicles Not Required.** No individual shall be required to use a personal vehicle to perform University-related activities with the exception of clinical affiliation sites.

#### 4. Policy Concerning Use of Personal Vehicles by Students.

- a. Use of personal vehicles by students to drive to University-related activities is discouraged.
- b. If students use their personal vehicles, and/or transport other students as passengers, their personal insurance will be primarily responsible for any liability that may arise from such use.
- c. No University coverage for personal injuries is available to students if they drive their personal vehicles on University-related activities as defined here in above.

### **D. Policy Concerning Student Releases and Medical Authorization**

Each student who travels by any form of transportation to participate in a University- related activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non-academic activities, must, prior to such activities, execute a copy of the Release and Indemnification Agreement and the Authorization for Emergency Medical Treatment.

### **E. Guidelines Concerning Safe Travel Practices**

1. Each administrative unit approving University-related travel, especially travel that involves students, is encouraged to promulgate guidelines that encourage safe driving and minimize risks of injury during that travel.
2. Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the students' own risk. If personal injury or accident should occur to students or other persons during such activities, TTUHSC EL PASO, Texas Tech University or Texas Tech University System will assume no responsibility, financial or otherwise.
3. Faculty and staff sponsors and organization officers are urged to take all possible precautions to ensure the safety and well-being of all persons participating in off-campus activities.
4. There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips sponsored by student organizations. Students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip. Instructors may set their own requirements for class work missed under such circumstances: they must grant students an opportunity to make up all course work missed while participating in an official off-campus trip.
5. Please refer to the TTUHSC EL PASO -Travel Office and the Office of Global Health for information regarding travel abroad.

## **PART X. MISCELLANEOUS POLICIES**

A. Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures and student employment may be referenced in the various

Schools' student handbooks and/or catalogs.

### 1. Absences

Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

### 2. Academic Requirements

Academic requirements vary with each TTUHSC EL PASO School and particular degree program in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog for specific details.

### 3. Admissions and Applicants

The educational policies of the TTUHSC EL PASO are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC EL PASO is an upper-level, graduate, and professional study institution. The application and admissions policies for TTUHSC EL PASO are outlined in the individual Schools' catalogs.

Most programs at TTUHSC EL PASO have a deadline for receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

### 4. Adding and Dropping Courses

Consult with your academic department for deadline dates for adding and/or dropping courses. Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the School's program. Please refer to the individual Schools' catalogs and/or handbooks for more specific details relating to your program.

### 5. Affiliation

The Student Government Association is the official organization representing students. Students may identify with off-campus programs and activities as individuals, but not as representatives of the student body.

### 6. Attendance

The faculty member responsible for the course determines attendance requirements for each course. A student who fails to attend any class for any reason is responsible for the material presented in class, assignments, examinations, announcements, etc. to the same extent as though the student had attended the class. Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

### 7. Bacterial Meningitis

a. *General.* Meningococcal disease is a potentially life-threatening infection caused by the bacterium *Neisseria meningitides*. Bacterial meningitis is an inflammation of the membranes

that surround the brain and spinal cord. This disease affects approximately 3000 Americans each year, including 100-125 people on college campuses, leading to 5-15 deaths per year among college students.

b. *Risks and Exposures.* The organism is spread from person-to-person through the exchange of respiratory and throat secretions such as coughing and kissing. Sharing cigarettes, water bottles, eating utensils and food, may increase your exposure. Resident Hall-style living may also play a role as crowded environments facilitate the spread of the infection.

c. *Symptoms and Diagnosis.* Early diagnosis is important. Your healthcare provider may use a combination of clinical symptoms and laboratory tests to diagnose the disease. Seek medical attention immediately if one or more of these symptoms appear:

- i. High fever
- ii. Severe Headaches
- iii. Vomiting
- iv. Light sensitivity
- v. Stiff neck
- vi. Nausea
- vii. Lethargy
- viii. Seizures
- ix. Confusion and sleepiness
- x. Rash or purple patches on skin

d. *Possible Treatment and Consequences If NOT Treated.* Antibiotic treatment may be effective if exposure and disease is detected early. Possible consequences of the disease, include, but are not limited to:

- i. Permanent brain damage
- ii. Kidney failure
- iii. Learning disability
- iv. Gangrene
- v. Coma
- vi. Convulsions
- vii. Hearing loss
- viii. Blindness
- ix. Limb damage that may require amputation
- x. Death

e. *Prevention.* Vaccinations may be effective against 4 of the 5 most common bacterial types that cause 70% of the disease in the United States. Vaccinations typically take 7-10 days to become effective, with protection lasting 3-5 years. The vaccination is generally safe--most common side effects may include redness and minor pain at the injection site for up to two days.

f. *Information.* If you have more questions contact:

- i. Your healthcare provider
- ii. Your local or regional Texas Department of Health
- iii. Texas Tech Physicians at Hague 915-215-5810
- iv. TTUHSC EL PASO Office of Occupational Health 915-215-4429.

v. Visit these web sites for more information -  
[www.cdc.gov/ncidod/dbmd/diseaseinfo](http://www.cdc.gov/ncidod/dbmd/diseaseinfo) or [www.acha.org](http://www.acha.org)

### Medical and Religious Exemptions 2010-2011 Texas Vaccine Exemption Information

State of Texas law grants and acknowledges the right of parents to exempt their children from vaccination requirements for day care, school, and college for reasons of conscience including a religious belief or for medical reasons. In 2003, the Texas legislature passed changes to the statutes expanding the reasons a parent can claim an exemption but the Health Department has questionably also increased the bureaucratic red tape necessary for claiming the exemption. There are specific procedures for requesting an official state form and submitting it to the school or for completing a medical exemption that all take some time so please do not wait until the last minute to get your papers in order.

For everyone claiming an exemption for the first time after 9/1/03, you must comply with the new law. If you've submitted an old religious exemption prior to 9/1/03, you are grandfathered under the old law (see notes below) and do not need a new form. The vaccine exemption forms for reasons of conscience including a religious belief are only for students claiming a vaccine exemption for the first time after 9/1/03 when the new law went into effect. If you need to request forms from the state health department, you can do it by fax, mail, personal visit, or through an online submission form. If you send your request by mail, we suggest sending it registered mail with a receipt so you can keep track of your request. If you send it by fax, set your fax machine to print out a delivery receipt. We would like to keep track of the Health Department's processing time.

According to the Texas Dept. of State Health Services: Online requests must be made through the web submission form posted at <http://webds.dshs.state.tx.us/immco/affidavit.shtm>.

## 8. Required Immunizations

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC EL PASO requires **all entering students** to provide documentation of all immunizations as required by their respective schools. Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2012 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC), and the U.S. Advisory Committee for Immunization Practices (ACIP). The meningitis requirement must be sent in immediately and all other requirements must be met prior to orientation

### I. Tuberculosis Surveillance

Tuberculosis surveillance for Covered Individuals is based on current U. S. Department of Health and Human Services, *Centers for Disease Control and Prevention (CDC) Recommendations and Reports(December 30, 2005, 54 (#RR-17):1-147), Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.*

### II. Immunizations

Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2009 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC),



and the U.S. Advisory Committee for Immunization Practices (ACIP). See attached CDC *Healthcare Worker Vaccination Recommendations* (2011).

### III. Exposure Management

Institutional management of exposure to: (1) blood-borne pathogens, (2) body fluids and, (3) other miscellaneous exposures is based on regulations, guidelines and recommendations available as of October, 2009 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC)."

## 9. Working with Affiliated Entities-Student Drug Screenings, HSCEP OP 77.15

### 1. Defined Terms

For purposes of this policy the term "Student" does not include residents in the Paul L. Foster School of Medicine

### 2. Background

TTUHSC EL PASO enters into affiliation agreements with various health care clinical entities ("Affiliated Entities"), such as hospitals and other facilities, in order to provide clinical experience opportunities for its students enrolled in TTUHSC EL PASO clinical education programs.

Affiliated Entities may establish more stringent standards for students who wish to do a clinical rotation at the affiliated entity, than those required by TTUHSC EL PASO as part of its admission process. Affiliated Entities may require students, among other things, to undergo and satisfactorily pass additional background checks and/or drug screenings as a pre-requisite to participating in a clinical rotation at the Affiliated Entity.

Clinical rotations are an essential element in certain degree programs' curricula. Students who cannot participate in clinical rotations due to a positive drug screening may be unable to fulfill the requirements of a degree program.

TTUHSC EL PASO schools may NOT mandate this requirement for all students. It applies solely to those students who must fulfill the requirement for participation in a clinical rotation at an Affiliated Entity.

### 3. Clinical Placement.

Placements at Affiliated Entities for clinical rotations will be based on the learning objectives as defined by each program consistent with the learning objectives of each student. Determination of unacceptable results of a drug screening will be made by the Affiliated Entity. Any student placed with an Affiliated Entity that requires additional background checks and/or drug screens, who cannot meet these requirements, must discuss all available options with their School's Office of Student Affairs or their designee.

Affiliated entities may conduct their own drug screening. If the student fails the drug test and is consequently denied externship placement, s/he shall be subject to disciplinary action in accordance with the TTUHSC EL PASO policies.

### 4. Responsibility of the School The student's School shall:

- a. Notify the student of the Affiliated Entity's requirements for a drug screen, to include

the type(s) of drug screen required by the Affiliated Entity, deadlines to meet the Affiliated Entity's requirements, a list of approved drug screen testing vendors, and a completed Authorization, ,” for signature by the student.

b. Receive the student's drug screen test results, which shall be maintained in a confidential, locked file separate from the student's primary educational records.

c. Notify and ensure the Affiliated Entity that all students prior to their clinical rotation have met their drug screening requirements.

#### 5. Responsibility of the Student

a. The student shall pay for the cost of any and all drug screening required by an Affiliated Entity that is designated for student matriculation by TTUHSC EL PASO provided articles *b, c, d*, below are met. The student shall be responsible for the cost of any necessary re-test or subsequent tests at TTUHSC EL PASO designated Affiliated Entity(s) and any drug screening required by an Affiliated Entity selected for matriculation by the student.

b. The student shall complete the drug screen prior to the deadlines provided by the School and meet the guidelines of the Affiliated Entity. Failure to complete the drug test prior to the deadlines may result in an additional expense to the student, and/or delay in, or denial of, rotation in the Affiliated Entity.

c. The student shall use a drug screen vendor from the designated vendors provided to the student by his/her School and/or the Affiliated Entity. 1) Results from a vendor NOT on designated by the School and/or Affiliated Entity will not be accepted and the student shall be required to have the drug screening test(s) conducted by an approved vendor.

d. The student will be required to sign a valid consent and authorization, consenting to the drug screening and giving the vendor performing the test permission to provide the drug screen test results to the person designated by the School to receive student drug screen tests results under this policy.

#### 6. Student Refusal to Consent to Drug Screen

Any student who fails or refuses to consent to a drug screen required by an Affiliated Entity to which the student has been assigned by his/her School shall be subject to disciplinary action in accordance with the TTUHSC EL PASO Student Handbook/Code of Professional and Academic Conduct, the Schools' written policies, if any, and this policy.

#### 7. Period of Validity – Drug Screen Results

a. Unless otherwise required by an Affiliated Entity, drug screen test results will generally be valid for the time the student is in the program within the School unless there is a break in enrollment, defined as not enrolled for one full semester.

b. Students may be required to undergo drug screening more than once depending on the requirements of each Affiliated Entity in which the student is placed to meet their learning objectives or the number of Affiliated Entities at which the student is placed.

#### 8. Drug Screen Results

a. Diluted Specimen. Should the vendor report that the screening specimen was diluted, thereby precluding an accurate drug screen test, the student, at his/her expense, will be required to complete and successfully pass a new drug screen test.



- b. Negative Drug Screen Results. The School which receives the a student's drug screen test results, may release negative drug screen test results to the student, provided the student has signed the appropriate release form, [HSCEP OP 77.15-Attachment A](#).
- c. Positive Drug Screen Results.
- i. A positive drug screen is any instance in which a drug screen report shows a positive test for one or more of the drugs on the panel required by the Affiliated Entity.
  - ii. Any student with a positive drug screen will not be placed in any clinical facility pending review and outcome of appeal with the vendor.
  - iii. The student has the right, at his/her expense, to request an independent review of any positive drug screen, by an independent Medical Review Officer, provided by the vendor. There will be an additional charge if review by the Medical Review Officer is requested, and the student is responsible for all costs related to this review.
  - iv. Any appeal based on a positive drug screen is solely between the student, the Medical Review Officer and the vendor. The student's School will not become involved in the appeal of a positive drug screen.
  - v. If, after review by the independent Medical Review Officer, there is no valid medical basis which would cause or contribute to the positive drug screen, the test results will stand, at which point the student will be referred to the School's Office of Student Affairs for disciplinary action in accordance with this policy and the School's written policies.

#### 9. Confidentiality of Records

Drug screening reports and all records pertaining to the results are considered confidential information with restricted access to the extent allowed by law.

#### 10. Readmission

- a. Any student who is withdrawn due to a positive drug screen without medical validation will only be eligible for readmission to any TTUHSC EL PASO program of study in accordance with the School's readmission policies.
- b. If accepted for readmission after the required period of time, the student must, at his/her own expense, provide a negative drug test and satisfactory documentation of completion of any remedial action required by the School.

#### 11. Right to Change Policy-

TTUHSC EL PASO reserves the right to change, modify, amend or rescind this policy in whole, or in part. at any time.

#### 10. Credit by Exam

Specific credit by examination policies may be found in each of the Schools' catalogs and/or student handbooks; however, the Gayle Greve Hunt School of Nursing, [and the Graduate School of Biomedical Sciences](#), does not offer Credit by Exam. Pass or fail grades earned on

examinations for these courses will not be considered in determining grade-point averages. TTUHSC EL PASO Schools may elect not to accept credit by examination, where it is determined that such academic achievement may hinder the success on national licensure exams/certifications.

## 11. Disabilities (Students)

TTUHSC EL PASO complies with HSCEP OP 10.15 (Americans with Disabilities Act) and HSCEP OP 77.14 (Establishing Reasonable Accommodations for Students with Disabilities) complies regarding with the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified ~~and competitive~~ individual with a disability shall be denied access to or participation in services, programs and activities of TTUHSC EL PASO solely on the basis of the disability.

Any student seeking accommodations on the basis of disability must register with Disability Support Services (DSS) in the Office of Student Services. The process to request accommodations includes an application for services, appropriate documentation of the disability, and an intake interview with the Director of Academic and Disability Support Services.

Students with grievances related to discrimination on the basis of a disability should review the Institutional Student Handbook, Part IV on Anti-Discrimination policies and procedures. The grievance process would include the ADA Compliance Officer for Students Director of Academic and Disability Support Services. ~~Any student seeking accommodations on the basis of disability must register as a disabled student with the ADA Compliance Officer for Students in the Office of Student Services/ Student Affairs and must provide all required documentation of disability. Students seeking accommodations must complete an application for disability services and provide supporting documentation.~~

The application, documentation guidelines, grievance procedures, and other forms can be found on the Disability Support Services website: [elpaso.ttuhs.edu/studentservices/disability-support-services](http://elpaso.ttuhs.edu/studentservices/disability-support-services).

For more information, ~~see visit~~ HSCEP OP 10.15: American's with Disabilities Act (-[www.TTUHSC-EL-Paso.edu/HSC-OP10.15.pdf](http://www.TTUHSC-EL-Paso.edu/HSC-OP10.15.pdf), <http://elpaso.ttuhs.edu/opp/ documents/10/op1015.pdf>) or HSCEP OP 77.14 Establishing Reasonable Accommodations for Students with Disabilities (<http://elpaso.ttuhs.edu/opp/ documents/77/op7714.pdf>)

## 12. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC EL PASO on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. Grievances related to discrimination on the basis of race, religion, national origin or age should be pursued through regular administrative channels. Academic problems are to be handled in the academic administrative structure culminating in review by the individual School's Dean. The individual Schools as noted in their Schools' catalogs should direct non-academic student matters to the Office of Student Services. For more

information, visit [www.TTUHSC EL Paso.edu/HSC OP 51.01](http://www.TTUHSC EL Paso.edu/HSC OP 51.01), Equal Employment Opportunity Policy and Affirmative Action Plan.

### 13. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the TTUHSC EL PASO OP 70.10, Non-faculty Employee Complaint and Grievance Procedures. The procedures manual may be reviewed in the Office of Equal Employment Opportunity.

### 14. Exams

Please refer to the individual School's catalogs for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register as a disabled student with the ADA Compliance Office for Students in the Office of Student Services and must provide all required documentation of disability. Appropriate and reasonable accommodations, if any, will be determined by the ADA Compliance Office for Students in the Office of Student Services.

### 15. Financial Policies

Students must meet all financial responsibilities due the University. The writing of checks on accounts with insufficient funds, the non-payment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University, (including failure to return Title IV funds), are considered a lack of financial responsibility. Financial irresponsibility can subject the student to action by TTUHSC EL PASO, including, but not limited to, denial of registration, withholding of grades and transcripts and possible adjudication under the Code of Professional and Academic Conduct. In addition, Generally, failure to meet financial obligations to the University may result in:

- a. Cancellations of the student's registration if tuition and registration fees are not paid by the 12<sup>th</sup> class day and 20<sup>th</sup> class day (4<sup>th</sup> class day and 15<sup>th</sup> class day in summer), or if a returned check given in payment of tuition and fees is not redeemed by that time;
- b. Loss of University check writing privileges and possible criminal prosecution for writing insufficient fund checks and for failure to pick up a returned check;
- c. A flag placed on a student's academic records preventing future registration (before registering or requesting a transcript, students may check on the presence of flags on their records by contacting the Office of the Registrar); and/or,
- d. Reporting of financial problems to a credit agency or a collection agent. For more information, please visit the Student Business Services website at [www.elpaso.ttuhs.edu/fiscal/businessaffairs/studentbusserv/](http://www.elpaso.ttuhs.edu/fiscal/businessaffairs/studentbusserv/)

### 16. Grades/Grading

- a. The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.
- b. The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. A student must file a formal written appeal within 5 days of the beginning of the next semester in accordance with the individual Schools' policy regarding student grade appeals. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved. **After a degree has been posted, no further adjustments can be made on the record except under extraordinary circumstances as determined by the Dean of the School the student is enrolled under.**

## 17. Graduation Procedures

- a. Degree requirements are published in the individual School's catalogs.
- b. Prior to graduation, all candidates for TTUHSC EL PASO degrees are required to:
  - i. Complete all graduation requirements set forth by the applicable School;
  - ii. Complete and return to the Office of Student Services the University's *Intent to Graduate* form in the semester before anticipated graduation (the student's "diploma name" as requested in the *Intent to Graduate* form is printed on her/his diploma, and information provided by the student is used in commencement programs);
  - iii. Be registered in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;
  - iv. Attend an Exit Interview session scheduled by the Student Financial Aid Office for students who have received financial assistance, which must be repaid after graduation.

~~c. Information on invitations, academic regalia and class rings is available through the Office of Student Services website.~~

~~d. Individual photos of each graduate receiving her/his diploma or certificate will be taken at graduation ceremonies. Students will be mailed proofs from which they may order copies from the photography company.~~

## 18. Health Services and Health Insurance Information

- a. The Texas Tech Physicians at Hague provides health services to TTUHSC EL PASO students who are currently enrolled and have paid the Student Health Fees as part of tuition and fees. To receive health services, you must present a Student I.D. card at the time of the appointment. If you also have private insurance in addition to Student Health Services, you will need to submit your receipt for the co-pay to your insurance company for reimbursement.

*The Student Health Fee covers only those services provided by the Texas Tech*

*Physicians at Hague and specific laboratory and radiology service performed at cooperating locations. **All other charges incurred are your responsibility.***

b. Clinic Procedures

Please call to make an appointment. If you need to be seen for a sudden illness, please call that day as early as possible. If you need to be seen after hours, call the office at Hague and ask to leave a message for the on-call physician. When you check in, please inform the receptionist that you are a TTUHSC EL PASO student. If you come to the office without an appointment, it may be necessary for you to wait for a physician.

Immunizations, paper work, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested. If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed as a provider on your insurance. *Visits to an emergency room that generate a charge from either TTUHSC EL PASO or the hospital are your responsibility.*

c. If the student receives a bill from the Texas Tech Physicians at Hague for services covered by the medical service fees, please contact the Office of Student Affairs at (915) 215-4370.

**d. Students are expected to have hospitalization insurance coverage for each semester enrolled. Students should be prepared to provide proof of coverage at the time of registration.**

e. TTUHSC EL PASO will make available information on student health insurance providers for all registered students in the University. Students may investigate other insurance plans. Insurance information can be found on the Office of Student Services website at <http://elpaso.TTUHSC EL Paso.edu/elpaso/studentservices/>

19. Interprofessional Education

All TTUHSC EL PASO students, regardless of school affiliation, will be required to complete a non-credit, online course in interprofessional education. Implementation of this requirement will vary across schools and degree programs. Students should consult their academic/program advisor and/or school catalog for additional information.

20. Notification of Student Death

The Office of Student Services is the Office of the Chancellor's liaison regarding notification of any student deaths. Schools must notify the Assistant Vice President for Student Services immediately in the event of any student death.

21. Program of Assistance for Students

Personal counseling services are available to all TTUHSC EL PASO students through the Program of Assistance for Students (PAS) ~~or through the Employee Assistance Program (EAP).~~ Through the PAS, licensed counselors are available to assist students with all types of problems, including stress associated with academic, legal, or financial concerns; depression, anxiety, and/or other emotional problems; family and relationship issues; alcohol and drug abuse; and other mental health and wellness issues. For more information or to request assistance, please call

1-800-327-0328 or the 24-hour crisis line through the Emergence Health Network at (915) 779-1800. In the event of an emergency, the answering service will connect the student with the counselor who is on call. Through PAS, TTUHSC EL PASO students and their dependents are eligible to receive five free counseling sessions per year. Additional information about PAS services is published in a brochure that is available from student affairs personnel on all campuses and is also posted on the Office of Student Services website at the following address: <http://elpaso.TTUHSC EL Paso.edu/elpaso/studentservices/>.

## 22. Student Emergency Contact Information

Students must keep their Emergency Contact Information current. To do so, visit [webraider.TTUHSC EL Paso.edu](http://webraider.TTUHSC EL Paso.edu) and sign in. Select the "MyTech (for Students)" tab and look in the "Personal Information" box. Click "Update Emergency Contacts" and fill in your information.

## 23. Student Publications

All aspects of TTUHSC EL PASO Student Publications shall be the responsibility of the President of the appropriate component institution and therefore under his/her direction.

## 24. Registration

a. Registration is coordinated by the Office of the Registrar in cooperation with the School in which the student enrolls. Tuition and fees are payable in full at the time of registration or immediately upon posting to a student's account, unless other arrangements have been completed. Registration for new students is completed as a step in the orientation process, or with the assistance of the Schools' Student Affairs or Coordinator's office.

b. To be eligible for registration, the student must have been officially admitted as a new student, or officially readmitted following an absence, and must have satisfied all admission requirements, or must be a continuing student who is eligible to continue as a student at the University. Any student deemed ineligible due to academic, administrative or disciplinary sanctions will be barred from registration. **Students must provide all final transcripts to the Office of the Registrar by the end of the first semester in which they are enrolled or a hold will be place preventing registration in future semesters.**

**\*See Student Record and Transcript Policy located at <http://www.TTUHSC EL Paso.edu/registrar/documents/student.record.transcript.policy.pdf>**

c. *Late Registration.* Students are expected to register at their earliest opportunity. A student who registers late is assessed a charge. Consult the Office of the Registrar for deadline dates for registration

## 25. Religious Holy Days

a. A student who intends to observe a Religious Holy Day should provide written notice, at the earliest possible date prior to the absence, to the following: (1) the instructor of each affected class and (2) the Director of Student Affairs of his/her School. A student will be excused from attending class(es), examinations, or other required activities for the observance of a Religious Holy Day, including travel for that purpose. A student



whose absence is excused under this section will be allowed to take an examination or complete an assignment within a reasonable time and at the sole discretion of the instructor of record and/or the Director of Student Affairs before or after the absence.

- b. A student who is excused under the above provision may not be penalized for the absence; however, the instructor may appropriately respond if the student fails to satisfactorily complete the missed assignment or examination within the above-stated time.
- c. Any disputes regarding this policy should be submitted in writing to the TTUHSC EL PASO President or his/her designee. Any decision by the President or his/her designee regarding the dispute shall be final.
- d. This policy does not apply to any student absence for a Religious Holy Day, which may interfere with patient responsibilities or patient care.

## 26. State Residency Classification

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar.

## ~~27. Sexual Harassment Policy~~

~~Harassment of students on the basis of sex is a violation of §106.31 of Title IX of the Education Amendments of 1972. The Deputy Title IX Coordinator for Students is the Assistant Vice-President for Student Services, Medical Education Building 2140, (915) 215-4786. **See PART IV. ANTI-DISCRIMINATION & SEXUAL MISCONDUCT POLICY & PROCEDURES** Student concerns about sexual harassment which include faculty, staff, or students should be directed to the individual School's Dean~~

## ~~28-27.~~ Tuition and Fees Installment Payment Options

- a. Texas Education Code, Section 54.007, provides that state-supported institutions of higher education shall provide students with the election to pay tuition and fees during the fall, spring, or long summer semesters in installments. TTUHSC EL PASO offers the following payment alternatives:
  - i. Full payment of tuition and fees in advance of the beginning of the semester; or
  - ii. One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.
- b. TTUHSC EL PASO shall develop procedures that will provide that students may elect to pay tuition and fees using the payment alternative.
- c. TTUHSC EL PASO is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively

so that required payments have been received and student records have been appropriately updated on the dates required by law.

- d. If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment alternative. The rates of the fee shall be approved by the Board of Regents.
- e. If a student who has elected to pay tuition by installment fails to pay in full all amounts of tuition, other registration fees, installment option fee, late payment fees, and other authorized fees by the end of the business day of the last day of the semester, then he or she will be dropped from School for failure to pay.
- f. TTUHSC EL PASO shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.
- g. Annual Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from Texas Tech University Health Sciences Center at El Paso (TTUHSC EL PASO). The amounts to be collected are presented in a Global Fee Document to the Board of Regents annually for approval.

## 29-28. Tuition and Fees Refund Policies

### Withdrawal / Refund Policies

#### Refund Policies (Institutional and Title IV Withdrawal / Refund Policies)

Detailed information about the impact of decreasing course load on:

- ✓ Institutional Refund Policy - All students who withdraw from TTUHSC EL PASO or drop all courses during a term
- ✓ Additional considerations for students who received financial aid and withdraw from TTUHSC EL PASO or drop all courses during a term

#### Institutional Refund Policy

Refund Policies for Tuition and Fees. Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution calendar for the school, not the specific course dates.

Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

Term	Class Day	Percent of Refund of Charges
<b>Summer - More than 5 weeks but less than 10 weeks in duration</b>	1st class day through 4th class day	100%
	After the 4th day of class	None



<b>Fall, Spring or Summer - Duration of 10 weeks or longer</b>	1st class day through 12th class day	100%
	After the 12th day of class	None

Students who withdraw from the institution (zero semester credit hours) are required to pay tuition and fees according to the following schedule based on their official withdrawal date:

Term	Class Day	Percent of Refund of Charges
<b>Summer - More than 5 weeks but less than 10 weeks in duration</b>	Before the 1st class day	100%
	1st, 2nd, or 3rd class day	80%
	4th, 5th, or 6th class day	50%
	7th class day of later	None
<b>Fall, Spring or Summer - duration of 10 weeks or longer</b>	Before the 1st class day	100%
	1st five class days	80%
	2nd five class days	70%
	3rd five class days	50%
	4th five class days	25%
	21st class day and after	None

### **Students who withdraw from TTUHSC EL PASO or drop all courses during a term that receive(d) financial aid**

It is important for students who receive financial aid and withdraw or drop all courses during the term to be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or drop all courses during a term are determined by the Higher Education Title IV refund regulations.

Any refund due to a student will be after calculation of the amount of tuition and fees due at the time of withdrawal. If the student has paid less than the amount due at the time of withdrawal, the student will be required to pay the percentage due.

Federal Refund and Repayment calculations must be performed for students who receive Title IV (Pell, FSEOG, Perkins and/or Stafford Loans) funds and officially withdraw from all courses, drop out of all courses, are expelled, take an unapproved leave of absence, or fail to return from an approved leave of absence prior to the 60% date of the term. All "unearned aid" must be returned to the federal aid programs as determined by the Federal Refund and Repayment calculations. [Failure to return Title IV funds constitutes a failure to meet a financial responsibility due to the University which is subject to any of the actions stated in section 15.](#)

- a. The requirements for Title IV program funds are separate from the university refund

policy. As such, you are responsible for unpaid institutional charges remaining after the refund calculation. You are also responsible for charges/balances created by the returning of Title IV program funds that the school was required to return.

- b. If you have questions about your Title IV program funds, you can call the Federal Student Aid Information Center at 1-800-4-FEDAID(1-800-433- 3243). TTY users may call 1-800-730-8913. Information is also available on Student Aid on the Web at <https://studentaid.ed.gov/sa/>.

In order to keep all the financial aid issued in each term, students must be enrollment for at least 60% of the term. After this point in the term students have earned 100% of the Title IV funds released for the term. Therefore, it is in your best interest to maintain attendance and complete at least one class each term that you receive federal aid to avoid repayment of funds

How the calculation works:

1. Number of days attended ÷ Days in semester = % of semester completed
2. Total \$ disbursed X % completed = Earned \$
3. Total \$ disbursed - Earned \$ = \$ to be returned

Once it is determined that you owe money back to any of the federal aid programs, you will be ineligible to receive further federal aid at TTUHSC EL PASO or any other institution, until this debt is cleared.

Please note, your failure to complete a semester or term could impact your Satisfactory Academic Progress and your future eligibility for financial aid. To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of three categories: (1) grade point average on hours attempted (qualitative), 2 hours successfully completed (quantitative) based on hours enrolled and (3) time to degree. You must complete your program of study within 150% of the normal time required for the program.

You can find more detailed SAP information here: [www.TTUHSC EL Paso.edu/financialaid](http://www.TTUHSC EL Paso.edu/financialaid).

### 30-29. Academic Support

Academic support services are available to all TTUHSC El Paso students through the Program of Academic Support and Assistance (PASE). The PASE program offers several features such as learning assessments, remedial advisement, board preparation, workshops, tutoring services, and individual learning and study assistance in areas of time management, stress management, test taking, note taking, reading and general study skills. The PASE program is led by the Director of Academic and Disability Support Services. Information on the PASE program can be found on the Student Services website: <http://elpaso.ttuhs.edu/student-services/academicsupport.aspx>

### 31-30. Student Government Association

The Student Government Association (SGA) promotes, directs and coordinates student activities at Texas Tech University Health Sciences Center (TTUHSC) El Paso. The executive council and senators are elected from each of the three schools and act to voice student concerns to the TTUHSC El Paso Faculty and Staff and encourage interdisciplinary communication and participation among the individual schools that compose TTUHSC El Paso. The office of Student Services provides administrative support for SGA.

## **PART XI. STUDENT COMPLAINT OR GRIEVANCE POLICIES AND PROCEDURES**

The following narrative summarizes TTUHSC EL PASO's student complaint or grievance policies and procedures. Links to specific policies and procedures are provided on the Student Services website:

<http://elpaso.TTUHSC EL Paso.edu/elpaso/studentservices/>

It is the policy of the Texas Tech University Health Sciences Center at El Paso to affirm the right of its students to a prompt and fair resolution of a complaint or grievance involving allegations of inappropriate behavior by other TTUHSC EL PASO students or by TTUHSC EL PASO personnel toward students. Policies and procedures exist for the following areas of student complaints:

- Complaints regarding the general or academic misconduct of another student
- Complaints regarding discrimination
- Complaints regarding student records
- Complaints regarding employment at TTUHSC EL PASO
- Complaints regarding grades or grading
- Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

~~The Student Resolution Center, which is located on the Texas Tech University campus in Lubbock, serves as a neutral, objective third party to provide students in the Texas Tech University System including TTUHSC EL PASO with informal assistance in resolving student-related problems, conflicts, and disputes. The Student Resolution Center is available by phone to assist all TTUHSC EL PASO students in identifying appropriate complaint-resolution procedures and resources.~~

### **A. Complaints regarding the general or academic misconduct of another student**

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Student Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

### **B. Complaints regarding discrimination**

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the TTUHSC EL PASO Operating Policies and Procedures. The following list identifies key institutional policies governing complaints regarding discrimination:

- HSCEP OP 10.15, Americans with Disabilities Act
- HSCEP OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan

### C. Complaints regarding student records

HSCEP OP 77.13, Student Education Records, provides detailed information about filing complaints relating to student records.

### D. Complaints regarding employment at TTUHSC EL PASO

Information about employment grievances for students who are employed at TTUHSC EL PASO is provided in HSCEP OP 70.10, Non-faculty Employee Complaint and Grievance Procedures. This policy covers complaints concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

### E. Complaints regarding grades or grading

The processing of formal grade appeal procedures is the responsibility of the school that administers the course. Relevant school policies are listed below:

- Paul L. Foster School of Medicine at El Paso: Challenging Student Records or Grades
- Gayle Greve Hunt School of Nursing: Academic Grade Challenges/Appeals
- Graduate School of Biomedical Sciences: Grade Appeals Procedure
- 

### F. Complaints regarding other types of mistreatment

Students who feel that they have been mistreated in a manner that is not directly addressed by any of the specific policies identified above are encouraged to refer to the policies and procedures governing student complaints, grievances, and appeals within their school. Relevant school policies include the following:

- Paul L. Foster School of Medicine at El Paso: Appropriate Treatment of Medical Students; Student – Faculty Dispute Resolution Policy; Student-Student Dispute Resolution Policy; ~~Part IV Anti-Discrimination and Title IX~~
- GGHSON : Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- Graduate School of Biomedical Sciences: ~~Student Complaint Procedure (Grade and Non-Grade Complaints)~~ [http://www.TTUHSC-EL-Paso.edu/gsbs/documents/14\\_15Catalog\\_CourseList\\_FINALRev3.pdf](http://www.TTUHSC-EL-Paso.edu/gsbs/documents/14_15Catalog_CourseList_FINALRev3.pdf) Procedure for Grade and Non-Grade Complaints

Students should process their complaints or appeals through the appropriate channels. Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:

- Paul L. Foster School of Medicine in El Paso: Associate Dean for Student Affairs
- Gayle Greve Hunt School of Nursing: Associate Dean for Academic Programs

- Graduate School of Biomedical Sciences: ~~Associate~~ Dean

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC EL PASO Office of Student Services in accordance with the following institutional-level student complaint procedures. These procedures are also published on the Office of Student Services website.

## **G. Other Institutional-Level Student Complaint Procedures**

The procedures defined below apply to student complaints that fall outside the scope of other institutional and school-based policies and procedures governing specific types of student complaints (Student Complaint or Grievance Policies and Procedures), including, for example, student complaints against staff members employed at the institutional level or against TTUHSC EL PASO administrators. The TTUHSC EL PASO Office of Student Services will administer this institutional policy and will insure that due process is afforded to all concerned.

### **1. Early Resolution**

Prior to contacting the TTUHSC EL PASO Office of Student Services, the student shall attempt to resolve the issue with the individual(s) involved. If the student is not satisfied with the outcome after meeting with the individual or does not feel comfortable talking to the administrator or staff member involved, the student may contact the Assistant Vice President for Student Services. The student shall address the issue and initiate action under this policy within 30 days of the event-giving rise to the complaint.

The Assistant Vice President for Student Services may counsel the student to discuss the issue with the involved administrator or staff member. If the student does not feel comfortable talking to the person involved, the Assistant Vice President for Student Services will investigate the complaint, attempt to reconcile differences, and propose a solution. The Assistant Vice President for Student Services will provide a written statement of his or her recommendation to all parties within ten working days following the initial receipt of the student's report of the complaint. All involved parties will then have ten working days to respond. Every effort should be made to resolve the issue without going beyond this level. The Director of Student Services will attempt to facilitate a resolution before proceeding with a hearing, as described below.

(If the complaint is against the Assistant Vice President for Student Services, the student should meet with the Vice President for Academic Affairs, who will follow the procedures outlined here.)

### **2. Filing a Hearing Request**

- a. If the student is not satisfied with the recommendation of the Assistant Vice President

for Student Services, he/she may file a request for a hearing by submitting a written complaint to the Assistant Vice President for Student Services. The hearing request must include a specific statement of the student's complaint, an explanation of what remedy the student seeks, and a copy of the Assistant Vice President for Student Services' recommended resolution.

b. If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within 15 working days.

### 3. Hearing Procedure

Upon receipt of a written request for a hearing, the Assistant Vice President for Student Services will appoint a Hearing Committee according to the following procedure:

a. Each party will propose in writing a list of four TTUHSC EL PASO faculty, staff, and/or students to serve on the Hearing Committee. The Assistant Vice President for Student Services will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC EL PASO faculty or staff member) and these individuals will comprise the Hearing Committee. This group will select a chair from among themselves.

b. The Assistant Vice President for Student Services will provide technical assistance and support to this committee.

~~e.~~ As soon as the hearing is scheduled, the chair of the Hearing Committee will send a written notice to all involved parties. The notice will specify the time, place, and nature of the hearing, plus a brief description of the complaint. The notice will also confirm the right of all

~~d.c.~~ involved parties to present witnesses and evidence and to be accompanied by counsel for advisory purposes only.

~~e.d.~~ At least three days prior to the hearing, all parties will provide to the chair of the Hearing Committee and the Assistant Vice President for Student Services a list of the names of any witnesses or counsel who will attend the hearing. If the student will be represented by counsel, the University may be represented by the Office of General Counsel. The student and the involved individuals(s) shall have access to all information to be considered by the Hearing Committee, including the names of all persons giving evidence.

~~f.e.~~ The student and the involved parties shall attend the hearing and be offered an opportunity to state their positions and present testimony and other evidence relevant to the case. The responsibility of establishing the validity of the complaint rests with the student.

~~g.f.~~ The Hearing Committee chair shall keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials).

### 4. Committee Decision

- a. After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written recommendation. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five working days.
- b. The appeal must be made, in writing, within five working days, to the Vice President for Academic Affairs.
- c. The Vice President for Academic Affairs will review the complaint resolution and render a decision within five working days. The decision of the Vice President for Academic Affairs is final.
- d. If the Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five working days. The decision of the President is final.

## **PART XII. CONTACT INFORMATION FOR STUDENT SERVICES PERSONNEL**

Deputy Title IX Coordinator for Students	(915) 215-4786
Title IX Coordinator for TTUHSCEP	(915) 215-4140
Student Business Services	(915) 215-5723
Office of Student Services	(915) 215-4370
Office of Student Financial Aid	(915) 215-4370
Office of the Registrar	(915) 215-4370
Graduate School of Biomedical Sciences	(915) 215-4157
Gayle Greve Hunt School of Nursing Student Affairs	(915) 215-6124



Paul L. Foster School of Medicine Student Affairs

(915) 215-4370





Name of Involved Individuals/Organization: \_\_\_\_\_

Please provide an R# for student(s) involved or SSN/Driver's License number if a non-student(s) if available.

School, Department and Program of Accused (if known): \_\_\_\_\_

List the course name, number, and section (if applicable) in which the alleged misconduct occurred.

Please provide a clear and concise explanation of the circumstances of the grievance. Include all relevant information, including, but not limited to, the name of the person(s) who witnessed the incident(s) and where the incident(s) occurred. Use additional pages if necessary. Please attach relevant supporting documents, e.g., copy of assignment, source of plagiarism, etc.

Date of discovery of alleged violation (please report within 20 business days of discovery): \_\_\_\_\_

Date of alleged violation (if different from above): \_\_\_\_\_

Please cite the Student Code(s) and the provision(s) of such code(s) that the Accused allegedly violated.

What remedy are you seeking for your complaint (e.g., if cheating, reduction of grade for particular work and/or class; warning, probation, suspension, dismissal, restitution, etc.)?

I certify that all information provided herein is accurate and complete.

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<b>Printed Name</b>	<b>Complainant Date</b>
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**Complainant's Signature**

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**Complainant's Contact Information:**

**Address – Email – Phone Number**

*The following notice is provided in accordance with Texas Government Code § 559.003(a) of the Texas Government Code: (1) with few exceptions, you are entitled on your request to be informed about the information TTUHSC El Paso collects about you; (2) under Sections 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review the information; and (3) under Section 559.004 of the Texas Government Code, you are entitled to have TTUHSC CEP correct information that is incorrect in accordance with TTUHSC El Paso policies and procedures.*

**Please Email Completed Form to Kathryn Horn, M.D. at Kathryn.Horn@ttuhsc.edu**

~~Please provide a detailed description of the incident/concern using specific concise, objective language (who, what, where, when, why, and how).~~

~~Were police involved? — Yes — No~~

~~If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.~~



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If you are the victim of misconduct, please describe how you would prefer the University to respond to the situation. (You will not be held to this response, it just gives us a starting point).

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*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.*

**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER (TTUHSC EL PASO)**

**Student of Concern Form**

*IF THIS IS AN EMERGENCY, PLEASE CALL 911 or TEXAS TECH UNIVERSITY POLICE DEPARTMENT AT ~~(806) 742-3934~~ (915) 215-7111 Texas Tech strives to protect the reporter’s confidentiality, whenever possible. Additionally, a report may be completed anonymously by omitting the reporter’s name and contact information from the form (completing the items with an asterisk). Reporters should be aware, however, that this may restrict the team from completing a thorough investigation.*

Please complete the following:

Your Full Name: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_

Your Email Address: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name of Involved Individuals/Organization: \_\_\_\_\_

Please provide an R# for student(s) involved or SSN/Driver’s License number if a non-student(s) if available.

\_\_\_\_\_

**Distress Concern** (Circle all applicable)

- |          |                    |                   |         |
|----------|--------------------|-------------------|---------|
| Grief    | Homicidal Ideation | Suicidal Ideation | Suicide |
| Wellness | Other              |                   |         |

**Actions Against Others** (Check all applicable boxes)

- |                           |                                    |                   |
|---------------------------|------------------------------------|-------------------|
| Disruptive Conduct        | Threatening or Endangering Conduct | Sexual Misconduct |
| Discriminatory Harassment | Hazin<br>α                         | Retaliation<br>r  |
|                           |                                    | Othe              |

**Health** (Check all applicable boxes)

- |         |             |                        |      |
|---------|-------------|------------------------|------|
| Medical | Alcohol and | Mental Health Concerns | Othe |
|---------|-------------|------------------------|------|

**Description/Narrative** - Please describe in details the behaviors you have observed and any action steps you have taken in assisting with these behaviors.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this*



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*If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.*



# ATTACHMENT

# 10

Consent  
Item k.

ASU Traffic and Parking Regulations 2017-2018

ANGELO STATE UNIVERSITY  
TRAFFIC AND PARKING REGULATIONS 201~~67~~-20178

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The Board of Regents of the Texas Tech University System, in accordance with *V.T.C.A., Education Code*, Section 51.202, is authorized to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other property of Angelo State University.

In addition to these Angelo State University Traffic and Parking Regulations, *V.T.C.A., Education Code*, Section 51.201, provides that: "All of the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state," and all persons are responsible for compliance with these laws. Angelo State University personnel who are commissioned as peace officers by the Board of Regents of the Texas Tech University System are vested with all of the powers, privileges and immunities of peace officers in the enforcement of these regulations and the general and criminal laws of the State of Texas.

The use of a motor vehicle on the Angelo State University campus is a privilege, and the university is not obligated to furnish parking space to accommodate all vehicles. However, the university will attempt to provide a reasonable number of parking spaces in keeping with resources and available sites.

The university will make every reasonable effort to render protection to vehicles parked on campus, but cannot assume the responsibility for any damages or losses. The university recommends that you properly secure your vehicle and any valuables contained therein. The university holds each operator responsible for the proper registration and use of his or her vehicle.

Pursuant to *V.T.C.A., Education Code*, Section 51.202, a person who violates any provision of this regulation is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.00.

These regulations apply to all persons who operate vehicles on university property. Repeated violations of these regulations or the failure of faculty, staff, or students to respond to a violation citation may result in appropriate disciplinary or other action in accordance with the *Regents' Rules*.

The university further reserves the right to close or re-zone lots due to construction, traffic congestion and special events. All changes will be made available through the Parking Services Web page <http://www.angelo.edu/parking> or can be obtained upon request from the University Police Department and/or Parking Services Office. All reasonable means shall be used to alert the campus community in advance to lot closures or re-zoning. The Traffic and Parking Regulations are a publication of Angelo State University. Its purpose is to provide students with general information regarding the policies, rules, and regulations concerning traffic and parking. The policies, rules, and regulations contained in the regulations are subject to change at any time without notice. Students are expected to be familiar with the regulations contained herein and to conduct themselves in a manner consistent with them.

Parking Services is located at [1825 South Johnson in the West Office Annex complex 1830 Rosemont Drive in the General Services Building](#). For phone or e-mail inquiries, please call (325) 486-6435 or e-mail your question to [parking@angelo.edu](mailto:parking@angelo.edu).

Angelo State University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, and sex. These rules and regulations shall be reviewed to ensure their viability and continued adherence to the university's goals and mission.

- I. **Definitions** – for the purpose of this document, the following definitions are used:
- A. **“Campus”** is all lands owned, managed, or otherwise controlled by the university, herein called “Angelo State University.”
  - B. **“Impoundment”** refers to the actual towing of a vehicle or immobilizing a vehicle by means of an “Auto-Boot.”
  - C. **“Visitor”** is an individual with no official connection with Angelo State University as a student, faculty member, or staff member.
  - D. **“Valid Parking Space”** is an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.
  - E. **“Vehicle”** is a device used for transporting people or goods, such as a car, truck or motorcycle but is not limited to these descriptive terms.
  - F. **“Non-university Employees”** are individuals working on campus for entities with term contracts with the university (excluding construction) and are not considered university faculty or staff, (i.e., bookstore, food service, bank services).
  - G. **“General Use”** parking lots marked “A/B/C/D” are designated as general use lots. Anyone with a valid ASU parking permit may park in these lots at any time.
  - H. **“Reserved”** is any parking space or area, permanent or temporary that either requires a special permit or is otherwise marked. Examples would include, but not be limited to, “D” zones, visitor spaces, disabled spaces, service or maintenance spaces.
  - I. **Alternative Fuel Vehicle”** is any vehicle that runs on a fuel other than “traditional” petroleum fuels (gasoline or diesel). This would include electric, hybrid electric & flex-fuel vehicles. The United States Department of Energy officially recognizes the following as alternative fuels: biodiesel, electricity, ethanol, hydrogen, natural gas & propane. Ethanol blends must be 15% or greater to be considered an alternative fuel.

## II. Angelo State University Police Department

- A. Angelo State University police officers are duly commissioned peace officers of the State of Texas. Upon request of a university police officer, any person on the campus is required to provide proper identification.
- B. All thefts, accidents, or other offenses that occur on campus should be immediately reported to the University Police Department. One-vehicle accidents and inoperable vehicles must be promptly reported. Keys or valuables should not be left in vehicles while parked on campus. ALWAYS KEEP YOUR VEHICLE LOCKED. The majority of property loss in vehicles can be traced back to an unlocked vehicle.
- C. Angelo State University is concerned about the protection of persons and property and places a high priority on Traffic and Parking Regulations in striving to maintain a safe environment for students, faculty, staff, and visitors. The university, however, cannot guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility.
- D. University Police enforce speed limits on campus and adjacent public streets using RADAR and/or LIDAR. Appropriate citations are issued to speeding violators.
- E. *V.T.C.A., Penal Code*, Section 46.03, provides that a person commits a felony offense, if the person carries a firearm, illegal knife, club, or other prohibited weapon listed in Section 46.05(a) on the physical premises of an educational institution.

### III. Vehicle Regulations

- A. In order to operate or benefit from the use of a motor vehicle on campus, each member of the Angelo State community must obtain and display, in his or her name, a vehicle registration permit. No person may register a motor vehicle in his or her name which belongs to another student, faculty, or staff member, or is not a member of that person's immediate family. Violation of the Traffic and Parking Regulations is prohibited by the *Student Handbook* and Angelo State University policy. To benefit from the use of parking spaces designed for persons with disabilities, an eligible faculty member, staff member or student MUST display a state issued placard or license plate as well as a university parking permit.
- B. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a motor vehicle on campus. Valid parking permits are required regardless of the number of hours for which a student may be enrolled.
- C. Faculty and staff are required to register their motor vehicles on or before the date they commence operating a motor vehicle on campus.
- D. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated motor vehicle for a student permit in addition to the faculty/staff permit. If the faculty or staff member has two motor vehicles registered, and if both motor vehicles are on campus at the same time, the motor vehicle with the student permit must be parked in the designated student parking area and not in a faculty/staff parking area.
- E. A faculty/staff permit is to be used by the registering faculty or staff member only, and its use is not transferrable to another person for any reason. If your vehicle is being repaired or is inoperable, you may transfer your hang tag to the vehicle you will be driving temporarily or obtain a temporary permit from the University Police Department.
- F. Any person giving false information when registering a vehicle is subject to the appropriate disciplinary action and revocation of their motor vehicle registration permit and related parking privileges.
- G. Angelo State University issues the following parking permits:
  - 1. "A" zone - All faculty and regular staff employees
  - 2. "B" zone - Commuters (all students living off campus in non-university-owned housing)
  - 3. "C" zone - Residence hall students (all students living on campus in university residence halls)
  - 4. "D" zone - Reserved parking (commuter students with special permits only) includes:
    - a. Academic Building (Upper Lot P-39), permits marked 39 only.
    - b. Carr Education-Fine Arts Building (Lot P-42b), permits marked 42 only.
    - c. "General Use" Lots (lots marked A/B/C/D)
  - 5. "S" zone - Special vendor parking or contracted parking.

Vehicles found illegally parked in a reserved parking lot shall be subject to immediate towing at the owner's expense.

6. **“Temporary”** - Permits may be issued for:
- a. Students enrolled in the Extended Studies Program. (“B” zone parking only)
  - b. Trailers to park in designated areas as established by the University Police Department [or the Parking Services Office](#) only after obtaining permission.
  - c. Special disability situations that are limited to individuals with temporary disabilities who are not eligible to park in handicapped spaces. Special disability parking permits are valid only on university property and shall not exceed two weeks in duration. Individuals seeking a temporary disabled permit beyond two weeks must provide a written doctor’s excuse.
  - d. Special circumstances as deemed necessary by the parking services manager and/or the chief of university police.
  - e. All temporary or special permits may be obtained at the Parking Services Office.
- H. All permits are for the exclusive use of the registrant. Permits may not be sold, exchanged, given away or purchased from any person or agency other than Angelo State University.
- I. Misuse of a permit could result in it being confiscated, parking privileges being revoked and appropriate fines assessed. Students suspected of misusing their permit or parking privileges, may be referred to the Student Life office for disciplinary action.
- J. Permits remain the property of Angelo State University and may be recalled at any time.
- K. Any expired Angelo State University parking permits must be removed from the motor vehicle(s) prior to use of the current year permit.
- L. Lost or stolen permits should be reported as soon as possible to the Parking Services Office or the University Police Department. The recovery of a lost or stolen permit should be reported immediately.
- M. A \$5 fee will be charged for each replacement permit.
- N. Upon termination of employment, an employee’s parking privileges are revoked. The faculty/staff permit must be returned to the Parking Services Office or to the Office of Human Resources at the time of his/her exit interview.
- O. With the exception of ASU maintenance and emergency vehicles, motor vehicles may only be parked in the designated parking areas and are prohibited at all times from being parked on the turf, sidewalks, pedestrian traffic zones or any other place not clearly designated for parking. Motorcycles shall park in designated motorcycle parking areas if available. If no space is available, motorcycles may park in any available space within the appropriate zone.
- P. Anyone who changes permit status or vehicles, must on the following class day, update the information at the Parking Services Office.
- Q. Scooters that are not required by state law to obtain vehicle registration and inspection stickers are not required to obtain a parking permit and are not allowed to park in motorcycle or vehicle parking spaces. Individuals operating scooters on campus must adhere to the regulations pertaining to bicycle use.

- R. Trailers must be registered with the Parking Services Office, before they may be parked on the campus. A temporary permit may be issued on a space available basis without charge for a period not to exceed two weeks. Trailer permits for periods to exceed two weeks shall be on a space available basis at the rate established for second vehicles. Trailer parking, if approved, will be limited to a specific area as designated by the University Police Department [or the Parking Services Office](#).
- S. Permits are not issued for mobile homes or for mobile units in which overnight accommodations are intended.

**IV. Vehicle Registration**

- A. Permits are issued for a full academic year (August to August) or on a semester basis.

Vehicle registration fees are as follows:

**Fulltime Faculty/Staff “A” Zone and Non-University Employees**

Permits must be paid in person at Parking Services and are non-refundable. Full Year Permit (per vehicle) may be deducted from university employees’ paychecks at a monthly rate. For two vehicle pricing, permits must be purchased at same time.

Single or Two Vehicle(s)	
Single Permit (August – August)	\$90.00
Two Vehicles (August-August)	\$144.00

**Part Time /Temporary/Casual Employees “A” Zone and Non-University Employees**

Monthly Permit- Must be paid in person at Parking Services. Non-refundable.

Automobiles or Motorcycles	
Monthly Permit (Rate based on months employed)	\$5.00

**Commuter Students “B” Zones**

Automobiles or Motorcycles	
Fall Yearly (August-August)	\$90.00
Fall Semester Only (August-December)	\$50.00
Spring/Summer (January – August)	\$80.00
Spring Semester Only (January-May)	\$50.00
Summer Semester Only (May-August)	\$50.00

**Residential Students “C” Zones**

Automobiles or Motorcycles	
Fall Yearly (August-August)	\$90.00
Fall Semester Only (August-December)	\$50.00
Spring/Summer (January – August)	\$80.00
Spring Semester Only (January-May)	\$50.00
Summer Semester(s) Only (May-August)	\$50.00

**Student Reserved Parking “D” Zones**

Academic Upper Lot (P-39) only -  
Carr EFA Lot (P-42b) only –  
“General Use” A/B/C/D Zones  
included

Automobiles or Motorcycles	
Flat Fee (per vehicle)	\$120

**Student Two Vehicle Permits**

For two vehicle pricing, permits must be purchased at same time.

**Reserved “D” Zones Not Offered in Combination**

Two Vehicles	
Fall Yearly (August – August)	\$150.00
Fall Semester Only (August-December)	\$80.00
Spring/Summer (January-August)	\$130.00
Spring Semester Only (January-May)	\$80.00
Summer Semester(s) Only (May-August)	\$80.00

B. Additional or Replacement Permits

**Students/Faculty/Staff additional permits are priced the same as applicable permits. Replacement or lost permits are \$5.00.**

- Faculty/Staff and Non-University Employees

Lost or stolen “A” zone permits must be reported immediately to the University Police Department.

- Students

Window decal parking permits are not transferable to another vehicle. Decal permit holders, wishing to transfer a permit to another vehicle or make zone changes, must scrape off the current decal and present it to the Parking Services Office at the time of the requested change. Failure to present the scraped current decal will result in a replacement fee being assessed. Hang tags, if applicable, are transferable to another vehicle operated by the student only. Lost or stolen hang tags will result in an appropriate replacement fee being assessed.

Anyone wishing to exchange a permit must surrender the old permit. A \$5.00 administrative fee will be assessed for any permits being exchanged.

C. Refunds

1. Withdrawing students may be eligible for a refund in accordance with current academic catalog refund policies. Refunds may only be given for the semester in which the permit was purchased and if the unused permit is returned. No other refunds will be honored.
2. A request for a refund will not be honored when a person’s privilege to park on campus has been suspended or other debts remain unpaid.

3. The following chart details the university refunds policy:

Refunds Fall and Spring Semester	
Prior to the first class day	100%
During the 1st, 2nd, 3rd, 4th and 5th class days	80%
During the 6th, 7th, 8th, 9th and 10th class days	70%
During the 11th, 12th, 13th, 14th and 15th class days	50%
During the 16th, 17th, 18th, 19th and 20th class days	25%
After the 20th class day	0%

Refunds Summer Semester	
Prior to the first class day	100%
During the first class day	80%
During the second class day	50%
After the third class day and thereafter	0%

## V. Permit Regulations

- A. All faculty and staff parking or standing a motor vehicle on campus shall have a valid "A" zone permit displayed at all times. A student working part time for the university is not eligible for an "A" zone permit and shall have a valid student parking permit displayed at all times while parked on campus. Graduate students do not qualify as faculty. Teaching Assistants may be issued a temporary "A" zone permit on a semester-by-semester basis. Teaching Assistants must have their instructor submit a written request to the Parking Services Office and purchase a student permit to obtain a temporary "A" permit.
1. Hang tag parking permits may be used on any vehicle driven by the person to whom the permit is issued; however, it is a violation to loan a permit to another person to be used in any manner.
  2. A permit holder is responsible for any parking violations incurred if someone else is using their permit. It is a violation to allow someone else to use a permit not issued to him/her. Such violators may also be charged with unauthorized use of a parking permit. Both parties involved are subject to being charged with this violation.
  3. Any and all old or invalid ASU parking permits shall be removed from vehicles being operated or parked on campus.
- B. Parking permits shall be displayed as follows:
1. **Faculty/Staff** – hang tags
    - A. Hang tags shall be displayed unobstructed, on rearview mirror with front side facing windshield. Permit number and parking zone must be clearly visible from outside the front of the vehicle in order for permit to be valid.
    - B. Faculty/Staff driving convertible type vehicles may obtain a motorcycle decal to place on the front windshield above the vehicle registration/ safety inspection sticker(s).



2. **Students** – window decals and/or hang tags

- A. Window decals shall be permanently affixed to the driver's side, lower left outside portion of the front windshield. It must be affixed in a manner as to not interfere with the visibility of the state registration and/or inspection sticker.
- B. Students driving convertible type vehicles may obtain a motorcycle decal to place on the front windshield above the vehicle registration/ safety inspection sticker(s).
- C. Hang tags, shall be displayed unobstructed, on rearview mirror with front side facing windshield. Permit number and parking zone must be clearly visible from outside the front of the vehicle in order for permit to be valid.

3. **Motorcycles** - window decals

Shall be affixed to the yoke, windshield or other conspicuous place.

All parking permits shall be visible and easily read from the front/rear of the vehicle, where applicable, to be considered valid.

**VI. Parking Zones**

- A. Faculty, staff, and students **MUST** have a valid university parking permit displayed to p-a-r-k on campus. Failure to display a permit in accordance with these rules will result in a parking citation.
- B. Faculty and staff employees will park in areas designated as "A" zone.
- C. Commuting students will park in "B" zone.
- D. Students living in all campus housing shall park in "C" zone specific lots.
- E. Students purchasing a "D" reserved zone permit must park in the lot number specified on the permit or in any General Use zone on campus. They may **NOT** park in the other reserved lots or "B" zones.
- F. **PARKING IN A RESERVED "D" ZONE WITHOUT THE PROPER VALID "D" ZONE PERMIT MAY RESULT IN A CITATION BEING ISSUED AND/OR A VEHICLE BEING TOWED AT THE OWNER'S EXPENSE.**
- G. "A" and "C" zones are in effect and enforced between 7:30 a.m. and 4:30 p.m., Monday through Friday. After 4:30 p.m., "A" and "C" zones are open for general use, unless otherwise specified.
- H. "B" and "D" zones are in effect and enforced from 7:30 a.m. to 1:00 p.m., Monday through Friday. After 1:00 p.m., "B" and "D" zones are open for general use with a valid parking permit.
- I. "A/B/C/D" zones are "general use" parking lots. Any person having a valid campus parking permit may park in general use lots. These lots are open and have no restricted times, unless otherwise specified.
- J. Faculty, staff, and students with a valid parking permit may park in any zone when the parking regulations specified above are not in effect. A valid parking permit is required whenever any vehicle is parked on campus. Students must have an appropriate, valid parking permit anytime they are attending afternoon or evening classes or any other university function requiring parking.

- K. Disabled or handicapped individuals must display a valid approved State of Texas permit on their motor vehicle to legally park in a designated handicapped parking space. This special permit must be obtained at the County Tax Assessor's Office. This permit must be displayed in conjunction with a valid ASU parking permit. In accordance with *V.T.C.A, Transportation Code*, Section 681.008, disabled veterans with valid State of Texas Disabled Veteran license plates may park in designated handicapped spaces without displaying a valid university parking permit. The Parking Services Office is authorized to issue temporary disabled permits, which allow for parking in disabled spaces on campus. **Such permits are only valid on the ASU campus.** Violation of this law may result in a Justice of the Peace citation or an ASU citation, at the officer's discretion.
- L. Faculty, staff, and students shall not park at any time in spaces designated for visitors.
- M. Motorcycles may be parked in designated Motorcycle Zones or in a valid parking space only within the appropriate parking lot.
- N. Vehicles must be parked, nose-first, in all parking spaces. **BACKING IN OR PULLING THROUGH A PARKING SPACE IS PROHIBITED ON CAMPUS.**
- O. All yellow curbs denote "NO PARKING ZONES."
- P. Spaces marked for "Alternative Fuel" vehicles are reserved for vehicles that meet the definition of alternative fuel. Vehicle parking in these spaces must also abide by the lot zone designation. Currently these spaces are only available in lot P-13 and are zoned for "C" parking permit holders.

#### **VII. Parking areas for visitors**

- A. Visitors must obtain and display a proper visitor's pass when parked on campus. Visitor's parking passes are free and may be issued for up to six months. Visitor's passes may be issued and obtained at the Parking Services Office or the University Police Department.
- B. Guests of students residing in campus housing or apartments are permitted to park in "C" zones provided they have obtained a proper visitor's pass from the Parking Services Office.
- C. Visitors to the university residence halls and apartments may also be required at any time to identify themselves and specify the names and locations of students whom they are visiting.
- D. A university police officer may deny parking to any visitor and/or may require the visitor to leave the campus anytime it is believed his/her presence on campus is disruptive.

#### **VIII. Towing of vehicles**

- A. Any vehicle illegally parked on university property is subject to towing at the owner's expense.
- B. The university reserves the right to impound or have impounded any vehicle that is parked in a manner dangerous to vehicular or pedestrian traffic or in flagrant violation of university parking regulations. Any person receiving four or more unresolved citations shall be considered in flagrant violation of university parking regulations, and his or her vehicle may be impounded. If the need arises to impound a vehicle, a local independent wrecker service will be utilized. Charges for this service will be at the discretion of the wrecker operator, and the vehicle owner shall bear all costs associated with the impoundment.

- C. The university reserves the right to remove and impound an abandoned or disabled vehicle or any vehicle found on its property without a valid parking permit, an expired vehicle inspection sticker, or without valid license plates.
- D. A vehicle found to be disabled or not in working order for an extended period may be subject to towing at the owner's expense.
- E. The university reserves the right to attach an "auto cuff" to any vehicle illegally parked on campus. The driver of the vehicle will be advised by a temporary adhesive sign to report to the Parking Services Office for removal of the cuff. A fine of \$30.00 will be charged in addition to the scheduled violation fee(s). The cuff will not be removed until all fines have been paid. Vehicles remaining cuffed longer than 72 hours shall be towed from the campus at the owner's expense.
- F. Any vehicle found illegally parked in a designated student "reserved" parking lot shall be subject to immediate towing at the owner's expense.

#### **IX. General requirements**

- A. Each operator must possess a valid operator's license at the time a permit is issued. If a person's driving privileges are suspended, the permit immediately becomes null and void.
- B. Every person operating a vehicle on the Angelo State University campus is responsible for obeying all university rules and regulations, the City of San Angelo traffic ordinances, and the State of Texas laws regulating traffic and parking.
- C. In all cases in which a vehicle is parked, the position shall be such that the whole vehicle is within the boundaries of the parking space. The fact that other vehicles are parked improperly will not constitute an excuse for improper parking of any vehicle.
- D. Each operator of a vehicle must, upon request by a university police officer, display a valid operator's license. If the operator is a university student, he or she may also be required to present an Angelo State University I.D. card.
- E. Car washing and car servicing or repairs are prohibited on the Angelo State University campus.
- F. The Parking Services Office will not issue any campus parking permit to individuals with outstanding fines.
- G. Non-university employees shall comply with all campus parking rules and regulations.

#### **X. Violations/Fines**

- A. An individual issued a parking permit shall be responsible for all violations of the parking rules and regulations. If a vehicle is not registered with the university, and a family member is currently enrolled, it shall be presumed that the student is the operator of the vehicle and is therefore responsible for all parking violations incurred.
- B. No person shall drive, cause or permit a vehicle to be driven on Angelo State University property at a speed greater than is reasonable and prudent under the existing circumstances. Any speed in excess of posted limits shall be prima facie evidence that the speed is not reasonable and is unlawful.

##### Speed Limits

1. Campus Streets: 25mph, unless otherwise posted.

2. Parking Lots: 10mph, unless otherwise posted.

C. Citations may be issued for any of the following violations or for other violations of city traffic ordinances or the State of Texas laws regulating traffic and parking:

Violation Fees	
Refusal to display driver's license and/or ASU I.D. card to any university police officer	\$25.00
Failure to stop or heed instructions from a university police officer	\$25.00
Unauthorized use of a parking permit	\$200.00
Parking in or blocking DISABLED space	\$200.00
Parking/Standing in Fire Lane	\$50.00
Blocking a dumpster	\$35.00
Parking with no permit, expired permit, or fail to display permit	\$35.00
Parking/Standing in No Parking Zone	\$35.00
Parking/Standing in Driveway/Right of Way	\$35.00
Parking/Standing in Maintenance/Loading Zone	\$40.00
Parking/Standing in a Reserved Area	\$40.00
Parking/Standing in a Wrong Zone	\$30.00
Parking/Standing on a Sidewalk	\$25.00
Parking/Standing on the Grass/Lawn Area	\$25.00
Not in a designated space/using (2) two spaces	\$20.00
Parking/Standing in a Barricaded/Prohibited Area	\$40.00
Backing or pulling through Parking Space	\$15.00
Bicycles secured to Railing, Trees or Posts	\$20.00
Parking with improperly displayed/Obscured permit	\$20.00
Auto cuff fee	\$30.00
Providing inaccurate vehicle registration information	\$50.00
All other violations/including traffic violations	\$25.00

Fines are applicable to all persons operating motor vehicles on Angelo State University property.

D. All violations not issued through the Justice of the Peace must be cleared at the Parking Services Office. Holds are placed immediately on a student's record upon receipt of a university citation. Failure to pay the amount owed by the end of the semester may result in any or all of the following:

1. Withholding of future registration privileges
2. Withholding the issuance of an official certified transcript
3. Withholding the conferring of a degree

E. Justice of the Peace citations may be issued for illegally parking in a handicap space. County citations must be paid at the Justice of the Peace Pct. 4 Building, 124 W. Beauregard. The penalty for illegally parking in a designated handicap space is a fine of not less than \$250.00 or more than \$1,000.00. In addition to the parking citation, illegally parked vehicles may be towed at the owner's expense.

- F. The University Police Department may issue citations to appear before a Justice of the Peace for violations of the traffic code, state laws, or *Regents' Rules* as provided by the *V.T.C.A. Education Code*, Section 51.202.
- G. Stealing or defacing a parking permit may result in criminal prosecution and/or a university citation. Using a stolen or altered permit or allowing the use of such a permit may result in a university fine of \$200.00.
- H. Parking permits remain the property of Angelo State University and shall not be transferred or gifted to anyone. Valid permits must be surrendered to the ~~University–Police Department~~ [Parking Services Office](#) upon separation from the university either by terminating your study or employment with the university. Expired permits are not required to be returned.
- I. Using the permit of another person will result in a fine of \$200.00. The permit holder is also subject to the same fine for allowing its use.

Such violations will be referred to Student Life and Student Services Office for appropriate disciplinary action.

## XI. Appeals

- A. The Traffic Appeals Committee will review all appeals of traffic violations. The committee will review traffic grievances and has the authority to void citations on the basis of substantive evidence to support such action.
- B. Appeals are only accepted in cases where there is significant dispute over the facts or when there are major extenuating circumstances. Not agreeing with a valid parking regulation, being late to class, bad weather, not being able to find a parking space, or only parking in violation for a short period of time are **NOT** grounds for an appeal.
- C. An appeal form must be completed and returned to the Parking Services Office within ten (10) days after a citation has been issued. The written appeal form will be reviewed by the chief of university police, or designee, who will make a ruling on the appeal based on the information available. If the violation is overturned on appeal, the citation will be voided. If the citation is upheld on appeal, the violator will be expected to submit appropriate payment of the fine. Individuals whose appeal is denied by the Chief of University Police or designee, may request further appeal to the university Traffic Appeals Committee. The chairperson of the Traffic Appeals Committee shall then contact the person making the appeal and advise him/her as to the date, time, and the place the appeal will be heard. Appeal forms may be obtained from the Parking Services Web site at: <http://www.angelo.edu/parking>.

## XII. Bicycles

- A. Students are encouraged to use bicycles as a mode of transportation on campus. Parking racks are conveniently located around campus for bicycles. Individuals shall not chain bicycles to buildings, signs, railings, light standards, trees, or shrubs, or park bicycles in any location, area, or space not specifically designated for bicycle parking. Bicycles found secured to trees, posts, hedges, buildings, on hand rails and in buildings may be impounded by the University Police Department. Replacement locks and storage fees will be the responsibility of the owner. Any bicycle left on campus after residence halls close at the end of the spring semester will be considered abandoned, unless prior arrangements have been made with the University Police Department or the ASU Office of Residential Programs. All abandoned property is subject to impoundment.
- B. It is recommended that students take advantage of the engravers located at the University Police Department to mark their bicycles with their driver's license numbers.

Operation ID is a free service provided by the University Police Department's Crime Prevention Unit.

### **XIII. Skates and Skateboards**

- A. No person may skate or use a skateboard on or in any university building, structure, stairway, elevated sidewalk, access ramp, step, retaining wall, handrail, mall, bench or other architectural element.
- B. Skates and skateboards are prohibited on streets or in parking areas.
- C. Skates and skateboards must be operated in a controlled and safe manner. Such individuals must yield the right-of-way to pedestrians, bicyclists, motor vehicles and any device designed to assist in the transportation of persons with disabilities.

### **XIV. Lost and Found**

- A. *V.T.C.A., Education Code*, Section 51.213, "Abandoned Personal Property," states: "The governing board of each state institution of higher education, including public junior colleges, is authorized to promulgate rules and regulations providing for the disposition of abandoned and unclaimed personal property coming into the possession of the campus security personnel where the personal property is not being held as evidence to be used in any pending criminal case."
- B. All abandoned personal property should be turned-in to the University Police Department. All unclaimed or abandoned personal property of every kind, which shall remain unclaimed for a period of 30 days, shall be transferred to the university property manager, who will arrange to pick up the property and, thereafter, handle it in accordance with established procedure for the disposal of surplus property.
- C. The University Police Department offers a searchable online lost and found. This service allows individuals to search all property currently in our lost and found. To view the online lost and found, please visit our Web page at [asupd.angelo.edu](http://asupd.angelo.edu).

Anyone claiming property from lost and found must present a valid photo identification before **claiming** property. Individuals claiming property may also be requested to provide additional descriptions of the item being claimed.

### **XV. Money Saving Tips**

- A. Purchase/pick up and properly display your parking permit.
- B. Plan ahead, do not wait until the last minute to arrive for class.
- C. DO NOT PARK OR STAND IN: FIRE LANES, VISITOR AREAS, DISABLED SPACES OR RESERVED PARKING AREAS.
- D. Do not back or pull through a parking space.
- E. Display a valid university parking permit anytime your vehicle is parked on campus.
- F. Respond immediately if you have been issued a citation.
- G. Notify the Parking Services Office of any changes in your permit status or vehicles.
- H. Do not hang any other items from your mirror other than your valid parking permit or handicap placard.

- I. Be sure you provide accurate information when registering your vehicle. Do not guess on any information provided. Providing incorrect information will result in a fine being assessed.
- J. Do not park in a designated “reserve” parking lot without the appropriate permit or your vehicle will be towed at the owner’s expense.
- K. If you need to have a permit replaced, the old permit must be returned to the Parking Services Office. Failure to do so will require the purchase of a new permit.

# ATTACHMENT

## 11

Consent  
Item p.

TTUHSC Traffic and Parking Regulations 2017-2018



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER  
TRAFFIC AND PARKING REGULATIONS  
~~2016-2017~~-2018

I. Introduction

These regulations are established by Texas Tech University Health Sciences Center in order to facilitate the safe and orderly conduct of business and to provide registered vehicles parking space as conveniently as possible within the limits of space available. Operating a motor vehicle on campus is a privilege and is conditioned, in part, on complying with these rules and regulations.

II. Applicability of State General and Criminal Laws

Section 51.201 of the Texas Education Code provides that: "All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state."

III. Authority of Board of Regents to Make Rules and Regulations

Section 51.202 of the Texas Education Code provides as follows: "Rules and Regulations: Penalty—

- A. The governing board or each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control including, but not limited to, the following:
1. limiting the rate of speed;
  2. assigning parking spaces and designated parking areas and their use and assessing a charge for parking;
  3. prohibiting parking as it deems necessary;
  4. removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and,
  5. instituting a system of registration for vehicle identification, including a reasonable charge.
- B. A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200."

IV. The following are the rules and regulations that apply to all of the Health Sciences Center campuses, where applicable, including fee and refund schedules, to be effective for the academic year for students and the entire fiscal year for faculty/staff.

V. General Regulations for Traffic and Parking

- A. Texas Tech is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, sex, or disability, and that equal opportunity and access to facilities shall be available to all.
- B. Due to the diverse nature of operations between the University and the Health Sciences Center campuses, it is necessary to have certain regulations that pertain to the specific institution; these are submitted separately by each institution. Following are the regulations that apply to Texas Tech as defined in C.1 below.
- C. Definitions
1. The campus is defined as all lands owned, managed, or otherwise controlled by the various Health Sciences Center campuses, herein called "Texas Tech".
  2. Impoundment refers to the actual towing of a vehicle or immobilizing a vehicle by means of an "Auto-Boot".
  3. A visitor is an individual with no official connection with Texas Tech as a student, faculty, or staff member.

4. A valid parking space is defined as an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.
  5. A shared-use path is a pathway created and signed for the simultaneous use of pedestrians and bicycle traffic.
- D. Texas Tech makes every effort to provide protection for vehicles parking on campus, but cannot assume responsibility for any loss.
  - E. The person to whom a vehicle is registered with Texas Tech is responsible for all violations of the parking rules and regulations. If a vehicle is not registered with Texas Tech, and a family member is a currently enrolled student, it shall be presumed that the student is the operator of the vehicle and is responsible for all violations of the parking rules and therefore subject to all Texas Tech traffic rules, policies, and penalties associated with monetary obligations owing Texas Tech.
  - F. Pedestrians in crosswalks will be given the right-of-way at all times.
  - G. Speed limits on campus are radar and/or lidar enforced.
  - H. No person shall drive, cause or permit a vehicle to be driven on Texas Tech property at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the posted limits shall be prima facie evidence that the speed is not reasonable and prudent and that it is unlawful:

Speed Limits

1. Campus Streets: Twenty miles per hour, unless otherwise posted.
  2. Parking Lots: Ten miles per hour, unless otherwise posted.
  3. Parking Garages: Five miles per hour, unless otherwise posted.
- I. Inoperable, damaged, or dismantled vehicles are to be reported to the appropriate Parking Services Office as soon as possible. Operators should identify their problem immediately and follow the instructions given.
  - J. The campus is restricted for use as described in these regulations. Any vehicle in violation of the regulations or not having a valid Texas Tech registration permit properly displayed may be issued a campus citation.
  - K. Skates and Skateboards  
On the campus of Texas Tech (as defined in Section IV.c.(1) of these regulations):
    1. No person may skate or use a skateboard
      - a. on or in any University buildings, structures, stairways, elevated sidewalks, access ramps, steps, retaining walls, handrails, malls, benches, fountain areas or other architectural elements;
      - b. on or in planting areas, grass areas or seeded areas;
      - c. on streets open for vehicular traffic;
      - d. where prohibited by sign, by police officer, or where otherwise prohibited by law; or,
      - e. in a manner that is incompatible with the flow of vehicular or pedestrian traffic.
    2. No person may use a skateboard in such a way that it is
      - a. not under the control of the user; or
      - b. operated in an unsafe manner.
    3. No person who is skating or using a skateboard may fail to yield the right-of-way to
      - a. a pedestrian;
      - b. a bicyclist;
      - c. a motor vehicle; or
      - d. a wheelchair or other device designed for the transport of persons with disabilities.

Pursuant to Section 51.202, Texas Education Code, a person who violates any provision of this regulation is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.

- L. These regulations apply to all persons who operate vehicles on Texas Tech property.
- M. The Chief of the Texas Tech Police Department, the Director of Student Business Services at the Health Sciences Centers (responsible for managing the parking function on that campus), and the

Managing Director of University Parking Services on the University campus are responsible for the implementation and the just and proper enforcement of these regulations.

- N. The parking wheel stops and curbs located all over campus are six inches tall. Many newer and some older model vehicles have special ground effects, attachments, air dams, fog/driving lights, or other attachments that reduce ground clearance under the vehicle. Driving such vehicles over the parking wheel stop or curb may cause damage to these vehicles. Drivers are urged to use caution when parking vehicles to avoid damage. Texas Tech University System assumes no responsibility in such cases.

## VI. Vehicle Registration

- A. In order to operate or benefit from the use of a motor vehicle on campus, each member of the Texas Tech community must obtain and display, in his or her name, a vehicle registration permit. No person may register a motor vehicle in his or her name which belongs to another student, faculty, or staff member. Violation of the Traffic and Parking Regulations is prohibited by the Student Affairs Handbook and Texas Tech policy. To benefit from the use of parking spaces designed for persons with disabilities, an eligible faculty/staff member or student **MUST** display a state issued placard or license plate **as well as a Texas Tech disability permit**.
- B. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a motor vehicle on campus.
- C. Faculty and staff are required to register their motor vehicles on or before the date they commence operating a motor vehicle on campus. Faculty and staff who share a motor vehicle where one is employed at the University and the other at the Health Sciences Center, must register at each campus if they intend to park at both campuses.
- D. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated motor vehicle for a student permit in addition to the reserved permit. If the faculty or staff member has two motor vehicles registered, and if both motor vehicles are on campus at the same time, the motor vehicle with the student permit must be parked in the designated student parking area and not in either the faculty or staff member's reserved space or in the time limit areas on campus.
- E. Any person giving false information when registering a vehicle is subject to appropriate disciplinary action and revocation of their motor vehicle registration permit and related parking privileges.
- F. Texas Tech issues two types of registration permits, non-transferable and transferable.
  - 1. Non-transferable Permits  
Non-transferable permits must be permanently affixed to the front windshield in the lower corner of the driver's side. All such permits are self-adhering and application in any other manner may subject the motor vehicle to ticketing. Vehicle registration is not complete until the permit is properly and completely affixed to the motor vehicle of record.
  - 2. Transferable Permits  
Transferable permits are designed and intended to be hung from the rearview mirror. The purpose of these permits is to allow the owner to move them from vehicle to vehicle; the permit **MUST** be displayed on the motor vehicle parked on campus. Be sure to contact Parking Services personnel if you have any problems with your transferable permit. The Texas Tech Police Department recommends you properly secure your vehicle and any valuables contained therein.
  - 3. All permits are for the exclusive use of the registrant. Permits may not be sold, exchanged, given away, or purchased from any person or agency other than Texas Tech.
  - 4. Permits remain the property of Texas Tech and may be recalled at any time.
  - 5. All outdated Texas Tech registration permits must be removed from the motor vehicle(s) prior to installation of the current year permit.
- G. Lost or stolen permits should be reported as soon as possible to the Texas Tech Police Department and the appropriate Parking Services Office. The recovery of a lost or stolen permit must be reported immediately to the Texas Tech Police Department and the appropriate Parking Services Office.
- H. Replacement Permits

1. Replacement for a non-transferable permit will be issued when identifiable remnants or proof of loss or destruction of the permit are provided. The replacement fee indicated in the current fee schedule will be charged for each replacement permit.
2. Replacement for a transferable permit which is reported lost or stolen will be issued the first and second time for the replacement fee indicated in the current fee schedule; thereafter, the cost will be the full price of the permit.

- I. Persons who hold non-transferable reserved registration permits and are assigned reserved spaces may obtain one duplicate permit at no additional charge. Additional permits may be purchased for the replacement fee indicated in the current fee schedule. Duplicate permits do not allow for more than one motor vehicle to be on campus during the reserved period.
- J. Persons who hold Health Sciences Center registration permits and are assigned to Reserved or Area Reserved spaces may also park on the University campus in Visitor, Time Limit, and Park and Pay spaces. University Reserved and Area Reserved permits will be honored in Health Sciences Center Patient and Visitor parking spaces. Parking is restricted to use in the individual's capacity as an employee which does not include attending class as a student.
- K. Upon termination of employment with Texas Tech, an employee's parking privileges are revoked. If the registration permit(s) is returned to the appropriate Parking Services Office, the refund in effect at the time it is returned will be issued.

VII. Parking Enforcement, Parking Violations, and Sanctions

- A. Parking is governed by markers and traffic signs. Parking is permitted only in areas clearly identified for parking.
- B. The absence of "No Parking" signs does not imply that parking is allowed. Street parking is prohibited except where signs indicate parking is permitted.
- C. The following illegal parking acts may result in a citation being issued:

<u>Violation</u>	<u>Fine</u>
**1. Parking in non-designated areas.	\$25.00
2. Permit not properly installed.	10.00
**3. Parking in a fire lane.	50.00
4. Failure to remove expired permit(s).	20.00
**5. Parking in a no parking or tow away zone.	25.00
**6. Parking in service vehicle spaces, service drives, or access drives.	20.00
**7. Unauthorized parking in reserved parking spaces.	25.00
**8. Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container, building entrance or exit.	25.00
**9. Parking overtime in a time limit zone.	20.00
**10. Parking a bicycle in violation of these regulations.	10.00
11. Parking a motor vehicle beyond the lines of a parking space.	20.00
**12. Parking in reserved zones without proper permit.	25.00
13. Parking on wrong side of street facing oncoming traffic.	20.00
**14. Parking without a valid permit.	25.00
**15. Parking a motor vehicle upon any unmarked (including turf) or unimproved ground which has not been designated for parking.	75.00
**16. Parking in a space or area designated for persons with disabilities without the proper insignia.	200.00
**17. Blocking an access ramp or curb cut designed to aid persons with disabilities.	200.00
**18. Display or use of a lost, stolen, forged, revoked, or altered permit. Such violation may result in the responsible party/parties being referred to the appropriate office for disciplinary action which may include loss of parking privileges for the remainder of the academic year.	Up to 200.00
**19. Other parking violations as defined on the face of the citation.	20.00

20. Failure to display transferable permit.	10.00
21. Failure to pay at Pay Station.	20.00

**\*\*Impoundable Offenses**

- D. In the State of Texas, motorcycles, mopeds, and bicycles are subject to the same rules and regulations as automobiles. Operators are subject to a moving violation, to be adjudicated in a court of competent jurisdiction as provided in the Texas Education Code, Section 51.208, for failing to comply with the Official Texas Motor Vehicle Laws and these Regulations. Examples of the most common bicycle violations are:
1. Riding on sidewalks or other prohibited areas
  2. Failing to stop at stop signs and red lights
  3. Failing to yield right-of-way to pedestrians in crosswalks
  4. Operating bicycle without proper lights and reflectors when required
  5. Failing to drive on the right side of the roadway

**The maximum fine for violation of these STATE LAWS is \$200.00.**

- E. Motorcycles and mopeds must be parked in areas designated for parking of such vehicles. Motorcycles and mopeds are not permitted to park in time limit areas unless registered to a vehicle that displays a reserved or area reserved permit.
- F. All motorcycle registration permits are issued for the academic year for students and the fiscal year for faculty and staff. They may be purchased at any time during the year at a rate that is prorated monthly.
- G. Bicycles should be parked in racks whenever available. Use of shrubs, trees, or any architectural structures to secure bicycles is prohibited. Bicycles are not permitted in Texas Tech academic or administrative buildings. Any bicycle found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX.A. 1 and 2)
- H. No person shall operate a bicycle or any other vehicle upon a sidewalk or sidewalk area except those vehicles expressly designed for the transport of persons with disabilities and bicycles operated by officers of the Texas Tech Police Department when necessary to fulfill their lawful duties. Bicycles operating on a shared-use pathway must yield right-of-way to pedestrians and operate at a speed and in a manner consistent with public safety.
- I. Bicycle registration is encouraged and conducted free of charge, 24 hours a day, at the Texas Tech Police Department.
- J. Any bicycle or locking device not removed from campus at the end of the Spring Semester may be considered abandoned and may be properly disposed of through Property Inventory.
- K. Scooters that are not required by State Law to obtain vehicle registration and inspection are not required to obtain a parking permit, and are not allowed to park in motorcycle or vehicle parking spaces. Individuals operating scooters on campus must adhere to the regulations pertaining to bicycles.
- L. Moving Violations
1. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state, Section 51.201, Texas Education Code. All violations as set forth above may be adjudicated in a court of competent jurisdiction as provided in the Texas Education Code, Section 51.208.
  2. It shall be unlawful for any person to drive, operate, push, park, or leave standing a motor vehicle on any area of the campus not designated for driving such a motor vehicle.
  3. It shall be unlawful for any person to drive by, through, or beyond a barricade or roadblock that is lawfully erected.
  4. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control, or regulate traffic.

**VIII. Resolving Citations**

Citations for parking violations may be resolved in one of the following ways:

- A. Pay the stated fee for each citation. If payment is not received within ten (10) calendar days, an additional \$5.00 charge will be assessed. Citation payment information for the TTUHSC Lubbock campus can be found online at [www.fiscal.ttuhs.edu/parking/](http://www.fiscal.ttuhs.edu/parking/).
- B. Appeal the citation in writing, within ten (10) calendar days of the alleged violation, through the appropriate Parking Services Office. Citation appeals must be submitted online for the TTUHSC Lubbock campus. Appeal information can be found online at [www.fiscal.ttuhs.edu/parking/](http://www.fiscal.ttuhs.edu/parking/). For those who do not have access to the internet, a terminal is available for use in the Parking Services Office, Room BB097.
- C. The Presidents shall provide equitable and efficient appeals processes through the establishment of a Parking Violation Appeals Advisory Committee. Written appeals will be provided to the Parking Violation Appeals Committee when there is a significant dispute over facts or major extenuating circumstances. The appeal must be submitted within ten (10) days from the date of the decision denying the first appeal. A final appeals hearing may be provided should an individual wish to contest the findings of the Parking Violation Appeals Committee. The Hearings Officer will be appointed each year by the Law School Student Bar Association. The final appeal must be submitted within ten (10) days from the date of the decision denying the second appeal. Individuals appearing before the Hearings Officer must bring any supporting documentation. The decision of the Hearings Officer is final and no further appeals will be provided. Individuals who fail to appear at three scheduled hearings before the Law School Hearings Officer will have their citation(s) ruled valid and no further appeals will be provided.
- D. After a period of ten (10) days from the date of issuance of the citation or from the date of final determination of an appealed citation, citations not resolved through the appropriate Parking Services Office will be overdue. Overdue citations may subject the permit holder's motor vehicle(s) to impoundment and removal of the parking permit(s). Overdue citations may be applied to a student's tuition statement if they remain unresolved or may result in restriction of subsequent academic registration and withholding of a student's transcript until such time as the obligation is satisfied. Parking and these restricted services may be restored when all overdue citations have been resolved. At the discretion of Texas Tech, overdue citations may be adjudicated in a court of competent jurisdiction in accordance with Section 51.208 of the Texas Education Code.
- E. Notice of violation for motor vehicles without permits and returned notices of violation will be sent to the address on file with the Texas Department of Transportation, Division of Motor Vehicles.
- F. Four valid violations of the Traffic and Parking Regulations within the academic year may result in the revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year.
  - 1. All citations must be resolved before any parking privileges are restored.
  - 2. The revocation period shall commence with the return of the registration permit(s) to the appropriate Traffic and Parking Office.
- G. Individuals with at least three unpaid parking citations from the TTUHSC Parking Services Office that are found parking in violation of the rules and regulations on HSC or UMC grounds, may be issued a county citation.

#### IX. Impounding Vehicles

- A. Vehicles belonging to individuals with ten or more valid violations of the Traffic and Parking Regulations are subject to impoundment on each subsequent violation, regardless of the type of violation.
- B. Impoundment may be accomplished either by towing or through immobilization by use of an auto boot.
- C. When a vehicle has been impounded it will be necessary for the operator of the vehicle to contact the appropriate Texas Tech parking dispatcher for release. Prior to the release of the impounded vehicle, satisfactory arrangements for payment shall be made.
  - 1. The impoundment fee for towed vehicles will be a \$15 administrative fee plus the amount charged by the towing company. This amount may vary depending on the vehicle impounded and the current wrecker service contract. Current impoundment charges can be found at the TTU University Parking Services Office or website.
  - 2. The impoundment fee for booted vehicles will be \$40.

3. Vehicles impounded will be charged storage at the rate of \$6.00 per day, including tax, commencing 72 hours after impoundment.
  4. The maximum storage fee to be charged is \$130.00 per month, including tax.
- D. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver the impoundment fee (see Section IX.C.1) less the \$15 administrative fee (payable in a manner acceptable to the towing company) in lieu of impoundment.
  - E. If a motor vehicle or bicycle is parked on Texas Tech property and is not moved for a period of 30 days, Texas Tech may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the manner prescribed by law. This includes those motor vehicles which have a valid registration permit.
  - F. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall be permitted to be stored or parked on the campus without permission from the appropriate Parking Services Office. Such property or vehicles are subject to impoundment.
  - G. A motor vehicle parked on Texas Tech property will be subject to impoundment if any of the following apply:
    1. It does not have attached to it an unexpired license plate and a valid vehicle inspection certificate as required by the State in which it is registered.
    2. It is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days.
- X. Texas Tech Police
- A. Texas Tech Police Officers are duly commissioned peace officers of the State of Texas. Upon request of a police officer of Texas Tech, any person on the campus is required to identify himself with proper identification.
  - B. All thefts, accidents, or other offenses that occur on campus should be reported to the Texas Tech Police Department immediately. Accidents should be reported immediately. In accordance with State law, vehicles involved in an accident should be moved prior to reporting the accident if they are moveable. One-vehicle accidents and inoperable vehicles must also be promptly reported. Keys or valuables should not be left in a motor vehicle. **ALWAYS KEEP YOUR VEHICLE LOCKED.**
  - C. Texas Tech is concerned about the protection of persons and property and places a high priority on striving to maintain a safe environment for students, faculty, staff, and visitors. The University cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility. With that thought in mind, a Personal Safety brochure has been prepared which contains personal safety recommendations, crime statistics, safety services and programs, as well as a list of telephone numbers to contact for help. All visitors and members of the campus community are encouraged to make themselves familiar with this information. The Personal Safety brochure is available at various locations on campus including the Personnel Office, the Texas Tech Police Department, the Center for Campus Life, and the residence halls.
  - D. Chapter 46, Section 46.03, Texas Penal Code, provides that a person commits a felony offense if the person carries a firearm, illegal knife, club, or other prohibited weapon listed in Section 46.05(a) on the physical premises of an educational institution.
- XI. Types of Motor Vehicle Registration Permits
- A. Reserved parking spaces are assigned to full-time faculty and staff and part-time faculty and staff not enrolled as students as space is available. Any space remaining after the needs of the faculty and staff are met will be available for assignment to part-time instructors, graduate teaching assistants, and graduate research assistants who hold contracts for one-half time or more. Such assignments may be revoked as necessary to accommodate regular faculty and staff requirements.

1. Non-transferable permits will be issued for reserved spaces. The permit will contain the lot and space number assigned to the registrant. The space is reserved from 6:30 a.m. to 5:30 p.m., Monday through Friday, year-round, excluding holidays.
- B. Reserved Area parking spaces are available to qualified faculty and staff in certain designated parking lots. Non-transferable permits will be issued for all area reserved lots. Area reserved permit holders should overflow to other designated area reserve parking lots if all available area reserved spaces in the lot are occupied.
  - C. Reserved Area parking spaces may be purchased by part-time employees (less than 20 hours a week) at half the specified cost. An approved PAF form must accompany the vehicle registration form. At the Lubbock campus, part-time employees must complete their vehicle registration online at [www.fiscal.ttuhs.edu/parking/](http://www.fiscal.ttuhs.edu/parking/). The employee must then contact the Parking Services Office to receive the rate reduction.
  - D. Renewal notices for persons assigned reserved and area reserved spaces are sent out no later than July 1 of each year. Employees must renew their vehicle registration by the date stated in the renewal notice. Payment may be made by credit card (Visa, MasterCard, and Discover [Discover is not accepted at the Lubbock Parking Services Office]), cash, personal check, or payroll deduction. (Payroll deduction is available at the Abilene, Amarillo, Lubbock, and Odessa campuses.) At the Lubbock campus, vehicle registration must be completed online at [www.fiscal.ttuhs.edu/parking/](http://www.fiscal.ttuhs.edu/parking/). Credit card information (Visa and MasterCard) may be entered directly into this site and personal checks can be mailed through campus mail to Mail Stop 6290. This site is "secure" and all data entered will be protected.
  - E. Commuter permits will be issued for motor vehicles belonging to students.
    1. Commuter permits will be of the non-transferable type.
    2. Commuter permits are issued to the individual vehicle and ownership is not transferable. Use of a commuter permit by anyone other than the individual to whom it was issued is not permitted. Violation of this regulation may result in ticketing, impoundment, and loss of all parking privileges on campus, including parking for the academic year for all parties involved.
    3. Parking is available in certain designated lots.
    4. Health Sciences Center commuter permits will be allowed in commuter lots around the periphery of the Texas Tech University campus. Health Sciences Center commuter permits will be honored in designated commuter parking areas at all TTUHSC locations (Abilene, Amarillo, Lubbock, Odessa and TTUHSC El Paso).
    5. Texas Tech University commuter, park and ride, garage, law school, and residence hall permits will be honored in the TTUHSC designated commuter parking lots. TTU students are not authorized to park in the TTUHSC parking lots to attend classes at the TTU campus.
    6. At the Lubbock campus, students must complete their vehicle registration on-line at [www.fiscal.ttuhs.edu/parking/](http://www.fiscal.ttuhs.edu/parking/).
  - F. Persons with disabilities may be issued disability access motor vehicle registration permits designed to assist them in campus mobility.
    1. Parking in spaces reserved for persons with disabilities requires the correct motor vehicle registration permit and the appropriate state issued placard or license plate.
    2. State placards or license plates must be displayed at all times when a vehicle is parked in these areas.
    3. The designated disability parking areas are reserved 24 hours daily.
  - G. Motorcycle registration permits will allow parking of motorcycles or mopeds in designated two-wheel areas. Motorcycle registration permits must be permanently affixed to the top of the front headlight, front fender or shock absorbers. Mopeds and motorcycles may not park in bicycle racks. All motorcycle registration permits expire in August.
  - H. Temporary registration permits will be issued for the fee indicated in the current fee schedule. Temporary permits are not refundable.

## XII. General Regulations

- A. Persons who hold a Texas Tech Medical Center – Southwest vehicle registration permit (S1) should park in patient/visitor lots if space is available when parking at the Lubbock campus. If space is not available, they should park in the designated area reserved parking lots (A1, A2, B3, C3, D3, or F1).



- B. Persons who hold a motor vehicle registration permit for reserved or area reserved parking from any Health Sciences Center campus or TTUHSC El Paso may park in a designated visitor's area when visiting another campus.

### XIII. Visitor and Patient Parking

Visitors and patients are welcome on the campus. Special parking areas are designated for patients and visitors. Visitors' motor vehicles parked in areas not designated for visitor parking are subject to receiving a campus citation.

### XIV. Time Limit

Designated time limit parking areas are enforced from 7:30 a.m. to 4:00 p.m., Monday through Friday, unless otherwise posted.

### XV. Loading Dock

Parking at the loading dock is enforced 24 hours daily.

### XVI. Service and Vendor Vehicle Parking

It is recognized that service vehicles are required to transport personnel and materials to work sites on the campus. It is not the intent of these regulations to hinder or handicap workers in the performance of their duties. Property damage and unsafe conditions, however, frequently occur on campus as a result of drivers ignoring parking regulations.

Service and vendor motor vehicles found to be blocking a street or creating a hazard may be ticketed and impounded.

#### A. University Service Vehicle Parking

Faculty, staff, and students who operate Texas Tech service vehicles on campus should become familiar with the contents of HSC OP 76.37.

1. Movement of heavy equipment and supplies to the buildings will be accomplished from the loading dock, or the designated delivery area, if possible. If not possible, the individual or contractor responsible for moving, loading, hauling, etc., should make prior arrangements with the designated project manager who will contact the Parking Services Office or the corresponding office at Abilene, Amarillo, and Odessa/Midland to obtain alternate delivery, parking and routing information to ensure protection of lawns, sidewalks, brick areas, ramps, lawn sprinkler systems, designated fire lanes, etc.
2. Parking partially in the street and partially on a walk/curb is prohibited. Vehicles must park in designated areas only.
3. Damage resulting from vehicles traversing lawns, sidewalks, bricked areas, etc., will be repaired by Grounds Maintenance, TTUHSC Plant Operations, or Regional Facilities Operations and Maintenance. All repair costs will be charged to the department or vendor/contractor responsible for such damage as determined by TTUHSC and in the context of circumstances.
4. Blocking of doorways, sidewalks, handicap access, and fire lanes is prohibited.
5. Texas Tech service vehicles may be parked only in the following areas which are listed in priority order:
  - a. In designated service vehicle parking at the loading dock or designated service vehicle parking location
  - b. F-1 Parking (Lubbock)
  - c. Time limited parking
  - d. On-street parking (Lubbock)

#### B. Vendor Parking

For external vendor and delivery vehicles, parking spaces are available at the loading dock.

Vendor and delivery vehicles found to be blocking a street, sidewalk or designated parking space will be ticketed and towed by the Parking Services Office or the Police.

Vehicles belonging to vendors may be parked only in the following areas which are listed in priority order:

1. In designated service vehicle parking at the loading dock
2. Visitor parking

C. Contractor Parking

1. Contractors may obtain, at no charge, a construction permit for their trucks or cars from the TTUHSC Parking Services Office, Room BB097, or the corresponding office at Amarillo or Odessa, by prior arrangement through the designated project manager.
2. Contractors must display parking permit on the rear view mirror or lower left-hand drivers' side of windshield at all times while parked on TTUHSC property. Vehicles with the contractor logo clearly shown will be permitted to park in the designated contractors' parking lot/area without a TTUHSC parking permit.
3. Parking for contractors is limited to the following area:
  - a. Contractor's parking lots or specifically designated locations on each campus.
  - b. Parking outside the designated Contractor's lot is a violation of the parking regulations and does subject the vehicle to a citation and/or impoundment.