

# **TEXAS TECH UNIVERSITY SYSTEM**

# **BOARD OF REGENTS**

AGENDA BOOK

August 9-10, 2018

# BOARD OF REGENTS

# TEXAS TECH UNIVERSITY SYSTEM

# AGENDA

# August 9-10, 2018

# 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. J. Michael Lewis Mr. John D. Steinmetz Mr. John D. Steinmetz Mr. John B. Walker Ms. Jane Gilmore, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs: John Esparza; Jane Gilmore, John Steinmetz; 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

# Lubbock, Texas

# August 9-10, 2018

# Abbreviated Agenda with Approximate Times\*

# Thursday, August 9, 2018

# Swearing in of Student Regent and Board of Trustees Meeting of the Carr Scholarship Foundation (Shown for informational purposes only.)

8:25 am	Ceremonial Swearing-in of Student Regent
	Location: Regents Conference Room (104A), First
	Floor, System Building, 1508 Knoxville Avenue,
	Lubbock, Texas

8:30 am	Call to Order; convene Meeting of the Board of Trustees of
(or upon completion of	the Carr Scholarship Foundation
5	Location: Regents Conference Room (104A), First
,,,	Floor, System Building, 1508 Knoxville Avenue,
	Lubbock, Texas
the swearing in ceremony)	Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue,

8:45 am

Adjourn

#### CONTINUED ON NEXT PAGE

\*For general information. Unless otherwise noted, all open session meetings will take place in the Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas. Any executive session meetings that should occur throughout the day will take place in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas. The times listed are estimates, with periodic recesses. A ceremonial swearing-in of the newly appointed student regent will take place at 8:25 am. The Trustees meeting of the Carr Scholarship Foundation will meet immediately after the swearing-in of the student regent at approximately 8:30 am. Committee meetings will commence upon the adjournment of the Carr Scholarship Foundation Trustees meeting at approximately 8:45 am. Any committee meetings not completed on Thursday, August 9, 2018, will be completed on Friday, August 10, 2018. The Board has the option to convene as a Meeting of the Board/Committee of the Whole and convene into Executive Session after the last committee meeting adjourns or whenever deemed necessary on Thursday, August 9, 2018. The Meeting of the Board will reconvene at 8:30 am on Friday, August 10, 2018. If necessary, the Meeting of the Board will recess after introductions/recognitions at approximately 9:00 am to conduct any committee meetings which were not concluded on Thursday, August 9, 2018. The Meeting of the Board will reconvene upon adjournment of the any committee meeting(s) if applicable at approximately 9:30 am to complete the remainder of its business. The Meeting of the Board is expected to adjourn at approximately 12:00 pm; however, if needed, the meeting may continue beyond 12:00 pm until completed. The full board agenda is detailed on pages vi through xv. The agenda for each session of the board meeting or a meeting of a committee of the board is detailed behind the appropriate divider tab.

#### Lubbock, Texas

# August 9-10, 2018

# Abbreviated Agenda with Approximate Times\*

# Thursday, August 9, 2018

# <u>Meeting of Standing Committees</u> (Conducted sequentially)

#### CONTINUED FROM PREVIOUS PAGE

8:45 am	Audit Committee
(or upon adjournment of	Location: Regents Conference Room (104A), First
the Carr Scholarship	Floor, System Building, 1508 Knoxville Avenue,
Foundation. meeting)	Lubbock, Texas
9:20 am (or upon adjournment of the Audit Cmte. meeting)	Facilities Committee Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
10:10 am	Finance and Administration Committee
(or upon adjournment of	Location: Regents Conference Room (104A), First
the Facilities Cmte.	Floor, System Building, 1508 Knoxville Avenue,
meeting)	Lubbock, Texas
<b>10:45 am</b> (or upon adjournment of the Finance and Administration Cmte meeting)	Academic, Clinical and Student Affairs Committee Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

#### CONTINUED ON NEXT PAGE

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# Lubbock, Texas

# August 9-10, 2018

# Abbreviated Agenda with Approximate Times\*

# Thursday, August 9, 2018

#### Meeting of the Board

#### CONTINUED FROM PREVIOUS PAGE

12:30 pm (or after a lunch break)	Call to Order; reconvene as Meeting of the Board and Committee of the Whole Board Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
12:30 pm	Executive Session Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
4:50 pm	Following Executive Session, reconvene into Open Session as Committee of the Whole Location: Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
5:00 pm	Recess

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# Lubbock, Texas

# August 9-10, 2018

# Abbreviated Agenda with Approximate Times\*

#### Friday, August 10, 2018

#### Meeting of the Board

8:30 am	Call to Order; reconvene Meeting of the Board Introductions and Recognitions Meeting of the Committee of the Whole and the Board, or continuation of meetings of the Standing Committees of the Board, if necessary Location: Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
9:30 am (if necessary)	Executive Session Location: Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
11:30 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 Building, 1508 Knoxville Avenue, Lubbock, Texas
On or before 12:00 pm	Adjournment

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# August 9-10, 2018

#### Agenda

# <u>Thursday, August 9, 2018</u> Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

**Swearing-in of newly appointed student regent**: Before the start of the day's meetings, the newly appointed student regent will participate in a ceremonial swearing-in.

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

**Board of Trustees of the Carr Scholarship Foundation**: This meeting will take place immediately after the swearing-in of the student regent; refer to agenda provided by the Chief Financial Officer's Office Location: Regents Conference Room (104A), First Floor, System

Building, 1508 Knoxville Avenue, Lubbock, Texas

#### I. Meeting of Standing Committees

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

A. Audit Committee

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- 2. TTUS: Report on audits......4
- Executive Session: The Audit Committee will convene into Executive Session in the Regents Committee Room (106), First Floor, System 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.
- 4. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, to consider appropriate action, if any, on items discussed in Executive Session.
- 5. Adjournment
- B. Facilities Committee

1.	ASU: Approve concept and Stage I budget for new Angelo State University Art Museum building
1-A.	ASU: Approve naming at the Centennial Village Residence Hall complex
2.	TTU: Approve Stage II budget for renovation of Weeks Hall4
3.	TTU: Approve Stage II budget for a new Athletic Dining Facility6
4.	TTU: Approve concept and Stage I budget for Dairy Barn Renovation project8
5.	TTU: Approve concept and Stage I budget for a proposed new School of Veterinary Medicine10
6.	TTU: Approve acceptance of gift-in-kind benefitting the Oilfield Technology Center12
7.	TTUHSC: Approve naming of the Pediatric Waiting Room at TTUHSC Amarillo campus14
8.	TTUHSC EI Paso: Approve Stage II budget for the new School of Dentistry – Dental Learning Center15
9.	TTUS: Report on Facilities Planning and Construction projects17
10.	Adjournment

C.	Finan	ce and Administration Committee	Page
	1.	TTU, ASU, TTUHSC, TTUHSC EI Paso and TTUSA: Approve FY 2019 operating budgets	FA 2
	2.	TTU: Approve a contract with the City of Lubbock for bus service	3
	3.	TTUS: Approve amendments to Chapters 05 (Student Affairs) and 08 (Facilities), <i>Regents' Rules</i> , relating to traffic and parking regulations	5
	4.	TTUS: Approve amendments to the Investment Policy Statement for the Short/Intermediate Term Investment Fund and related amendments to Chapter 09, <i>Regents' Rules</i>	7
	5.	TTUS: Authorize chancellor to execute contract with STM Charters, Inc	8
	6.	Adjournment	
D.	Acade	emic, Clinical and Student Affairs Committee	<u>Page</u>
	1.	ASU: Approve appointment with tenure	ACS 3
	2.	ASU: Approve emeritus appointment	4
	3.	ASU: Approve modification of OP 06.19, Regulations for Performance Evaluation of Tenured Faculty	5
	4.	TTU: Approve appointments with tenure	6
	5.	TTU: Approve Bachelor of Applied Arts and Sciences in Early Childhood	7
	6.	TTU: Approve the establishment of the Department of Professional Communication in the College of Media and Communication	10
	7.	TTU: Approve exception to Section 03.01.11, <i>Regents' Rules</i> (nepotism)	12
	8.	TTU and TTUHSC: Approve the dual degree program, MPH/MPA in Public Health and Public Administration, between TTUHSC Graduate School of Biomedical Sciences and TTU College of Arts and Sciences.	14
	9.	TTUHSC: Approve the expansion of the pharmaceutical sciences doctoral program to Abilene	16

		10.	TTUHSC EI Paso: Authorize the process to establish the Woody L. Hunt School of Dental Medicine and Doctorate in Dental Medicine at Texas Tech University Health Sciences Center at EI Paso	
		11.	TTU: Authorize the process to establish the School of Veterinary Medicine and Doctor of Veterinary Medicine degree program20	
		12.	TTUS: Approve strategic priorities for the System and its universities	
		13.	Adjournment	
11.	Meeting of the Board—Call to Order; convene into Open Session of the Board			
III.	Sessi Syste permi	<b>Executive Session:</b> The Board may convene into Executive Session in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the <i>Texas Government Code</i> , including, for example:		
	A.	comm	ultation with attorney regarding privileged nunications, pending or contemplated litigation and ment negotiations – Section 551.071	
	В.		erations regarding real property: The purchase, lease, ange, or value of real property – Section 551.072	
	C.	Delibe	erations regarding prospective gifts – Section 551.073	
	D.	evalua	onnel matters: Discuss the appointment, employment, ation, reassignment, duties, discipline or dismissal of oyees – Section 551.074	
	E.		erations regarding security devices—deployment of ity personnel or devices – Section 551.076	
IV.	Rege 1508	nts Cor Knoxvi	on: The Board will reconvene in Open Session in the nference Room (104A), First Floor, System Building, Ile Avenue and meet as a Committee of the Whole and ne Board to consider and act on:	
	A. (	Conside	eration of appropriate action, if any, on items discussed	

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

V.	Recess	Chairman	Francis
<b>v</b> .	Recess	Chairman	Franc

# Friday, August 10, 2018 Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

# VI. Meeting of the Board—Call to Order; reconvene into Open Session of the Board

- A. Introductions and Recognitions......Chancellor Duncan, President May, President Schovanec President Mitchell, and President Lange
- VII. Recess (if necessary, for standing committees to meet; otherwise continue in Open Session (X.))
- VIII. Meeting of Standing Committees (if not concluded on Thursday)
- IX. 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)
- X. **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 May 17-18, 2018 ..... Chairman Francis
  - B. Committee of the Whole..... Vice Chairman Lancaster

Page CW

# Consent Agenda

a. ASU: Approve revisions to the <u>Student</u> <u>Handbook</u> of Angelo State University, effective August 13, 2018 (ACS)

- b. TTU: Approve faculty development leaves of absence (ACS)
- c. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- ASU: Acknowledge changes to the Five-Year Capital Projects Plan and submission of the MP1 report (F)
- e. TTU: Acknowledge changes to the Five-Year Capital Projects Plan and submission of the MP1 report (F)
- f. TTU: Approve name change of the Chemical Engineering Temporary Lab facility (F)
- g. TTUHSC: Acknowledge changes to the Five-Year Capital Projects Plan and submission of the MP1 report (F)
- h. ASU: Approve the naming and acceptance of a \$1 million endowed chair (FA)
- i. ASU: Approve the naming and acceptance of a \$1 million endowed chair in accounting (FA)
- j. TTU: Approve contract extension for the transportation and delivery of natural gas (FA)
- k. TTU and TTUS: Approve purchasing contracts in excess of \$1,000,000 (FA)
- I. TTUHSC: Authorize quasi-endowment to support a FMAT professorship (FA)
- m. TTUS: Authorize a consulting agreement to provide support for federal relations (FA)
- n. TTUS: Approve revisions to the Texas Tech University System Medical Liability Self-Insurance Plan (FA)
- o. ASU, TTU, TTUHSC, TTUHSC EI 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* 

 ASU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2018, 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) TTUHSC and TTUHSC EI Paso: Contract Renewals, Extensions and Amendments per Sections 07.12.4.c and 07.12.6.b., Regents' Rules – "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting." AND "Approval of the president is required for all component institution contract renewals, extensions or amendments. A list of those renewed, 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."
- TTUHSC: Contracts for ongoing and continuing (3) health-related service relationships as per Section 07.12.4.c, Regents' Rules: "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall

be provided to the board as an information item at the next regular board meeting."

- (4) TTU, TTUHSC and TTUHSC EI Paso: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – <u>"(a) Board approval is not required,</u> but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."
- (5) TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents' Rules*: <u>"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."</u>
- (6) TTU: Emergency or exigent circumstances approval of a major facilities project as provided by Section 08.01.7, *Regents' Rules*: "If the chancellor, on the recommendation of the president, declares a major construction project to be an emergency or that exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, the board authorizes the chair of the board or the chair of the Facilities Committee to approve all necessary actions. Any emergency actions taken must be reported to the board at its next meeting."
- XI. Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.

Α.	Report of the Audit Committee	Regent Long
В.	Report of the Facilities Committee	Regent Esparza
C.	Report of the Finance and Administration	Regent Steinmetz

D. Report of the Academic, Clinical and Student Affairs Committee......Regent Walker

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

- B. The President's Report, ASU ..... President May
- C. The President's Report, TTUHSC EI Paso..... President Lange
- - 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
- **XIV. Open Session:** The Board will convene into Open Session in the Regents Conference Room (104A), First Floor, System 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

XV.	Adj	ournment	Chairman Francis
	В.	Chairman's Announcements	Chairman Francis

# AUDIT

# Audit Committee

# Committee Meeting August 9, 2018

- **Time:** 8:45 am (or upon adjournment of the Carr Scholarship Foundation meeting)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Long (Chair), Hammonds, Huckabee

# <u>Agenda</u>

- Approve minutes of committee meeting held on May 17, 2018
- I.A. 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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- 3. Executive Session: The Audit Committee will convene into Executive Session in the Regents Committee Room (106), First Floor, System 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.
- 4. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, to consider appropriate action, if any, on items discussed in Executive Session.

- 5. 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, August 10, 2018.

# 1. <u>TTUS: Approve 2019 annual audit plan for the</u> <u>Texas Tech University System.</u>

Presenter: Mrs. Kim Turner Board approval required by: Section 01.02.8, *Regents' Rules*; Section 07.02.7, *Regents' Rules*; Chapter 2102, *Texas Government Code*; and Audit Committee Charter

# **RECOMMENDATION**

The chief audit executive recommends that the Board of Regents approve the annual audit plan.

# **BACKGROUND INFORMATION**

The *Regents' Rules* and the Texas Internal Auditing Act require that the Board of Regents approve the annual audit plan. The projects included in the 2019 annual audit plan have been selected as a result of an enterprise-wide risk assessment process.

# 2. <u>TTUS: Report on audits.</u>

Presenter: Mrs. Kim Turner Presentation Time: 10 minutes Report to Board required by: Section 07.02.7, *Regents' Rules*; and Audit Committee Charter

Mrs. Kim Turner, Chief Audit Executive, will present a report on the System's audit projects.

# FACILITIES

# **Facilities Committee**

# Committee Meeting August 9, 2018

- **Time:** 9:20 am (or upon adjournment of the Audit Committee meeting)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Esparza (Chair), Long, Walker

# <u>Agenda</u>

- Approve minutes of committee meetings held on May 17, 2018
- **I.B.** 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 concept and Stage I budget for new Angelo State University Art Museum building	3
1-A.	ASU: Approve naming at the Centennial Village Residence Hall complex	3a
2.	TTU: Approve Stage II budget for renovation of Weeks Hall	4
3.	TTU: Approve Stage II budget for a new Athletic Dining Facility	6
4.	TTU: Approve concept and Stage I budget for Dairy Barn Renovation project	8
5.	TTU: Approve concept and Stage I budget for a proposed new School of Veterinary Medicine	0
6.	TTU: Approve acceptance of gift-in-kind benefitting the Oilfield Technology Center1	2

7.	TTUHSC: Approve naming of the Pediatric Waiting Room at TTUHSC Amarillo campus14
8.	TTUHSC EI Paso: Approve Stage II budget for the new School of Dentistry – Dental Learning Center
9.	TTUS: Report on Facilities Planning and Construction projects17
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, August 10, 2018.

# 1. <u>ASU: Approve concept and Stage I budget for new Angelo</u> <u>State University Art Museum building.</u>

Presenter: Mr. Billy Breedlove Presentation Time: 5 minutes Board approval required by: Section 08.01.3, *Regents' Rules* 

# **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the concept for the project and authorize the chancellor or the chancellor's designee to (i) acknowledge use of the Stage I budget of \$425,000 to provide planning and design services for the new Angelo State University Art Museum building with an anticipated budget of \$14,200,000; and (ii) award the Design Professional contract. The Stage I budget was previously board authorized from Gift funds (\$425,000 cash).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

# **BACKGROUND INFORMATION**

The Stage I budget will allow the Design Professional to move forward on the project's vision through the programming and schematic design phases, and provide a Statement of Probable Cost and project schedule.

In March 2018, the board of regents approved a Preliminary Stage I Feasibility Study with a budget of \$425,000.

The proposed project will program and design an approximate 30,775 GSF new Art Museum building to support the Bachelor of Arts program in Studio Art. The building will include classrooms, class labs, student gallery space, along with faculty and staff offices and support spaces. Specialized laboratories will be constructed for graphic design, sculpture and ceramics programs. In addition, this space will be used in support of the annual Angelo State University Ceramics Symposium. The gallery will house the West Texas Collections which is currently located in the Houston Hart University Center. The scope of the project will also include analysis of the site utility infrastructure work required, surface parking, landscape enhancements, and public art.

For reference, this project is listed on the Texas Higher Education Coordinating Board's ("THECB") Capital Expenditure Plan ("MP1") Summary Report (Fiscal Years 2019-2023) proposed as a new 30,775 GSF facility, estimated at \$25,000,000.

The vice president for finance and administration has verified the source of funds.

# 1-A. <u>ASU: Approve naming at the Centennial Village Residence</u> <u>Hall complex.</u>

Presenter: Mr. Patrick Kramer Presentation Time: 5 minutes Board approval required by: Section 08.05.1, *Regents' Rules* 

# **RECOMMENDATION**

The chancellor also concurs with the recommendation of the president that the Board of Regents approve naming the Commons building at the Centennial Village Residence Hall complex the "Seibel Commons." The donor concurs with the naming of this facility. Appropriate exterior signage will specify the approved name.

# **BACKGROUND INFORMATION**

The Abe and Annie Seibel Foundation (the "Foundation") pledged \$5.5 million to the Texas Tech Foundation, Inc., for the benefit of Angelo State University, to support costs associated with the construction of the Centennial Village complex at ASU. The gift will be fulfilled through annual amounts over a five-year period, completed no later than December 31, 2023. In recognition of this generous gift, Angelo State University desires to name the Commons building at the Centennial Village Residence Hall complex the "Seibel Commons." The Commons provides gathering space for all residents of the Centennial Village complex. Appropriate exterior signage will specify the approved name; however, a final location has not yet been determined.

The Abe and Annie Seibel Foundation provides interest-free loans to qualified Texas residents attending Texas colleges or universities and designates a portion of its available funds each year to support the construction of residence halls and students centers at Texas colleges and universities. The Foundation's generous gift provides significant support to ASU's expanding campus and growing student population.

The gift meets the minimum fifty percent (50%) threshold requirement for naming a subunit within a 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.

# 2. <u>TTU: Approve Stage II budget for renovation of Weeks</u> <u>Hall.</u>

Presenter: Mr. Billy Breedlove Presentation Time: 5 minutes Board approval required by: Section 08.01.3, *Regents' Rules* 

# RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) establish a Stage II budget of \$3,602,176 to provide design and construction services for the renovation of Weeks Hall with an anticipated budget of \$24,800,000; (ii) amend the Design Professional contract; and (iii) amend the Construction Manager at Risk contract. The Stage II budget will be funded with Higher Education Assistance Funds ("HEAF") cash. The Stage II budget includes the previously board authorized budget from HEAF funds (\$975,000 cash).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

# **BACKGROUND INFORMATION**

The Stage II budget will allow the Design Professional to move forward with the Design Development, Construction Documents, and Construction Administration Phases, and to provide a refined Statement of Probable Cost and project schedule. Also, the Construction Manager at Risk can move forward with the award of the asbestos abatement and demolition phase of the contract.

In December 2017, the Board of Regents approved concept and Stage I design budget for renovation of Weeks Hall with a budget of \$975,000. Then in May 2018 the board authorized the award of the Construction Manager at Risk contract for pre-construction services only; those services were included in the December 2017 request.

The existing multi-story Weeks Hall building was originally constructed in 1958, is approximately 67,234 GSF and is listed on the Texas Historical Register. It had been in use until 1991 when it was closed.

The proposed project would provide abatement and complete renovation of Weeks Hall which was originally a women's dormitory. The facility would be programmed as office space for faculty, administration and staff. Due to the age and years of vacancy the facility requires full scale interior demolition and installation of new interior finishes, HVAC, lighting/electrical and plumbing; installation of a fire suppression system as well as life safety upgrades and ADA modifications. The building would be tied into the campus steam and chilled water with new service via direct bury as part of the project. The project would be designed to comply with all applicable federal, state, and local laws, regulations, and codes; thereby bringing the existing building into full compliance with current life safety codes and ready for occupancy once again. The project would also include landscape enhancements and public art.

For reference, this project is listed on the Texas Higher Education Coordinating Board's ("THECB") Capital Expenditure Plan ("MP1") Summary Report (Fiscal Years 2019-2023) proposed as renovation of an existing 67,233 GSF facility, estimated at \$24,800,000.

The vice president for administration and finance and chief financial officer has verified the source of funds.

# 3. <u>TTU: Approve Stage II budget for a new Athletic Dining</u> <u>Facility.</u>

Presenter: Mr. Billy Breedlove Presentation Time: 5 minutes Board approval required by: Section 08.01.3, *Regents' Rules* 

# **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) establish a Stage II budget of \$598,358 to provide design services for a new Athletic Dining Facility with an anticipated budget of \$5,500,000; (ii) waive the board directed public art fee; and (iii) amend the Design Professional contract. The Stage II budget will be funded with Gifts (cash). The Stage II budget includes the previously board authorized budget from Athletics Revenue (\$224,970 cash).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

# **BACKGROUND INFORMATION**

The Stage II budget will allow the Design Professional to move forward with the Design Development, Construction Documents, and Construction Administration Phases, and to provide a refined Statement of Probable Cost and project schedule.

In October 2017, the Board of Regents approved concept and Stage I design budget of \$220,000 for a new Athletic Dining Facility with a budget of \$5,500,000. Then in March 2018 the board authorized the award of the Construction Manager at Risk contract for pre-construction services only. The Stage I budget was increased by \$4,970 for a total of \$224,970.

The project will design an approximate 9,000 GSF Athletic Dining Facility to serve approximately 200 athletes. The facility will include multiple dining environments; educational kitchen; a full service kitchen with storage area, scullery, and walk-in cooler and freezer; men's and women's restrooms; operations office area; and a service dock. The scope of this project also includes site utility infrastructure work, and landscape enhancements.

For reference, this project is listed on the Texas Higher Education Coordinating Board's ("THECB") Capital Expenditure Plan ("MP1") Summary Report (Fiscal Years 2019-2023) proposed as a new 11,000 GSF facility, estimated at \$5,500,000.

The vice president for administration and finance and chief financial officer has verified the source of funds.

# 4. <u>TTU: Approve concept and Stage I budget for Dairy Barn</u> <u>Renovation project.</u>

Presenter: Mr. Billy Breedlove Presentation Time: 5 minutes Board approval required by: Section 08.01.3, *Regents' Rules* 

# **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the concept for the project and authorize the chancellor or the chancellor's designee to (i) establish a Stage I budget of \$123,650 to provide planning and design services for the Dairy Barn Renovation project with an anticipated budget of \$2,600,000; (ii) waive the board directed fees for public art and landscape enhancements; and (iii) award the Design Professional contract. The Stage I budget will be funded with Gifts (cash). The Stage I budget includes the previously authorized budget from Gifts (\$20,000 cash).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

# **BACKGROUND INFORMATION**

The Stage I budget will allow the Design Professional to move forward on the project's vision through the programming and schematic design phases, and provide a Statement of Probable Cost and project schedule.

The proposed project will program and design the renovation of the 8,000 GSF historic structure. The Texas Tech University ("TTU") Dairy Barn was designed in 1925 and completed in 1927. In 1966 the Dairy Manufacturing Department abandoned the barn complex and subsequently two wings of the original building were demolished in order to make way for the construction of the Foreign Language building. Over the years the building has had minor renovations and fund-raising efforts to preserve the building. Efforts to raise funds and develop adaptive-use proposals for the remaining barn and silo has been a constant initiative since 1992.

Today, the project initiative is to renovate and convert the entire structure to support TTU's collaborative learning environment with the creation of studio spaces, display area, and event space. Due to the original function and date of this facility, the infrastructure to accomplish this initiative must be provided. Therefore, construction of a complete interior package is required along with all the mechanical, electrical, lighting, plumbing, fire suppression, security, stairs, and elevator to support such renovation. Asbestos materials have been documented and abated. The existing silo is not a part of the renovation project. During the summer of 2012, the roof of both the barn and the silo were replaced along with some roof decking and roof structure itself. The exterior of the building will require replacement of the existing deteriorated windows with energy efficient units; new exterior doors; stucco repair as required; and painting of soffits and trim - all these items shall reflect the Dairy Barn's historical period. The building will be utilized as a business and assembly occupancy and will be renovated according to the International Building Code. Due to the change in function and occupancy loads, the facility will require additional structural improvements. Ingress and egress of this facility will be coordinated with the newly design and constructed Library Mall.

For reference, this project is listed on the Texas Higher Education Coordinating Board's ("THECB") Capital Expenditure Plan ("MP1") Summary Report (Fiscal Years 2019-2023) proposed as a new 8,000 GSF facility, estimated at \$2,600,000.

The vice president for administration and finance and chief financial officer has verified the source of funds.

# 5. <u>TTU: Approve concept and Stage I budget for a proposed</u> <u>new School of Veterinary Medicine.</u>

Presenter: Mr. Billy Breedlove Presentation Time: 5 minutes Board approval required by: Section 08.01.3, *Regents' Rules* 

# **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the concept for the project and authorize the chancellor or the chancellor's designee to (i) establish a Stage I budget of \$1,372,103 to provide planning and design services for a proposed new School of Veterinary Medicine with an anticipated project budget of \$89,820,000; and (ii) amend the Design Professional contract. The Stage I budget will be funded with appropriated funds. The Stage I budget includes the previously authorized budget from appropriated funds (\$242,300).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

# **BACKGROUND INFORMATION**

The Stage I budget will allow the Design Professional to move forward on the project's vision through the programming and schematic design phases, and provide a Statement of Probable Cost and project schedule.

In December 2017, the Board of Regents approved a Preliminary Stage I Facilities Feasibility Study budget of \$242,300 for a proposed new School of Veterinary Medicine with an anticipated project budget of \$89,820,000.

Texas Tech University ("TTU") in collaboration with Texas Tech University Health Sciences Center ("TTUHSC") anticipates establishment of a new School of Veterinary Medicine on the TTUHSC Amarillo Campus that will allow teaching of veterinary medicine, as well as clinical research. A fully operational four-year Veterinary School is expected to serve approximately 240 students, with an additional 150 to 200 non-DVM graduate students and an estimated FTE academic staff of 90 persons.

There are two facilities in separate locations contemplated to facilitate the various components of the program. Each facility would be designed to accommodate the opportunity for growth. The feasibility/programming study has estimated these two facilities to total approximately 261,720 gross square feet.

The anticipated project would create a top-tier facility for students, teachers and clinicians and – just as importantly – ensure the project benefits the regional food

industry and veterinary community by providing lifelong learning facilities, research and commercial opportunities to work with the University.

For reference, this project is listed on the Texas Higher Education Coordinating Board's ("THECB") Capital Expenditure Plan ("MP1") Summary Report (Fiscal Years 2019-2023) proposed as a new 210,000 GSF facility, estimated at \$89,820,000.

The vice president for administration and finance and chief financial officer has verified the source of funds.

# 6. <u>TTU: Approve acceptance of gift-in-kind benefitting the</u> <u>Oilfield Technology Center.</u>

Presenter: Marshall Watson, Ph.D. & Mr. Patrick Kramer Presentation Time: 5 minutes Board approval required by: Section 02.03.2.d of Texas Tech University Operating Policies

# **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) accept a drilling rig and associated equipment benefitting the Edward E. Whitacre Jr. College of Engineering's Oilfield Technology Center located on the East Research Campus. The final valuation has not yet been provided by the donors as they do not intend to take a charitable deduction for the gift; however, the gift is considered valued in excess of \$250,000.; and (ii) proceed with a project to install the oil rig with a total project budget of \$18,700. The installation cost will be funded with Gift funds (cash).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

# **BACKGROUND INFORMATION**

The Bob L. Herd Department of Petroleum Engineering's Oilfield Technology Center requests approval for the acceptance and installation of an oil rig on the Texas Tech University East Campus. The facility is designed to serve as a research and teaching facility to give both undergraduate and graduate petroleum engineering students a hands-on experience in the design and operation of typical oilfield equipment.

With the help of the International Association of Drilling Contractors ("IADC"), the following donors have combined their efforts to generously donate a fully refurbished and functional drilling rig and associated well drilling equipment the Whitacre College of Engineering's East Oilfield Technology Center (the "OTC"): National Oilwell Varco ("NOV"), Patterson-UTI Energy, Inc, also known as Patterson Drilling. The unit is described as an Ideco H-44 mast with a 675 BBL mud system and an Ideco F1000 pump on a Cat 298. The entire system is rated for drilling up to 7,500'.

As part of the development of the OTC, a section of the property was set aside for a drilling rig and associated drilling tools. The rig and related equipment would be used by the Petroleum Engineering Department (the "Department") for primarily undergraduate instruction, with some application for graduate research. The Department is also working with South Plains College to potentially use the
drilling rig and OTC for a workforce development program, which will help offset ongoing costs to maintain the drilling rig and strengthen Texas Tech's ties to West Texas and Permian Basin region employers.

To be an effective tool for educational and workforce training, the rig must be operational; therefore, a local drilling contractor has indicated they would provide trained crews to operate the rig as needed, subject to execution of the appropriate and necessary agreements. The rig will utilize a shallow, ~1,000' deep well to demonstrate running drill strings and other down-hole tools—it will not be used to drill new wells. A diesel generator set gifted as part of the donation will alleviate the need for external electrical utilities, and a shallow water well could supply the non-potable water necessary as the rig will not need large quantities of water.

Acceptance and utilization of this gift will make the OTC and Texas Tech University truly unique amongst American university petroleum engineering programs and will strengthen Texas Tech University's ties to the petroleum industry.

The drilling rig and associated well drilling equipment are collectively valued in excess of \$250,000.

Texas Tech University Operating Policy 02.03.2.d requires Board of Regent approval for acceptance of personal property valued in excess of \$250,000.

The vice president for administration and finance and chief financial officer has verified the source of funds for installation.

# 7. <u>TTUHSC: Approve naming of the Pediatric Waiting Room</u> <u>at TTUHSC Amarillo campus.</u>

Presenter: Dr. Tedd L. Mitchell Presentation Time: 5 minutes Board approval required by: Section 08.05.01.f, Regents' Rules

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the naming of the Pediatric Waiting Room, located on the Texas Tech University Health Sciences Center ("TTUHSC") Amarillo campus, as the "Beth Hance Hodges Pediatric Waiting Room." The donor concurs with the naming of this interior space. Appropriate signage for the suite will specify the approved name.

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**

Chancellor Emeritus Kent Hance made a generous gift of \$100,000.00 to the Texas Tech Foundation, Inc. (the "Foundation"), benefiting scholarships at Texas Tech University Health Sciences Center Amarillo. 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.

In honor and recognition of the gift, TTUHSC desires to name the Pediatric Waiting Room located on the TTUHSC Amarillo campus, the "Beth Hance Hodges Pediatric Waiting Room."

Kent Hance was the third and longest serving chancellor of the Texas Tech University System, serving from 2006 until his retirement in July 2014. Hance continues to be an avid and generous supporter of the Texas Tech University System and its component institutions.

*Regents' Rule* 08.05.01.f requires board approval of the naming of all buildings and other facilities within the Texas Tech University System.

# 8. <u>TTUHSC El Paso: Approve Stage Il budget for the new</u> <u>School of Dentistry – Dental Learning Center.</u>

Presenter: Mr. Billy Breedlove Presentation Time: 5 minutes Board approval required by: Section 08.05.01, *Regents' Rules* 

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) establish a Stage II budget of \$924,383 to provide design services for the new School of Dentistry – Dental Learning Center with an anticipated budget of \$11,500,000; and (ii) amend the Design Professional contract. The Stage II budget will be funded with Institutional funds and General Revenue funds (cash). The Stage II budget includes the previously board authorized budget from General Revenue funds (\$300,000 cash).

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

#### **BACKGROUND INFORMATION**

The Stage II budget will allow the Design Professional to continue with the complete design to provide a refined Statement of Probable Cost and project schedule.

In December 2017, the Board of Regents approved a preliminary Stage I facilities Feasibility Study budget of \$300,000 for a new School of Dentistry with a budget of \$23,300,000. The budget provided for the contracting of both the design professional and construction manager at risk ("CMR") to provide programming/schematic design services and CMR pre-construction services.

The Design Professional for the new School of Dentistry for the Texas Tech University Health Sciences Center at El Paso ("TTUHSC EP") has evaluated the shell space within the Medical Sciences Building II (currently under construction) and various other spaces available within the TTUHSC EP campus (to include options ranging from repurposing existing facilities to construction of new facilities). Consensus is to finish out the third floor of the Medical Sciences Building II for this initiative. The anticipated program is expected to include DDS, dental hygiene, primary care, and various specialty programs.

The proposed project will finish-out 25,845 gross square feet on the third floor to include (1) simulation lab with the associated support spaces: student locker room, radiological simulation room, dispensary, CAD/CAM lab, dental stores/storage room, and a faculty grading/conference room; (2) the dental

administration suite containing waiting room, reception area, staff offices, conference room, copy/print/workroom and filing room; and (3) other ancillary offices.

The vice president and chief financial officer has verified the source of funds.

# 9. <u>TTUS: Report on Facilities Planning and Construction</u> projects.

Presenter: Mr. Billy Breedlove Report requested by: Board of Regents Presentation Time: 5 minutes

Mr. Billy Breedlove, Interim Vice Chancellor for Facilities Planning and Construction, TTUS, will present a report on Facilities Planning and Construction managed projects.

# FINANCE AND ADMINISTRATION

#### **Finance and Administration Committee**

Committee Meeting August 9, 2018

- **Time:** 10:10 am (or upon adjournment of the Facilities Committee meeting)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

Regents: Steinmetz (Chair), Huckabee, Lewis

#### <u>Agenda</u>

- Approve minutes of committee meetings held on May 17, 2018
- I.C. 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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1.	TTU, ASU, TTUHSC, TTUHSC EI Paso and TTUSA: Approve FY 2019 operating budgets	2
2.	TTU: Approve a contract with the City of Lubbock for bus service	3
3.	TTUS: Approve amendments to Chapters 05 (Student Affairs) and 08 (Facilities), <i>Regents' Rules</i> , relating to traffic and parking regulations	5
4.	TTUS: Approve amendments to the Investment Policy Statement for the Short/Intermediate Term Investment Fund and related amendments to Chapter 09, <i>Regents'</i> <i>Rules</i>	7
5.	TTUS: Authorize chancellor to execute contract with STM Charters, Inc	8
6.	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, August 10, 2018.

# 1. <u>TTU, ASU, TTUHSC, TTUHSC EI Paso and TTUSA: Approve</u> <u>FY 2019 operating budgets.</u>

Presenter: Mr. Gary Barnes Presentation Time: 15 minutes Reports approval required by: Section 07.04.2, *Regents' Rules* 

#### RECOMMENDATION

The chancellor concurs with the recommendation of the each respective president that the Board of Regents approve the FY 2019 operating budgets for Texas Tech University System Administration, Texas Tech University, Angelo State University, Texas Tech University Health Sciences Center, and Texas Tech University Health Sciences Center at El Paso.

In addition, it is recommended that the Board appropriate the fund balances of income generating accounts for specific activities usually supported by the accounts unless otherwise appropriated by the Board.

#### **BACKGROUND INFORMATION**

The Board is required to approve on or before September 1, 2018, an itemized budget covering operations for the ensuing fiscal year.

The FY 2019 budget has been prepared on the basis of funds appropriated by the 85th Legislature, Regular Session, including estimated local income.

The State Auditor has requested that all fund balances be appropriated by the Board of Regents or be classified as unreserved or unallocated. It is our opinion that it would be best for the Board of Regents to appropriate fund balances for the activities usually supported by the accounts unless otherwise appropriated by the Board of Regents.

# 2. <u>TTU: Approve a contract with the City of Lubbock for bus</u> service.

Presenter: Ms. Noel Sloan Presentation Time: 5 minutes Board approval required by: Section 07.12.3.a and 07.12.3.c, *Regents' Rules* 

#### RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president, or his designee, to finalize negotiations and to enter into a contract with the City of Lubbock to provide on and off campus bus service routes, benefiting Texas Tech University students ("Citibus").

#### BACKGROUND INFORMATION

Texas Tech University ("TTU") continues to provide a transportation system which draws on parking, busing, biking, and walking modes of transit. Bus service contributes to the overall plan by providing students additional commute options, reducing traffic congestion on campus, reducing infrastructure demands and expediting transit between areas in Lubbock and TTU's campus.

The proposed Citibus contract continues the long-standing agreement between the city and the university.

**Term and termination**. The contract provides bus services for two years, beginning September 1, 2018 and ending on August 31, 2020. TTU may terminate the contract with 30 days prior written notice.

**Cost**. TTU will pay \$55.75 per hour for Citibus services, for an estimated total of \$2,002,083.05 for on-campus services and an estimated total of \$1,810,681.95 for off-campus services, each year. The total cost of services provided over the two year term is estimated to be \$7,625,530.

TTU may request additional services on as as-needed basis for an additional amount.

The TTU Chief Procurement Officer has verified the solicitation and purchasing method, and the contractor selection process complies with state law and TTU system policies. The Chief Procurement Officer also confirms there are not any anticipated issues that may arise in the solicitation, purchasing, or contractor selection process.

Section 07.12.3.a. *Regents' Rules,* requires Board of Regents approval of contracts which exceed \$1,000,000.

Section 07.12.3.c *Regents' Rules*, requires each contract for the purchase of goods and services, with a value exceeding \$5,000,000, that the Chief Procurement Officer for the applicable component institution or the TTU system must submit to the board:

(1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and

(2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.

# 3. <u>TTUS: Approve amendments to Chapters 05 (Student</u> <u>Affairs) and 08 (Facilities), Regents' Rules, relating to traffic</u> <u>and parking regulations.</u>

Presenter: Mr. Gary Barnes Presentation Time: 3 minutes Board approval required by: Section 01.08, *Regents' Rules* 

#### RECOMMENDATION

The Regents Rules Review Committee ("Rules Committee") recommends that the Finance and Administration Committee consider adoption of amendments as attached on the following page to Chapter 05 (Student Affairs) and 08 (Facilities) relating to traffic and parking regulations.

It is proposed that the Board:

- -- retain approval authority for the setting of parking fee rates, but
- -- delegate to the Presidents the authority to set policies and regulations governing the operation and parking of vehicles on their respective campuses.

#### BACKGROUND INFORMATION

Section 51.202, *Texas Education Code*, authorizes governing boards to adopt rules and regulations that provide for the operation and parking of vehicles on property under an institution's control.

Section 109.001(c), *Texas Education Code*, also authorizes the Texas Tech governing board to delegate, by rule, a power or duty of the Board to an officer, employee, or other agent of the Board. This statutory authority for the Board to delegate its powers and duties also is incorporated into Section 01.02.1.b, *Regents' Rules*.

As proposed, the Board would continue to approve changes in parking fees but would allow the Presidents to adopt rules that regulate other matters pertaining to traffic and parking — such as setting speed limits, controlling the use of parking lots, penalties for violations of traffic and parking regulations, and so forth.

The Rules Committee (composed of Regents Tim Lancaster-chair, Mickey Long, and John Steinmetz) is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* of the Texas Tech University System. Any amendment to the *Regents' Rules* or a Board Policy Statement must be approved by the full Board in accordance with Section 01.08, *Regents' Rules*.

#### ATTACHMENT

# RELATING TO TRAFFIC AND PARKING REGULATIONS, AMEND §05.01.2 AND ADD §08.12, AS FOLLOWS:

05.01.2 **Board policies and procedures approval.** Prior to being effective as a part of each component institution's operating manuals or student handbooks, policies, procedures, rules, and regulations relating to codes of student conduct, admission requirements, parking [regulations] fees, student fees, rules related to suspension, and retention of students, and any other policy or procedure requiring board approval as required by law must be approved by the board.

Because Chapter 05 only deals with matters relating to students, a delegation of authority on traffic and parking regulations that applies to all persons on campus needs to be in a chapter that has a broader application ... and Chapter 08 governs matters relating to use of campus land.

08.12 Regulations for the operation and parking of vehicles. The Board shall approve the establishment of parking fees and any changes thereto. However, the board delegates to the presidents of the respective institutions the authority to adopt policies and regulations that govern the operation and parking of vehicles on property owned or under the control of the institution, including but not limited to: limiting the rate of speed; designating parking spaces and areas and their use; prohibiting parking as deemed necessary; removing vehicles parked in violation of the institution's policies and regulations at the expense of the violator; and instituting a system of registration for vehicle identification.

# 4. <u>TTUS: Approve amendments to the Investment Policy</u> <u>Statement for the Short/Intermediate Term Investment Fund</u> and related amendments to Chapter 09, *Regents' Rules*.

Presenter: Tim Barrett Presentation Time: 5 minutes Board approval required by: Sections 01.08 & 09.03, *Regents' Rules* 

#### RECOMMENDATION

The Regents Rules Review Committee ("Rules Committee") recommends that the Finance and Administration Committee consider adoption of the amendments, included as a supplemental attachment to the agenda, to the Investment Policy Statement for the Short/Intermediate Term Investment Fund ("SITIF") and Chapter 09 (Investments and Endowments), *Regents' Rules*. The proposed amendments would:

- (1) allow the System's Chief Investment Officer and the Investment Advisory Committee ("IAC") to manage the Intermediate Pool portion of the SITIF, which is currently managed by Cash Pool and Short Term Pool investment management staff in the System CFO's office; and
- (2) conform the SITIF section of Chapter 09, *Regents' Rules*, to the same format as is used for the Long Term Investment Fund ("LTIF") provision in Chapter 09.

#### **BACKGROUND INFORMATION**

Board policy statements provide system-wide policies and procedures in greater detail than may be appropriate for the *Regents' Rules*. As such, Board policy statements supplement various provisions of the *Regents' Rules*. Board policy statements must be initially adopted by the Board, and any subsequent changes to a Board policy statement must be approved by the Board.

The SITIF Investment Policy Statement consists of detailed policies relating to the administration and management of the SITIF that had been embedded within the Regents' Rules at one time but were offloaded into a separate Board policy statement.

The Rules Committee (composed of Regents Tim Lancaster-chair, Mickey Long, and John Steinmetz) is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* and Board policy statements of the Texas Tech University System. Any amendment to the Regents' Rules or a Board policy statement must be approved by the full Board in accordance with Section 01.08, Regents' Rules.

# 5. <u>TTUS: Authorize chancellor to execute contract with STM</u> <u>Charters, Inc.</u>

Presenter: Mrs. Chelle Hillis & Mr. Kirby Hocutt Presentation Time: 3 minutes Board approval required by: Section 07.12.3.a, *Regents' Rules* 

#### RECOMMENDATION

The chancellor recommends that Board of Regents authorize the chancellor to execute a master services contract between Texas Tech University System ("TTUS") and STM Charters, Inc. ("STM") to provide on-demand air charter broker services to TTUS entities, and associated departments.

#### BACKGROUND INFORMATION

There is a system-wide need for brokerage of air charter services, with a specific (but not limited to) need by the TTU Athletics Department for team transportation for away competition.

Procurement. TTUS issued a Request for Qualifications ("RFQ") on April 16, 2018, seeking competitive responses from qualified vendors, and selected STM as a non-exclusive provider of services based on its qualifications and best value to TTUS.

Term and termination. The contract will be effective upon the date of a fully executed agreement (expected, August 2018) and will expire after one (1) full year from that date. The contract may be renewed for up to three (3) optional one-year terms if both parties agree in writing at least sixty (60) days in advance. The contract allows for TTUS to terminate the agreement without cause if TTUS provides at least 30 days written notice to STM during any contract year. If TTUS terminates without cause, TTUS would only be responsible for fees due to STM for services rendered prior to termination.

It is expected that the accumulated total spend for team air charter services each fiscal year for the TTU Athletic Department (multiple sports) will exceed \$1,000,000.

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

# ACADEMIC, CLINICAL AND STUDENT AFFAIRS

<u>Page</u>

#### Academic, Clinical and Student Affairs Committee

#### Committee Meeting August 9, 2018

- **Time:** 10:45 am (or upon adjournment of the Finance and Administration Committee meeting)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

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

#### <u>Agenda</u>

- Approve minutes of committee meeting held on May 17, 2018
- I.D. 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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3.	ASU: Approve modification of OP 06.19, Regulations for Performance Evaluation of Tenured Faculty	5
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6.	TTU: Approve the establishment of the Department of Professional Communication in the College of Media and Communication	10
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8.	TTU and TTUHSC: Approve the dual degree program, MPH/MPA in Public Health and Public Administration, between TTUHSC Graduate School of Biomedical Sciences and TTU College of Arts and Sciences	14
9.	TTUHSC: Approve the expansion of the pharmaceutical sciences doctoral program to Abilene	16
10.	TTUHSC EI Paso: Authorize the process to establish the Woody L. Hunt School of Dental Medicine and Doctorate in Dental Medicine at Texas Tech University Health Sciences Center at El Paso	18
11.	TTU: Authorize the process to establish the School of Veterinary Medicine and Doctor of Veterinary Medicine degree program.	20
12.	TTUS: Approve strategic priorities for the System and its universities	22
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, August 10, 2018.

## 1. ASU: Approve appointment with tenure.

Presenter: Dr. Donald Topliff Presentation Time: 2 minutes Board approval required by: Section 04.02, *Regents' Rules*; ASU Operating Policy 06.23

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve granting tenure effective August 23, 2018 to the faculty member as listed below in accordance with his recent appointment to Angelo State University.

Kyle A. Beran, Ph.D., new professor and chair, Department of Chemistry and Biochemistry, College of Science and Engineering, effective August 23, 2018. Dr. Beran was formerly a tenured professor of chemistry at the University of Texas Permian Basin in Odessa, Texas.

#### **BACKGROUND INFORMATION**

The faculty member named above has been judged by the appropriate committees and administrative personnel as worthy of academic tenure at Angelo State University. The procedure established by OP 06.23: Tenure and Promotion Standards and Procedures has been carefully followed.

Approval of this individual will bring the number of full-time tenured faculty at Angelo State University to 149. There are a total of 217 faculty, either tenured or tenure-track. After this appointment, the percentage of tenure-track faculty who have been awarded tenure will be 69 percent. The number of full-time non-tenure track faculty is 98.

# 2. ASU: Approve emeritus appointment.

Presenter: Dr. Donald Topliff Presentation Time: 1 minute Board approval required by: Section 04.01.2, *Regents' Rules;* ASU Operating Policy 02.03

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve to confer the title of distinguished professor emeritus to Dr. William M. Doll, Ph.D., for his long and faithful service to Angelo State University.

#### **BACKGROUND INFORMATION**

Dr. William M. Doll received his Ph.D. in Fine Arts and Theatre from Texas Tech University. In addition to his teaching, Dr. Doll has demonstrated outstanding contributions to the University through his exceptionally high quality service, most notably as his role as Director of the University Theatre. Dr. Doll has been a bastion of the local and regional theater community.

Dr. Doll is retiring on August 31, 2018, after 19 years of distinguished service as a teacher, scholar and Director of the University Theatre.

# 3. <u>ASU: Approve modification of OP 06.19, Regulations for</u> <u>Performance Evaluation of Tenured Faculty.</u>

Presenter: Dr. Don Topliff Presentation Time: 3 minutes Board approval required by: Section 04.03, *Regents Rules* 

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve modification of OP 06.19 concerning performance evaluation of tenured faculty, effective immediately.

[NOTE: OP 06.19, Regulations for Performance Evaluation of Tenured Faculty, with proposed revisions is included as a supplemental attachment to the agenda book.]

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

### EXECUTIVE SUMMARY

- Non-substantive changes in Section 2.a. deleted scholarly activity/creative endeavor and was replaced by research and creative works.
- Expand Section 2.b. to include additional documents that outline faculty progress towards departmental-level performance criteria as a part of the annual performance evaluation materials.
- Section 4 was modified to allow a faculty member to undergo developmental planning as specified in OP 06.28 Annual Performance Evaluation for Tenured and Tenure Eligible Faculty or appropriate actions as specified in OP 06.29 Faculty Non-Reappointment and Tenure Revocation.

#### **BACKGROUND INFORMATION**

The current Regulations for Performance Evaluation of Tenured Faculty have been under review by the Faculty Senate as well as the deans and department chairs. These changes mirror the language used in OP 06.23, OP 06.28 and OP 06.29 and are considered non-substantive.

# 4. <u>TTU: Approve appointments with tenure.</u>

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 faculty, as listed below, concurrently with their respective appointments effective the 2018 fall semester:

- Alexander Wiseman, Ph.D., professor, Department of Educational Psychology and Leadership, College of Education. Dr. Wiseman most recently was a tenured professor at Lehigh University where he was also director of the Comparative and International Education program;
- Arthur Durband, Ph.D., associate professor, Department of Sociology, Anthropology, and Social Work, College of Arts and Sciences. Dr. Durban most recently was a tenured associate professor of anthropology at Kansas State University. Prior to Kansas State, Dr. Durban was at Texas Tech as an assistant professor and then a tenured associate professor of anthropology; and
- Joseph Romano, Ph.D., professor, Department of Physics and Astronomy, College of Arts and Sciences. Dr. Romano comes to Texas Tech from the University of Texas Rio Grande Valley where he held tenure as a professor of physics.

#### **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 779. There are 1,078 full-time tenured and tenure-track faculty. After these appointments, the percentage of tenure-track faculty who have been awarded tenure will be 72.3%, and tenured faculty represent 50.5% of all faculty (including part-time). Together, tenured and tenure-track faculty represent 69.8% of all faculty, and 75.2% of all full-time faculty.

# 5. <u>TTU: Approve Bachelor of Applied Arts and Sciences in</u> Early Childhood.

Presenter: Dr. Michael Galyean

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules;* TTU Operating Policy 36.04 and Title 19, Part 1, Chapter 5, Subchapter C, *Texas Administrative Code* 

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new degree program, Bachelor of Applied Arts and Sciences ("BAAS") with a major in Early Childhood, to be offered on-campus in the College of Human Sciences as well as online; 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 Bachelor of Applied Arts and Sciences in Early Childhood will serve students who complete an Applied Arts and Sciences ("AAS") degree in Child Development or Early Childhood from a community college. This program may form the basis for seeking teaching certification in grades EC-3 or EC-6 subsequent to earning the degree. In addition to general education and other requirements, students will take 21 hours in Early Childhood and 24 hours in Human Development and Family Studies. The degree plan will be the same for on-campus students and online students. Course offerings are regularly available, and courses will be offered frequently enough to all students to complete the program in a timely manner.

The BAAS degree in Early Childhood complements the existing BS in Early Childhood (taught on campus since 1991) and serves the community college (workforce education) transfer population as opposed to the more traditional transfer population.

Early Childhood is a popular major at TTU with 242 students enrolled in fall 2017 and 41 graduates in FY 2017. While it is not expected that enrollment in the BAAS in Early Childhood degree will be as significant, there should be a steady demand, allowing community college AAS transfers to take advantage of the courses offered by this popular major. A smaller enrollment will not be detrimental to existing program functions or a drain on program viability, therefore very little additional funding is necessary to offer this BAAS degree (see Table 1).

No new faculty members are needed in order to offer the requested degree. New BAAS EC students will matriculate under existing administrative and advising staff representing an equivalent workload cost of \$7,500 in five years. Additional resource materials and recruitment travel are estimated to cost \$10,000 over five years. Total expected cost of delivering the program over five years is \$17,500. These costs are far exceeded by projected funding of \$699,763 through state formula and local tuition and fees, based on current enrollment estimates (Table 2).

Five-Year Costs		Five-Year Funding					
Personnel 5% of Staff 10% of Advising	\$7,500	Reallocated Funds	\$0				
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$147,663				
Library, Supplies, and Materials	\$5,000	Designated Tuition and Fees	\$398,860				
Other Recruiting travel	\$5,000	Other	\$0				
Total Costs	\$17,500	Total Funding	\$546,523				

Table 1: Five-year Estimated Costs and Funding for the BAAS EC

### **BACKGROUND INFORMATION**

While there are a few BAAS programs in Texas, there are none that are similar to the program proposed. The University of Texas at San Antonio offers a BAAS in Children, Family and Community but does not include courses on child development. The University of Texas at Tyler offers a BAAS degree with concentrations in wellness and psychology and Sam Houston State University offers a BAAS but does not specify a given major. The BAAS degree in Early Childhood would fill a unique and well-needed niche.

Two general populations would be served by the proposed BAAS degree: those with a technical degree needing further education for career advancement and traditional students who wish to obtain a four-year degree. Many adult learners and other non-traditional student populations may be best accommodated by a four-year degree that incorporates their earned technical or applied credits from accredited institutions. The traditional students often plan to continue their education at a four-year school but are hampered by the lack of transferability of workforce development courses into a four-year university. The student population targeted for this degree programs at Texas Tech University. As Texas Tech does not currently serve these students, all students enrolling the BASS Early Childhood will be new to the university.

Student recruitment at the college level will be through the Department of Human Development website, social media, and new and existing personal and professional relationships among faculty at community colleges. In addition, the office of Academic Partnerships will inform current and potential transfer partners of the option for the BAAS. Students who graduate with a BAAS in Early Childhood will have strong knowledge of typical and atypical child development, including milestones of development, contexts that influence development (parenting, families, schooling, community) and how to support and guide children's development – all marketable skills related to early childhood. Students will have good communication skills needed in all professional settings, including oral, written, and graphic communication skills. Students will also have professional skills (resumes, professional behavior) and applied knowledge of promoting child development through their practicum course that will greatly contribute to their marketability.

YEAR	1	2	3	4	5
Headcount	4	8	11	13	15
FTSE	4	7	10	12	14
Attrition	0	1	1	1	1
Graduates	0	3	3	6	7

Table 2: Five-year Estimated Enrollment Figures for the BAAS EC

# 6. <u>TTU: Approve the establishment of the Department of</u> <u>Professional Communication in the College of Media and</u> <u>Communication.</u>

Presenter: Dr. Michael Galyean Board approval required by: Section 04.11.1, *Regents' Rules;* TTU Operating Policy 36.04 and Title 19, Part 1, Chapter 5, Subchapter C, *Texas Administrative Code* 

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new academic Department of Professional Communication in the College of Media and Communication and authorize submission by the Office of the Provost and Senior Vice President to the Texas Higher Education Coordinating Board seeking its approval of such a unit, and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgement of a new academic unit.

Because of rapid growth at the undergraduate level and the emergence of industry demands, the College of Media & Communication ("CoMC") seeks approval to create a new Department of Professional Communication to serve a new undergraduate degree program and its affiliated faculty. Since CoMC became an independent college in 2004, the college has served its six bachelor's degree programs with four different departments – Advertising (B.A. in Advertising), Communication Studies (B.A. in Communication Studies), Journalism & Electronic Media & Communication (B.A. in Journalism; B.A. in Electronic Media & Communication (B.A. in Public Relations; B.A. in Media Strategies). In 2017-2018, Texas Tech University, the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools Commission on Colleges approved a new interdisciplinary generalist B.A. degree, Digital Media & Professional Communication ("DMPC"), to be administered by the college outside the existing four departments.

Additionally, the Rawls College of Business has transferred its business communication courses and the faculty who teach them to the CoMC. Therefore, concurrent with initiation of the new degree program, the proposed Department of Professional Communication will also house the business communication faculty and administer the business communication courses with which CoMC will be serving all students in the Rawls College of Business.

The creation of a Department of Professional Communication at Texas Tech University will provide its faculty and students with an "identity" for the new degree program and the business communication courses and associated learning outcomes. Students in the DMPC program will be able to have a clear home for their major and faculty members will have an infrastructure for governance, advising, recruiting, retention and other student success initiatives. Establishing a department is the next logical step in the long tradition of teaching professional communication courses in CoMC. The creation of the new department will not burden the other departments in the College; in fact, by providing an actual departmental structure, the other departments whose students will take courses in the new degree should see immediate utility from program assessment, course planning and scheduling and other administrative functions. Additionally, per internal polling, all 13 faculty members who would be joining this department are in favor of having a Department of Professional Communication. There are no new costs associated with implementing the new department because it is a reconsolidation and reorganization of existing positions and resources.

# 7. <u>TTU: Approve exception to Section 03.01.11, Regents'</u> <u>Rules (nepotism).</u>

Presenter: Dr. Michael Galyean Presentation Time: 3 minutes Board approval required by: Section 03.01.11, *Regents' Rules*; TTU Operating Policy 70.08 3.d.

#### RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve an exception to Section 03.01.11, Nepotism, *Regents' Rules*, to allow Ms. Marella Canny to hold the position of Research Associate on a grant-funded project in the laboratory of her husband, Dr. Michael Latham, Assistant Professor of Chemistry and Biochemistry in the College of Arts and Sciences. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The Latham laboratory was recently awarded a renewal of a Welch Foundation grant for \$195,000, and a Single Investigator Cancer Prevention and Research in Texas ("CPRIT") grant for \$850,876. There is believed to be a strong likelihood of being awarded a \$1,796,347 NIH grant by the end of summer 2018. The CPRIT grant and the pending NIH grant include a salary line for Ms. Canny. Ms. Canny is considered the ideal candidate to fill the Research Associate position in Dr. Latham's laboratory because she has over sixteen years of experience as a Research Associate working in the field of DNA damage repair about which she has published seven highly-cited research papers in top peer-reviewed journals and was awarded one patent. Her research is directly related to the research programs outlined in the CPRIT and NIH grants, and she is the most qualified person to perform the work of the Research Associate described in these grants. Her prior work was instrumental in securing these grant funds, and having a role in the research group is essential to the future success of these projects. Peerreviewers for each proposal highlighted the unique combination of skills possessed by Dr. Latham and Ms. Canny as a research team.

To manage this exception, Ms. Canny will be directly supervised by the department chair, Dr. Yehia Mechref. Dr. Latham will have no input or function in any personnel matters involving Ms. Canny. Dr. Mechref will personally conduct Ms. Canny's annual reviews as well as review and approve any other records, correspondences, and transactions involving her appointment, promotion, compensation, hours, expenses, travel and other conditions of employment. This includes the department chair's review and confirmation of Ms. Canny's effort on grants. Dr. Latham will, according to federal granting agency regulations, certify to the appropriate granting agencies the percent effort of work performed by Ms. Canny toward each project, but only after receiving approvals from the department chair. Dr. Latham will direct activities of the research program and supervise the graduate and undergraduate students working in the laboratory. All members of the Latham laboratory will be instructed by the department chair to bring any issues or concerns involving favoritism or the appearance of favoritism

directly to the department chair. Should any changes occur in Dr. Latham's and Ms. Canny's personal relationship that could have an impact on the work environment, they agree to consult with Human Resources, the Office of Equal Opportunity, and the Office of the Provost.

This plan will be re-evaluated at the end of every academic year to assure there is effective management of the conflict of interest and determine whether modifications are necessary.

#### **BACKGROUND INFORMATION**

Section 03.01.11.f, *Regents' Rules,* states that in the event an employee's transition places the employee under an administrative supervisor who is related within a prohibited degree, the employee's administrator must complete an Application for Waiver of Nepotism and submit it through administrative channels to the president and the chancellor for their approval, so it can be reported to the Board of Regents as an information item. This request for exception has been approved by the dean of the College of Arts and Sciences and the provost and senior vice president, and recommended to the president.

# 8. <u>TTU and TTUHSC: Approve the dual degree program,</u> <u>MPH/MPA in Public Health and Public Administration,</u> <u>between TTUHSC Graduate School of Biomedical Sciences</u> <u>and TTU College of Arts and Sciences</u>.

Presenters: Dr Tedd Mitchell and Presentation Time: 3 Minutes Dr. Lawrence Schovanec Board approval required by: HSC OP 60.11, TTU OP 36.04, and *Regents' Rules* 4.09

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the presidents that the Board of Regents approve a dual degree program from existing programs: a Master of Public Health / Master of Public Administration between the Graduate School of Biomedical Sciences ("GSBS") within Texas Tech University Health Sciences Center ("TTUHSC") and the College of Arts and Sciences ("CAS") within Texas Tech University ("TTU") and approves submission by the TTU Provost and Senior Vice President to the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools Commission on Colleges to seek their approval.

The dual program will utilize resources from existing programs at TTUHSC and TTU and will not require additional space, facilities, faculty, or staff. The GSBS MPH program will accept a minimum of 12 and maximum of 19 credit hours of course work from the TTU CAS MPA curriculum as electives, and the CAS MPA program will accept a minimum of 12 and maximum of 19 credit hours of course work from the GSBS MPH program as electives. Because requirements of the degrees would serve as electives in the complimentary degree, no substantive change is being proposed in either of the curricula. Enrollment increases are likely to be relatively small and typical of regular increases in enrollment for each existing degree. (e.g., five students per year across both degrees). The program should be revenue neutral because of the shared coursework model (i.e., TTU MPA students counting 12-19 SCH from HSC toward the MPA, and HSC MPH students counting 12-19 SCH from TTU toward the MPH) and because the program will utilize existing faculty in existing courses, so no additional costs of delivery are anticipated.

#### **BACKGROUND INFORMATION**

The GSBS MPH program mission is "to improve community health status by training diverse public health professionals to promote health, reduce health disparities, and prevent disease using innovative multidisciplinary teaching, research, and practice approaches". The CAS MPA program mission is to provide students "the acquisition of academic theory and practical skills to foster an ethical and enduring commitment to the public service values of serving the public interest with accountability and transparency; serving professionally with competence, efficiency, and objectivity; acting ethically to uphold the public trust;

and demonstrating respect, equity, and fairness in dealings with the public and fellow workers."

The MPH/MPA dual degree is for students seeking an in-depth knowledge of leading, managing and administering public health agencies. It co-emphasizes the administrative leadership qualities acquired in the MPA degree and the health practitioner qualities acquired in the MPH degree. The students graduate in three years with the dual degree instead of four years with the individual degrees, and the students will receive two separate diplomas. With continued collaboration between the TTUHSC MPH and TTU MPA programs, the dual degree promises to attract the most qualified and diverse students seeking careers in public health agencies.

The five year enrollment projection:

Year	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
# incoming	5	8	10	10	10
students					

# 9. <u>TTUHSC: Approve the expansion of the pharmaceutical</u> sciences doctoral program to Abilene.

Presenters: Dr. Tedd Mitchell Presentation Time: 3 minutes Board approval required by: HSC Operating Policy 60.11 and Chapter 5, subchapter C, THECB Laws and Rules

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents approves the expansion of the Pharmaceutical Sciences doctoral program in the Graduate School of Biomedical Sciences ("GSBS") to the Abilene campus in the fall of 2019, and authorizes the submission by the executive vice president for Academic Affairs to the Texas Higher Education Coordinating Board ("THECB") and the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") seeking their approval for such an expansion.

#### **BACKGROUND INFORMATION**

The Pharmaceutical Sciences doctoral program in Amarillo was approved by the THECB in 1999. It has been a very successful program. The GSBS is seeking to expand this program to Abilene and will offer educational opportunities in cancertargeted therapy, tumor immunology and cancer immunotherapy research. The Abilene campus currently comprises the Schools of Pharmacy, Nursing, and the GSBS with graduate programs in Public Health and Biotechnology.

Graduates with a pharmaceutical sciences Ph.D. remain in high demand because of their knowledge of and training in both the medical sciences and the specifics of drug development, evaluation, testing, and assessment. Within the scientific teams that form the foundation of the pharmaceutical industry and government, graduates with a pharmaceutical sciences degree "bridge the gap" faced by many biomedical scientists and allow them to effectively collaborate with scientists from many field. Pharmaceutical Sciences retains bright prospects for the future, with estimated job growth form the Bureau of Labor Statistics to 2024 that exceeds that of most other scientific areas. An abundance of openings are available for graduates of our Pharmaceutical Sciences program. The program strongly encourages postdoctoral training for its graduates as that further enhances and strengthens job competitiveness for academic, industry and government positions. Pharmaceutical sales are projected to grow annually by about one-percent to 2020, where worldwide sales will reach one trillion dollars.

Expanding the existing Ph.D. program to Abilene will provide opportunities for the people of West Central Texas to pursue careers in pharmaceutical sciences closer to home, and prevent the exodus of talented local students to other states. To sustain strong pharmaceutical and biotech industries, a focused offering of biotechnology and pharmaceutical curriculum and regulatory programs is necessary to produce the quality workforce needed to support this industry.

Five-year enrollment projections, costs and funding sources are shown on the following page.

YEAR	1	2	3	4	5
Headcount	6	6	9	9	9
FTSE	6	6	9	9	9
Attrition	0	0	0	0	0
Graduates	0	0	0	0	6

Table 2. Five-Year Costs and Funding Sources: Costs over the initial five years of the expansion is \$1,916,597 (new costs) and will be funded from startup funds from both GSBS and SOP; formula funding (generated in Years 3-5), board authorized tuition and student fees.

5-Year Costs		5-Year Funding	
Personnel	1,694,097	Formula Funding	561,120
Equipment	160,000	Tuition and Fees	30,420
Supplies & Materials	50,000	Departmental Support	1,406,700
Travel	12,500		
TOTAL COSTS	1,916,597	TOTAL FUNDING	1,998,240

# 10. <u>TTUHSC EI Paso: Authorize the process to establish the</u> <u>Woody L. Hunt School of Dental Medicine and Doctorate in</u> <u>Dental Medicine at Texas Tech University Health Sciences</u> <u>Center at El Paso.</u>

Presenter: Dr. Richard Lange Presentation Time: 3 minutes Board approval required by Sections 04.09.1 and 04.11.1, *Regents' Rules;* HSCEP Operating Policy 60.11

#### **RECOMMENDATION**

The chancellor concurs the recommendation of the president that the Board of Regents authorize the process of establishing a freestanding school, named the Woody L. Hunt School of Dental Medicine ("WLHSDM") at Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso"). The WLHSDM will offer the Doctor of Dental Medicine degree ("DMD") after obtaining the required accreditation and related approvals from regulatory authorities including the Texas Higher Education Coordinating Board, the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") and the Commission on Dental Accreditation ("CODA"). In the future, TTUHSC El Paso envisions offering related dentistry degrees and certificate programs.

Recurring Costs		FY21		FY22		FY23		FY24		FY25		YR Total
Faculty	\$	4,564,544	\$	11,285,915	\$	11,507,633	\$	15,435,279	\$	16,709,844	\$	59,503,216
Staff	\$	484,637	\$	570,055	\$	658,695	\$	750,653	\$	805,846	\$	3,269,888
Facilities, equipment,												
other	\$	8,184,000	\$	4,421,280	\$	2,162,800	\$	7,311,040	\$	7,166,000	\$	29,245,120
Total Expenses	\$ 1	3,233,181	\$ 1	16,277,250	\$	14,329,129	\$ 2	23,496,973	\$ 2	24,681,690	\$ 9	92,018,223

Funding Sources		FY21		FY22		FY23		FY24		FY25		YR Total
Formula	\$	-	\$	-	\$	-	\$	4,522,323	\$	4,522,323	\$	9,044,646
Tuition & Fees	\$	-	\$	1,385,720	\$	3,533,600	\$	5,766,880	\$	8,088,080	\$	18,774,280
Non-formula	\$	10,000,000	\$	10,000,000	\$	10,000,000	\$	5,000,000	\$	5,000,000	\$	40,000,000
Donor/Clinical	\$	3,233,181	\$	4,891,530	\$	795,529	\$	8,207,769	\$	7,071,287	\$	24,199,297
Total Funding Source	\$ 1	3,233,181	\$ 1	16,277,250	\$	14,329,129	\$ 2	23,496,973	\$ 2	24,681,690	\$ 9	92,018,223

Projected Student Enrollment	FY21	FY22	FY23	FY24	FY25
	0	40	100	160	220

#### **BACKGROUND INFORMATION**

In alignment with its institutional mission, TTUHSC EI Paso proposes to establish a new dental school, named the Woody L. Hunt School of Dental Medicine ("WLHSDM"). The dental school will be the first to open in Texas in nearly 50

years, and the first in Texas to be located west of the I-35 corridor, and in addition, the only dental school on the U.S.-Mexico border. The new school at TTUHSC EI Paso is expected to have a positive impact on oral health care in the Upper Rio Grande and West Texas regions. El Paso County suffers from a severe lack of dentists, and has been classified as a dental Health Professional Shortage Area ("HPSA") by the U.S. Department of Health and Human Services (HHS).

In 2018 the Texas Health Institute found that the health provider supply for the West-El Paso Region, which includes El Paso and Hudspeth Counties, is "lower than nearly all other regions of the state," with the third lowest supply of general dentists and dental hygienists. The report indicates provider to population ratios of 1 general dentist for every 5,506 persons in the West- El Paso Region and 1 general dentist for every 5,482 persons in El Paso County, compared to 1 general dentist for every 2,970 persons in the state of Texas. When compared to the U.S., the disparity of the supply of general dentist for every 5,506 persons compared to 1 general dentist for every 2,970 persons in the state of Texas. When compared to the U.S., the disparity of the supply of general dentist for every 5,506 persons compared to 1 general dentist for every 2,075 persons nationwide (American Dental Association, 2018).

In 2011, the 82<sup>nd</sup> Legislature, Regular Session, passed Senate Bill 1020 (SB 1020), which directed the Texas Higher Education Coordinating Board to conduct a study for the need for, and feasibility of, establishing a dental school as a component of Texas Tech University Health Sciences Center ("TTUHSC"). In July 2016, TTUHSC EI Paso received preliminary authority from the THECB to plan for a dentistry degree. In August 2016, the TTU System Board authorized the naming of the school and delegated authority to Chancellor Duncan to announce a \$25 million donation from the Woody and Gayle Hunt Family Foundation and the naming of the SACSCOC Board of Trustees approved TTUHSC EI Paso as a separately accredited institution. After TTU System Board approval, the new school and degree program will move forward for submission to the THECB and SACSCOC. In addition, the steps to secure accreditation by the Commission on Dental Accreditation can begin.

The Woody L. Hunt School of Dental Medicine will offer a doctoral degree, the Doctor of Dental Medicine ("DMD"). The proposed program expects to enroll 40 first year dental students ("D1") beginning in the summer of 2021. The projected total enrollment after five years is 240.

Dr. Richard Black has been appointed as dean for the WLHSDM at TTUHSC El Paso. Dr. Black earned his Master of Science and Doctor of Dental Surgery from the University of Texas Dental Branch in Houston, Texas. He has served as president of both the El Paso District Dental Society and the Texas Dental Association. In 2015, Dr. Black was appointed to serve on the American Dental Association Board of Trustees as the trustee from the Fifteenth District, which encompasses Texas.

# 11. <u>TTU: Authorize the process to establish the School of</u> <u>Veterinary Medicine and Doctor of Veterinary Medicine</u> <u>degree program.</u>

Presenter: Dr. Michael L. Galyean Presentation Time: 2 minutes Board approval required by Section 04.11.1, *Regents' Rules* 

#### **RECOMMENDATION**

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the process of establishing the Texas Tech University School of Veterinary Medicine and approve the new degree program, Doctor of Veterinary Medicine (CIP 51.2401.00) and authorize submission by the Office of the Provost and Senior Vice President to the Texas Higher Education Coordinating Board ("THECB") seeking its approval of the new program, and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgment of a new degree program.

#### **BACKGROUND INFORMATION**

Texas is facing a worsening shortage of veterinarians who serve the needs of agricultural communities and livestock industries across Texas. This shortage is not being adequately addressed either through the number of graduates from the existing program within Texas or by importation of veterinarians from outside of Texas. Furthermore, this shortage decreases the national and international competitiveness of Texas, is a drag on economic development, and increases the vulnerability of our animal populations and food supply to biological and chemical threats. In response to the worsening shortage, the 85<sup>th</sup> Texas Legislature appropriated \$4,170,268 to Texas Tech University. A key outcome of this investment is a completed assessment presented to the Board reporting the feasibility of implementing an innovative veterinary medicine educational model that: 1) produces veterinarians that serve the needs of rural Texas; and 2) decreases the cost of education. The new doctoral program, Doctor of Veterinary Medicine, has been specifically designed to address these two needs. The School of Veterinary Medicine will serve as the administrative unit to administer the new doctoral program. The School will report to the Provost and Senior Vice President ("PSVP").

The proposal for a new doctoral program to be submitted to the THECB, and creation of the administrative unit have received necessary approvals from the Graduate Council and Academic Council of Texas Tech University. Five-year costs and funding for the proposed new school and doctoral program are summarized in Table 1. Total costs are estimated to be \$82,290.302 comprising \$46,700,000 in personnel (including new faculty, the dean's staff, an animal care veterinarian, new library staff, and other staff), \$21,280,000 in facilities and equipment, \$2,000,000 in library and technology resources and other materials,

and \$12,310,302 in animal care, travel, marketing, recruitment, and related expenses. These costs are projected to be offset by \$22,110,302 in new formula funding, \$13,680,000 in designated tuition and fees, \$43,000,000 from nonformula exceptional funding, and \$3,500,000 from service contracts, gifts, and operating endowment, for total five-year funding of \$82,290,302. Table 2 shows the anticipated enrollments used to estimate the costs and revenues.

Table 1: Five-year Estimated Costs and Funding for the School of VeterinaryScience and Doctor of Veterinary Medicine Degree Program

Five-Yea	r Costs	Five-Year Funding		
Personnel	\$46,700,000	Anticipated New Formula Funding	\$22,110,302	
Facilities and Equipment	\$21,280,000	Designated Tuition and Fees	\$13,680,000	
Library, Supplies and Materials	\$2,000,000	Anticipated New Nonformula Funding	\$43,000,000	
Other	\$12,310,302	Other	\$3,500,000	
Total Costs	<u>\$82,290,302</u>	Total Funding	<u>\$82,290,302</u>	

Table 2: Five-year Estimated Enrollment Figures for the Doctor of VeterinaryMedicine Degree Program

Year	1	2	3	4	5
Headcount	40	100	160	220	240
FTSE	40	100	160	220	240
Attrition					
Graduates				40	60
# 12. <u>TTUS: Approve strategic priorities for the System and its</u> <u>universities.</u>

Presenters: Chancellor and Presidents Presentation Time: 10 minutes Board approval required by: Sec. 01.01.2, 01.02.8.d(1)(e), & 02.01.3.b, *Regents' Rules* 

#### **RECOMMENDATION**

The chancellor and presidents recommend that the Board of Regents approve the set of major policy initiatives, included as a supplemental attachment, that are to be pursued by the Texas Tech University System ("TTUS") institutions and System Administration. These major policy initiatives shall guide the refinement and implementation of the strategic plans of the System members.

#### **BACKGROUND INFORMATION**

Sections 01.01.2, 01.02.8.d(1)(e) and 02.01.3.b, *Regents' Rules*, provide that:

- The Board shall "provide policy direction for and establish goals consistent with the role and mission of each institution under its management and control."
- The Board's Academic, Clinical and Student Affairs Committee shall recommend to the Board "strategic planning processes and initiatives for the TTU system."
- The major duties of the Chancellor include "preparing a recommendation to the board for a strategic plan with clear, quantifiable (where applicable) expectations for the TTU system, revised periodically, setting forth recommendations for capital expenditures, and the allocation of other financial resources."

On March 1, 2018, the Board conducted a strategic planning session at which it considered and discussed the strategic plans of Angelo State University and the Texas Tech University Health Sciences Center at El Paso.

On May 17, 2018, the Board conducted another strategic planning session at which it considered and discussed the strategic plans of Texas Tech University, the Texas Tech University Health Sciences Center, and the TTUS System Administration.

At the conclusion of these strategic planning sessions, it was determined that, at its meeting in August 2018, the Board would:

- (1) be presented a summary of the discussion points from the two strategic planning session; and
- (2) consider adoption of a set of major policy initiatives that should be pursued.

# MEETING OF THE BOARD

#### Meeting of the Board

Thursday, August 9, 2018

**Swearing-in of newly appointed student regent**: Before the start of the day's meetings, the newly appointed student regent will participate in a ceremonial swearing-in.

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

**Board of Trustees of the Carr Scholarship Foundation**: This meeting will take place immediately after the swearing-in of the student regent; refer to agenda provided by the Chief Financial Officer's Office Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

I. 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 Building, 1508 Knoxville Avenue, Lubbock, Texas

- **Time:** 12:30 pm (or upon adjournment of the last committee meeting of the day, or whenever deemed necessary)
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

#### <u>Agenda</u>

- II. Meeting of the Board—Call to Order; convene into Open Session of the Board......Chairman Francis
- - A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations Section 551.071

- 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
- IV. Open Session: The Board will reconvene in Open Session in the Regents Conference Room (104A), First Floor, System 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
- V. Recess ...... Chairman Francis

#### Meeting of the Board

Friday, August 10, 2018

- **Time:** 8:30 am
- Place: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

#### <u>Agenda</u>

VI.			the Board—Call to Order; reconvene in on of the Board	
	A.	Introd		. Chancellor Duncan, President May, President Schovanec esident Mitchell, and President Lange
VII.			ecessary, for standing committees to mee ontinue in Open Session (X.))	
VIII.	Meeti	ng of S	Standing Committees (if not concluded c	on Thursday)
IX.	the Be	oard (	the Board—Call to Order; reconvene in (only if the Meeting of the Board was recese the tings)	
Х.			<b>on:</b> The Board will continue in Open Sess of the Whole and Meeting of the Board to o	
	A.		ove minutes of Board meetings held on I7-18, 2018	Chairman Francis
	В.	Comn	nittee of the WholeVice	Chairman Lancaster
				<u>Page</u> CW
		1.	ASU, TTU, TTUHSC, TTUHSC EI Paso, and TTUS: Approve Consent Agenda; a	

review of Information Agenda......9

#### Consent Agenda

- a. ASU: Approve revisions to the <u>Student</u> <u>Handbook</u> of Angelo State University, effective August 13, 2018 (ACS)
- b. TTU: Approve faculty development leaves of absence (ACS)
- c. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- ASU: Acknowledge changes to the Five-Year Capital Projects Plan and submission of the MP1 report (F)
- e. TTU: Acknowledge changes to the Five-Year Capital Projects Plan and submission of the MP1 report (F)
- f. TTU: Approve name change of the Chemical Engineering Temporary Lab facility (F)
- g. TTUHSC: Acknowledge changes to the Five-Year Capital Projects Plan and submission of the MP1 report (F)
- h. ASU: Approve the naming and acceptance of a \$1 million endowed chair (FA)
- i. ASU: Approve the naming and acceptance of a \$1 million endowed chair in accounting (FA)
- j. TTU: Approve contract extension for the transportation and delivery of natural gas (FA)
- k. TTU and TTUS: Approve purchasing contracts in excess of \$1,000,000 (FA)
- I. TTUHSC: Authorize quasi-endowment to support a FMAT professorship (FA)
- m. TTUS: Authorize a consulting agreement to provide support for federal relations (FA)
- n. TTUS: Approve revisions to the Texas Tech University System Medical Liability Self-Insurance Plan (FA)
- ASU, TTU, TTUHSC, TTUHSC EI 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 EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2018, 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.

- TTUHSC and TTUHSC EI Paso: Contract (2) Renewals, Extensions and Amendments per Sections 07.12.4.c and 07.12.6.b., Regents' Rules – "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services: participation in health provider networks: resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting." AND "Approval of the president is required for all component institution contract renewals, extensions or amendments. A list of those renewed, 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) TTUHSC: Contracts for ongoing and continuing health-related service relationships as per Section 07.12.4.c, Regents' Rules: "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue

contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting."

- (4) TTU, TTUHSC and TTUHSC EI Paso: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – <u>"(a) Board</u> approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."
- (5) TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b., *Regents' Rules*: <u>"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."</u>
- (6) TTU: Emergency or exigent circumstances approval of a major facilities project as provided by Section 08.01.7, *Regents' Rules*: "If the chancellor, on the recommendation of the president, declares a major construction project to be an emergency or that exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, the board authorizes the chair of the board or the chair of the Facilities Committee to approve all necessary actions. Any emergency actions taken must be reported to the board at its next meeting."

XI.	-	orts of Standing Committees: Standing Committee reports will be ented sequentially to the Committee of the Whole.
	A.	Report of the Audit CommitteeRegent Long
	В.	Report of the Facilities CommitteeRegent Esparza
	C.	Report of the Finance and Administration CommitteeRegent Steinmetz
	D.	Report of the Academic, Clinical and Student Affairs CommitteeRegent Walker
XII.		Board will continue in Open Session as the Committee of the le and Meeting of the Board of Regents.
	A.	Schedule for Board meetings: October 4-5, 2018, Lubbock December 13-14, 2018, Lubbock February 21-22, 2019, Lubbock May 16-17, 2019, Lubbock August 8-9, 2019, Lubbock December 12-13, 2019, Lubbock
	В.	The President's Report, ASU President May
	C.	The President's Report, TTUHSC EI Paso President Lange
XIII.	Sessi Buildi unde	<b>utive Session:</b> The Board may convene into Executive ion in the Regents Committee Room (106), First Floor, System ing, 1508 Knoxville Avenue to consider matters permissible r Chapter 551 of the <i>Texas Government Code</i> , including, for pple:
	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
		CW-7

- E. Deliberations regarding security devices—deployment of security personnel or devices Section 551.076
- **XIV. Open Session:** The Board will reconvene in the Regents Conference Room (104A), First Floor, System 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
  - B. Chairman's Announcements..... Chairman Francis
- XV. Adjournment ...... Chairman Francis

# 1. <u>ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS:</u> <u>Approve Consent Agenda; acknowledge review of</u> <u>Information Agenda.</u>

#### RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of August 9-10, 2018; 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

August 9-10, 2018

#### **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 Ms. Jane Gilmore, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs: John Esparza; Jane Gilmore; John Steinmetz; 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

# August 9-10, 2018

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#### **INFORMATION AGENDA**

(*Titles only; full agenda is on page 29*) 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 EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2018, 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) TTUHSC and TTUHSC EI Paso: Contract Renewals, Extensions and Amendments per Sections 07.12.4.c and 07.12.6.b., Regents' Rules - "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services: participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting." AND "Approval of the president is required for all component institution contract renewals, extensions or amendments, A list of those renewed, 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."
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health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting."

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# a. <u>ASU: Approve revisions to the Student Handbook of</u> <u>Angelo State University, effective August 13, 2018.</u>

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

The request is to approve revisions to the <u>Student Handbook</u> and *Code of Student Conduct* for Angelo State University, effective August 13, 2018. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

[NOTE: The ASU Student handbook with proposed revisions is included as a supplemental attachment to the agenda book.]

#### EXECUTIVE SUMMARY

The <u>Student Handbook</u> 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 <u>Student Handbook</u> is available electronically at <u>https://www.angelo.edu/</u>.

Proposed revisions contain editorial revisions and changes/updates related to Title IX processes, which have been reviewed and approved by General Counsel. Additionally, all ASU substantive proposed Title IX changes were presented by Texas Tech University and approved by the Board of Regents in May 2018.

#### **BACKGROUND INFORMATION**

In accordance with Section 05.01.2, *Regents' Rules*, revisions to the <u>Student</u> <u>Handbook</u> and *Code of Student Conduct* must be approved annually by the Board of Regents. On May 19, 2017 the Board of Regents approved revisions to the <u>Student Handbook</u> effective May 22, 2017 (Minute Order XV.B.1.a.). The <u>Student Handbook</u> is reviewed annually by university departments with related content. The *Code of Student Conduct* as a section of the <u>Student</u> <u>Handbook</u> (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 Compliance, Executive Director of Student, TTUS General Counsel, and the Vice President for Student Affairs and Enrollment Management.

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

Board approval required by: Section 4.05.1, *Regents' Rules* 

The request is to approve the leave 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

Faculty development leave with full salary for William Pasewark, professor in the Area of Accounting in the Rawls College of Business, for the period of August 22, 2018 to December 15, 2018. Dr. Pasewark recently returned full-time to the faculty of accounting after serving several years as an associate dean for the Rawls College. The requested leave will serve three objectives for him that were unattainable while in his administrative role: to finish a research project already underway, to develop new research skills in archival research, and to develop a distance course in the accounting curriculum. These are attainable objectives within the specified leave period that will assist Dr. Pasewark in returning to his full productivity as a faculty member.

# c. <u>TTU: Approve affirmation of managerial group and exclude</u> <u>members of the Board of Regents from access to classified</u> <u>information.</u>

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 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 Ms. Jane Gilmore (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 student regent, the Board of Regents must update its statement of exclusion to meet the requirements of federal regulations.

# d. <u>ASU: Acknowledge changes to the Five-Year Capital</u> <u>Projects Plan and submission of the MP1 report.</u>

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

The request is to acknowledge the changes made to the May 18, 2018 board approved Angelo State University ("ASU") Five-Year Capital Projects Plan and submission of Angelo State University's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

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

#### **BACKGROUND INFORMATION**

On May 18, 2018, the Board of Regents approved ASU's Five-Year Capital Projects Plan with a total of seven projects totaling \$78,367,975.

This request notes the change made to the plan on Priority Number One – New Art Building. Originally the budget was \$14.2 M which was increased to \$25.0 million.

The institution's certification of ASU's MP1 Summary Report was submitted to the THECB on Friday, June 29, 2018.

			ſ			bəbnuinU	\$ 13.00	\$ 27.60	\$ 5.82	\$ 3.00	\$ 3.80	\$ 21.25	\$ 1.00	\$ 75.47
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FIVE-YEAR CAPITAL PROJECTS PLAN	Angelo	May 17, 2018 / UPDATED 06-29-18			Project Budget	May 2018 Total Project Cost	\$ 25,000,000	\$ 27,600,000	\$ 7,517,975	\$ 3,000,000	\$ 3,800,000	\$ 21,250,000	\$ 1,000,000	\$ 89,167,975
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		-		GENERAL PROJECT INFORMATION		Project Description	NEW New Art Building	Concho Hall Renovation	Food Service Center Renovation	Sol Mayer Administration Building Theater Renovation	NEW New Police Station	Indoor Athletic Competition and Practice Complex	LA01 Real Property Purchase	
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# e. <u>TTU: Acknowledge changes to the Five-Year Capital</u> <u>Projects Plan and submission of the MP1 report.</u>

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

The request is to acknowledge the changes made to the May 18, 2018 board approved Texas Tech University ("TTU") Five-Year Capital Projects Plan and submission of Texas Tech University's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

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

#### **BACKGROUND INFORMATION**

On May 18, 2018, the Board of Regents approved TTU's Five-Year Capital Projects Plan with a total of thirty-six (36) projects totaling \$822,420,000.

This request notes the change made to the plan with a new total of thirty-seven (37) projects valued at \$827,470,000 as follows:

- 1) Two items were combined together to create a new Priority Number One Science and Engineering Complex listed at \$131,200,000
  - a) Former Priority Number One College of Engineering Expansion / Renovation - Mechanical Engineering South and Holden Hall listed at \$61.2 million AND
  - b) Former Priority Number Fourteen Academic Sciences Building listed at \$70.0 million.
- New project added as Priority Number Eight Plant & Soil Sciences Greenhouse at \$4.0 million; and
- New project added as Priority Number Thirty-Six Media Communication North Tower Window Replacement at \$1.05 million

The institution's certification of ASU's MP1 Summary Report was submitted to the THECB on Friday, June 29, 2018.

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									Теха	<b>Texas Tech University</b>	iversity												
								May	17, 20	May 17, 2018 / UPDATED 06-29-18	TED 06	-29-18	-	-	-	-	_	-	_	-	_	_	
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Priority	Bidg. So. S	Project Description	New Construction Additions	Major Repair & Renovation Land Acquisitions	Land Acquisitions Infrastructure Leased Space	Gross	Educational & General NASF	Acres O	L Code P	May 2018 Total Project Cost	HEAF - Cash	HEAF - Bond	sbnoß euneveß nehto	sbnufi sziptisty Enterprise Funds	Other, Institutional Funds	Gifts, Donations	Federal Grants	sbruf fnslg bebregtenU	Legislative Appropriations	Private Development	sbroß euneveß noitiuT	Other	bəbnuìnU
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7	191	Weeks Hall Abatement and Renovation		×		67,234	43,702	0 81	819900 \$	24,800,000	24.80												0.00
я	NEW	Basketball Practice Facility	×			50,032	0	0 72	720200 \$	31,500,000					10.00	8							21.50
4	83	Dairy Barn Renovation		×		8,000	1,680	8	\$ 000000	2,600,000													2.60
5	264	Chitwood Hall - Window Replacements		×		130,124	0	0 73	733000 \$	1,900,000													1.90
9	Z	KTTZT ower Repack			×	0	0	0 82	825000 \$	1,900,000						1.90	9						0.00
7	NEW	Student Athlete Dining Hall	x			16,000	0	0 73	731000 \$	5,500,000													5.50
8	NEW	Plant & Soil Sciences Greenhouse	x			10,322	10,322	0 01	011201 \$	4,000,000				2	2.00						2.00		0.00
6	230	Psychology Building Addition	х			4,600	2,785	0 42	422704 \$	2,000,000													2.00
10	NEW	Library High Bay Storage + TTU Warehouse Storage Building	x			73,900	44,340	0000	\$ 000000	8,000,000													8.00
7	381	Rip Griffin Park Baseball Clubhouse Renovation		×		10,236	0	0 72	720100 \$	8,000,000													8.00
12	418	Football Training Facility Repurpose		×		50,398	0	0 72	720600 \$	20,000,000													20.00

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FIVE-YEAR CAPITAL PROJECTS PLAN Texas Tech Universitv	May 17, 2018 / UPDATED 06-29-18		rdget	018 oject	45,000,000	24,900,000	15,000,000	2,000,000	50,000,000	5,000,000	22,400,000	4,000,000	25,000,000	31,700,000	50,000,000	13,000,000
CAPI7 kas Te	2018 /		Project Budget	May 2018 Total Project Cost	\$ 45	\$ 24	\$ 15	\$	\$ 50	\$	\$	\$	\$ 25	\$ 31	\$ 50,	\$ 13,
EAR ( Te	ay 17,	Γ		Code	720600	500501	500702	190501	000000	190000	819900	000000	010000	400801	500901	301401
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E			Square Footage	Educational & General NASF		24,060	92,705	4,273	251,462	17,21	26,170		12,000	67,567	75,000	11,700
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		RMAT	Project Type	Major Repair & Renovation	×	×	×	×	×	×	×	×		×		
		CT INFOF	ĥ	New Construction Additions	×								×		×	×
		GENERAL PROJECT INFORMATION				edgen				IHWN s	ograde	-earning	ces	afety		
		GENERA		e	m South End Zone	College of Visual & Performing Arts - Maedgen Theatre Renovation Phase II	ation	Renovation	and Life Safety	TT Plaza Renovation for Human Sciences NMHI Clinic	Doak Hall Renovation and Life Safety Upgrade	Ranching Heritage Center - Ranch Life Learning Center	Masked Rider Pavilion and Animal Sciences Expansion	Science Building Renovation and Life Safety	- Phase I	Wing Addition
				Project Description	Jones AT&T Stadium South End Zone Renovation	College of Visual & I Theatre Renovation	Architecture Renovation	TT Plaza - Skyviews Renovation	Library Renovation and Life Safety	TT Plaza Renovatior Clinic	Doak Hall Renovatic	Ranching Heritage ( Center	Masked Rider Pavili Expansion	Science Building Re	New Music Building - Phase	TTU Museum East Wing Addition
						1						6	N		2	
				Bidg. No.	40	231	272	405	205	405	27	476	NEW	800	NEW	245

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									Tex	<b>Texas Tech University</b>	niversit	2											
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Priority	Priority S B S C	Project Description	New Construction Additions	Major Repair & Renovation	Land Acquisitions	Leased Space	Gross Educational & General NASF	Acres	co co co co co co co co co co co co co c	May 2018 Total Project Cost	HEAF - Cash	HEAF - Bond	Other Revenue Bonds	sbnuf eriprise Funds	Other, Institutional Funds	Gifts, Donations	Federal Grants	sbruf finsif bebreared	2 Legislstive Appropriations	Private Development	Tuition Revenue Bonds	0000	bəbnurð
25			×			140,000	000 91,000	•	301401 \$	\$ 120,000,000													120.00
26	445	Jones AT &T Stadium East Side Bidg Finish Out		×		16,	16,201 (	0	720600 \$	\$ 8,000,000													8.00
27	381	Rip Griffin Park Expansion	×			15,	15,000 (	0	720100 \$	\$ 6,000,000													6.00
28	Z	North Sewer Force Main (4th Street to North Loop)			Ê	×	0	0	\$ 000000	\$ 1,700,000													1.70
29	419	Marsha Sharp Center Expansion	×			Ŕ	3,000	0 0	720000 \$	\$ 1,750,000													1.75
30	403	McLeod Tennis Complex Improvements / Garst Pavilion		×		4	4,182 (	0	720000 \$	\$ 5,000,000													5.00
31	Z	Infrastructure Upgrade - Chilled Water Loop			^	0 X	0	0	831000 \$	\$ 7,000,000													7.00
32	7	Agricultural Sciences Renovation		×		40;	40,920 25,855	5 0	010190	\$ 10,500,000													10.50
33	NEW	New Data Center	×			24,	24,000 16,800	•	827100 \$	21,200,000	_												21.20
34	NEW	Vietnam Center, Archive, & Museum of the Vietnam War	×			20	50,000	0	\$ 000000	\$ 25,000,000													25.00
35	Z	Media Communication South Tower Window Replacement		×			0	•	\$ 000000	\$ 1,050,000	) \$ 1.05												0.00
36	Z	Media Communication North Tower Window Replacement		×			0	•	\$ 000000	\$ 1,050,000	_												1.05
37	NEW	School of Veterinary Medicine	×			210,000	000 126,000	•	\$ 000000	89,820,000	_							4.00	0				85.82
_	_		_	_			_											_	_	_	_		
								P	TOTALS \$	827,470,000	\$ 25.85	\$ ' \$	•	ج	\$ 2.00	\$ 10.00 \$	1.90 \$	- \$	4.00 \$	, *	\$ 2.00	\$	781.72

# f. <u>TTU: Approve name change of the Chemical Engineering</u> <u>Temporary Lab facility.</u>

Report requested by: Section 08.05.01 b., Regents' Rules

The request is to approve a name change for the Chemical Engineering Temporary Lab facility to the "Chemical Engineering Annex." The name change received preliminary approval from the Texas Tech University's Facility Allocation Committee ("FAC") on April 12, 2018. 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 Chemical Engineering Temporary Lab (0439) is located on the West side of the Engineering key to the South of the Chemical Engineering building and to the North of the Industrial Manufacturing and System Engineering building. When the facility was originally constructed, it was expected to be temporary in nature, but over time has evolved into a fully functioning laboratory facility with operations continuing into the foreseeable future.

In consultation with the Edward E. Whitacre Jr. College of Engineering, along with the Texas Tech University Facility Allocation Committee ("FAC"), it has been determined that a more appropriate name for the addition would be the Chemical Engineering Annex. If approval is conferred by the Board of Regents, the Texas Tech University Operations division will take the necessary steps to update the appropriate signage as well as the building inventory registry with the Texas Higher Education Coordinating Board.

*Regents' Rules* 08.05.01.b, requires board approval of the naming of academic buildings based on the major academic use of the building.

# g. <u>TTUHSC: Acknowledge changes to the Five-Year Capital</u> <u>Projects Plan and submission of the MP1 report.</u>

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

The request is to acknowledge the changes made to the May 18, 2018 board approved Texas Tech University Health Sciences Center Five-Year Capital Projects Plan and submission of Texas Tech University's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

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

#### **BACKGROUND INFORMATION**

On May 18, 2018, the Board of Regents approved TTUHSC's Five-Year Capital Projects Plan with a total of twenty (20) projects totaling \$215,100,000.

This request notes the changes made to the plan with a new total of twenty-one (21) projects valued at \$278,250,000 as follows:

- Priority Number Two SW SOP Dallas Renovation reduced from \$6,850,000 to \$5,500,000
- 2) Priority Number Three SW SOP Dallas Renewals & Repairs reduced from \$2,500,000 to \$2,000,000
- Priority Number Seven Facility Research lab Modernizations Phase I no HEAF funds available at this time; now listed as Unfunded
- 4) Added Priority Number 13 Midland Physician Assistant (PA) Building listed at \$65,000,000

The institution's certification of ASU's MP1 Summary Report was submitted to the THECB on Friday, June 29, 2018.

And Control Project Description   1 IN Real Project Description   2 6501 SW SOP Dallas Reno   3 6501 SW SOP Dallas Reno	GENERAL PROJECT INFORM	Notice of the second se	Type		<b>Mav 17</b>	2018													
650 550 F 0010		Onstruction	Type				AUTO 1	May 17, 2018 / UPDATED 06-27-18	27-18					-	-		-		-
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6501 E 201		suo		Squi	Square Footage	$\square$	Projec	Project Budget					Fundi	Funding Source (Millions)	Aillions)				
IN 6501	rty Purchase - Dallas allas Renovation allas Renevals & Repairs	itibbA	Land Acquisitions Infrastructure	Gross Space	Educational & General NASF	Acres	CIP Code	2018 Zota Project Cost	HEAF - Cash	bno8 - AAAH	Sbnoß euneveß rends	sbruf seiterprise Funds	Other Institutional Funds Gifts, Donations	Federal Grants	sbnuf fnafd bebneqxenU	snoitsirqorqqA əvitsisigə L	Private Development	sbroß eureveß rotitut	Other
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6501	allas Renewals & Repairs	×		38,300	25,000	0 51	512001 \$	5,500,000	\$ 5.500										\$
		×		63,000	41,000	0 51	512001 \$	2,000,000	\$ 2.000										\$
4 New Amarillo Cli	Amarillo Clinic Building (includes a 2nd floor - Growth)	×		39,000	23,400	0 51	511201 \$	20,500,000											\$ 20.500
5 New Amarillo Fac	Amarillo Facilities and Administration Building	×		40,000	26,000	0	816000 \$	18,000,000											\$ 18.000
6 IN Lubbock Inf	Lubbock Infrastructure Improvements		×	0	•	0	\$ 006658	6,900,000											\$ 6.900
7 1000 Facility Res	Facility Research Lab Modernizations - Phase I	×		68,000	44,200	0 51	511201 \$	22,000,000											\$ 22.000
8 1001 Lubbock Pr	Lubbock Preston Smith Library Basement Build-Out	x		16,232	7,142	0 73	739900 \$	8,650,000											\$ 8.650
9 1005 Clinical & A	Clinical & Academic Expansion (HCC)	×		42,000	18,480	0 51	511201 \$	23,500,000											\$ 23.500
10 Lubbock LA	Lubbock LARC Expansion & Upgrades	×		39,000	16,380	0 51	511201 \$	13,500,000											\$ 13.500
11 IN Lubbock Up	Lubbock Upgrading CHACP II (adding chillers)		×	0	0	0 83	\$ 0066£8	5,000,000											\$ 5.000
12 NEW Abilene LARC	Sc	×		6,000	4,000	0 51	511201 \$	5,600,000											\$ 5.600

			Π		bəbnuìnU	\$ 65.000	\$ 22.000	\$ 4.000	\$ 5.700	\$ 22.000	\$ 5.000	\$ 5.000	\$ 3.000	\$ 3.000	\$ 258.350
			-		Other										
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J A S	ces Ce	7-18			HEAF - Cash										\$19.900
FIVE-YEAR CAPITAL PROJECTS PLAN	Texas Tech University Health Sciences Center	May 17, 2018 / UPDATED 06-27-18		Project Budget	2018 Zota Project Cost	65,000,000	22,000,000	4,000,000	5,700,000	22,000,000	5,000,000	5,000,000	3,000,000	3,000,000	278,250,000
TAL	ty He	B		Pro	C CIP Code	510912 \$	511201 \$	511201 \$	511201 \$	511201 \$	\$ 000000	\$ 000000	\$ 000000	\$ 000000	ALS \$
CAPI	iversi	2018 /			Acres	4 510	0 511	0 511	0 511	0 511	5 000	10 000	2 000	5 000	TOTALS
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IVE-Y	xas Te	Ě	-	Square Footage	ອະດາອ	78,000	68,000	6,100	7,800	68,000	0	•	•	0	
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		-		ype	Land Acquisitions Infrastructure						×	×	×	×	
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		_	FORMATI		New Construction	×									
			GENERAL PROJECT INFORMATION		Bidg. No. Project Description	NEW Midland Physicians Assistant (PA) Building	1000 Facility Research Lab Modernizations - Phase II	4001 Odessa Clinic Building 3rd Floor Expansion	5002 Midland Jenna Welch Expansion	1000 Facility Research Lab Modernizations - Phase III	IN Real Property Purchase - Lubbock	IN Real Property Purchase - Abilene	IN Real Property Purchase - Amarillo	IN Real Property Purchase - Permian Basin	
			1		Pas	۳	1 p	40	50(	10	≤	_ ≤	≤	≤	
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# h. <u>ASU: Approve the naming and acceptance of a \$1 million</u> endowed chair.

Board approval required by: Sections 06.06.1; 06.05.1; 06.01.2.b, Regents' Rules

The request is to approve the acceptance of a \$1,000,000 gift from Scott Wisniewski to Angelo State University to establish the Wisniewski Endowed Chair in Entrepreneurship within the Norris-Vincent College of Business. This request has been approved by the president and the chancellor and is recommended for approval by the Board of Regents.

#### **BACKGROUND INFORMATION**

Scott Wisniewski, an Angelo State University alum and former member of the men's basketball team, gave a gift of \$1,000,000 to establish the Wisniewski Endowed Chair in Entrepreneurship. The Wisniewski Endowed Chair in Entrepreneurship will be awarded to an outstanding faculty member upon recommendation by the Dean of the Norris-Vincent College of Business, approval of the President and in accordance with the policies of Angelo State University.

Sections 06.06.1 and 06.05.1, *Regents' Rules*, govern gift-related namings and honorary namings of academic units. Section 06.01.2.b governs the approval by the Board of restricted gifts such as this.

# i. <u>ASU: Approve the naming and acceptance of a \$1 million</u> <u>endowed chair in accounting.</u>

Board approval required by: Sections 06.06.1; 06.05.1; 06.01.2.b, Regents' Rules

The request is to approve the acceptance of a \$1,000,000 gift from Mark Low to Angelo State University to establish the Low Family Endowed Chair in Accounting within the Norris-Vincent College of Business. This request has been approved by the president and the chancellor and is recommended for approval by the Board of Regents.

#### **BACKGROUND INFORMATION**

Mark Low, an Angelo State University alum and owner of Juno Energy, gave a gift of \$1,000,000 to establish the Low Family Endowed Chair in Accounting. The Low Family Endowed Chair in Accounting will be awarded to an outstanding faculty member upon recommendation by the Dean of the Norris-Vincent College of Business, approval of the President and in accordance with the policies of Angelo State University.

Sections 06.06.1 and 06.05.1, *Regents' Rules*, govern gift-related namings and honorary namings of academic units. Section 06.01.2.b governs the approval by the Board of restricted gifts such as this.

# j. <u>TTU: Approve contract extension for the transportation</u> and delivery of natural gas.

Board approval required by: Section 7.12.3 (d) (1) (b) Regents' Rules

The request is to approve a contract extension for the transportation and delivery of natural gas to Texas Tech University. The commitment of resources exceeds four years and does not contain a cancellation provision as required in 7.12.3 (d) (2) of the *Regents' Rules*. 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 ("TTU") awarded a contract to Atmos Energy Marketing, LLC ("Atmos") for natural gas distribution and transportation services on September 1, 2016. This extension covers the delivery service portion of the contract, which is required to transport natural gas to various delivery points on campus. The parties wish to extend the contract to September 1, 2021. The commitment of resources exceeds four years and does not contain a cancellation provision. The charge for transportation and delivery of natural gas is approximately \$30,000 annually, but is subject to market fluctuations and demand.

TTU's price for natural gas is dependent upon the transporting agency, and utilizing Atmos' services is most beneficial for TTU both in cost and ease of delivery.

# k. <u>TTU and TTUS: Approve purchasing contracts in excess of</u> \$1,000,000.

Board approval required by: Sections 07.12.3.a and 07.12.3.c, Regents' Rules

The request is to approve the purchasing contracts in excess of \$1,000,000 per annum in accordance with *Regents Rules* 07.12.3.a and those contracts with a value exceeding \$5,000,000 in accordance with *Regents' Rules* 07.12.3.c as listed 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**

In accordance with the *Regents' Rules*, the Board is routinely requested to approve purchasing contracts under which the TTUS components spend more than \$1,000,000 per annum. Purchasing contracts are procured and executed in compliance with Texas Education Code §51.9335 as well as the *Regents' Rules* and TTUS component Operating Policies and Procedures.

Section 07.12.3.a, *Regents' Rules*, requires Board approval for contracts that total in excess of \$1,000,000 over the entire term of the contract, unless a different consideration is specified by this policy.

However, Section 07.12.3.c provides that, for all purchasing contracts that exceed a total value of \$5,000,000 over the life of the contract (even if the annual amount is less than \$1,000,000), the Board must be provided:

- (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU System policies; and
- (2) information on any potential issue(s) that may arise in the solicitation, purchasing, or contractor selection process.

The attached table shows: (1) purchasing contracts that exceed \$1,000,000 per year for which Board approval is required; and (2) purchasing contracts that exceed \$5,000,000 over the life of the contract for which the special reporting is required.

Regents' Rules 07.12.3.c									
Component	Vendor	Services or Goods to be Provided	Estimated Term Estimated Per Expenditures Annum (includes Expenditures renewals)	Estimated Term Expenditures (includes renewals)	Start	End	Procurement Method	Verification that the solicitation and purchasing method and contractor selection process comply with State law and TTU System policies	Information on potential issues that may arise in the solicitation, purchasing, or contractor selection process.
ШS	Academic Health Plans	Student health insurance	\$ 1,210,000 \$ 9,680,000	\$ 9,680,000	6/1/2015	5/31/2022	Bid/RFP	Confirmed	TTU has historically contracted with this vendor. No previous contract issues.
Π	Lydick Hooks	Roofing services	\$ 1,000,000	\$ 1,000,000 \$ 8,000,000 7/1/2018		6/30/2026	Request for Proposal	Confirmed	TTU has historically contracted with this vendor. No previous contract issues.
SUTT	LEARN	Unmetered network services and annual membership	\$ 1,106,546	1,106,546 \$22,130,920	9/1/2018	8/31/2028	Proprietary Purchase	Confirmed	TTU has historically contracted with this vendor. No previous contract issues.

# TTU and TTUS: Approval of Purchasing Contracts

DIR Agreement

5/20/2020 with 2 oneyear renewal

5/21/2018

(or effective date)

1,000,000 \$ 4,000,000

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Converge One

E

equipment

Services or Goods to be Provided ( VOIP Telephony Systems maintenance, services, and

Vendor

Component

terms

Procurement Method

End

Start

Estimated

Term Estimated Per Consideratio Annum n (indudes Consideration renewals)

Regents' Rules 07.12.3.a and 07.12.3.b

#### 08/09-10/2018
#### I. <u>TTUHSC: Authorize quasi-endowment to support a FMAT</u> professorship.

Board approval required by: HSC OP 02.08(b)(3), TTUS Investment Policy Statement Section 2

The request is to authorize the establishment of a quasi-endowment for the Steven L. Berk, M.D, & J.N. Kapur Endowed FMAT Professorship at Texas Tech University Health Sciences Center ("TTUHSC"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The Office of the Executive Vice President and Provost will give \$375,000 for the Steven L. Berk, M.D, & J.N. Kapur Endowed FMAT Professorship. The professorship holder will be responsible for all aspects of the Family Medicine Accelerated Track (the "FMAT") program.

#### **BACKGROUND INFORMATION**

Dr. Vic and Lisa Mahendru will give \$375,000 to establish the Steven L. Berk, M.D, & J.N. Kapur Endowed FMAT Professorship. The Office of the Executive Vice President and Provost agreed to match this gift through the creation of a quasi-endowment.

HSC OP 02.08(b)(3) along with the Texas Tech University System Investment Policy Statement Long Term Investment Fund require Board approval to establish quasi-endowments.

#### m. <u>TTUS: Authorize a consulting agreement to provide</u> <u>support for federal relations.</u>

Board approval required by: Section 07.12.2d, Regents' Rules

The request is to authorize the chancellor to execute an agreement with Lewis-Burke Associates, LLC., to advance federal research initiatives for the Texas Tech University System ("TTUS") and its components. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

The firm Lewis-Burke was selected through the use of the Request for Proposals ("RFP") process. Services provided by Lewis-Burke will begin early Fall 2018 for an initial term of one year. An option to extend the contract up to three additional years will be available if the results produced in the first and second year warrant an extension.

Services and objectives of Lewis-Burke under the proposed federal relations contract include: 1) Legislative and Public Policy Representation - Expand the TTUS's reach and support from federal sources and broaden its influence and impact on federal and congressional decision-making, 2) Collaboration with TTUS Components to implement a Federal Affairs Strategy and Communications Plan, and 3) Coalition Building – working with TTUS to identify ongoing or emerging federal research priorities and opportunities.

The estimated cost for this engagement is \$205,000 per year. Additional services beyond the scope of the agreement, will be billed at \$400 per hour. TTUS will also reimburse the consultant's reasonable direct expenses for travel, lodging, document reproduction and other support expenses. Direct expenses will only be reimbursed with prior approval from TTUS and may not exceed \$15,000 per year.

#### **BACKGROUND INFORMATION**

The Board of Regents on numerous past occasions has considered consulting agreements to support the federal relations initiatives of the TTUS.

#### n. <u>TTUS: Approve revisions to the Texas Tech University</u> System Medical Liability Self-Insurance Plan.

#### Board approval required by: Section 07.14 Regents' Rule

The request is to approve revisions to update provisions of the Texas Tech University System Medical Liability Self-Insurance Plan. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

In addition to malpractice coverage, the plan provides coverage for attorneys' fees incurred by physicians for proceedings before the Texas Medical Board, the limit of which coverage has been \$25,000 per proceeding since the inception of such coverage. In order to provide coverage more in line with current costs, the proposed revisions to the plan will raise the coverage limit to \$35,000 in cases that proceed as far as the "Informal Settlement Conference" procedure, one of the later steps in Medical Board proceedings.

Other changes to the plan document are none substantive.

The proposed revisions do not affect current rules for approval of settlement. The approval levels remain as follows:

- Under \$100,000 General Counsel
- \$100,000 \$250,000 Chancellor
- Greater than \$250,000 Board of Regents

#### o. <u>ASU, TTU, TTUHSC, TTUHSC EI Paso, TTUS and TTUSA:</u> <u>Approve delegation of signature authority.</u>

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, 2018 through August 31, 2019, 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, 2018 through August 31, 2019, 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, 2018 through August 31, 2019, 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, 2018 through August 31, 2019, 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:

Gary Barnes, Vice Chancellor and CFO, TTUS Timothy Barrett, Associate Vice Chancellor and CIO, TTUS Dan Parker, Deputy CIO, TTUS Eric Fisher, Assistant Vice Chancellor, TTUS Chelle Hillis, Assistant CFO, TTUS Chris Gailey, Operations Manager, TTUS Michael Nichols, Investment Officer, TTUS Maleia Torres, Assistant Managing Director, TTUS Leanne Draus, Chief Analyst, Cash Manager, TTUS

In addition to those listed for Texas Tech University System above, for the sale and purchase of gifted investments for <u>TTUS Institutional</u> <u>Advancement</u>, the following individuals are also authorized to effect transactions:

Mikela Bryant, Attorney, TTUS Kip Pearce, Unit Manager, TTUS

#### Angelo State University

In addition to those listed for Texas Tech University System above, officers and employees authorized to sign, or countersign:

Angie Wright, Vice President for Finance and Administration, ASU Denise Brodnax, Controller, ASU

(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, 2018 through August 31, 2019, 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 System**

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS

#### Texas Tech University

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS
Lawrence Schovanec, President, TTU
Noel A. Sloan, Chief Financial Officer and Vice President for Administration & Finance, TTU
Sharon Williamson, Assistant Vice President and Controller, TTU
Grace Hernandez, Chief of Staff and Associate Vice President for Administration, TTU
Bradley Martin, Assistant Vice President, Financial and Business Services, TTU
Crista McCune, Chief Budget Officer, Budget and Resource Planning and Management, TTU
Jennifer Adling, Chief Procurement Officer, Procurement Services, TTU

#### Texas Tech University Health Sciences Center

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS Tedd Mitchell, M.D., President, TTUHSC Penny Harkey, Vice President and Chief Financial Officer, TTUHSC Michael Crowder, Associate Vice President for Business Affairs, TTUHSC Carole Wardroup, Director of Finance System Management, TTUHSC Melody Oliphint, Director of Accounting Services, TTUHSC Rebecca Aguilar, Associate Managing Director of Accounting Services, TTUHSC Suzanne Dean, Associate Director of Accounting Services, TTUHSC

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

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS Richard Lange, M.D., M.B.A., President, TTUHSC El Paso Sue Mitchell Fuciarelli, Vice President for Finance and Administration and CFO, TTUHSC El Paso Jessica Fisher, Executive Director of Business Affairs, TTUHSC El Paso Victor Sanchez, Assistant Managing Director, Business Affairs TTUHSC El Paso

- Robert Ortega, Managing Director, Accounting Services, TTUHSC El Paso
- Sandra Tapia, Unit Associate Director, Accounting Services, TTUHSC El Paso
- Georgina Lopez, Unit Associate Director, Accounting Services, TTUHSC EI Paso

#### Angelo State University

Any manually signed check shall be reviewed and signed by two authorized signers, and any mechanically signed check of \$10,000 or more shall be reviewed by any authorized signer

Officers and employees authorized to sign, or countersign:

Gary Barnes, Vice Chancellor and CFO, TTUS Angie Wright, Vice President for Finance and Administration, ASU Denise Brodnax, Controller, ASU Janet Coleman, Director of Accounting, ASU Jackie Baxter, Senior Financial Accountant, ASU

(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, 2018 through August 31, 2019, 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

Electronic fund transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS Eric Fisher, Assistant Vice Chancellor, TTUS Maleia Torres, Assistant Managing Director, TTUS Leanne Draus, Chief Analyst, Cash Manager, TTUS Cynthia Jobe, Executive Associate, TTUS Leslie Perrydore, Executive Associate, TTUS

#### Texas Tech University

Electronic fund transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS Noel A. Sloan, Chief Financial Officer and Vice President for Administration & Finance, TTU Sharon Williamson, Assistant Vice President and Controller, TTU Grace Hernandez, Chief of Staff and Associate Vice President for Administration, TTU

- Bradley Martin, Assistant Vice President, Financial and Business Services, TTU
- Crista McCune, Chief Budget Officer, Budget and Resource Planning and Management, TTU

Eric Fisher, Assistant Vice Chancellor, TTUS

Maleia Torres, Assistant Managing Director, TTUS

Leanne Draus, Chief Analyst, Cash Manager, TTUS

Cynthia Jobe, Executive Associate, TTUS

#### Texas Tech University Health Sciences Center

Electronic fund transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS Tedd Mitchell, M.D., President, TTUHSC Penny Harkey, Vice President and Chief Financial Officer, TTUHSC Michael Crowder, Associate Vice President for Business Affairs, TTUHSC Carole Wardroup, Director of Finance System Management, TTUHSC Melody Oliphint, Director of Accounting Services, TTUHSC Rebecca Aguilar, Associate Managing Director of Accounting Services, TTUHSC Suzanne Dean, Associate Director of Accounting Services, TTUHSC Eric Fisher, Assistant Vice Chancellor, TTUS Maleia Torres, Assistant Managing Director, TTUS Leanne Draus, Chief Analyst, Cash Manager, TTUS Cynthia Jobe, Executive Associate, TTUS

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

Electronic fund transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS Richard Lange, M.D., M.B.A., President, TTUHSC El Paso Sue Mitchell Fuciarelli, Vice President for Finance and Administration and CFO, TTUHSC El Paso Jessica Fisher, Executive Director of Business Affairs, TTUHSC El Paso Victor Sanchez, Assistant Managing Director, Business Affairs TTUHSC El Paso Robert Ortega, Managing Director, Accounting Services, TTUHSC El Paso Sandra Tapia, Unit Associate Director, Accounting Services, TTUHSC El Paso Georgina Lopez, Unit Associate Director, Accounting Services, TTUHSC El Paso Eric Fisher, Assistant Vice Chancellor, TTUS Maleia Torres, Assistant Managing Director, TTUS Leanne Draus, Chief Analyst, Cash Manager, TTUS Cynthia Jobe, Executive Associate, TTUS

#### Angelo State University

Electronic fund transfers shall be approved by any two authorized individuals listed:

Gary Barnes, Vice Chancellor and CFO, TTUS Angie Wright, Vice President for Finance and Administration, ASU Denise Brodnax, Controller, ASU Janet Coleman, Director of Accounting, ASU Jackie Baxter, Senior Financial Accountant, ASU Eric Fisher, Assistant Vice Chancellor, TTUS Maleia Torres, Treasury Manager, TTUS Leanne Draus, Chief Analyst, Cash Manager, TTUS Cynthia Jobe, Executive Associate, TTUS

#### **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 EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2018, 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 May 31, 2018 for fiscal year 2018 (available for review upon request);
  - (b) TTU: Report dated May 31, 2018 for fiscal year 2018 (available for review upon request); and
  - (c) TTUHSC: Report dated May 31, 2018 for fiscal year 2018 (available for review upon request).
  - (d) TTUHSC EI Paso: Report dated May 31, 2018 for fiscal year 2018 (available for review upon request).

#### (2) TTUHSC and TTUHSC EI Paso: Contract Renewals, Extensions and Amendments per Sections 07.12.4.c and 07.12.6.b., Regents' Rules – "Notwithstanding Section 07.12.3 a or

07.12.6.b., Regents' Rules - "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks: resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting." AND "Approval of the president is required for all component institution contract renewals, extensions or amendments, A list of those renewed, 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."

#### TTUHSC:

(a) AMEND592484-003 (CON592484) Superior Health Plan Inc; Amendment to update terms of value based physician incentive program; Increase of \$400,000 to \$2,700,000 annually.

- (b) AMEND592422-004 (CON592422) Northwest Texas Healthcare System Inc; Amendment to monthly payment amounts by hospital and deletion of medical director compensation; Reduction of \$9,087,508 to \$8,112,497 annually.
- (c) AMEND589560-003 (CON589560) BSA Health System of Amarillo LLC; Amendment to extend term of faculty support agreement; Increase of \$14,584 to \$1,736,045 annually.
- (d) AMEND1670110-001 (CON1670110) Federal Bureau of Prisons CTS Contracting; Amendment to extend term of substance abuse and mental health treatment services; Reduction of \$7,816 to \$266,064 annually.
- (e) AMEND1592373-006 (CON1592373) University Medical Center UMC Lubbock; Amendment to modify RVU bonus structure of faculty support Department of Internal Medicine, Medical Oncology agreement; Increase of \$280,000 to \$2,279,000 annually.
- (f) AMEND1592373-005 (CON1592373) University Medical Center UMC Lubbock; Amendment to clarify compensation calculation; No change in value, remains \$1,999,000 annually.

#### TTUHSC El Paso:

- (a) 05145; Texas Health and Human Services Commission, "Network Access Improvement Program Agreement" for TTUHSC EI Paso campus, STAR Program agreement in conjunction with CMS and Managed Care Organizations, \$1,138,904.
- (b) 05255; The Hospitals of Providence, "Pediatric Resident Support Agreement" for TTUHSC EI Paso campus, Partial support for 9.2 residents to continue to provide services at Memorial Campus, \$1,501,763.
- (3) TTUHSC: Contracts for ongoing and continuing health-related service relationships as per Section 07.12.4.c, Regents' Rules: "Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting."
  - (c) CON2118774 (ref CON592606 & CON1592381) UMC Physician Network Services; Hospitalist Services to at University Medical Center; \$4,800,000.
- (4) TTU, TTUHSC and TTUHSC El Paso: 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 the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."

#### <u>TTU:</u>

(a) Purpose of Consultant: The Texas Tech University Vice President for Research requested the services of Dr. Bart Carter in order to assess the New Deal Farm and determine the feasibility of housing biomedical research in a farm setting. Dr. Carter will also provide recommendations to ensure that TTU is compliant with national research guidelines. Dr. Carter is a member of the Texas Society for Biomedical Research and has significant experience in the area of agricultural biomedical research. The fee, including travel and reimbursable expenses, is not to exceed \$1,813.96.

#### TTUHSC:

(a) CON2101776 J Randy Walker; Consultant Agreement – Assist TTUHSC in preparation for accreditation site visit for the SHP DPT program. \$8,500.

#### TTUHSC El Paso:

- (a) 05068; Anne Smeraldi Kruger, R.N., M.B.A., Inc., "Consultant Services Agreement" for TTUHSC El Paso campus, RE: Consulting services for Pediatric Department Operations, \$3,500.
- (b) 05236; Jon Alan Courand, M.D., Inc., "Consultant Services Agreement" for TTUHSC EI Paso campus, RE: Consulting services for Pediatric residency program, \$3,500.
- (c) 05293; Wendy Woodall, D.D.S., "Consultant Services Agreement" for TTUHSC EI Paso campus, RE: Consulting services for Woody L. Hunt School of Dental Medicine curriculum committee, \$25,000.

## (5) TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.4.b.,

**Regents' Rules:** <u>"Notwithstanding Section 07.12.3.a, Regents; Rules, The</u> 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."</u>

- (a) Application for Distinguished Researcher Dr. Luis Rafael Herrera-Estrella; Lawrence Schovanec, President, Presidents Office, and Principal Investigator; Office of the Governor; \$5,000,000 awarded
- (b) Impact of a lean beef diets on reducing the risk of developing cancer, diabetes and obesity in mouse models; Naima Moustaid-Moussa, Professor, Nutritional Sciences, and Principal Investigator; Beef Products Inc; \$1,600,000 awarded
- (6) TTU: Emergency or exigent circumstances approval of a major facilities project as provided by Section 08.01.7, *Regents' Rules*: "If the chancellor, on the recommendation of the president, declares a major construction project to be an emergency or that exigent

declares a major construction project to be an emergency or that exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, the board authorizes the chair of the board or the chair of the Facilities Committee to approve all necessary actions. Any emergency actions taken must be reported to the board at its next meeting." (a) Chairman Francis and Regent Esparza as Chairman of the Facilities Committee gave approval to the President of TTU to proceed with concept and Stage I services for the Jones AT&T Stadium – East Side Finish-Out project that needed approval before the August board meeting in order to provide project design and construction cost information and prepare fund raising documents.

The project will finish-out the 2nd and 3rd floors totaling 32,816 square feet of shell space within the Jones AT&T East Stadium Building. The finish-out will provide office suites and conference space for the relocation of the Athletic Coaches and staff from the Jones AT&T Stadium South End Zone Building. Finish out includes all mechanical, electrical, and plumbing required as those shelled spaces are unconditioned spaces. The total project budget is estimated at \$8.0 million.

(b) Chairman Francis and Regent Esparza as Chairman of the Facilities Committee gave approval to the President of TTU to proceed with a Stage II budget for the Dustin R. Womble Basketball Practice Facility project that needed approval before the August board meeting.

The project will construct a 58,000 GSF facility that includes separate practice areas for the men's and women's basketball teams plus weight and other athletic training elements. The total project budget now is estimated at \$29.5 million.

- In December 2017, Populous was awarded a pre-construction services contract for the design work, and Lee Lewis was awarded a pre-construction services contract as the Construction Manager At-Risk. The Stage 1 design budget was \$750,000.
- An amendment to the design services contract will allow Populous to proceed with preparation of construction documents that will be used during Stage 2 of the project. Populous' Stage 2 cost would be an additional \$1,377,970.
- (c) Chairman Francis and Regent Esparza as Chairman of the Facilities Committee gave approval to the President of TTU to proceed with a \$4.0 million project that needed approval before the August board meeting to construct greenhouses, growth chambers and a headhouse to support Dr. Luis Herrera-Estrella's research in cotton genomics.

A \$5 million GURI grant was the catalyst for TTU being able to recruit National Academy of Sciences member Dr. Luis Herrera-Estrella. The proposed facilities need to be ready for Dr. Herrera by March 1, 2019.

In order to meet the deadline, the project will be managed by TTU Operations. Terms for this arrangement are as follows:

- TTU can select the design team and a construction manager through TTU's Job Order Contracting process (i.e., without going through FP&C's RFP/RFQ and project approval processes);
- TTU can purchase materials/equipment for the greenhouses and growth chambers from the BuyBoard Purchasing Coop; and
- FP&C will remain active in the project and assist TTU Operations as needed throughout the process.

However for major facility projects (those in excess of \$2 million), Sec. 08.01.3.d, Regents Rules, requires the projects to be managed by FP&C.

And Sec. 08.01.3.a(3) also requires that, before contracts can be executed with a design firm or a construction manager for a major project, the Board must grant preliminary approval for the project, with information provided to the Board in advance about how the firms were selected/scored. Sec. 08.01.3.b also provides that, after the planning work is completed but before construction can begin, the project must be brought back to the Board for another approval.

For the Herrera project to proceed on the accelerated timeline as proposed above, the Board granted an exception to these *Regents' Rules* requirements.

## ATTACHMENTS

# ATTACHMENT

ASU OP 06.19, Regulations for Performance Evaluation of Tenured Faculty with proposed revisions (ACS Item 3.)



#### Angelo State University Operating Policy and Procedure

OP 06.19:	Regulations for Performance Evaluation of Tenured Faculty
DATE:	December 15, 2014Upon approval
PURPOSE:	The purpose of this Operating Policy/Procedure (OP) is to establish uniform guidelines and procedures for comprehensive performance evaluations of tenured faculty members.
REVIEW:	This OP will be reviewed by February every three years, or as needed by the Office of the Provost and the Faculty Senate with recommended revisions forwarded through the provost and vice president for academic affairs (PVPAA) to the president by March 1. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.

#### **POLICY/PROCEDURE**

#### 1. Background

In accord with VTCA, Education Code, Section 51.942 and the Board of Regents Guidelines for comprehensive performance evaluation of tenured faculty, each faculty member who is tenured at Angelo State University, excluding full-time academic administrators having tenure, is subject to a comprehensive performance evaluation. Each tenured faculty member must undergo a comprehensive performance evaluation once every six years following granting of tenure. The dean of the college initiates the evaluation process by notifying the faculty member of the comprehensive performance evaluation no later than September 1, the evaluation to begin no earlier than February 1 and end no later than May 1, all of the same academic year. The dean of the college simultaneously notifies the PVPAA and the faculty member's department chair. According to a predetermined schedule, the initial evaluation of tenured faculty under this OP shall be completed no later than September 1, 2014.

#### 2. Procedures

Standardized procedures, including required peer review, directed toward the professional development of the faculty member will be followed by each department and college. These procedures include:

- a. The comprehensive performance evaluation is to be based on the professional responsibilities of the faculty member in teaching, scholarly activity/creative endeavor, research and creative works, leadership/professional service, administration (when applicable), and clinical service for faculty with clinical responsibilities. The evaluation must include peer review of the faculty member.
- b. Annual performance evaluation materials, including the Faculty Activity Report and Evaluation Form as well as the Department Peer Evaluation Form, conducted under the

terms of OP 06.28 <u>Annual Performance Evaluation for Tenured and Tenure Eligible</u> <u>Faculty</u> for the period since the previous comprehensive performance evaluation will comprise the primary elements in the comprehensive review process. For a tenured faculty member's initial comprehensive evaluation under this policy, annual performance evaluation materials for the past six years will be used, <u>including the Faculty Activity</u> <u>Report and Evaluation Form as well as the Department Peer Evaluation Form including</u> the Faculty Activity Report and Evaluation Form, the Department Peer Evaluation Form, and any departmental documents that outline faculty progress towards departmental-level performance criteria as specified in OP 06.23 Tenure and Promotion Standards and <u>Procedures</u>. The faculty member may submit additional supporting documentation as he or she deems relevant for the comprehensive performance evaluation, <u>to includesuch as</u>:

- (1) complete vita, including a summary statement of professional accomplishments;
- (2) statement of professional goals; and
- (3) professional development plan; and.

(4) any other material deemed appropriate by the faculty member.

- c. The evaluation process will consist of the following steps:
  - (1) Evaluation by faculty peers at the department level

The department chair initiates the department peer review process after receiving notification of the required review from the dean. The chair convenes a meeting of the tenured faculty, charges them with evaluating the faculty member, and specifies the date by which deliberations must be completed. The department chair 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 chair, vote by secret ballot. In cases where the department does not have at least three tenured faculty members, the department chair will request evaluation from tenured members from other departments to provide a review committee of at least three people. The peer review committee is responsible for providing a summary rating (Performing Competently; Not Performing Competently) and providing constructive comments in narrative form when a rating of Not Performing Competently is identified. The elected chair will supervise the counting of ballots and fill out two copies of the evaluation form (Attachment A). The chair will destroy the ballots and forward one copy of the evaluation to the department chair and simultaneously forward the second copy to the faculty member.

A faculty member may meet with the peer review committee prior to its deliberations or upon receiving the committee's evaluation.

(2) Evaluation by the department chair

The department chair adds his/her evaluation of the tenured faculty member's comprehensive performance (Performing Competently; Not Performing Competently) and provides constructive comments in narrative form when identifying a rating of Not Performing Competently. A copy of this evaluation will

be provided simultaneously to the dean and the faculty member. Both the department chair and faculty member will sign the evaluation.

(3) Evaluation by the direct supervisor of administrative duties (when appropriate)

The direct supervisor of a faculty member with administrative duties is responsible for providing a summary rating (Performing Competently; Not Performing Competently) and providing constructive comments in narrative form when identifying a rating of Not Performing Competently (Attachment B). The supervisor will forward simultaneously a copy of the form to the department chair, appropriate dean, and faculty member. Both the supervisor and faculty member will sign the evaluation.

(4) Evaluation by dean of the college

The dean will review each comprehensive evaluation, including that of the peer review committee, department chair, and direct supervisor (when appropriate). The dean adds his/her evaluation (Performing Competently; Not Performing Competently) to the evaluation form (Attachment A), including constructive comments when identifying a rating of Not Performing Competently, and simultaneously forwards a copy to the faculty member and all appropriate materials, including Attachment B if appropriate, to the PVPAA for review.

(5) Evaluation by the PVPAA

The PVPAA reviews all materials, adds his/her evaluation (Performing Competently; Not Performing Competently) to the evaluation form(s), including constructive comments when identifying a rating of Not Performing Competently and simultaneously forwards a copy to the faculty member. The PVPAA forwards written results of all evaluations as well as his/her recommendation to the president.

d. At each level of review, an opportunity is provided 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. When the direct supervisor for a faculty member's administrative assignment disagrees with the faculty member, reconciliation is left to the dean or PVPAA as appropriate.

#### 3. Due Process and Rights to Appeal

The comprehensive performance evaluation process incorporates commonly recognized academic due-process rights, as specified in the Angelo State University Tenure and Promotion Policy. Due-process rights include notice of the timing, manner, and scope of the evaluation and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance evaluation conducted under this policy, notice of specific charges and the right to a hear on those charges. In all such cases the burden of proof shall be on the university. In the case of a disputed peer review, the faculty member may request that additional reviews in writing be solicited from no more than three external specialists in the faculty member's area of teaching and/or scholarly activity/creative endeavor. These outside

reviewers will be selected by mutual agreement between the faculty member and the department chair. The external specialist reviews shall be included with the evaluation materials forwarded to the responsible academic dean, the PVPAA, and the president and shall be considered in any administrative action that results from the comprehensive performance evaluation process.

#### 4. Actions

A faculty member may be placed in a development program as specified in OP 06.28, Section 3, or other appropriate disciplinary action, or subject to revocation of tenure if incompetency, neglect of duty, or other good cause is determined to be present. If termination is recommended by the appropriate parties as a result of the comprehensive performance evaluation, the faculty member shall be given the opportunity of referral of the matter to a non-binding alternative dispute resolution process as in Chapter 154 of the Civil Practices Code or another agreed upon dispute resolution methodundergo developmental planning as specified in OP 06.28 Annual Performance Evaluation for Tenured and Tenure Eligible Faculty or appropriate actions as specified in OP 06.29 Faculty Non-Reappointment and Tenure Revocation. Termination will only be pursuant to conditions, including responsible parties, of the termination procedure specified in the Angelo State University Tenure and Promotion Policy, OP 06.23: Tenure and Promotion Standards and Procedures, Section 10, Termination Review Procedures for Tenure Revocation, Non-reappointment and Termination Cases.

#### 5. Application

The annual comprehensive evaluation is not waived for any tenured faculty member but may be deferred for one year in the event that the review coincides with the comprehensive review for promotion or appointment to an endowed position. The PVPAA must approve any request for deferment.

#### 6. Notification

A copy of this policy and any amendments will be filed with the Texas Higher Education Coordinating Board on or before September 1 of each year.

Attachment A:Comprehensive Tenured Faculty Performance EvaluationAttachment B:Comprehensive Administrative Performance Evaluation

## ATTACHMENT



TTUS 2018 Strategic Planning Retreat, Summary Report to the Board of Regents (ACS Item 12.)



#### 2018 Strategic Planning Retreat Summary Report to the Board of Regents

Strategic Planning Sessions were conducted in February 2018 in El Paso with presentations from Texas Tech University Health Sciences Center El Paso and Angelo State University. The remaining three entities, Texas Tech University, Texas Tech University Health Sciences Center and the Texas Tech University System, presented during the May 2018 meeting.

Provided below is a summary of the information discussed during the sessions by each component with members of the Board. This document is shared with the Board of Regents and serves as a means for the Board to provide its direction, endorsement and formal adoption of these agreed-upon priorities during the August 2018 meeting.

Upon adoption of this summary report, the Chancellor and Presidents will work to address these priorities over the next year and into the future. Members of the Board will receive information and updates at full board meetings and interim committee meetings throughout the year to remain engaged and informed on these priorities and additional initiatives.

#### Texas Tech University System

Upon installation of the current administration, the TTU System has advanced a new executive leadership and management model that supports growth into a true system of higher education and discerns the autonomy of each institution, while also upholding accountability, building trust, earning respect and offering support and expertise. The introduction and implementation of sustainable practices and processes has strengthened operations for long-term prosperity and created tremendous harmony, collaboration and momentum to pursue a Broader Vision, comprised by the following strategic priorities for the System:

- Endowment Growth. In line with the flagship institution's 100<sup>th</sup> anniversary, benchmarks have been set and strategies are in motion for growing the endowment value to reach \$2 billion by 2023. Since FY 2015, the endowment value has increased more than \$150 million. Achieving this goal would not only enhance the TTU System's prominence, but it would also provide up to \$80 million in annual distributions to the component institutions.
- **State Legislative Program.** The TTU System is preparing for the 86<sup>th</sup> Texas Legislature by advancing an enhanced legislative strategy with additional staff support and engagement from university leadership. As legislative appropriations account for approximately 23 percent of the combined System budget, the TTU System is working to communicate the importance and value of its universities, as well as offer solutions for funding and governing challenges facing higher education.

1

- Federal and Congressional Program. A proactive and collaborative federal and congressional program has been established at the TTU System to help its component institutions obtain and sustain significant federal funding and support. While progress is ongoing, the strategy has yielded success in increased exposure and the fulfillment of four federal requests for FY18. For the FY19 funding cycle, the TTU System has submitted and continues to advance its 14 requests, the most in one cycle in System history. Work continues in developing institutional cultures to engage faculty and align strategy with long-term research opportunities and in monitoring timely, near-term opportunities for additional funding and support.
- **Sustained Philanthropy.** In coordination with the component institutions, the TTU System will continue to broaden its philanthropic program as a well-balanced structure that promotes sustainable fundraising through best practices and increases university ownership. More than \$571.4 million (as of July 23, 2017) has been raised during the current administration, and initial development of a System-wide, needs-driven philanthropic fundraising effort is underway to support university growth and prominence. New funding models for Institutional Advancement at the System and university levels are being recommended to support institutional needs and coordinated System services.
- **Budgetary and Fiscal Matters.** Mindful of its resources, the TTU System administration is working to right-size and reform its budget to support its maturity and continued growth, while also minimizing contributions provided by the component institutions. Additionally, new concepts and strategies, such as System Regulations and financing options for donor-funded capital projects, are being introduced to strengthen the System's financial position and maintain superior credit ratings and debt capacity.
- **Impactful Initiatives.** In accordance with its mission, the TTU System continues to support and help advance the development of several impactful initiatives identified as key priorities by its component institutions, including the Woody L. Hunt School of Dental Medicine, the School of Veterinary Medicine, and the Texas Tech Institute of Mental Health, among other areas. With the success of these initiatives, the TTU System will become just the ninth university or system in the U.S. and the first Non-Land Grant Institution to have undergraduate, medical, law, veterinary, nursing, pharmacy and dental education opportunities.

#### Texas Tech University Health Sciences Center

• <u>Academics</u> - Provide innovative educational programs that prepare students to be competent and caring health care professionals and researchers.

TTUHSC is focused on promoting innovative approaches in teaching and learning, providing meaningful interprofessional educational experiences for all students, and enhancing personal and professional development in order to graduate students who

will be better prepared professionally and personally for a career in the health care environment.

### • <u>Research</u> - Advance our research portfolio with emphasis on areas of strength and collaboration.

TTUHSC is focused on developing an infrastructure plan that maximizes resources (i.e. Office of Sponsored Programs, Research Core Labs, Research Lab Space, IT and Library, LARC, etc.) and increases collaboration of research and scholarly activity in areas of strength, as well as exploring novel funding opportunities and other activities to increase research and enhance TTUHSC's visibility and reputation.

## • <u>Service and Outreach</u> - Improve overall health and access to health care for communities in our region through the provision of patient care services and community outreach.

TTUHSC is focused on providing a positive and collaborative patient experience by leveraging our unique position as a comprehensive academic health care center, as well as making positive impacts through service, outreach and engagement driven by community needs and TTUHSC expertise.

Additionally, we look to further integrate telemedicine/telehealth into our service offerings to broaden access to health care in rural and underserved areas through telehealth services.

#### • <u>People</u> - Create a sustainable, values-based culture.

TTUHSC is focused on redefining our university environment by identifying and integrating values that forge our identity, and on investing in people growth and development to become the employer of choice in each of TTUHSC's markets. Further, we will implement a values-based approach to our recruitment, retention, reward and evaluation processes.

### • <u>Operations</u> - Ensure the operations and infrastructure effectively and efficiently support the mission of the institution.

TTUHSC is focused on aligning our operations and infrastructure to support the university's core academic, service and research missions. Restructured operational divisions such as External Relations (Institutional Advancement and Communications & Marketing) provide opportunities to strengthen our brand in the health care and higher education markets and work collaboratively with key stakeholders. A new focus in Human Resources will bring about a redefined work environment established on a values-based culture. These along with restructured organization in areas of Finance, Information Technology, Facilities and Safety Services allows TTUHSC to better support the many initiatives carried out on a day-

to-day basis.

Additionally, new construction projects and renovations in existing buildings on all TTUHSC campuses will enhance academic and student support services across the institution.

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

- Woody L. Hunt School of Dental Medicine (WLHSODM). TTUHSC El Paso will present a feasibility study to the Texas Higher Education Coordinating Board (THECB) in October 2018. The Legislature has provided authorization and funding to develop the WLHSODM. In June 2018, TTUHSC El Paso received full Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) accreditation, and upon approval from the Board of Regents, TTUHSC El Paso will submit a substantive change request to SACSCOC for the dental degree program. Additionally, we are completing the accreditation application for the Commission on Dental Accreditation (CODA) and will submit it in February 2019, pending approval of the Board of Regents and the THECB.
- **Gayle Greve Hunt School of Nursing.** TTUHSC El Paso continues toward its enrollment goal of 600 nursing students by 2020 and is implementing enhanced recruitment strategies and academic offerings. Additionally, the school's new dean, Stephanie Woods, Ph.D., M.S.N., began July 1, 2018.
- Medical School & Residency Programs. TTUHSC El Paso continues to explore the expansion of its incoming medical school class size and is working toward establishing 75 to 90 new Graduate Medical Education positions (residencies and fellowships) through associations with Tenet Hospital (Transmountain Campus).
- **Faculty Recruitment and Retention.** TTUHSC El Paso is boosting faculty retention by analyzing and acting on results of the annual faculty survey which highlighted a need for career enhancement in a more supportive environment. Faculty recruitment is being strengthened by coordinating with the Department of Medical Education to meet the needs for the growing class size, including expansion of the clinical practice.
- **Campus Facility Master Plan.** TTUHSC El Paso is updating its Campus Facility Master Plan in coordination with Facilities Planning & Construction. The plan will reflect the new Medical Sciences Building II now underway, as well as future sites for the WLHSODM and updated clinic facilities.
- **Research Activities.** TTUHSC El Paso is reviewing opportunities to increase research activities and funding by working with federal relations, as well as strengthening its infrastructure to support clinical research.

• **Clinical Activities.** TTUHSC El Paso is reviewing opportunities to increase clinical activities and revenue, including establishing an Enterprise Data Warehouse, which will enhance data gathering and availability, thereby increasing grant application opportunities.

#### Angelo State University

- Enrollment, Retention & Graduation. ASU has achieved record enrollment growth and has seen significant increases in retention and graduation rates.
- **Dual Credit Program.** This program continues to enhance ASU's influence and reputation. ASU is examining ways to maintain momentum and expand success of the program.
- Academic Quality and Reputation. ASU continues to evolve its academic programs such as mechanical engineering, health care administration specializations, along with new master's degree programs in social work and professional school counseling. The university is also working to increase its online presence and summer enrollment.
- **Partnership Development.** ASU is working on development of international academic partnerships in Vietnam and Taiwan. ASU is also expanding opportunities with Korea, as well as continuing its partnership with Shannon Clinic.
- **Facility Improvements.** ASU is preparing for campus and infrastructure improvements to accommodate academic growth and student needs, specifically focusing on engineering, housing, the green house and museum.

#### Texas Tech University

- **TTU Strategic Plan.** TTU's updated strategic plan entitled "A Foundation for the Next Century," which provides priorities and goals to 2025 was completed last year and a copy was presented to the Board of Regents during a recent board meeting. After vetting the three priorities among focus groups consisting of the campus and Lubbock communities, the priorities were modified as follows:
  - Educate and empower a diverse student body
  - Enable innovative research and creative activities
  - Transform lives and communities through strategic outreach and engaged scholarship.

#### • Educate and empower a diverse student body.

Enhancing student quality is a priority along with the need for enrollment growth to support the expanding needs of the institution, which serves to provide students with the best possible educational experience. TTU has experienced a 30.2 percent enrollment increase over the last 10 years and continues to work on increasing retention and graduation rates, while also planning for an annual growth of approximately 2 percent to ultimately attain an enrollment of 44,500 students by 2025. Due to funding increases by the President's Office and support from the Chancellor's Council, the number of Presidential Scholars and National Merit Finalists has increased. TTU has experienced an increase in Hispanic enrollment of 48 percent in the last five years, which has allowed TTU to achieve status as a Hispanic Serving Institution (HSI). This measure along with increases in the growth of African-American students and first-generation students is a positive factor for our goal to increase TTU's diversity. TTU's regional site enrollment is progressively increasing at a moderate rate. Critical long-term goals by 2025 are:

- Graduate enrollment of 20 percent
- One-year retention rate of 90 percent and 6-year graduation rate of 70 percent
- Every student to have research/creative work or internship experience
- Expand opportunities for nontraditional students through e-learning and regional sites
- Increase the number of minority faculty
- Develop nationally recognized academic programs

#### • Enable innovative research and creative activities.

Recent performance measures include TTU's designated Carnegie Highest Research Activity status, as well as record Total Research Expenditures (TRE) and Restricted Research Expenditures (RRE) and National Science Foundation Higher Education Research Data. Our research commercialization is showing some positive growth in new licenses and patent applications.

Increasing our research expenditures, specifically in the federal sector, continues to be a major focus. Our goal is to achieve \$47 million in STEM Federal Research Expenditures by 2020 and \$120 million in RRE by 2025. These efforts along with continuing to increase publications and citations and doctorate degrees awarded will solidify our status as a top research institution.

TTU will strive to become a leader in:

- Water, land, food and fiber
- Energy
- Health, well-being, and quality of life
- Creative inquiry across the arts, humanities and sciences

To that end, we have recently been awarded a GURI in the amount of \$5 million from

the state of Texas, which TTU will match. This has allowed us to recruit a National Academy of Sciences member who will begin in Fall 2018 and will enhance TTU's national and global recognition. This critical hire will provide the opportunity for additional collaborations with industry. Additionally, we are looking to expand our national partnerships with such entities as Sandia National Lab, Scaled Wind Farm Technology and BP (formerly British Petroleum), and we will be seeking opportunities for educational and research collaborations with Midland-Odessa oil and gas industries.

The Texas Tech Institute of Mental Health (TTIMH) and School of Veterinary Medicine (SVM) are large initiatives which we will continue to work on. We are collaborating with TTUHSC on the TTIMH and have recently hired a director, Keino McWhinney, and the City of Amarillo has agreed to provide a large infusion of funds for the SVM. We continue to fundraise for this initiative.

Our long-term goals (2025) for our research enterprise are as follows:

- Achieve metrics that place TTU in the top 50 for Carnegie publics in TRE, publications, doctorates awarded and faculty awards
- Achieve status as a top 50 public research universities by the Center for Measuring University Performance
- Increase invention disclosures, patents and number of start-up companies

#### • Transform Lives through Strategic Outreach and Engaged Scholarship.

TTU will continue to promote an engaged campus community to develop a culture of outreach and engagement that spans the student experience, research and service. We have recently appointed an Assistant Vice President, Dr. John Opperman, who reports to the Provost and has oversight of this unit. They will continue to develop engagement with the community, which will enhance our ability to continue to receive the Carnegie Community Engagement Classification and maintain the APLU Innovation and Economic Prosperity University designation. Our annual assessment of engagement shows that external funding has increased by 40 percent in one year; over one million individuals from communities in 50 states and 89 countries were impacted; and faculty, staff and students were involved in 1,271 partnerships. TTU's goals are to partner with communities in solving complex problems, achieve a sustainable, coordinated outreach scholarship program, enhance communication processes to develop an understanding of this priority, and enhance recognition of faculty and staff who contribute to this priority. TTU's long-term goals include the following:

- Establish outreach and engaged scholarship that results in increases in external research, commercialization and funded activities
- Increase and strengthen collaborative community partnerships that stimulate creativity, innovation and economic development

## ATTACHMENT

**3** book 2018-2019 with

ASU Student Handbook 2018-2019 with proposed revisions (Consent Item a.)

### ANGELO STATE UNIVERSITY Student Handbook 2017-20182018-2019

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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.

Angelo State University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, masters, and doctorate 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 Angelo State University. Note: 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. Normal inquiries about Angelo State University, such as admission requirements, financial aid, educational programs, etc., should be addressed directly to Angelo State University and not to the Commission's office.

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 <u>Texas Education Code</u>. 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 August 10, 2018 to be effective Monday, August 13, 2018.

#### 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

- Learning: Our Focus ASU holds student learning as the center of everything that we do.
- Excellence: Our Standard ASU embraces excellence in teaching, scholarly activity, creative endeavor, and service.
- **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.
- **Integrity: Social and Ethical Responsibility** ASU expects a high standard of social and ethical responsibility from all members of the campus community.
- Engagement: Participation and Community Service ASU encourages participation and community service both on and off campus by faculty, staff, and students.
- Innovation: Teaching, Service, and Scholarship ASU promotes innovation in teaching, scholarship, technology, collaborative partnerships, support services, and co-curricular activities.
- 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.
- 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<sub>1</sub> 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/Title IX Compliance (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 <u>Compliance</u>, 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, drafting the decision letter, providing clarification on policy and procedure, and providing clarification on appropriate sanctions if assigned.

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 <u>Executive Director of Student Affairs and the</u> 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: (<u>http://www.angelo.edu/student-handbook/code-of-student-conduct/</u>). 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 <u>of Student Conduct</u>* 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/registrars\_office/registrar\_forms.php.

# 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. <u>The Office of Student Affairs and/or Office of Title IX Compliance will make every effort to complete the process as quickly as possible. Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This <u>T</u>timelines 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.</u>

# 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 <u>report</u>file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online <u>Incident Reporting Form</u>. The online reporting form can be utilized to report any behaviors of concern to the appropriate individuals at <u>Angelo State University including but not limited to: potential violations of the Code of</u>

<u>Student Conduct, concerns related to possible violations of Angelo State's Sexual</u> <u>Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy. When submitting an</u> <u>online report, please include as many details as possible including name, title, and</u> <u>contact information. Please note that submitting the report anonymously may greatly</u> <u>limit the institution's ability to address your concern. Upon receipt of this report, the</u> <u>appropriate Angelo State Administrator will review the matter and take proper steps to</u> <u>investigate, stop, prevent, and remedy prohibited conduct in accordance with Angelo</u> <u>Setate policies.</u>

Individuals may also file a report in person<u>or anonymously</u> with the Executive Director of Student Affairs<u>, Director of Title IX Compliance</u>, or designee, located in <u>S</u>suite 112 of the Houston Harte University Center<u>, or the Director of Title IX</u> <u>Compliance located in the Mayer Administration Building</u>, Room 204<del>.</del>. 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 <u>Incident Reporting Form</u>. 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, the organizationit i iss less likely tothat 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 recur. 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. Selfreporting 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 of 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: (<u>www.angelo.edu/ferpa</u>).

### **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 international 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 Criminal Behavior**

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 available to assist students in making a report to law enforcement and will even accompany the student if he or she wishes.

### 12. <u>12.</u> 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 addictions to the attention of the University prior to any conduct incidents or reports.

The University will not take any disciplinary action against a student who, in good faith, reports being the victim of, or witness to, an incident of sexual harassment, sexual assault, dating violence, or staling, for a violation of the Code of Student Conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process regarding the incident.

Subject to the exceptions noted below, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports to the university being the victim of, witness to, an incident related to Sexual Misconduct, for offering assistance to others by calling medical personnel or law enforcement, or bringing 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.

The University reserves the right to investigate to determine whether a report related to Sexual Misconduct was made in good faith. After such investigation, the Director of Title IX Compliance <u>f</u>, Title IX and Conduct-OfficerTitle IX Coordinator or his/her designee will make a determination as to whehether a student is entitled to amnesty. Once a determination is made regarding amnesty for a student, such determination is final and may not be revoked.

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* 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.

Notwithstanding the foregoing, amnesty does not apply to a student who reports the student's own commission or assistance in the commission of Sexual Misconduct. Although students eligible for amnesty may avoid formal disciplinary action under these amnesty provisions, amnesty does not preclude the University from requiring students to participate in directives such as counseling or educational opportunities relating to the <u>conduct</u> engaged in by students.

<u>Abuse of these amnesty provisions by a student may result in a violation of the Code of</u> <u>Conduct.</u>

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 of 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.

# **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 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<sub>\*</sub> 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: For the purposes of this policy, interpersonal violence is:

a. Domestic Violence or Family Violence - Abuse or violence, or threat of 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. 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. <del>a.</del>

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).

b. Dating Violence - Abuse or violence, or threat of 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. A Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintanceship nor ordinary fraternization socialization between two individuals does not in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence or family violence. 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.

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:

- Exposing one's genitals or private area(s);
- Public urination;
- Defecation; and/or
- Public sex acts.

### 3. Sexual Assault

sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse. Sexual assault includes:

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:
  - 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.
- 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:

- 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 his/her temporary or permanent mental incapacity.
- Statutory Rape Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- NOTE: Refer to Appendix C for a comprehensive definition 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:

- <u>a.</u> Purposeful <u>photography</u>, <u>video</u> recording <u>of another person in a</u> <u>sexual intimate, or private act without the person's full knowledge</u> <u>and consent</u>;-
- a.b. Purposeful distribution, or dissemination of sexual or intimate images or recordings of another person without that person's knowledge or consent;
- b.<u>c.</u>Sexual voyeurism;
- e.d. Inducing another to expose one's genitals or private areas;
- d.e. Prostituting another; or
- e.f. Knowingly exposing someone to or transmitting a sexually transmitted disease without the person's full knowledge and consent.
- 5. Sexual Harassment

Unwelcome <u>sex based</u> verbal, written, or physical conduct of a sexual nature \_\_when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;
- b. Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or
- 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, persistent, or pervasive.

Examples of inappropriate behavior that may constitute unlawful sexual harassment or Sexual Misconduct included, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- 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.
- 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 (<u>http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.42.htm#42.072</u>).

# 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 of 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 <u>or may occur; witnesses or participates in a specific hazing incident</u>, 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 <u>Texas Education Code</u>, 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

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 H (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/Vaping/Tobacco

Smoking<u>, vaping</u>, or use of smokeless tobacco products in unauthorized areas on University property as designated by the Angelo State University <u>Smoke/Tobacco-Free</u> <u>Environment policy</u> (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, <u>tTasersTasers</u>, 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. (<u>University Operating Policy 02.10 Concealed Carry of Handguns on Campus</u>).

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 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. 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

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 (<u>OP Section 44</u>), 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 commercials purposes, or for personal gain.
- f. Access, creation, storage, or transmission of material deemed obscene (as defined by <u>Chapter 43 of the State of Texas Penal Code</u> 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.

### 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:* <u>http://www.angelo.edu/services/parking\_services/</u>

## 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 <u>Board of Regent's'</u> *Rules*.

- a. <u>University Parking Services</u>
- b. Housing and Residential Programs
- c. <u>Student Life</u>
- d. <u>Multicultural and Student Activities Programs</u>
- 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 Reporting Party's statement. If it <u>is</u> determined that the information reported does not warrant an allegation, a <u>policy warning letter Policy Clarification</u> may be issued to <u>the involved parties to</u> clarify the policy that was in question.

When an initial report of misconduct by a third party does not identify the Reporting Party or the Reporting Party 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.

<u>NOTE: The Executive Director of Student Affairs, Director of Title IX Compliance, or designee</u> <u>may proceed with the conduct process (even if the complainant(s) chooses not to participate)</u> <u>on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence</u> <u>(PPTV) that may significantly impact the campus community and others.</u>

### 1. Remedies and Resources

The University will take immediate action to eliminate hostile environments, prevent reoccurrencerecurrence, 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 <u>of</u> 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, that is deemed a continuous threat, 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 Party. Students are informed of interim actions by the official notice procedures outline in Part I, Section A.3. in 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 pending 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:

- A significant and articulable threat to the health or safety of a student <u>orof</u> other member(s) of the University community <u>that is deemed a</u> <u>continuous threat</u>;
- 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.

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, the Director of Title IX Compliance, or designee, in conjunction with the University Police Department, will issue a Criminal Trespass Warning to that individual(s).

- 5. Withdrawal of Consent
  - 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, Director of Title IX Compliance, or designee that, in accordance with the <u>Texas Education Code</u>, 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:

- 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, or designee 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, 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.

b. Registration <u>Hold Flag</u> 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. Referral Meeting

<u>A University official may request a meeting with a student in order to discuss a referral</u> <u>made to the Office of Student Conduct, Office of Title IX Compliance or other</u> <u>administrative department when the referral may not be deemed a violation of the *Code* <u>of Student Conduct</u>, but when the 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 that repeated referrals may warrant an Investigation which may warrant adjudication.</u>

# **3. Voluntary Resolution**

In any matter governed by the *Code of Student Conduct*, the parties (usually the Reporting Party and Responding Party) may mutually agree to attempt to resolve the matter prior to conclusion of the conduct process through a Voluntary Resolution process. The procedures utilized in the Voluntary Resolution process must be agreed upon by the parties with concurrence from the Executive Director of Student Affairs, Director of Title IX Compliance, or designee. The parties must mutually agree in writing to all aspects of any resolution reached through the Voluntary Resolution process, including any restrictions, sanctions, or conditions as my be agreed upon by the parties with concurrence from the Executive Director of Title IX Compliance, or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Voluntary Resolution process at any time prior to final resolution, at which time the matter will proceed through the student conduct process as set forth in the *Code of Student Conduct*. Voluntary Resolution agreements will be maintained in accordance with University policies.

### **<u>42</u>**. The Conduct Process

### a. Notice of InvolvemenInvestigation/Notice of Involvementt

A student will be given notice of his or her <u>investigation involvement</u> in an alleged violation of the Code of Student Conduct by the receipt of a "Notice of InvestigationInvolvement/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 only 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 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. Students are responsible for presenting their own information; 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. The Executive Director of Student Affairs, Director of Title IX Compliance, or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest, or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an Advisor during their suspension, and students who have been expelled may not serve as an Advisor.
- 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 their 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\_of Student Conduct* 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 investigation Reports and/or investigation after the Investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the investigative process at which point the Student Conduct 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, 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. The Informal Resolution, while not considered mediation, will also not be utilized to resolve cases of 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 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 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'sthe Responding Party's allegations, Panel composition, and Hearing <u>Ss</u>cript. 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 <u>or</u> Panel Hearing <u>or</u> <u>Sanction Only Hearing</u> is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing <u>Panel Hearing</u> or <u>Sanction Only HearingHearing Panel</u> will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the list of 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.

At the discretion of the Executive Director of Student Affairs, Director of Title IX Compliance, or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand to investigation or adjudication if deemed necessary.

### **<u>5</u>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. If the

student accepts responsibility for the allegations issued in the investigation Report, the student may request a Sanction Only Hearing.

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 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 or the Office of Title IX Compliance prior to the scheduled Hearing.

<u>The Uuniversity will attempt to facilitate reasonable questioning of involved parties</u> throughout the investigation and conduct process.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the student, and the student has failed to respond within the allotted timeframe to meet with an investigator.

#### 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 Appeal Procedures outlined in Part I, 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 I, 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 Party <u>do not have the right to question each other or witnesses directly but may not 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</u>
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.

#### c. Sanction Only Hearing

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing Panel by the Investigator. During presentation of the Investigation Report and finding, the Reporting and Responding Party are not allowed to dispute the facts or details of the case. Both the Reporting and Responding Party may be present and both the Reporting and Responding Party may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Responding Party and may be considered by the Hearing Panel. Written notification of the outcome of the Sanction Only Hearing will be provided to the student(s) within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the students by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C.5. In Sanction Only 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." A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.

#### **<u>64</u>**. Sanctions

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or 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: <u>http://www.angelo.edu/student-</u> <u>handbook/appendices/sanctioning-grids.php</u>. 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. The Student Conduct Officer/Investigator, Administrative Hearing Officer, and/or the Hearing Panel may deviate from the grid <u>for sufficient reason</u>.

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 **Pp**rocess 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. **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 <u>R</u>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, <u>or</u> Hearing Panel, <u>Sanction Only Hearing</u>, 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 <u>conditions, restrictions, and/or</u> 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, <u>http://www.adaccv.org/</u>.

#### 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.

#### **<u>75</u>**. 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 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 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. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, he or she 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.

#### **<u>86</u>**. 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/Responding Parties

- a. The University will take immediate action to eliminate hostile environments, prevent <u>recurrencereoccurrence</u>, 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, <u>victim's advocate assistance</u>, 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, that is deemed a continuous threat, 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. of the *Code of Student Conduct*. Interim action is not a sanction. It is taken in an effort to protect the safety and wellbeing 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 Investigation/Notice of Involvement Involvement

A student organization will be given notice of the organization's <u>investigation</u> <u>involvement</u> in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of <u>Investigation/Involvement/Notice of InvolvementNeed to Talk</u>" 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 <u>International Inter/National</u> or Regional Headquarters (if relevant)

In most cases (with the exception of low-level concerns), Greek Life staff will notify representatives of the <u>internationalinter/national</u> or regional headquarters of the complaint received and of the process for reviewing the complaint. Angelo State University believes in an active partnership with <u>internationalinter/national</u> and regional organization staff to resolve concerns. These <u>internationalinter/national</u> 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 <u>internationalinter/national</u> and regional organizations when <u>recurring reoccurring</u> 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 <u>V</u>victim's <u>A</u>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. Advisors are not
  permitted to speak or participate directly in any Hearing unless authorized by a
  Student Conduct Officer/Investigator.
- 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.
   <u>The Executive Director of Student Affairs or designee has the discretion to remove an advisor at any point during the conduct process. A witness, anyone who may have a conflict of interest, or anyone who may have any participatory role in the process may not be allowed to serve as an Advisor. Students who have been suspended may not serve as an Advisor during their suspension, and students who have been expelled may not serve as an Advisor.
  </u>
- 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 hearing; 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.

## *NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.*

- <u>d.</u> The opportunity to provide information and evidence in support of the case; <u>d.</u>
- <u>e.</u> Know if they have been issued any allegations of misconduct;
- <del>e.</del>

<u>f.</u> <u>F.</u> Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;

- <u>g. g.</u> 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 <u>internationalinter/national</u> 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:

<u>j.</u> <u>j.</u> Be responsive to all communications from the University;

- <u>k.</u> <u>k.</u> Provide information relevant to the incident or situation;
- <u>I.</u> Be honest and provide true and accurate information during the investigation;
- <u>m.</u> 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 <u>allegationconcern</u>.
- 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.

- Internationalnter/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 <u>unobstructedunobstructive</u>

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 (<u>internationalinter/national</u> 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/or other documents/material to be used in the Administrative or Panel Hearing. Other documents <u>may</u> include notification of Responding Party's allegations, Panel composition, and Hearing <u>Secript</u>. 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 partie<u>sd</u> 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. or Sanction Only 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. or Sanction Only Hearing will be held notwithstanding the student's preference.
- e. In cases requiring a Hearing Panel, the Student Conduct Officer/Investigator will share the <u>listpool</u> 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.
- f. At the discretion of the Executive Director of Student Affairs, Director of Title IX Compliance, or designee, a review of the conduct case may occur at any point during the investigation or conduct process for clarification of procedural processes and may remand to investigation or adjudication if deemed necessary.

#### **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, relevant evidence, and/or other documents/materials and render a decision. Student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing.
- b. 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 tThe 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 do not physically have to 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 or the Office of Title IX Compliance prior to the scheduled Hearing

The University will attempt to facilitate reasonable questioning of involved parties throughout the investigation and conduct process.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the student organization, and the student organization has failed to respond within the allotted timeframe to meet with an investigator.

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 <u>internationalinter/national</u>, 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.

#### d. 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 an Administrative Hearing Officer assigned by the Executive Director of Student Affairs, <u>Director of Title IX Compliance</u>, 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.

#### e. b. Panel Hearing

For each Panel Hearing a panel of three (3) <u>Hearing Panel</u> members will be chosen from the available pool by the Executive Director of Student Affairs, -the Director of Title IX Compliance, or designee. <u>Typically, tThe Hearing</u> 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 <u>Hearing</u> 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 <u>do not have the right to may</u> <u>not</u> 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.

#### c. Sanction Only Hearing

If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing, by either a Hearing Officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing body by the Student Conduct Officer/Investigator. During presentation of the Investigation Report and finding, the Reporting Party and Responding Party are not allowed to dispute the facts or details of the case. Both the Reporting Party and Responding Party may provide impact statements prior to sanctioning. Mitigating factors as well as character statements may be presented by the student organization spokesperson and may be considered by the Hearing body. Written notification of the Sanction Only Hearing will be provided to the student organization within five (5) University working days of the conclusion of the Sanction Only Hearing. Decisions made through the Sanction Only Hearing may be appealed by the student organizations by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C. 5. In Sanction Only 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." A student organization may choose a Hearing Panel for Sanction Only Hearing for potentially separable offenses.

#### 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 <u>Sanctioning Grid</u> 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. <u>The Student Conduct Officer/Investigator</u>, Administrative Hearing <u>Officer</u>, and/or the Hearing Panel may deviate from the grid for sufficient reason.

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 <u>disciplinary</u> sanction(s) will not begin <u>and are not deemed final</u> until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. <u>Sanctions agreed upon through the Informal Resolution</u> <u>Process are final upon effectuation of the Informal Resolution. When sanctions are final,</u> <u>appropriate University Administrators may be notified of the student organization's</u> <u>sanctions.</u> 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. <u>Findings and sanctions agreed upon through the Informal Resolution Process are final</u> and cannot be appealed.

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. 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 <u>under the Code of</u> <u>Student Conduct</u> 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 international 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 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, and recruitment activities.

#### h. Required Notifications

Some organization misconduct requires additional notifications. <u>Texas Education Code</u>, <u>Chapter 51.936</u> 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 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 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.
- 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 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.
- 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 <u>international</u>inter/national or regional headquarters or organizations as appropriate.

### **PART II: COMMUNITY POLICIES**

#### **SECTION A: ALCOHOL POLICY & INFORMATION**

**1. 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**

#### 1. 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.

#### 2. Academic Dishonesty Definitions

Students must understand the principles of academic integrity, and abide by them in all class<u>es</u> and/or course work at the University. Academic Misconduct violations are outlined <u>in</u> Part I, Section B.1. 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.

#### 3. 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 of 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;

assigning a make-up assignment that is different than the original assignment; issuing no credit for the original assignment; reducing the grade for the assignment and/or course; 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 *Code of Student Conduct.* 

#### 4. 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).

#### 5. 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.

#### 6. 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 of 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, <u>including pregnancy</u>, race, <u>color</u>, <u>religion</u>, <u>national origin</u>, <u>religion</u>, <u>age</u>, disability, <u>protected</u> <del>veteran status</del>, genetic information, <u>status as a protected veteran</u>, 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 <u>Non Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws</u>.

#### 1. Harassment

a. <u>Discriminatory</u> Harassment <u>is harassment</u> based on a person's protected class under this policy is a form of discrimination. Unlawful harassment is verbal, <del>or</del> physical, <u>or written</u> 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 <del>that:</del><u>and</u> is <u>severe</u>, <u>persistent</u>, <u>or pervasive such that</u> it creates an <u>intimidating</u>, <u>hostile</u>, <u>or offensive educational environment</u>; <u>has the purpose or</u> <u>effect of unreasonably interfering with a student's educational performance</u>; <u>adversely affects a student's educational opportunities or environment to the</u> <u>point of interfering into the student's ability to realize the intended benefits of</u> <u>the University's resources and opportunities</u>.

Create an intimidating, hostile, or offensive working or educational environment. Have the purpose or effect of unreasonably interfering with an employee's or a student's educational performance.

Adversely affect an employee's employment opportunities or student's educational opportunities.

#### 1. Is severe or p

b.a. 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 ethnic characteristic.
- 4. Disparaging or disrespectful comments if such comments are made because of a person's protected status.
- 5. Loud or angry outbursts or obscenities in the workplace directed 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.

#### 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, <u>Sexual Harassment</u>, <u>Sexual Assault</u>, <u>Sexual Misconduct</u>, and <u>Title IX Policy</u> and <u>Complaint Procedure for matters concerning Sexual Misconduct</u>.

#### 3. Reporting Concerns

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/<u>Title IX Coordinator</u>. Additional information on reporting can be found at:

<u>https://www.angelo.edu/services/title-ix/</u> or in University Operating Policy 16.03, <u>Sexual</u> <u>Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure for</u> <u>matters concerning Sexual Misconduct</u>. An online reporting form is also available at: <u>https://www.angelo.edu/services/title-ix/file-a-complaint.php</u>.

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.

#### 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 <a href="http://www2.ed.gov/about/offices/list/ocr/index.html">http://www2.ed.gov/about/offices/list/ocr/index.html</a>.

#### 5. Retaliation

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.
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.

#### 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.

#### 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, <u>Non Discrimination and Anti-Harassment Policy</u> and Complaint Procedure for Violations of Employment and Other Laws and University Operating Policy 16.03, <u>Sexual Harassment</u>, <u>Sexual Assault</u>, <u>Sexual Misconduct</u>, and <u>Title IX Policy and</u> <u>Complaint Procedure</u> 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, <u>Academic Regulations Concerning Student</u> <u>Performance</u> 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, <u>Student Absences for Observance of Religious Holy Days.</u>

#### 3. Student Absence due to Sponsorship of Student Activities and Off-Campus Trips

- a. According to the Undergraduate and Graduate Catalog, <u>Ff</u>aculty, 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, <u>Academic Regulations Concerning</u> <u>Student Performance</u>, students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an offcampus 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 <u>Compliance</u>, or designee as they go through a written complaint process. The Executive Director of Student Affairs, Director of Title IX <u>Compliance</u>, 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

- Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in University Operating Policy 10.07, <u>Undergraduate Academic Status</u>, University Operating Policy 10.11, <u>Grading</u> <u>Procedures</u>, and University Operating Policy 10.04, <u>Academic Regulations Concerning</u> <u>Student Performance</u>.
- b. Undergraduate students on academic probation or suspension should refer to University Operating Policy 10.07, <u>Undergraduate Academic Status</u> 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, <u>Conduct of</u> <u>University Faculty</u>. 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 <u>16.03</u>, 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, <u>Providing Accommodations for Students with Disabilities</u> and Operating Policy 16.02, <u>Non-</u> 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-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, <u>Staff Employee Complaint Procedure</u> and University Operating Policy 16.02, <u>Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of</u> <u>Employment and Other Laws</u>.

#### 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 computation, 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, <u>Grade Grievance.</u> Also, <u>if Academic Misconduct is involved</u>, 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: <u>http://www.angelo.edu/services/parking\_services/</u>. 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, <u>Admission to the College of Graduate Studies and Research</u>, University Operating Policy 42.02, <u>College of Graduate Studies and Research Enrollment Policy</u>, University Operating Policy 42.03, <u>Graduate Students Employed as Teaching Assistants</u>, <u>Graduate Assistants</u>, and <u>Graduate Students</u>. 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 of the college in which the course is offered and are guided by the process in University Operating Policy 10.03, <u>Grade Grievance</u>.

#### **13. Housing Complaints**

Housing regulations and processes are outlined in University Operating Policy 60.02, <u>Housing Policy</u>. 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: <a href="http://www.angelo.edu/services/student\_services/">http://www.angelo.edu/services/student\_services/</a>.

#### 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: <u>http://www.angelo.edu/content/forms/413-feedback-form</u>.

#### **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: <u>http://ramport.angelo.edu/cp/home/displaylogin</u> (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/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 2218446 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, Centennial Village and 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.

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 singleoccupancy 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. <u>Concho Hall offers suites with two</u> <u>double-occupancy rooms adjoined by a shared bath.</u>

- 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: <u>http://www.angelo.edu/dept/residential\_programs/</u>. Information regarding residence hall policies can be found at: <u>https://www.angelo.edu/dept/residential\_programs/Housing\_Requirements/housi</u> <u>ng\_requirements\_exemptions.php</u>

#### 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 live in the University residence halls for the first year, two long semesters of enrollment, regardless of total credit hours. Compliance with the University Housing Policy 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:
  - 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 be grounds for disciplinary action. 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.

#### 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, DISRIMINATION 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, <u>University Name Seal and Logo</u>.

#### 4. Jurisdiction

- a. All solicitation requests should be directed to the Executive Director of Student <u>Affairs-Director of Business Services</u> or designee for review. Requests should be submitted online using the <u>Solicitation/Sales Request Form</u>. 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 <u>Solicitation/Sales Request Form</u>.
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Executive Director of Student Affairs Director of Business Services 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 Finance and Administration 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 Development and Alumni Relations or designee in accordance with University Operating Policy 32.03, <u>Solicitation of Gifts and Grants from Private Philanthropic Sources</u>.

#### 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 or 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 <u>Solicitation/Sales Request Form.</u>
- 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 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: <a href="http://reservations.angelo.edu">http://reservations.angelo.edu</a>. 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 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: <u>http://www.angelo.edu/collegiate-licensing/identity-guidelines/.</u>

## 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 is maintained in the Office of Special Events.
- 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 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.

For more information about the features of the ASU OneCard, student should visit the website at: <u>http://www.angelo.edu/services/asuone/</u>.

## 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 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, <u>Student Media</u>.

Students preparing for careers in the media industry, train as videographers, editors, and on-air personalities by producing content for the campus television and radio 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 stores 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 offering 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 fiveten (510)-students enrolled at Angelo State University who voluntarily come together under a common missionpurpose. A president, vice president, and treasurer are the only officers needed. A parliamentarian, risk management officer, and historian are recommended. 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 <u>&and</u> Student Activities Programs.

## 2. Club Sports

- a. The Angelo State University Club Sports program is administered registered by the Office of Multicultural & and Student Activities Programs department and administered by University Recreation. This program 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 <u>Multicultural and Student Activities Programs University Recreation</u> to initiate the application process for Club Sports affiliation. After obtaining Club Sports status, groups must also comply with the guidelines of the Multicultural <u>&and</u> Student Activities Programs department and <u>facility usage with</u> University Recreation.

## 3. Social Fraternities/Sororities

a. The Center for Multicultural <u>&and</u> 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 <u>&and</u> 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 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 <u>&and</u> 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 <u>&and</u> 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 print, online and on social media 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 <u>Center for Multicultural and Student Activities</u> <u>Programs\_Office of Special Events</u>. Any student organization wishing to solicit oncampus 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 <u>&and</u> 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 <u>Student Organization</u> <u>Registration/Renewal Form</u> and a Student Organization constitution with the Student Organizations/Activities Coordinator. The initial constitution must follow the template provided by the Center for Multicultural <u>&and</u> 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 <u>Government AssociationSenate</u> for review and a recommendation on registration. After receiving the recommendation of the Student <u>Government AssociationSenate</u>, 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. <u>The Multicultural & Student Activities Programs department must receive a</u> complete Student Organization Registration/Renewal form by the deadline of the first month of the semester. 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 <u>fiveten (510) full-</u> time students who are in good standing with the University.
- b. The organization must also submit an updated copy of the local constitution and bylaws (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 <u>&and</u> Student Activities Programs<del>, and a free web-link</del>. Registered student organizations may apply for funding through the Student Organization Leadership Fund (SOLF) administered through the Center for Multicultural <u>&and</u> 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 <u>& and</u> 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 <u>& and</u> 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 <u>& and</u> 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. <u>Only current ASU students can benefit from SOLF funding.</u>
- 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 <u>&and</u> 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 <u>&and</u> Student Activities Programs. After review, the Director of the Multicultural <u>&and</u> 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 <u>academic</u> 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 <u>&and</u> Student Activities Programs.

g. Student organization advisors should complete advisor risk management training set by the Center for Multicultural <u>&and</u> 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 <u>Center for Multicultural and Student Activities Programs Office of Special Events</u>.
- 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 <u>&and</u> 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 <u>Statement of Completion</u>.
- 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 <u>&and</u> 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 Campus Crime and Safety Report can be found on the Angelo State University Student Affairs web page: <u>http://www.angelo.edu/services/student\_services/</u>.

Additionally, the University maintains a consumer information web page with links to data, support services and accreditation information. <u>https://www.angelo.edu/consumer\_info/</u>

# **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: http://www.angelo.edu/services/registrars\_office/registrar\_forms.php.

nup://www.angelo.edu/services/registrars\_office/registrar\_forms.

## 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 name
  - Permanent and local addresses
  - Hometown
  - Classification
  - Major and minor fields of study
  - Dates of attendance
  - Degrees, awards, and honors received
  - Specific enrollment status
  - Photograph
  - Team photographs
  - Participation in officially recognized sports and activities
  - Height/weight of member of athletic teams
  - Previous institution(s) attended
  - Degree 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 <u>seventhree</u> (7) 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: <a href="http://www.angelo.edu/ferpa/online-ferpa-proxy.php">http://www.angelo.edu/ferpa/online-ferpa-proxy.php</a>

## 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 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 nonregistered 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: <u>http://reservations.angelo.edu</u>. Reservation requests must be submitted to the Office of Special Events online at: <u>http://reservations.angelo.edu</u>.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with <u>Texas Education Code</u>, <u>Chapter 51.976</u>, 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 fulltime 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 Facilities Fee Waiver form is located at: <u>http://reservations.angelo.edu</u> (under the Links tab).

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: <a href="http://reservations.angelo.edu">http://reservations.angelo.edu</a>.

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. Forcredit 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: <u>http://reservations.angelo.edu</u>.

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 <u>http://reservations.angelo.edu</u>. 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 <a href="http://reservations.angelo.edu">http://reservations.angelo.edu</a>.
- 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 cosponsor 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 <u>Texas Education Code 51.976</u>, 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: <a href="http://reservations.angelo.edu">http://reservations.angelo.edu</a>.
  - Applications must be submitted at least two weeks before the intended use.
  - The 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 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 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: <a href="http://reservations.angelo.edu">http://reservations.angelo.edu</a>. 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: <a href="http://www.angelo.edu/services/registrars\_office/withdrawals\_refunds.php">http://www.angelo.edu/services/registrars\_office/withdrawals\_refunds.php</a>.

e. Returning to the University after a Voluntary Withdrawal Application materials and deadlines for former Angelo State University students are available at: <u>https://myfuture.angelo.edu</u>. 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 thirdparty 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 <u>sexual</u> 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.

One partner can revoke consent at any time, so long as it is clearly communicated to the other partner. Revocation of consent may be communicated verbally and/or non-verbally. Once a partner has revoked his or her consent, the sexual activity must stop. If one partner continues the sexual activity after the other partner has revoked his or her consent, a sexual assault has occurred.

#### **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 by any means, substance, object, 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 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.

#### **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 visitor.

#### **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 Clarification Warning

The term "Policy <u>Clarification</u>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. 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.

#### **Preponderance of Evidence**

The term of "preponderance of evidence" is the standard of proof used by Student Conduct Hearing Officers, <u>Office of Title IX Compliance</u>. 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 <u>Texas Tax Code §11.20</u>.

## **Retaliation**

"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 an investigation and/or conduct process, civil rights grievance proceeding, or other protected activity.

## 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/Investigator

The term "Student Conduct Officer/Investigator" 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;

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 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. Students are responsible for presenting their own information; 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.

<u>The Executive Director of Student Affairs, Director of Title IX Compliance, or</u> <u>designee has the discretion to remove an advisor at any point during the conduct</u> <u>process. A witness, anyone who may have a conflict of interest, or anyone who</u> <u>may have any participatory role in the process may not be allowed to serve as an</u> <u>Advisor. Students who have been suspended may not serve as an Advisor during</u> their suspension, and students who have been expelled may not serve as an Advisor.

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 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 date the case is completed.

#### **Important Reminders**

- Discussing this investigation may result in policy violations and in some situations, lawsuits for defamation.
- Any and all forms of retaliation will be dealt with seriously.

#### **Retaliation**

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 B: CONSENT AT ANGELO STATE**

- Community members engaging in sexual activity must have clear, knowing, and voluntary consent from their sexual partner prior to and during each sexual activity.
- <u>Consent is defined as mutually understandable words or actions, clearly</u> <u>communicated both knowingly and voluntary, that clearly conveys permission for a</u> <u>specific activity.</u>
- It is the responsibility of the initiator of any sexual activity to obtain their partner's verbal or non-verbal consent for each sexual activity.
- To obtain valid consent:
  - o It must be expressed by each partner through words or actions.
  - It must be actively expressed by both partners. Consent is not passive or implied.
  - Each partner must be informed about each sexual activity and knowingly consent to participate in each sexual activity.
  - Consent is given voluntarily and freely by each partner for each sexual activity.
  - o Each partner must have capacity to consent to sexual activities.
- Silence cannot be assumed to express consent.
- A partner may use non-verbal cues to indicate their *lack* of consent for sexual activity. Some examples of non-verbal communication that demonstrate lack of consent include:
  - o Resistance: Pushing hands away, pulling away from partner;
  - <u>o Body going limp or freezing up;</u>
  - <u>o Crying;</u>
  - o Wincing
- Revocation of Consent: One partner can revoke their consent at any time, so long as it's clearly communicated to the other partner. Revocation of consent may be communicated verbally and/or non-verbally. Once a partner has revoked his or her consent, the sexual activity must stop. If one partner continues the sexual activity after the other partner has revoked his or her consent, a sexual assault has occurred.
- A prior existing sexual relationship between consenting adults does not imply future consent to engage in sexual activities. At any time in a relationship, one partner may revoke his or her consent to sexual activities with the other partner. This is true even in marriage or other long-term sexual relationships. Consent for one sexual activity does not equal consent for other sexual activities.
- Consent cannot be compelled. Compelled sexual activity is by definition nonconsensual. Compelling someone into engaging in sexual activities by the use of physical force, threats, intimidation, or coercion invalidates consent, even if it's

eventually given, and thus constitutes a violation of the ASU sexual misconduct policies.

- A person cannot consent to sexual activity when they are incapacitated. Engaging in sexual activity with someone you know or reasonably should know is incapacitated is a violation of the Code of Conduct. Incapacitation occurs when a person lacks the ability to make informed, rational decisions due to impairment, which may be temporary or permanent.
- The question of whether the Responding Party should have known that the Reporting Party was incapacitated is objectively based on what a reasonable person, sober and exercising good judgment, would have known about the condition of the Reporting Party.
- There are three types of incapacitation:
  - Age: A minor, in Texas is defined as under the age of 17 cannot consent to sexual activity.
  - Mental Disability: A person with a mental disorder or other cognitive issue which prohibits them from making an informed decision lacks capacity to engage in sexual activity.

Physical Incapacitation: A person who is asleep, unconscious, and/or intoxicated to the point of no longer understanding or controlling their actions cannot consent to engage in sexual activity.
# **APPENDIX <u>C</u><b>C**: **SANCTIONING GRID**

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
Academic Misconduct	Subsection 1.	
Cheating		Possible Sanctions
Copying from another student's academic work, test,	B.1.a.1.	Reprimand-Expulsion
quiz, or other assignment.		
Receiving assistance from and/or seeking aid from	B.1.a.2.	Reprimand-Expulsion
another student or individual to complete academic		
work, test, quiz, or other assignment without authority.		
The use or possession of materials or devices during	B.1.a.3.	Reprimand-Expulsion
academic work, test, quiz, or other assignment which		
are not authorized by the person administering the		
academic work, test, quiz, or other assignment.		
Possessing, using, buying, stealing, transporting, selling,	B.1.a.4.	Reprimand-Expulsion
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.		
Possession, at any time, of current or previous tests	B.1.a.5.	Reprimand-Expulsion
materials without the instructor's permission.		
Obtaining by any means, or coercing another person to	B.1.a.6.	Reprimand-Expulsion
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.		
Transmitting or receiving information about the	B.1.a.7.	Reprimand-Expulsion
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.		
Substituting for another person, or permitting another	B.1.a.8.	Reprimand-Expulsion
person to substitute for oneself in order to take a		
course, take a test, quiz, or other assignment or sign		
in/register attendance.		
Taking, keeping, misplacing, damaging, or altering the	B.1.a.9.	Reprimand-Expulsion
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.		
Falsifying research data, laboratory reports, and/or	B.1.a.10.	Reprimand- Expulsion
other academic work offered for credit.		
Failing to comply with instructions given by the person	B.1.a.11.	Reprimand-Expulsion
administering the academic work, test, quiz, or other		
assignment.		

Plagiarism		
The representation of words, ideas, illustrations,	B.1.b.1.	Reprimand-Expulsion
structure, computer code, other expression or media of		
another as one's own and/or failing to properly cite		
direct, paraphrased, or summarized materials.		
Self-plagiarism which involves the submission of the	B.1.b.2.	Reprimand-Expulsion
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.		
Collusion		
The unauthorized collaboration with another individual	B.1.c.	Reprimand-Expulsion
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.		
Falsifying Academic Records		
Altering or assisting in the altering of any official record	B.1.d.1.	Reprimand-Expulsion
of the University and/or submitting false information.		
Omitting requested information that is required for, or	B.1.d.2.	Reprimand-Expulsion
related to, any academic record of the University.		
Misrepresenting Facts		
Providing false grades, falsifying information on a	B.1.e.1.	Reprimand-Expulsion
resumé, or falsifying other academic information.		
Providing false or misleading information in an effort to	B.1.e.2.	Reprimand-Expulsion
injure another student academically or financially.		
Providing false or misleading information or official	B.1.e.3.	Reprimand-Expulsion
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.		
Violation of Professional Standards		Demains and Executation
Any act or attempted act that violates specific	B.1.f.	Reprimand-Expulsion
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.		
Unfair Academic Advantage	D 1 ~	Doprimond Evolution
Any other action or attempted action that may result in creating an unfair academic advantage for oneself or	B.1.g.	Reprimand-Expulsion
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.		
Actions against Members of the University Community	Subsection 2.	Possible Sanctions
and Others	5055000012.	
Any act, or attempted act, perpetrated against another		
person or persons including, but not limited to:		
Disruptive and/or Obstructive Conduct		
Intentional or reckless behavior that disrupts or	B.2.a.	Reprimand-Expulsion
obstructs the normal operation of the University, its		
students, faculty, staff and/or University visitors.		
Harmful, Threatening, or Endangering Conduct		
Intentional or reckless behavior that harms, threatens,	B.2.b.	
or endangers the physical or emotional health or safety		
of others, including but not limited to:		
Assault		
Intentionally or recklessly causing physical harm or	B.2.b.1.a.	Reprimand-Expulsion
endangering the health or safety of another person.		
Intentionally or knowingly causing physical contact with	B.2.b.1.b.	Reprimand-Expulsion
another when the person knows or should reasonably		
believe that the other will regard the contact as		
offensive or provocative.		
Threats		
Written or verbal acts that would cause significant	B.2.b.2	Reprimand-Expulsion
distress or fear in a reasonable person or that a		
group of people, or damage to any property.		
Intimidation		
An implied threat or act that causes a reasonable fear of	B.2.b.3.	Reprimand- Expulsion
harm in another.		
Bullying/Cyber Bullying		
	B.2.b.4.a.	Reprimand-Expulsion
-	B.2.b.4.b.	Reprimand-Expulsion
	B.2.c.	
	-	
and unwelcome behavior of a sexual nature. The term		
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. Intimidation An implied threat or act that causes a reasonable fear of harm in another. Bullying/Cyber Bullying 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. Severe, pervasive, and objectively offensive behaviors that intimidate or intentionally harm or control another person emotionally. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination	B.2.b.4.a. B.2.b.4.b.	Reprimand- Expulsion

misconduct based on sex.		
Interpersonal Violence		
An offense that meets the definition of domestic	B.2.c.1.	
violence or dating violence:		
Domestic Violence <u>or Family Violence</u>		
Abuse or violence committed by a current or former	B.2.c.1.a.	Probation-Expulsion
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. Abuse or		
violence, or threat of 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.		
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.		
Dating Violence		
Abuse or violence committed by a person who is or has	B.2.c.1.b.	Probation-Expulsion
peen in a social relationship of a romantic or intimate		
nature with the Reporting Party. The existence of such a		
elationship 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. Abuse or violence, or threat of 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 type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socialization between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence or family violence. 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.B.2.c.2.Probation-ExpulsionPublic IndecencyB.2.c.2.Probation-ExpulsionSexual contact or intercourse with a personB.2.c.3.
violence. Abuse or violence, or threat of 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 type and length of the relationship and the frequency of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary socialization between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence or family violence. 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 <b>Public Indecency</b> B.2.c.2.Probation-ExpulsionEngaging 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.3.Probation-Expulsion
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Sexual Assault     B.2.c.3.
without the person's consent, including sexual
contact or intercourse against the person's will or
in a circumstance in which the person is incapable
of consenting to the contact or intercourse.
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.
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Non-Consensual Sexual ContactB.2.c.3.a.Deferred Suspension-
Non-Consensual Sexual ContactB.2.c.3.a.Deferred Suspension- ExpulsionIntentional sexual touching, however slight and with any object or part of one's body, of another's private areasB.2.c.3.a.Deferred Suspension- Expulsion
Non-Consensual Sexual ContactB.2.c.3.a.Deferred Suspension- ExpulsionIntentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Sexual Contact includes: intentionalB.2.c.3.a.Deferred Suspension- Expulsion

these body parts; or any other intentional bodily		
contact in a sexual manner.		
Non-Consensual Sexual Intercourse		
Sexual penetration or intercourse, however slight, with	B.2.c.3.b.	Suspension-Expulsion
a penis, tongue, finger, or any object, and without	D.2.C.3.D.	Suspension-expulsion
consent. Penetration can be oral, anal, or vaginal.		
Sexual Exploitation	B.2.c.4.	Deferred Suspension-
Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party.	B.Z.C.4.	
Prohibited behavior includes, but is not limited to:		<u>Expulsion</u>
a. Purposeful photography, video recording, of another		
person in a sexual, intimate, or private act without the		
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 knowledge or consent;		
c. Sexual voyeurism;		
d. Inducing another to expose one's genitals or private		
areas;		
e. Prostituting another; or		
f. Knowingly exposing someone to or transmitting a		
sexually transmitted disease without the person's full		
knowledge and consent. 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:		
Purposeful recording, distribution, or dissemination of	<del>B.2.c.4.a.</del>	Deferred Suspension-
sexual or intimate images or recordings of another		Expulsion
person without that person's knowledge or consent;		
Sexual voyeurism;	<del>B.2.c.4.b.</del>	<b>Deferred Suspension</b>
		<b>Expulsion</b>
Inducing another to expose one's genitals or private	<del>B.2.c.4.c.</del>	Deferred Suspension-
<del>areas;</del>		Expulsion
Prostituting another; or	<del>B.2.c.4.d.</del>	Deferred Suspension-
		Expulsion
Knowingly exposing someone to or transmitting a	<del>B.2.c.4.e.</del>	Deferred Suspension-
sexually transmitted disease.		Expulsion
Covuel Haracement		
Sexual Harassment	D D - F	Department - Executetory
Unwelcome verbal, written, or physical conduct of a sexual nature when:	B.2.c.5.	Reprimand-Expulsion
a. Submission to such conduct is made either explicitly		
or implicitly a term or condition of employment or education:		
education;		
b. Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education;		
<u>or</u>		

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 severe, persistent, or pervasive.		
Submission to such conduct is made either explicitly or	B.2.c.5.a.	Reprimand-Expulsion
implicitly a term or condition of employment or		
education;		
Submission to or rejection of such conduct is used as a	B.2.c.5.b.	Reprimand-Expulsion
basis for decisions affecting employment or education;		
or		
Such conduct has the purpose or effect of interfering	B.2.c.5.c.	Reprimand-Expulsion
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.		
Stalking		
A course of conduct directed at a specific person that	B.2.c.6.	Probation-Expulsion
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.		
Hazing		
Intentional, knowing, or reckless act directed against a	B.2.d.	Reprimand-Expulsion
student by one person acting alone or by more than one	D.Z.U.	пертитани-ехриізіон
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:		

Any type of physical brutality, such as whipping,	B.2.d.1.	Reprimand-Expulsion
beating, using a harmful substance on the body or similar activity.		
Any type of physical activity that subjects the student to	B.2.d.2.	Reprimand-Expulsion
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.		
Any Activity involving consumption of a food, liquid,	B.2.d.3.	Reprimand-Expulsion
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.		
Any activity that intimidates or threatens a student with	B.2.d.4.	Reprimand-Expulsion
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. Any activity in which a person solicits, encourages,	B.2.d.5.	Reprimand-Expulsion
directs, aids or attempts to aid another in engaging in	B.2.U.J.	Reprinanti-Expuision
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		
Affairs.		
Any activity in which hazing is either condoned or	B.2.d.6.	Reprimand-Expulsion
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.		
Any activity that involves coercing a student to consume	B.2.d.7.	Reprimand-Expulsion
an alcoholic beverage, liquor, or drug, or creates an	0.2.0.7.	
environment in which the student reasonably feels		
coerced to consume any of those substances. See <u>Texas</u>		
Education Code, Sections 37.151-37.155 and Section		
51.936.		
Discriminatory Harassment		
Conduct based on a student's sex, race, national origin,	B.2.e.	Reprimand-Expulsion
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		
auversely affects the victim s education of creates an		

State University policy. Smoking/Vaping/Tobacco	Subsection 5.	Possible Sanctions
violation of any federal, state, local law, and/or Angelo		
other controlled substance that would constitute a		
prescribed to another person, chemical compound or		
Being under the influence of narcotics, drugs, medicine	B.4.c.	Reprimand-Expulsion
and/or Angelo State University policy.		
constitute a violation of any federal, state, local law,		
Possession of drug-related paraphernalia that would	B.4.b.	Reprimand-Expulsion
law, and/or Angelo State University policy.		
would constitute a violation of any federal, state, local		
other controlled substance or drug paraphernalia that		
prescribed to another person, chemical compound or		
distribution of any narcotic, drug, and/or medicine		
Use, possession, sale, delivery, manufacture or	B.4.a.	Reprimand-Expulsion
Narcotics or Drugs	Subsection 4.	Possible Sanctions
State University policy.		
as defined by federal, state, local law, and/or Angelo		
Being under the influence of alcohol and/or intoxication	B.3.b.	Reprimand-Expulsion
and/or Angelo State University policy.		
constitute a violation of any federal, state, local law,		
distribution of alcoholic beverages that would		
Use, possession, sale, delivery, manufacture or	B.3.a.	Reprimand-Expulsion
Alcoholic Beverages	Subsection 3.	Possible Sanctions
Community Policies, Section H.		
involving free expression activities are covered in Part II:		
Against Members of the University Community. Actions		
Student Conduct by its members, specifically Actions		
address known or obvious violations of the <i>Code of</i>		
Complicity with or failure of any organized group to	B.2.g.2.	Reprimand-Expulsion
Members of the University Community.		
specifically violations that constitute Actions Against		
commit a violation of the <i>Code of Student Conduct</i> ,		
individual, or group in committing or attempting to	5.2.8.1.	
Assisting, via acts or omission, another student,	B.2.g.1.	Reprimand-Expulsion
Complicity		
rights grievance proceeding, or other protected activity.		
supporter of a participant) in a conduct process, civil		
nondiscriminatory purposes, against a participant (or		
individual or allied third party, absent legitimate	D.2.1.	neprimanu-expuision
<b>Retaliatory Discrimination or Harassment</b> Any intentional, adverse action taken by a responding	B.2.f.	Reprimand-Expulsion
resources and opportunities.		
to realize the intended benefits of the University's		
environment which interferes with the student's ability		
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Smoking or the use of smokeless tobacco products in unauthorized areas on University property as designated by the Angelo State University Smoke/Tobacco-Free Environment policy.	В.5.	Reprimand-Expulsion
Firearms, Weapons, and Explosives	Subsection 6.	Possible Sanctions
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, <u>T</u> 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</i> (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.	В.б.	Reprimand-Expulsion
Flammable Materials/Arson	Subsection 7.	Possible Sanctions
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
Theft, Damage, Littering, or Unauthorized Use	Subsection 8.	Possible Sanctions
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
Gambling, Wagering, Gaming, and /or Bookmaking	Subsection 9.	Possible Sanctions
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
False Alarms, Emergency Equipment, or Terroristic	Subsection 10.	Possible Sanctions
Threats		
Intentional sounding of a false alarm, falsely reporting an emergency in any form, and/or filing false police reports.	B.10.a.	Reprimand-Expulsion
Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.	B.10.b.	Reprimand-Expulsion
<ul> <li>Threats to commit any offense involving violence to any person or property with intent to: <ul> <li>Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;</li> <li>Place any person in fear of imminent serious bodily injury;</li> <li>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;</li> <li>Cause impairment or interruption of University communications, University transportation, or other University service; or</li> <li>Place the University in fear of serious bodily injury.</li> </ul> </li> </ul>	B.10.c.	Reprimand-Expulsion
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

Failure to Comply	Subsection 12.	Possible Sanctions
Failure to comply with reasonable directives and/or	B.12.a.	Reprimand-Expulsion
requests of a University official acting in the		
performance of his or her duties.		
Failure to present student identification on request or	B.12.b.	Reprimand-Expulsion
identify oneself to any University official acting in the		
performance of his or her duties.		
Failure to comply with the sanctions imposed by a	B.12.c.	Reprimand-Expulsion
Student Conduct Officer/Investigator under the Code of		
Student Conduct or the Student Handbook.		
Abuse, Misuse, or Theft of University Information	Subsection 13.	Possible Sanctions
Systems		
Unauthorized use of University information systems is	B.13.	Reprimand-Expulsion
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 44.00),		
University Operating Policies, and other applicable laws.		
Abuse, misuse, or theft of University information		
systems includes, but is not limited to, the following:		
Unauthorized use of University information systems	B.13.a.	Reprimand-Expulsion
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 systems.		
Use of University information systems for unauthorized	B.13.b.	Reprimand-Expulsion
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 systems to violate Part I,	B.13.c.	Reprimand-Expulsion
Section B.2. (Actions Against Members of the University		
Community and Others).		
Attempted or actual breach of the security of another	B.13.d.	Reprimand-Expulsion
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		

Attempted or actual use of the Angelo State University	B.13.e.	Reprimand-Expulsion
information systems for unauthorized political or		
commercial purposes, or for personal gain.		
Access, creation, storage, or transmission of material	B.13.f.	Reprimand-Expulsion
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 system must be		
reported to the Chief Information Officer immediately.	D 12 -	Dennimend Frankleige
Attempted or actual destruction, disruption or modification of programs, records or data belonging to	B.13.g.	Reprimand-Expulsion
or licensed by the University or another user or		
destruction of the integrity of computer-based		
information using Angelo State University information		
systems.		
Attempted or actual use of Angelo State University	B.13.h.	Reprimand-Expulsion
information systems to interfere with the normal		
operation of the University.		
Intentional "spamming" of students, faculty or staff	B.13.i.	Reprimand-Expulsion
(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.	Subsection 14.	Possible Sanctions
<b>Providing False Information or Misuse of Records</b> Knowingly furnishing false information to the University,	B.14.	Reprimand-Expulsion
to a University official in the performance of his or her	D.14.	Reprimanu-Expuision
duties, or to an affiliate of the University, either verbally		
or through forgery, alteration or misuse of any		
document, record, or instrument of identification.		
Skateboards, Rollerblades, Scooters, Bicycles, or	Subsection 15.	Possible Sanctions
Similar Modes of Transportation		
Use of skateboards, rollerblades, scooters, bicycles, or	B.15.	Reprimand-Expulsion
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		
	1	
University or personal property. Refer to University		
Parking Services regulations at:		
Parking Services regulations at: http://www.angelo.edu/services/parking_services/		
Parking Services regulations at:	Subsection 16.	Possible Sanctions

Violation of any published University policies, rules, or	B.16.	
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 Board of Regents' Rules.		
University Parking Services	B.16.a.	Reprimand-Expulsion
Housing and Residential Programs	B.16.b.	Reprimand-Expulsion
Student Life	B.16.c.	Reprimand-Expulsion
Multicultural and Student Activities Programs	B.16.d.	Reprimand-Expulsion
University Recreation	B.16.e.	Reprimand-Expulsion
ASU Student-Athlete Handbook	B.16.f.	Reprimand-Expulsion
Texas Tech University System Board of Regents' Rules	B.16.g.	Reprimand-Expulsion
Angelo State University Operating Policies and	B.16.h.	Reprimand-Expulsion
Procedures		
Community Policies of the Student Handbook (Part II)	B.16.i.	Reprimand-Expulsion
Violation of Federal, State, Local Law, and/or	Subsection 17.	Possible Sanctions
University Policy		
Misconduct which may constitute a violation of federal,	B.17.	Reprimand-Expulsion
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.		
Abuse of the Discipline System	Subsection 18.	Possible Sanctions
Failure of a student to respond to a notification to	B.18.a.	Reprimand-Expulsion
Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator		
Failure of a student to respond to a notification to		
Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator		
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
Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process. Falsification, distortion, or misrepresentation of	B.18.a.	Reprimand-Expulsion
<ul> <li>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</li> <li>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</li> </ul>	B.18.a. B.18.b.	Reprimand-Expulsion Reprimand-Expulsion
<ul> <li>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</li> <li>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</li> <li>Disruption or interference with the orderly conduct of a</li> </ul>	B.18.a. B.18.b.	Reprimand-Expulsion Reprimand-Expulsion
<ul> <li>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</li> <li>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</li> <li>Disruption or interference with the orderly conduct of a disciplinary proceeding.</li> </ul>	B.18.a. B.18.b. B.18.c.	Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion
<ul> <li>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</li> <li>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</li> <li>Disruption or interference with the orderly conduct of a disciplinary proceeding.</li> <li>Filing an allegation known to be without merit or cause.</li> </ul>	B.18.a. B.18.b. B.18.c. B.18.d.	Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion
<ul> <li>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</li> <li>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</li> <li>Disruption or interference with the orderly conduct of a disciplinary proceeding.</li> <li>Filing an allegation known to be without merit or cause.</li> <li>Discouraging or attempting to discourage an individual's</li> </ul>	B.18.a. B.18.b. B.18.c. B.18.d.	Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion
<ul> <li>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</li> <li>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</li> <li>Disruption or interference with the orderly conduct of a disciplinary proceeding.</li> <li>Filing an allegation known to be without merit or cause.</li> <li>Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.</li> </ul>	B.18.a. B.18.b. B.18.c. B.18.d. B.18.e.	Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion Reprimand-Expulsion

# **APPENDIX DD: CAMPUS RESOURCES**

<b>Office of Academic Affairs</b> Provost and Vice President for Academic Affairs	AD 204
College of Arts and Unmersities	
College of Arts and Humanities Dean of the College of Arts and Humanities	
Department of Communication and Mass Media Department of English and Modern Languages	
Department of Linguish and Modern Languages	
Department of Political Science and Philosophy	
Department of Security Studies and Criminal Justice	
Department of Visual and Performing Arts	
Department of visual and renorming Arts	CANN 135
College of Business	
Dean of the College of Business	
Department of Accounting, Economics, and Finance	
Department of Aerospace Studies	
Department of Management and Marketing	
College of Education	
Dean of the College of Education	CARR 104
Department of Curriculum and Instruction	CARR
15 <mark>1</mark> 4	
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	
175 <u>HHS 202</u>	
Department of Health Science Professions	
Department of Kinesiology	
Department of Nursing	<u>HHS</u>
318VIN 268	
Department of Physical Therapy	
Department of Psychology and Sociology	<u>A</u>
204VIN 267	
Department of <del>Psychology, Sociology</del>	
Work	<u>HHS 224A 204</u>

# College of Science and Engineering

Department of Agriculture	VIN 212
Department of Biology	CAV 101
Department of Chemistry and Biochemistry	

Department of Computer ScienceMCS 2	205
David L. Hirschfeld Department of Engineering	est
Annex 106 VIN 268	
Department of MathematicsMCS 2	220
Department of Physics and GeosciencesVIN 1	

#### **Administrative Staff**

Athletic Director (Academic, Athletic, and Health Records of Student Athletes) Chief of University Police (Incident Reports and Police Investigations) Clinic Director (Medical Records)	Reidy Building
Director of Admissions (Admissions Files)	HAR 101
Director of Affiliated Military & Veteran Services	
Director of Career Development (Career Files)	
Director of Counseling Services (Counseling Records)	
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	n Records)UC 114
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)	
Director of Student Life	UC 001
Director of Title IX Compliance (Title IX Records)	<del>UC</del>
112AD 204	
Director of University Recreation	Ben Kelly CHP 121
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	

# ATTACHMENT

Investment Policy Statement, Short/Intermediate Term Investment Fund with proposed revisions (Finance Item 4.)

#### ATTACHMENT (Finance Committee, Item 4)

# AMEND THE INVESTMENT POLICY STATEMENT FOR THE SHORT/INTERMEDIATE TERM INVESTMENT FUND, AS FOLLOWS:

## **Texas Tech University System**

## **INVESTMENT POLICY STATEMENT**

# Short/Intermediate Term Investment Fund

#### Dates Approved or Amended:

- -- Initial adoption of policy statement...... 02-26-2010
- -- Amendment to Sec. 5.2 ..... 12-13-2013
- -- Comprehensive review/amendments ..... 08-08-2014
- -- Amendment to Sec. 7.1.a ..... 10-14-2016

#### Section 1 Introduction.

This policy statement shall guide the investment of the subset of institutional funds known as the Short/Intermediate Term Investment Fund ("SITIF") of the Texas Tech University System ("TTU system"). As a pooled fund for the collective investment of <u>the TTU system</u>'s operating funds, the SITIF will consolidate cash and reserve balances to optimize system-wide liquidity management, improve diversification, and increase efficiencies with regard to investment pricing, custody, and administration.

All institutional funds not invested in the Long Term Investment Fund ("LTIF") will be invested in accordance with this policy statement, excluding bond proceeds and certain gifted assets.

#### Section 2 Roles and Responsibilities.

2.1 Board of Regents (the "Board"). The Board will establish the investment [policies] policy, return objectives, risk tolerance, [broad asset] pool allocation ranges (as defined in Section 4), and monitor performance. In addition, the Board will hire consultants, as necessary, to advise on the management of these funds. [Authority] The Board grants the authority to manage the SITIF in accordance with this policy [is granted] to the Vice Chancellor and Chief Financial Officer of the TTU system.

2.2 Vice Chancellor and Chief Financial Officer of the TTU system ("CFO"). The CFO shall manage all operating funds in accordance with this policy under the oversight of the Finance and Administration Committee of the Board. The CFO is responsible for all cash management activities, and is authorized to set [asset] pool allocation targets within pre-approved ranges [, select and terminate external investment managers, and execute security transactions]. The CFO [shall] may delegate [certain] investment and transaction responsibilities [for cash management and investment transactions] of the Cash Pool and Short Term Pool to the Assistant Vice Chancellor of Treasury [& Cash Management]. The CFO may delegate investment and transaction responsibilities of the Intermediate Pool to the Chief Investment Officer ("CIO") under the guidance of the Investment Advisory Committee ("IAC").

At his or her discretion, the CFO can establish an Operating Funds Investment Committee, comprised of financial officers from various system components. This committee will provide advice, guidance, and oversight for the management of operating funds.

2.3 **Operating Funds Investment Committee** ("[Committee] OFIC"). The [Committee] OFIC will meet periodically to provide guidance and oversight regarding overall SITIF investment policy and strategic direction. [Also, the Committee must approve staff recommendations on asset allocation, investment structure, and external investment manager selection and termination.]

The CFO and the [Associate Vice Chancellor and Chief Investment Officer] Assistant Vice Chancellor of Treasury will be permanent members of the [Committee] OFIC. Other members will be appointed at the discretion of the CFO.

2.4 Investment Advisory Committee ("IAC"). The CFO may grant the IAC authority to provide guidance and oversight regarding Intermediate Pool asset allocation and investment. The IAC will have the ability to delegate asset allocation and/or investment decisions to the CIO.

The IAC is comprised of persons as described in Section 01.02.8(f), *Regents' Rules* (the Bylaws of the Board of Regents of the TTU system).

2.5 [2.4] Assistant Vice Chancellor of Treasury [& Cash Management] ("Treasurer"). The Treasurer, under the supervision of the CFO, is charged with implementing and administering [this investment policy statement] the Cash Pool and Short Term Pool (defined in Section 4) in line with the rules and guidelines set forth in this Investment Policy Statement. The Treasurer is responsible for day-to-day portfolio management activities, investment [manager] vehicle recommendations, and operating procedures. In addition, the Treasurer shall be responsible for:

- a. Monitoring [external and internal asset managers] and reporting on the performance of investments in the Cash Pool and Short Term Pool.
- b. Recommending new investment managers <u>and vehicles</u> to the CFO and [Committee] OFIC.
- c. Evaluating the effectiveness of policies, procedures, objectives and strategy, and proposing, when appropriate, modifications for recommendation to the [Committee] IAC and the Board.
- [d. Providing quarterly reports to the Finance and Administration Committee of the Board.]
- 2.6 <u>Chief Investment Officer ("CIO").</u> The CIO, under the supervision of the IAC, is charged with implementing and administering this investment policy statement in regards to the Intermediate Pool (defined in Section 4). The CIO is responsible for day-to-day portfolio management activities and operating procedures.

The CIO, in conjunction with the consultant, is authorized to hire managers, absent a majority negative consent from IAC members within 5 business days. The CIO is authorized to redeem from a manager. In addition, the CIO shall be responsible for:

- a. <u>Monitoring external investment managers of the Intermediate Pool.</u>
- b. Reporting performance, investment manager and fund updates to the IAC on a quarterly basis.
- c. Evaluating the effectiveness of policies, procedures, objectives and strategy, and proposing, when appropriate, modifications for recommendation to the IAC and the OFIC.
- 2.7 [2.5] Investment Consultant. The investment consultant's primary responsibility is to provide independent information and advice to the Board, CFO, [Committee] OFIC, [Treasurer] IAC, and staff. Within its broad scope of services, the consultant will focus on the following:
  - a. Investment policy development;
  - b. Strategic asset allocation studies;
  - c. Assist in manager searches and selection;
  - <u>d.</u> [e.] External investment manager due diligence;

#### e. d. Monitor investment performance; and

- <u>f.</u> <u>Provide investment education.</u>
- g. [e.] Performance measurement and reporting with the assistance of the reporting administrator.
- 2.8 [2.6] External Investment Managers. External investment managers will invest SITIF assets in accordance with established guidelines but will apply their own judgment regarding security selection. External investment managers will be given full discretion, within established guidelines and policy limits, to select individual securities, and diversify their portfolios.

# Section 3 Investment Objectives.

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The investment of funds for the SITIF shall provide incremental return to assist in meeting the operating needs of the TTU system. The SITIF shall employ a total return philosophy. [Under such a concept, realized gains and losses will be recorded.]

#### 3.1 **Investment objectives of the SITIF.**

The investment of funds shall consider asset diversification, total return, suitability, and the experience, quality, and capability of investment personnel. [It will] The total fund and each pool shall consider the relevant investment horizon and shall be governed by the following investment objectives, in the following order of priority:

- (1) preservation and safety of principal;
- (2) liquidity; and
- (3) return.
- In determining whether the objectives in Section 3.1.a have been met, the following shall be taken into consideration:
  - (1) The investment of all funds, rather than a consideration as to the prudence of a single investment. [; and]
  - (2) Whether the investment decision was consistent with this written policy.

-----The plan is to, as soon as possible, divide the SITIF into two separate investment policy statements - one for the Cash and Short Term Pools and another for the Intermediate Term Pool. Separate policy statements then will allow each Pool to address its own very different investment objectives. 

# Section 4 Investment Structure.

SITIF assets will be segmented into three tiers of liquidity based on the cash flow requirements of the TTU system.



The approved liquidity tiers and a general investment strategy for each are as follows:

- 4.1 **Cash Pool (Tier 1).** The [cash pool] <u>Cash Pool</u> is designed to meet the current operating needs of the TTU system. This tier is expected to offer the highest level of liquidity and protect the nominal value of principal. Funds should be available on a daily basis. These funds will be invested primarily in high quality money market funds or other instruments widely considered as cash equivalents, such as collateralized bank deposits, local government investment pools, and fully collateralized repurchase agreements.
- 4.2 **Short Term Pool (Tier 2).** The [short term pool] Short Term Pool is a contingency fund designed to provide a margin of safety in the unlikely event that the [cash pool] Cash Pool is insufficient to meet any current or unplanned expenditures. A secondary objective is to provide enhanced financial flexibility during any unexpected market disruptions, when commingled funds can be susceptible to redemption risk. This tier will seek preservation of capital and incremental investment income above money market fund yields. These funds will be invested only in fixed income securities issued by the United States government, or its agencies and instrumentalities, or the highest quality commercial paper. Only securities with maturities ranging between overnight and three years are eligible.
- 4.3 Intermediate Pool (Tier 3). The [intermediate pool] Intermediate Pool is a longerterm reserve fund <u>designed</u> to cover the needs of the TTU system over a time horizon of five years or greater. As such, these assets will be invested with a total return objective. This pool has an investment objective of growth with income, and will be invested in a diversified asset mix of liquid or semi-liquid securities. This pool will be more broadly diversified than either the [eash pool] Cash Pool or the [short term pool] Short Term Pool and will be structured to generate a higher return over longer periods while [remaining] retaining a profile that will be liquid enough to serve as a source of funds under extreme circumstances. Because of the very low likelihood that these funds would be needed to meet cash flow requirements, a greater degree of principal risk is acceptable in order to obtain a higher return.

The [intermediate pool] Intermediate Pool may be invested in any asset classes approved by the [CFO and Committee] IAC.

The [intermediate pool] Intermediate Pool, where possible and appropriate, can use the same external investment managers as the LTIF to take advantage of economies of scale and to achieve the most efficient use of staff resources. [However, given the need for greater liquidity, commingled funds with illiquid assets and lock up periods longer than one year are inappropriate for this tier.]

# Section 5 [Asset] Pool Allocation.

[Asset] Pool allocation [is the primary determinant of investment performance and], subject to the ranges specified herein, is the responsibility of the CFO, in consultation with the [Committee] OFIC. Changes to the asset allocation ranges and limitations are the responsibility of the Board and may be changed from time to time based on the economic and investment outlook.

5.1 Allocation of Assets by Pool. The allocation of operating funds among the [cash pool, short term pool, and intermediate pool] Cash Pool, Short Term Pool, and Intermediate Pool is the responsibility of the CFO.

# 5.2 **Target** [Asset] Pool Allocation and Permissible Ranges.

Segments	Target Allocation	Permissible Ranges
Cash Pool	<del>10%</del>	10% — 30%
Short Term Pool	<del>40%</del>	25% — 50%
Intermediate Pool	<del>50%</del>	30% — 70%

Table 1 – Asset Allocation by Pool

5.3 **Changes to** [Asset] Pool Allocation. The Board will approve any changes to the permissible ranges for each segment. The CFO is responsible for determining the appropriate asset allocation within each pool.

# Section 6 Rebalancing.

- 6.1 **Rebalancing.** 
  - a. It is the intent of the Board that the asset allocation for the SITIF remains within the permissible ranges and that the portfolio shall be rebalanced when the allocation deviates significantly from these ranges. Contributions to the SITIF should be applied to, and payments by the SITIF withdrawn from, asset

classes in such a way so as to bring the asset allocation back toward its target ranges.

- b. The minimum and maximum allocations should not be exceeded, except in unusual circumstances. Rebalancing may occur before these limits.
- <u>c.</u> Intermediate Pool funds accounting for less than or equal to 5% of the Pool's asset value may be withdrawn upon the request of the CFO with 3 business days' notice. Withdrawals in excess of the 5% threshold will require up to 30 days' notice and 90 days for distribution.

# Section 7 Guidelines for Investments.

In today's rapidly changing and complex financial world, no list of types of categories of investments can provide continuously adequate guidance for achieving investment objectives. Any such list is likely to be too inflexible to be suitable for all market environments in which investment decisions must be made. Therefore, it is the process by which investment strategies and decisions are developed, analyzed, adopted, implemented, and monitored, and the overall manner in which investment risk is managed, which determines whether an appropriate standard of reasonableness, care, and prudence has been met for these investments.

The following list is indicative of the investment classes which are appropriate for each pool based on return objectives and liquidity requirements. It should not be construed as an exhaustive list of "allowable" asset types. Security types and/or strategies not specifically enumerated, but which the [Committee] OFIC determine are appropriate, may also be held.

- 7.1 **Cash Pool.** The [cash pool] <u>Cash Pool</u> will be invested primarily in money market funds and other cash instruments:
  - a. Any money market fund or mutual fund that is AAA rated, or its equivalent, by at least two nationally recognized rating services. All funds in this category must be offered at a constant \$1.00 net asset value and comply with the diversification, quality, liquidity, and maturity requirements of SEC regulation 2a-7 under the Investment Company Act of 1940.
  - b. Collateralized bank deposits with a state or national bank domiciled in the State of Texas, provided:
    - (1) Such deposits must be insured by the Federal Deposit Insurance Corporation or its successor, with the remainder fully collateralized as required in the *Texas Education Code*, except that surety bonds are not authorized as collateral. The pledged collateral shall be placed in a custodian bank or banks named by the TTU system. Deposits will be collateralized in an amount equal to or greater than 102% of the amount

of funds on deposit at the bank. In no event will the custodian be affiliated with the depository bank.

- (2) On any given day, no depository bank shall have SITIF funds on deposit in an amount that exceeds any one of the following limits:
  - (a) 25% of the total funds available for investment by the TTU system; or
  - (b) based upon the bank's latest regularly published statement of financial condition: 15% of its total deposits; or an amount equal to the sum of its capital, permanent surplus, retained earnings, and reserves.
- (3) The limitations in Section 7.1.b of this policy statement shall not be construed to establish a commitment and/or guarantee on the part of the TTU system to deposit any particular amount in any one bank.
- c. Local government investment pools, which are specialized money market funds designed to offer a convenient and cost-effective investment vehicle for public entities.
- d. Repurchase agreements.
  - (1) For the purpose of this policy, a repurchase agreement is an investment transaction between an investor and a bank or securities dealer, in which the bank or dealer agrees to sell a particular instrument to the investor and simultaneously agrees to repurchase that investment at a certain date in the future at a market value of not less than the principal amount of the funds disbursed.
  - (2) A fully collateralized repurchase agreement is an authorized investment if the repurchase agreement is secured by U.S. Government Securities and require the securities being purchased to be pledged to the TTU system and deposited at the time the investment is made with a third party selected and approved by TTU system. The value of all collateral shall be maintained at 102% of the notional value of the repurchase agreement (valued daily). Repurchase agreements must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas.
  - (3) There shall be no limitation on the amount invested, provided the vehicle is collateralized by U.S. government securities.
  - (4) Reverse repurchase agreements are not permitted.

- 7.2 **Short Term Pool.** The [short term pool] <u>Short Term Pool</u> will be invested in the following types of securities with maturities of 36 months or less.
  - a. Obligations issued or guaranteed by the Unites States Federal Government, United States Federal Agencies, or United States government-sponsored corporations and agencies.
  - b. "Prime quality" commercial paper with a maturity of one year or less, issued by domestic corporations (corporations organized and operating under the laws of the United States or any state thereof) provided that the issuing corporation, or its guarantor, has a short-term debt rating of no less than "A-1" (or its equivalent) by at least two of the national rating services.
  - c. The weighted average duration of the [short term pool] Short Term Pool should be 24 months or less.
- 7.3 **Intermediate Pool.** The [intermediate pool] Intermediate Pool will be structured as a total return portfolio. The investment strategy for this pool is that its time horizon, and flexibility, is such as to permit investments in a diversified mix of assets that will collectively offer greater returns than short term fixed income securities. The goal is to diversify investments across multiple asset classes, including equities, which will enhance total return over the long term, while avoiding undue risk concentrations in any single asset class or investment category.

The assets of the [intermediate pool] Intermediate Pool will be invested through external managers and/or commingled funds [approved by the Committee]. The CIO, in conjunction with the consultant, is authorized to hire managers, absent a majority negative consent from IAC members within 5 business days. The CIO may terminate an investment manager if necessary and will notify the IAC of the changes.

[The Treasurer shall develop investment management guidelines for each external investment manager.

All major sectors of the capital markets, with the exception of private equity, should be considered eligible for inclusion in the intermediate pool to diversify and minimize overall risk. Such asset classes may include, but are not limited to, cash instruments, publicly traded equities (U.S. equity, Non-U.S. equity and Emerging Markets equity), U.S. fixed income, Non-U.S. fixed income, high yield, convertible debt, inflationlinked bonds, emerging market debt, publicly traded real estate securities and alternative investments (hedge funds and commodities).]

The [Committee] CIO may recommend and the IAC may [select] approve any asset class or investment category it believes is appropriate for the [intermediate pool] Intermediate Pool, subject to the return objectives, risk tolerance, and liquidity needs of the overall [SITIF] Intermediate Pool.

[A report shall be provided each month to the Finance and Administration Committee of the Board of Regents. This report should provide information on actual asset allocation, asset allocation target, and manager performance.]

#### Section 8 Use of Pooled Funds.

The use of pooled funds (e.g., commingled funds, mutual funds, common trust funds, etc.) is permitted when it is deemed to be in the best interest of the TTU system. These investment vehicles may have investment guidelines that are different than those described in the SITIF policy statement. In these cases, the CFO, <u>CIO</u>, and Treasurer are authorized to review and approve the investment documents, and these guidelines supersede those of the TTU system.

#### Section 9 Performance Benchmarks.

A customized total portfolio benchmark will be designed by the investment consultant to measure the overall performance of the SITIF. This benchmark will blend the returns of the three benchmarks specified below, weighted according to the target allocation for each respective tier.

Segments	Benchmark
Cash Pool	Barclays Capital 1-3 Month U.S. Treasury Bill Index
	[Barclays Capital 1-3 Year U.S. Treasury Bond]
Short Term Pool	ICE BofA Merrill Lynch 0-3 Year US Treasury &
	Agency Index
Intermediate Pool	Customized Benchmark

Table 2 – Asset Class Performance Benchmarks

#### 9.1 **Return objectives.**

- a. The total return goal for each category of investments is expected to match or exceed the performance of the appropriate benchmark index over a rolling three-year period.
- b. [The performance of each investment manager will be evaluated against a comparable index for its asset class and should outperform that index over a rolling three-year period. Managers underperforming over that period will be considered by the Committee for replacement.] 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.

# Section 10 Reporting.

The [Treasurer] <u>CIO</u> will prepare quarterly investment reports <u>on the Intermediate Pool</u>, which will be submitted to the CFO, [Committee] <u>OFIC</u> and the Finance and Administration Committee of the Board. The reports will summarize asset allocation, [investment holdings,] liquidity, performance, and risk characteristics.

The Treasurer will prepare quarterly investment reports on the Cash Pool and Short Term Pool, which will be submitted to the CFO, OFIC, and the Finance and Administration Committee of the Board. The reports will summarize asset allocation, liquidity, performance, and risk characteristics.

# Section 11 Selection of Investment Managers.

- 11.1 **External Investment Managers.** The CFO and CIO can appoint external investment managers to invest the SITIF assets under the terms of this policy. Investment managers will be delegated with discretion to manage the assigned assets to best achieve the objectives of the SITIF. Any investment manager hired to invest SITIF assets shall be a registered investment advisor under the Investment Advisors Act of 1940, or qualify to be exempt from registration.
- 11.2 **Manager Selection.** The manager selection process should incorporate review and analysis of the following factors:
  - a. Ability of the firm to achieve [SITIF] return and risk objectives of the investment pool.
  - b. Length and quality of experience of key investment professionals.

[c. Long-term track record evaluated on both a risk and return basis.]

- <u>c.</u> [d.] Consistency of investment strategy and results.
- <u>d.</u> [e.] Historical growth of, and future plans for, assets under management.
- e. [f.] Confidence that past performance can be sustained in the future.
- <u>f.</u> [g.] Existence of a clear, concise and effective decision-making process.
- g. [h.] Risk management tools and systems.
- <u>h.</u> [i-] Sufficient organizational depth and continuity of personnel.
- <u>i.</u> [j-] Adequate reporting, administration and back-office support.

## Section 12 Responsibilities of Investment Managers.

- 12.1 Invest the assets of the TTU system with the care, skill, prudence, and diligence that a prudent professional investment manager, familiar with such matters and acting in like capacity, would use in the investment of such assets, consistent with the guidelines outlined herein.
- 12.2 Adhere to the investment policies and guidelines prescribed by the TTU system and act in the best interest of the TTU system.
- 12.3 Each investment manager shall have full investment discretion with regard to security selection, consistent with this policy and the manager's established guidelines.
- 12.4 Make no material departures from the strategy for which the manager was hired.
- 12.5 Inform the [Treasurer] consultant and CIO about all significant matters pertaining to the investment of TTU system assets. These matters include the following:
  - a. Substantive changes in investment strategy or portfolio structure.
  - b. Significant changes in ownership, affiliations, organizational structure, financial condition and professional staffing of the investment management organization.
  - c. Any regulatory actions being pursued or taken against the firm or any of its employees.
- 12.6 All investment managers must report their performance on a monthly <u>or quarterly</u> basis, and the reporting methodology must be in compliance with the standards outlined by the CFA Institute.
- 12.7 Seek best price/execution when purchasing or selling securities at all times. Each investment manager must recognize that brokerage is an asset of the TTU system, not the investment manager. Also, investment managers must disclose any affiliated brokerage relationships.
- 12.8 Comply with CFA Institute Guidelines on Soft Dollar Standards.
- 12.9 Vote all proxies after careful assessment of the issues involved, with particular emphasis on items that might reduce the economic value of stockholders' rights of ownership and thereby adversely impact the performance of the TTU system's assets.
- 12.10 Meet with the [Treasurer] <u>CIO</u> and other investment staff on a regular basis, either in person or by teleconference.
- 12.11 Provide the number of new clients and clients that have terminated on a quarterly basis.

- 12.12 Securities or positions in a single company or issuer must not exceed 10% of the investment manager's portfolio measured at market value. However, money market funds and obligations issued by the U.S. federal government are exempt from this restriction.
- 12.13 Securities or positions in any one industry should not exceed 25% of the investment manager's portfolio at market value.
- 12.14 The market value of any single investment manager account may not exceed 10% of the [total SITIF] applicable pool.
- 12.15 Currency hedging decisions are at the discretion of the manager.

#### Section 13 Spending Policy.

- 13.1 The Board recognizes the need for distributions to institutional funds comprising the SITIF. Distributions are to be made on a monthly basis.
- 13.2 For the [cash] Cash Pool and [short term pools] Short Term Pool of the SITIF, funds to be distributed will be current income earned on an accrual basis.
- 13.3 For the Intermediate [pool] Pool [of the SITIF], a spending [percentage] draw will have to be applied as it is managed on a total return basis. 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 Intermediate [pool] Pool portion;
  - b. the purposes of the TTU system and the Intermediate [pool] Pool portion;
  - 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.

[13.4 In order to provide for stability and predictability in distributions, funds to be distributed from the Intermediate pool will be based on an average of market value. Average market value will be determined at each month end based on the number of months from inception of the Intermediate pool, until the number of months reaches 36. From that point forward, the average will be a 36 month rolling average.

To provide for timely distributions coinciding with the closing of monthly accounting periods and account for when investment manager statements are normally received, the current month's market value will be determined with a one-month lag after accounting for cash inflows/outflows to the Intermediate pool.]

13.4 [13.5] The annual spending percentage applied to average market value shall not exceed 6% nor be less than 2%. The initial annual spending percentage is set at 3% and will be applied monthly by dividing the percentage by 12. The annual spending percentage will be reviewed and set each year by the [Operating Funds Investment Committee] OFIC based on inflation expectations and expected return.

#### Section 14 Management Fee.

- 14.1 The TTU system will assess and retain an investment management fee at the annual rate of 0.1% of the average market value of the [SITHF] Cash Pool and Short Term Pool.
- 14.2 The fee will be assessed on a quarterly basis, and average market value will be based on month-end values during the calendar quarter just ended. [As in Section 13.4, Intermediate Pool values will be on a one-month lag, accounting for cash inflows/ outflows.] The fee rate will be reviewed annually, with any recommended changes submitted to the Board for approval.
- 14.3 The Intermediate Pool will be charged an annual management fee of 35bps for fees and expenses associated with the management of the pool.

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- <u>14.4</u> The TTUS Office of Investments ("TTUS OI") shall be funded by a management fee assessed upon the endowments of the TTU system and the Intermediate Pool.
- 14.5 The management fee rate shall be reviewed annually by the IAC and the CFO, with any recommended changes submitted to the Board for approval.
- 14.6 If as the result of extraordinary and unexpected circumstances, the annual budgets may be amended by the Board.

#### Section 15 Securities Lending.

The [SITIF] Cash Pool and Short Term Pool may not participate in securities lending unless approved by the [Operating Funds Investment Committee] OFIC. For funds managed in a separate account format, the Intermediate Pool 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 Board chair, the chair of the Finance and Administration Committee, and the IAC chair. Also, any such authorization shall be reported as an Information Agenda item at the next Board meeting. Commingled funds are exempt from this restriction.

# Section 16 Amendment of Investment Policy Statement.

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

# Section 17 Effective Date.

This investment policy statement, as amended, was approved [initially] by the Board on [March 2, 2012] August 10, 2018, and by the Texas Tech Foundation, Inc. on [May 11, 2012] \_\_\_\_\_\_.

The SITIF investment policy statement will be updated as soon as the Texas Tech Foundation takes action to approve this amended statement.

#### ATTACHMENT 4-B

# AMEND SECTION 09.02, *REGENTS' RULES*, REGARDING THE SHORT/INTERMEDIATE TERM INVESTMENT FUND, AS FOLLOWS:

- 09.02 Short/Intermediate Term Investment Fund. The policies for the investment of funds [for] in the Cash Pool, Short Term Pool, and Intermediate Pool of the SITIF shall be those outlined in the INVESTMENT POLICY STATEMENT FOR THE SHORT/INTERMEDIATE TERM INVESTMENT FUND.
  - [09.02.1 Investment authority. The *Texas Education Code* provides that the TTU system shall invest all funds in accordance with the prudent person standard. The prudent person standard requires making investments that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.
  - 09.02.2 Investment concept. The SITIF shall employ a total return philosophy. Under such a concept, realized gains and losses will be recorded.
  - 09.02.3 Authorized investment officers.
    - a. The chief financial officer is the authorized investment officer. At each August meeting, the board will delegate its authority, as necessary, to authorize and approve the sale, purchase, and transfer of stocks, bonds, and other securities, or authorize investment agreements with approved investment managers, funded with assets that are owned or controlled by the TTU system as part of the SITIF, provided such action is approved by any two of the officers listed below:
      - (1) chief financial officer;
      - (2) Treasurer;
      - (<del>3) CIO;</del>

- (4) chief fiscal officers of the component institutions; or
- (5) designated investment staff.
- Dne of the following two officers must approve the sale of instruments contributed to the TTU system: vice chancellor for institutional advancement; or legal counsel for institutional advancement.
- 09.02.4 Potential conflicts of interest. An investment officer referenced in Section 09.02.3.a, *Regents' Rules,* is not permitted to have a personal business relationship with an entity seeking to sell an investment to the TTU system. An investment officer referenced in Section 09.02.3.a, *Regents' Rules,* who is related within the second degree of affinity or third degree of consanguinity-(see the chart in Section 03.01.8, *Regents' Rules*) to an individual seeking to sell an investment to the TTU system shall file a statement disclosing that relationship. A statement required under this section of the policy statement must be filed with the board and the Texas Ethics Commission.
- 09.02.5 Securities dealer selection.
  - a. The TTU system may rely on the information and advice of securities sales representatives concerning proposed investments, investment timing and pricing. It is essential that the TTU system have sufficient knowledge about the securities firms and personnel with whom they are doing business. Firms that are unwilling to provide complete and timely disclosure of their financial conditions will not be utilized.
  - b. The following will be considered in the selection of securities firms:
    - (1) The ability of the securities dealer to fulfill commitments as evidenced by capital strength, liquidity and operating results. This evidence shall be gathered from current financial data, annual reports, credit reports, and other sources of financial information. The securities dealer will exhibit a minimum capital requirement of \$50 million.

- (2) The dealers' general reputation for financial stability and fair and honest dealings with customers.
- (3) Information available from state or federal securities regulators and securities industry self regulatory organizations, such as the National Association of Securities Dealers, concerning any formal enforcement actions against the dealer, its affiliates or associated personnel.
- (4) A review of the background of the sales representative with whom business will be conducted in order to determine experience and expertise.
- c. A copy of Section 09.02.5, *Regents' Rules*, shall be provided to all securities dealers seeking to conduct securities transactions with the TTU system.
- d. The TTU system shall make reasonable, good faith efforts to include woman owned and minority owned businesses in its investment process. For purposes of this policy, a minorityowned business is a business entity in which 51% of the ownership interests in the entity are held by one or more minority group members, and a woman-owned business is a business entity in which at least 51% of the ownership interests in the entity are held by one or more.
- 09.02.6 Investment training. The officers identified in Section 09.02.3.a, *Regents' Rules,* shall attend at least one training session per year that addresses the responsibilities of the investment officers. The training should include education in investment controls, security risks, strategy risks, market risks, and compliance with certain state statutes and this policy statement. The chief financial officer shall be notified of the completion of the required training by the investment officers.
- 09.02.7 Internal management reports. Not less than quarterly, the chief financial officer shall prepare and submit to the chair, the chair of the Finance and Administration Committee, the chancellor, and the presidents of the component institutions a report of the status of investments.

a. The report shall:

- (1) describe the investment position of the SITIF; and
- (2) summarize the following:
  - (a) the beginning market value of the reporting period;
  - (b) additions and changes to the market value during the period;
  - (c) ending market value for the period;
  - (d) the book value and market value of investments at the beginning and the end of the reporting period by type of asset invested; and
  - (e) the compliance of the SITIF investments as they relate to this policy statement.
- b. The chief financial officer shall, at the beginning of each fiscal year, present a report to the board of the investments of the TTU system during the preceding fiscal year. The report will summarize all investment activity for the year, including total investment income and annual investment rate of return.]
- 09.03 **Long Term Investment Fund (Endowment).** The policies for the investment of funds for the LTIF shall be those outlined in the INVESTMENT POLICY STATEMENT FOR THE LONG TERM INVESTMENT FUND.

