



TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

AGENDA BOOK

August 6, 2020

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

August 6, 2020

BOARD OF REGENTS

Mr. Christopher M. Huckabee, Chairman

Mr. J. Michael Lewis, Vice Chairman

Mr. Mark Griffin

Mr. Ron Hammonds

Mrs. Ginger Kerrick

Mr. Mickey L. Long

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Dusty Womble

Ms. Brooke Walterscheid, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs:

Ginger Kerrick; John Steinmetz (Chair); John Walker, Brooke Walterscheid

Audit:

Ron Hammonds (Chair); Ginger Kerrick; Dusty Womble

Facilities:

Mark Griffin; Ron Hammonds; Mickey Long (Chair)

Finance and Administration:

Mickey Long; John Walker (Chair); Dusty Womble

AGENDA

Board of Regents Meeting**Lubbock, Texas****August 6, 2020**Abbreviated Agenda with Approximate Times***Thursday, August 6, 2020****Swearing-in of new student regent**

9:20 am

Ceremonial swearing-in of newly appointed student regent

Location: Regents Conference Room (104A), First
Floor, System Building, 1508 Knoxville Avenue,
Lubbock, Texas*CONTINUED ON NEXT PAGE*

*For general information. All open session meetings of the Board of Regents 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. This one-day Meeting of the Board will take place on Thursday, August 6, 2020. Prior to the start of the day's meetings on August 6, at approximately 9:20 am, a ceremonial swearing-in of the newly appointed student regent will take place. Immediately following the swearing-in ceremony, the Board will convene as a Meeting of the Board/Committee of the Whole for the presentation of introductions/recognitions and to conduct other board business. The Board will recess after the presentation of the Student Government Association reports at which time the Trustees Meeting of the Carr Scholarship Foundation will commence. The Meeting of the Board will reconvene upon adjournment of the Carr Scholarship Foundation meeting to conduct the remainder of its business including to convene into Executive Session. The Meeting of the Board is expected to adjourn on or before 3:00 pm; however, if needed, the meeting may continue beyond 3:00 pm until completed. The full board agenda is detailed on pages vi through xiii. The agenda for each session of the board meeting is detailed behind the appropriate divider tab.

Board of Regents Meeting**Lubbock, Texas****August 6, 2020**Abbreviated Agenda with Approximate Times***Thursday, August 6, 2020****Meeting of the Board**

9:30 am
(immediately after
swearing-in ceremony)

Call to Order; convene as Meeting of the Board and
Committee of the Whole Board

- Introductions and recognitions
- Approval of minutes
- Schedule of future board meetings
- SGA reports

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

10:15 am

Recess

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Board of Regents Meeting**Lubbock, Texas****August 6, 2020**Abbreviated Agenda with Approximate Times***Thursday, August 6, 2020****Board of Trustees Meeting of the Carr Scholarship Foundation**
(Shown for informational purposes only.)

10:15 am (or upon recess of the Meeting of the Board)	Call to Order; convene Meeting of the Board of Trustees of the Carr Scholarship Foundation Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas
10:45 am	Adjournment

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Board of Regents Meeting**Lubbock, Texas****August 6, 2020**Abbreviated Agenda with Approximate Times***Thursday, August 6, 2020****Meeting of the Board**

- | | |
|-------------------------|---|
| 10:45 am | <p>Call to Order; reconvene Meeting of the Board/Committee of the Whole</p> <ul style="list-style-type: none"> • Report on COVID-19 from each component institution • Consideration of items related to Facilities; Finance and Administration; Academic, Clinical and Student Affairs; and Audit • Approval of Consent and Information Agendas <p>Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas</p> |
| 12:30 pm | <p>Executive Session</p> <p>Location: Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas</p> |
| 3:00 pm | <p>Following Executive Session, convene into Open Session, and continue as Meeting of the Committee of the Whole and the Board to:</p> <ul style="list-style-type: none"> • Consider items from Executive Session • Remaining Board business <p>Location: Regents Conference Room (104A), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas</p> |
| On or before
3:00 pm | <p>Adjournment</p> |

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Board of Regents Meeting

August 6, 2020

Agenda

Thursday, August 6, 2020

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

Ceremonial 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

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

A. Introductions and Recognitions Chancellor Mitchell,
Interim President Wright,
President Schovanec,
President Lange and
President Rice-Spearman

B. Approve minutes of Board meetings held on
May 14, 2020 and July 24, 2020Chairman Huckabee

C. Schedule for Board meetings:
October 16, 2020, Lubbock
December 10-11, 2020, Lubbock
February 25-26, 2021, Lubbock
May 13-14, 2021, Lubbock
August 5-6, 2021, Lubbock
October 2021 (TBD), Lubbock
December 9-10, 2021, Lubbock Keino McWhinney

D. Student Government Association ReportsKristen Kilpatrick,
Hunter Heck,
Marcus Gonzalez,
and Jessica Tom

II. RecessChairman Huckabee

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place upon recess of the Meeting of the Board; 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

III. Meeting of the Board—Call to Order; reconvene into Open Session of the Board. 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:Chairman Huckabee

A. Committee of the Whole.....Chairman Huckabee

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1. ASU, TTU, TTUHSC and TTUHSC El Paso: Reports on COVID-19	9

(Facilities Items:)

2. ASU: Approve naming of Engineering Student Hub (American Electric Power Foundation Engineering Student Hub)	10
3. ASU: Authorize increase to the total project budget for the Angelo State University Mayer Museum project.....	11
4. TTUS: Report on Facilities Planning and Construction projects.....	13

(Finance and Administration Items:)

5. TTUSA, TTU, ASU, TTUHSC and TTUHSC-El Paso: Approve FY 2021 operating budgets.....	14
6. TTUS: Authorize selection of primary depository to provide banking services for TTUS and component institutions	15
7. TTUS: Bond Issuance Update.....	16

(Academic, Clinical and Student Affairs Items:)

8. TTU: Approve appointments with tenure	17
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9. TTU and TTUHSC: Approve the dual degree program, Master of Science in Nursing and Master of Business Administration, between TTUHSC School of Nursing and TTU Rawls College of Business..... 19
10. TTUHSC: Approve changes in academic rank 20
11. TTUHSC: Approve appointment of Grover E. Murray Professor 21

(Audit Items:)

12. TTUS: Approve 2021 annual audit plan for the Texas Tech University System 24
13. TTUS: Report on audits..... 25

Executive Session: The Audit Committee will consider and discuss its Executive Session matters during the Executive Session of the full board (IV.).

(Consent and Information Items:)

14. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda..... 26

Consent Agenda

- a. ASU: Approve revisions to the Student Handbook of Angelo State University, effective August 7, 2020 (ACS)
- b. TTU: Approve faculty development leaves of absence (ACS)
- c. TTU: Approve leave of absence without pay (ACS)
- d. TTU: Approve employee appointment to non-elective position (ACS)
- e. TTU: Approved revisions to the Student Handbook, effective August 7, 2020 (ACS)
- f. TTUHSC and TTUHSC El Paso: Approve employee appointment to non-elective position (ACS)
- g. TTUHSC: Approve revisions to the admissions requirements of the Graduate School of Biomedical Sciences (ACS)

- h. TTUHSC: Approve revised Tenure and Promotion Policy (ACS)
- i. TTUS: Approve change to Chapter 04 (Academic Affairs), Regents' Rules, to the title of Horn Professorships and including TTUHSC El Paso for the Murray Professorship (ACS)
- j. ASU: Approve the revised Five-Year Capital Projects Plan and submission of the Capital Expenditure Plan/MP1 report to THECB (F)
- k. TTU: Approve the revised Five-Year Capital Projects Plan and submission of the Capital Expenditure Plan/MP1 report to THECB (F)
- l. TTU and TTUHSC: Authorize a Permanent Right of Access and Use Agreement benefitting the new School of Veterinary Medicine Amarillo Campus, Amarillo, TX (F)
- m. TTU: Authorize Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock (LP&L distribution line along TTU west property line; monetary consideration) (F)
- n. TTU: Accept Gift-in-Kind of Real Property benefitting College of Agricultural Sciences and Natural Resources (F)
- o. TTU: Approve naming of Personal Financial Planning Clinic counseling room (Aubrey and Dennis Moore Family Counseling Room) (F)
- p. TTU: Approve naming of Personal Financial Planning Clinic counseling room (Ratzlaff Family Counseling Room) (F)
- q. TTU: Approve naming of Edward E. Whitacre Jr. College of Engineering, Livermore Center Room 101 (Evelyn M. Davies Multi-Purpose Classroom) (F)
- r. TTU: Approve exception to Regents' Rules for the CHACP 1 – Boiler No. 2 Refurbish project (F)
- s. TTU: Approve exception to Regents' Rules for the CHACP 2 – Chillers project (F)
- t. TTU: Approve exterior building signage for lease space (Use of Double T for Small Business Development Center lease space) (F)
- u. TTU: Approve exterior building signage on TTU facility in Midland, TX (Facility name plus use of Double T) (F)
- v. TTU: Approve a one-year contract extension with the City of Lubbock for bus service (FA)

- w. TTU: Authorize execution of four contract amendments with the US Department of Energy (FA)
- x. TTU: Approve School of Veterinary Medicine Fees (FA)
- y. TTU: Approve Contracts with Blackboard Inc. for Technology Support Platform Licenses (FA)

Information Agenda

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

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2020 (as of May 31, 2020), 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. Financial reports for the most recently completed quarter for each of the component institutions are available at: <http://texastech.edu/offices/cfo/board-financial-reports.php>
- (2) TTUHSC: Reporting on amendment to a contract previously approved by the Board
- (3) TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships 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: 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.”
- (5) TTU, TTUHSC El Paso and TTUS: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the *Regents’ Rules* – Notwithstanding Section 07.12.3.a, *Regents’ Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.
- (6) TTUHSC: Report of nepotism exception as provided by Section 03.01.11.h., *Regents’ Rules*: “All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree shall be reported to the board as an information item.”
- (7) TTUS: Emergency or exigent circumstances delegation of authority to the Board chairman and chancellor by Sections 01.02.1.b-c.(1), *Regents’ Rules* – “When an emergency or exigent circumstances exist that cannot be adequately addressed through Section 07.04.4.a(2) relating to budget

adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects, the chair – or if the chair is not available within the time required for action, the vice chair – may approve a proposal submitted by the chancellor, or the chancellor’s designee, for an action that otherwise would require the approval of the board as a whole, with subsequent notification to the board as soon as practicable....The chair – or if the chair is not available within the time required for action, the vice chair – may authorize the chancellor to exercise such additional authority as is necessary to ensure the health and safety of the students, faculty, and staff of the Texas Tech University System and/or the continued operations of the System’s components during a state of emergency or exigent circumstances (including, but not limited to, a “disaster” as defined in Section 418.004(1), Texas Government Code).

IV. Executive Session: The Board 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, for example:Chairman Huckabee

- 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

[NOTE: All Executive Session matters including that of the Audit Committee pertaining to Sections 551.071, 551.074 and 551.076 will be handled at this time.]

V. Open Session: The Board will reconvene 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 Lewis
- B. Chairman’s Announcements Chairman Huckabee
- VI. Adjournment Chairman Huckabee**

**MEETING OF THE
BOARD &
COMMITTEE OF
THE WHOLE**

Meeting of the Board
Thursday, August 6, 2020

Time: 9:30 am

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

Agenda

Ceremonial 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

- I. **Meeting of the Board—Call to Order; convene into Open Session of the Board**Chairman Huckabee
 - A. Introductions and Recognitions Chancellor Mitchell, Interim President Wright, President Schovanec, President Lange and President Rice-Spearman
 - B. Approve minutes of Board meetings held on May 14, 2020 and July 24, 2020Chairman Huckabee
 - C. Schedule for Board meetings:
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 - August 5-6, 2021, Lubbock
 - October 2021 (TBD), Lubbock
 - December 9-10, 2021, Lubbock Keino McWhinney
 - D. Student Government Association ReportsKristen Kilpatrick, Hunter Heck, Marcus Gonzalez, and Jessica Tom
- II. **Recess**Chairman Huckabee

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place upon recess of the Meeting of the Board; 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

Meeting of the Board

Thursday, August 6, 2020

Time: 10:45 am (or upon adjournment of the Carr Scholarship Foundation Trustees meeting)

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

Agenda

III. Meeting of the Board—Call to Order; reconvene into Open Session of the Board. 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:Chairman Huckabee

A. Committee of the Whole.....Chairman Huckabee

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- m. TTU: Authorize Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock (LP&L distribution line along TTU west property line; monetary consideration) (F)
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- t. TTU: Approve exterior building signage for lease space (Use of Double T for Small Business Development Center lease space) (F)
- u. TTU: Approve exterior building signage on TTU facility in Midland, TX (Facility name plus use of Double T) (F)
- v. TTU: Approve a one-year contract extension with the City of Lubbock for bus service (FA)
- w. TTU: Authorize execution of four contract amendments with the US Department of Energy (FA)
- x. TTU: Approve School of Veterinary Medicine Fees (FA)
- y. TTU: Approve Contracts with Blackboard Inc. for Technology Support Platform Licenses (FA)

Information Agenda

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

- (1) ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2020 (as of May 31, 2020), 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. Financial reports for the most recently completed quarter for each of the component institutions are available at:
<http://texastech.edu/offices/cfo/board-financial-reports.php>

- (2) TTUHSC: Reporting on amendment to a contract previously approved by the Board
- (3) TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships 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: 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.”
- (5) TTU, TTUHSC El Paso and TTUS: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the *Regents' Rules* – Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied

consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

- (6) TTUHSC: Report of nepotism exception as provided by Section 03.01.11.h., *Regents' Rules*: "All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree shall be reported to the board as an information item."
- (7) TTUS: Emergency or exigent circumstances delegation of authority to the Board chairman and chancellor by Sections 01.02.1.b-c.(1), *Regents' Rules* – "When an emergency or exigent circumstances exist that cannot be adequately addressed through Section 07.04.4.a(2) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects, the chair – or if the chair is not available within the time required for action, the vice chair – may approve a proposal submitted by the chancellor, or the chancellor's designee, for an action that otherwise would require the approval of the board as a whole, with subsequent notification to the board as soon as practicable....The chair – or if the chair is not available within the time required for action, the vice chair – may authorize the chancellor to exercise such additional authority as is necessary to ensure the health and safety of the students, faculty, and staff of the Texas Tech University System and/or the continued operations of the System's components during a state of emergency or exigent circumstances (including, but not limited to, a "disaster" as defined in Section 418.004(1), Texas Government Code)."

IV. Executive Session: The Board 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, for example:Chairman Huckabee

- 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

[NOTE: All Executive Session matters including that of the Audit Committee pertaining to Sections 551.071, 551.074 and 551.076 will be handled at this time.]

V. Open Session: The Board will reconvene 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 SessionVice Chairman Lewis
- B. Chairman’s AnnouncementsChairman Huckabee

VI. AdjournmentChairman Huckabee

1. **ASU, TTU, TTUHSC and TTUHSC El Paso: Reports on COVID-19.**

Presenters: Presidents Angie Wright; Richard Lange; Presentation Time: 30 minutes
Lori Rice-Spearman; and Lawrence Schovanec
Report required by: Requested by the Board

The president from each component university will present a report on COVID-19.

2. **ASU: Approve naming of Engineering Student Hub (American Electric Power Foundation Engineering Student Hub).**

Presenter: Mr. Patrick Kramer

Presentation Time: 3 minutes

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve naming the Engineering Student Hub the “American Electric Power Foundation Engineering Student Hub”. The hub is located in the Vincent Building. The donor concurs with the naming of this space. Signage for the space will specify the approved name.

BACKGROUND INFORMATION

The American Electric Power Foundation (“Donor”) made a generous contribution of \$100,000 to support the David L. Hirschfeld Department of Engineering and the American Electric Power Foundation Engineering Student Hub Endowment. To honor and recognize the contribution, the Engineering Student Hub located in the Vincent Building will be named “American Electric Power Foundation Engineering Student Hub”. Signage will specify the approved name.

The donation is funded by American Electric Power (“AEP”) and its subsidiaries. The Donor serves as a resource for valuable, charitable initiatives in their 11-state service area. Their funding focuses on STEM education from early childhood through higher education, basic human services, and the improvement of the vitality of their communities. The Donor is based in Columbus, Ohio. With this gift, the Donor and its related entities have generously donated over \$1.5 million to the Texas Tech University System.

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, Section 08.05.1 require board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

3. ASU: Authorize increase to the total project budget for the Angelo State University Mayer Museum project.

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

Board approval required by: Section 08.01.3, *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the chancellor or the chancellor's designee to (i) approve the budget increase of \$750,000 for a total of \$17,850,000 in order to expand the mezzanine for additional exhibit space within the Angelo State University Mayer Museum; (ii) accept the increase to the Guaranteed Maximum Price ("GMP"); (iii) amend the Design Professional Agreement; and (iv) amend the Construction Manager At Risk ("CMAR") Agreement. The new authorized increase will be funded with Gifts. The project will be funded through the Revenue Finance System ("RFS") repaid with Gifts (cash) and Higher Education Funds ("HEF"). HEF funds are not to exceed the prorated square foot of the space associated with the Education & General Use ("E&G") portion of the building.

The Board reasonably expects to incur debt obligations for the design, planning and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$17,850,000.

The president further recommends that the chancellor authorize the president 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

This approval grants authority to construct a 1,007 SF mezzanine extension for additional exhibit space within the new Angelo State University Mayer Museum. The additional space is donor funded.

Currently under construction, the 32,005 GSF facility will support the Bachelor of Arts program in Studio Art. The building includes classrooms, class labs, student gallery space, along with faculty and staff offices and support spaces. Specialized laboratories are being constructed for graphic design, and ceramics programs. In addition, the facility 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 Harte University Center. The scope of the project also includes site utility infrastructure work and surface parking.

In August 2019, the Board of Regents authorized the construction of the Angelo State University Mayer Museum for a total of \$17,100,000. The project was funded through the Revenue Finance System ("RFS") repaid with Gifts (cash) and Higher Education Funds ("HEF"). HEF funds are not to exceed the prorated square foot of the space associated with the Education & General Use ("E&G") portion of the building.

In May 2019, the Board of Regents approved expenditures of \$175,268 associated with the execution of a Construction Manager at Risk Agreement to allow the contractor to provide pre-construction services. The expenditures were funded through the Revenue Finance System ("RFS") repaid with Gifts (cash).

In February 2019, the Board of Regents approved expenditures of \$851,608 associated with execution of the Design Professional Stage II services. The expenditures were funded with Gifts (cash). The item was amended at the board meeting to waive the board directed fees for landscape enhancement and public art and the use of a Construction Manager Agent ("CMA").

In December 2018, the Board of Regents approved a name change for the facility. The revised name for the facility will be "Angelo State University Mayer Museum" on the campus of Angelo State University in honor of Richard and Betty Mayer.

In August 2018, the Board of Regents approved a Design Professional Stage I budget 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 Stage I budget was previously board authorized from Gift funds (\$425,000 cash).

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

The vice president for finance and administration has verified the source of funds. The vice chancellor and chief financial officer of the TTU System also acknowledges the source of the funds for this project.

4. TTUS: Report on Facilities Planning and Construction projects.

Presenter: Mr. Billy Breedlove
Report requested by: Board of Regents

Presentation Time: 5 minutes

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

5. TTUSA, TTU, ASU, TTUHSC and TTUHSC El Paso: Approve FY 2021 operating budgets.

Presenter: Mr. Gary Barnes

Presentation Time: 15 minutes

Reports approval required by: Section 07.04.2, *Regents' Rules*

RECOMMENDATION

The president from each respective university recommends and the chancellor concurs that the Board of Regents approve the FY 2021 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 El Paso.

The State Auditor recommends the Board appropriate the fund balances of income generating accounts for specific activities usually supported by the accounts as unrestricted or unallocated.

BACKGROUND INFORMATION

The Board is required to approve on or before September 1, 2020, an itemized budget covering operations for the ensuing fiscal year.

The FY 2021 budget has been prepared on the basis of funds appropriated by the 86th Legislature, Regular Session, including estimated local income, adjusted by 5% reduction as directed by the Governor, Lieutenant Governor and Speaker of the House in memo dated May 20, 2020.

6. TTUS: Authorize selection of primary depository to provide banking services for TTUS and component institutions.

Presenter: Mr. Gary Barnes

Presentation Time: 5 minutes

Board approval required by: Section 7.08.1 *Regents' Rules*

RECOMMENDATION

The chancellor recommends that the Board of Regents authorize the chancellor or his designee to conclude negotiations and enter into an agreement with JP Morgan Chase Bank, N.A. to provide TTUS and the component institutions with primary banking services, which include depository services, providing adequate collateral to safeguard funds, various payment processing methods, cash handling, process improvement, and online reporting.

The selected institution will provide TTUS with the highest level of banking service and will enable each to minimize banking costs, improve operational efficiencies in payment processing and cash handling, ensure safety of deposits, and maximize investment capabilities. JP Morgan Chase Bank, N.A. also possesses fiscal strength and creditworthiness necessary to safeguard funds and provide services on an uninterrupted basis.

BACKGROUND INFORMATION

TTUS issued a competitive Request for Proposal ("RFP") on January 8, 2020 seeking proposals from qualified institutions with experience in primary depository operations. Proposers had to demonstrate not only the required services requested by TTUS, but also the ability to service all component institutions, a sustained commitment to improvements in technology and processes, and a willingness to seek out best practices in their industry and their application to higher education environments. JP Morgan Chase Bank, N.A. was selected through this process as possessing the best of those characteristics.

Section 07.08.01, *Regents' Rules*, Requires Board approval for primary depositories.

7. TTUS: Bond Issuance Update.

Presenter: Mr. Gary Barnes

Presentation time: 5 minutes

Report required by: Section 07.05.2, *Regents' Rules*

Mr. Gary Barnes, CFO, TTUS, will present an update on the bond issuance.

8. TTU: Approve appointments with tenure.

Presenter: Dr. Michael Galyean

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; TTU Operating Policy 32.17**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve the granting of tenure for the faculty members as listed below concurrent with their appointments to Texas Tech University ("TTU"). These faculty members are to be appointed to their respective positions and ranks at TTU as of September 1, 2020.

Babu John Mariadoss, Ph.D., associate professor of Marketing in the Rawls College of Business. In his most recent position at Washington State University, Dr. Mariadoss was a tenured associate professor of Marketing as of 2013.

Bashir I. Morshed, Ph.D., associate professor in the Department of Computer Science, Edward E. Whitacre Jr. College of Engineering. Dr. Morshed comes to Texas Tech University from the University of Memphis where he has served as a tenured associate professor of Electrical and Computer Engineering since 2017.

Thu "Annelise" Nguyen, Ph.D., M.B.A., professor in the School of Veterinary Medicine. Dr. Nguyen comes to Texas Tech University from Kansas State University where she has been a tenured associate professor in the College of Veterinary Medicine since 2012.

Bernd Reiter, Ph.D., professor in the Department of Classical and Modern Languages and Literatures, College of Arts and Sciences. Most recently, Dr. Reiter has served as the Director of the Institute for the Study of Latin America and the Caribbean at the University of South Florida, where he was also a tenured professor of Political Science in the School of Interdisciplinary Global Studies.

Ebenezer Tumban, Ph.D., associate professor in the School of Veterinary Medicine. Dr. Tumban comes to Texas Tech University from Michigan Tech University (MTU) where he has been a faculty member in the Department of Biological Sciences since 2014. He was promoted to associate professor with tenure at MTU in 2019.

Sarah Wagner, D.V.M., Ph.D., professor in the School of Veterinary Medicine. Most recently, Dr. Wagner was a tenured professor of animal sciences at North Dakota State University where she has been on the faculty since 2004.

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 825. There are 1,122 full-time tenured and tenure-track faculty. After these appointments, the percentage of tenure-track faculty who have been awarded tenure will be 73.5%, and tenured faculty represent 46% of all faculty (including part-time). Together, tenured and tenure-track faculty represent 63.7% of all faculty, and 70.8% of all full-time faculty.

9. TTU and TTUHSC: Approve the dual degree program, Master of Science in Nursing and Master of Business Administration, between TTUHSC School of Nursing and TTU Rawls College of Business.

Presenters: Dr. Michael Galyean

Presentation Time: 3 minutes

Board approval required by Section 04.09.1, *Regents' Rules*; HSC OP 60.11; TTU OP 36.04; and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The presidents of Texas Tech University (“TTU”) and Texas Tech University Health Sciences Center (“TTUHSC”) recommend and the chancellor concurs that the Board of Regents approve a new dual degree program from two existing programs—a Master of Science in Nursing Administration within the TTUHSC School of Nursing (“SON”) and a Master of Business Administration with a concentration in Health Organization Management within the TTU Jerry S. Rawls College of Business Administration (“RCOBA”). The Board further authorizes the submission by the TTUHSC Vice Provost and TTU Vice Provost for Institutional Effectiveness to the Southern Association of Colleges and Schools Commission on Colleges to provide required notification of the new program.

BACKGROUND INFORMATION

The dual degree program will utilize resources from existing programs at TTUHSC and TTU and will not require additional space, facilities, faculty, or staff. The program will be delivered online using a combination of existing courses. No new courses will be developed for the program, and no new delivery methods will be required. The MSN/MBA dual degree program will require a total of 57 semester credit hours. These include 27 credit hours derived from SON courses and 30 credit hours derived from MBA courses. The SON will accept 9 credit hours from RCOBA towards the MSN degree in Nursing Administration, and the RCOBA will accept 12 hours from the SON towards the MBA degree. Enrollment increases will be minimal, as 5-8 students are expected to enroll in the dual degree program per year. The program should be revenue neutral, and no additional costs of delivery are anticipated.

The MSN/MBA dual degree program seeks to address a nationwide need to develop nursing leaders. The program reflects the common goals of TTUHSC SON and TTU RCOBA to enhance the business and leadership skills of nurses to improve the quality and safety of healthcare, reduce healthcare costs, and ensure efficient and effective delivery of services. Students in the MSN/MBA program will graduate with two distinct degrees, thereby adding value to the consumer and improving future employability.

10. TTUHSC: Approve changes in academic rank.

Presenter: Dr. Lori Rice-Spearman

Presentation Time: 1 minute

Board approval required by: Section 04.02, Regents' Rules; HSC Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve a change in academic rank, effective September 1, 2020, for the faculty member as listed below.

Tenured Faculty:

Dawndra Sechrist, OTR, PhD, Associate Professor to Professor, Dean,
School of Health Professions

BACKGROUND INFORMATION

The faculty whose name appears on the above list has been judged by the appropriate departmental and collegiate committees and administrative personnel as worth of the promotions for which she has been recommended. The procedure used in recommending members of the faculty for promotion has been followed carefully.

11. TTUHSC: Approve appointment of Grover E. Murray Professor.

Presenter: Dr. Lori Rice-Spearman
Board approval required by: 04.01.1, *Regents' Rules*

Presentation Time: 3 minutes

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the appointment of Steven L. Berk, M.D., as a Grover E. Murray Professor.

BACKGROUND INFORMATION

The Grover E. Murray Professorship is intended for faculty members who attain national and international distinction for outstanding research, scholarly and creative achievement. Dr. Berk meets these criteria.

In 1999, Dr. Berk joined the faculty of Texas Tech University Health Sciences Center ("TTUHSC"). He held the positions of Regional Dean for the Amarillo Campus, Professor of Medicine, and Mirick-Myers Endowed Chair in Geriatric Medicine. Dr. Berk was appointed Dean of the School of Medicine in 2006, and Executive Vice President in 2010. Dr. Berk graduated from Boston University School of Medicine and completed his Internal Medicine residency and Infectious Disease fellowship at Boston City Hospital. He is a member of Phi Beta Kappa, Alpha Omega Alpha, and Sigma Xi.

Dr. Berk is the author or co-author of over 150 peer-reviewed publications and four textbooks. His publications have been cited 3,700 times and he has an h-index of 28. He has served on the NIH Special Advisory Panel on the evaluation of vaccines against infections in the elderly, on the editorial board of the Journal of the American Geriatric Society, and as a reviewer for most Internal Medicine and Infectious Disease journals. He has served on the Board of Directors Nominating Committee for the Association of American Medical Colleges ("AAMC") and chaired the AAMC community-based deans subcommittee for eight years. Recently, both his editorials on wearing a facemask and dealing with the issue of COVID-19 in nursing homes and have been circulated nationally by the AAMC.

Dr. Berk has been recognized for many achievements throughout his distinguished career. His teaching ability was well-recognized at East Tennessee State University, where he received the medical school's Teacher of the Year Award ten times and the university's Distinguished Faculty Award. The American College of Physicians bestowed the title of Laureate in Medicine on Dr. Berk in 1998, and he was elected to the national board of Alpha Omega Alpha in 1999. In 2006, his memoir entitled *Anatomy of a Kidnapping* was published by Texas Tech Press and received the 2011 Forward Reviews Book of the year Award

(silver). In 2012 he was elected Distinguished Alumni by Boston University School of Medicine, and had an endowed UMC chair named in his honor. In 2019 he received the Department of Medical Education teaching award for the infectious disease course.

To demonstrate his commitment and tireless advocacy to support and promote diversity and women leadership in medicine, over the last decade Dr. Berk nominated and funded ten female faculty to attend the prestigious Executive Leadership in Academic Medicine (“ELAM”) at Drexel University. Additionally, he started the TTUHSC policy to select and fund faculty receiving master’s degrees in education as a means to improve medical teaching and develop future faculty leaders.

Through Dr. Berk’s leadership, the School of Medicine has experienced continued growth of innovative ideas and programs. His personal vision for addressing the ever-increasing need for primary care physicians launched a unique Family Medicine Accelerated Track, the first program of its kind in the country. Other innovations include the creation of the Covenant Branch Campus for 3rd and 4th year clerkship training, the medical student barbershop hypertension program, Deans’ Ambassadors, the Clinical Research Institute, creating the Department of Medical Education, the Women’s Health Research Institute of Amarillo, and the Lubbock medical student led free clinic.

Dr. Berk’s leadership reflects an important balance between education, research, clinical care, and service to the community, while living TTUHSC’s values – One Team, Kindhearted, Integrity, Visionary, Beyond Service. Dr. Berk embodies all that is best of TTUHSC and is deserving of being named a Grover E. Murray Professor.

Grover E. Murray professors receive an annual supplement of \$10,000. The salary of an appointee to a Murray Professorship shall be supplemented by no more than 50% (\$5,000) of the total supplement. The remaining funds are used to provide a discretionary fund account to support professional expenses such as books, travel, membership, and research. Upon retirement, one additional year of funding from the discretionary fund account will be made available to allow ongoing research projects and/or student support to be completed.

The Grover E. Murray Professorship will be held for the remainder of the recipient’s active service at TTUHSC. Holders of the title, if granted emeritus status upon retirement, shall be designated as Grover E. Murray Professor Emeritus.

Faculty members who have been previously named Grover E. Murray professors are:

- Dr. Michael Evans
- Dr. Sharon Decker
- Dr. Valdivel Ganapathy
- Dr. Neil Kurtzman (retired)

- Dr. John Orem (retired)
- Dr. Gabor Racz (retired)
- Dr. Cynthia Raehl (retired)
- Dr. Quentin Smith
- Dr. Afzal Siddiqui
- Dr. Doug Stocco (retired)
- Dr. Surendra Varma
- Dr. Abraham Verghese (no longer at TTUHSC)

12. TTUS: Approve 2021 annual audit plan for the Texas Tech University System.

Presenter: Mrs. Kim Turner

Presentation Time: 5 minutes

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 2021 annual audit plan have been selected as a result of an enterprise-wide risk assessment process.

13. TTUS: Report on audits.

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.

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

RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of August 6, 2020; 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 the Texas Tech University System 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 6, 2020

BOARD OF REGENTS

Mr. Christopher M. Huckabee, Chairman

Mr. J. Michael Lewis, Vice Chairman

Mr. Mark Griffin

Mr. Ron Hammonds

Mrs. Ginger Kerrick

Mr. Mickey L. Long

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Dusty Womble

Ms. Brooke Walterscheid, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs:

Ginger Kerrick; John Steinmetz (Chair); John Walker; Brooke Walterscheid

Audit:

Ron Hammonds (Chair); Ginger Kerrick; Dusty Womble

Facilities:

Mark Griffin; Ron Hammonds; Mickey Long (Chair)

Finance and Administration:

Mickey Long; John Walker (Chair); Dusty Womble

**TEXAS TECH UNIVERSITY SYSTEM
BOARD OF REGENTS**

August 6, 2020

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

- (1) **ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2020 (as of May 31, 2020), 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. Financial reports for the most recently completed quarter for each of the component institutions are available at: <http://texastech.edu/offices/cfo/board-financial-reports.php>
- (2) **TTUHSC: Reporting on amendment to a contract previously approved by the Board**
- (3) **TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships 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: 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.”

- (5) **TTU, TTUHSC El Paso and TTUS: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the *Regents' Rules*** – Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.
- (6) **TTUHSC: Report of nepotism exception as provided by Section 03.01.11.h., *Regents' Rules***: “All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree shall be reported to the board as an information item.”
- (7) **TTUS: Emergency or exigent circumstances delegation of authority to the Board chairman and chancellor by Sections 01.02.1.b-c.(1), *Regents' Rules*** – “When an emergency or exigent circumstances exist that cannot be adequately addressed through Section 07.04.4.a(2) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects, the chair – or if the chair is not available within the time required for action, the vice chair – may approve a proposal submitted by the chancellor, or the chancellor’s designee, for an action that otherwise would require the approval of the board as a whole, with subsequent notification to the board as soon as practicable....The chair – or if the chair is not available within the time required for action, the vice chair – may authorize the chancellor to exercise such additional authority as is necessary to ensure the health and safety of the students, faculty, and staff of the Texas Tech University System and/or the continued operations of the System’s components during a state of emergency or exigent circumstances (including, but not limited to, a “disaster” as defined in Section 418.004(1), Texas Government Code).”

a. **ASU: Approve revisions to the *Student Handbook of Angelo State University*, effective August 7, 2020.**

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

The request is to approve the revisions to the Student Handbook and *Code of Student Conduct* for Angelo State University, effective August 7, 2020, as included on the supplemental attachment to the agenda. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Executive Summary

The Student Handbook is intended to inform the Angelo State University community of the expectations, regulations, and/or standards by which members abide and procedures which guide campus activities.

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

Specifically, the substantive changes for Student Conduct include:

1. Part I, Section B: Revised "Retaliatory Discrimination or Harassment" violation definition using the TTU language.
2. Part I, Section B: Added "Interference with Expressive Activities" violation using the TTUS language.
3. Part I, Section B: Removed "University Policy" from the "Violation of Federal, State, and/or Local Laws" because "Violation of University Policies, Rules, and Regulations" is already listed.
4. Part II: Section E: Revised "Complaint" definition.
5. Part II: Section G: Revised "Freedom of Expression" using the TTUS policy language.

Other changes, including Title IX changes, are editorial. The substantive changes to Title IX will be made in coordination with the Texas Tech University System Office of General Counsel. At the August 8-9, 2019 Board meeting, the Board authorized the chancellor, or the chancellor's designee to approve necessary revision to Title IX policies during FY 2020. General Counsel has established a Title IX Taskforce and will have the necessary Title IX revisions ready by August 14, 2020, the effective date for the new Department of Education Title IX rules.

b. TTU: Approve faculty development leaves of absence.

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

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

Faculty development leave with one-half salary for Costica Bradatan, Ph.D., professor of humanities in the Honors College, for the period of September 1, 2020 through August 31, 2021. Dr. Bradatan is recipient of a prestigious Humboldt Foundation Friedrich Wilhelm Bessel Research Award providing him with a one-year teaching and research residency at Bonn University in Bonn, Germany.

Faculty development leave with full salary for Hyojung Cho, Ph.D., associate professor of Heritage and Museum Sciences at the Museum of Texas Tech University, for the period of January 1, 2021 through June 30, 2021. Dr. Cho has been awarded a Fulbright Scholar Award to teach heritage management in the Department of History at Bogazici University in Istanbul, Turkey.

Faculty development leave with full salary for Dave Louis, Ph.D., associate professor of higher education in the College of Education, for the period January 1, 2021 through May 31, 2021. Dr. Louis is recipient of a Fulbright Scholar Award to teach and conduct research at the University of Bremen in Bremen, Germany.

Faculty development leave with full salary for Courtney Meyers, Ph.D., professor of Agricultural Education and Communications, for the period of January 1, 2021 through May 31, 2021. Dr. Meyers is recipient of a Fulbright Scholar Award to teach and conduct research at Charles Stuart University in Wagga Wagga, New South Wales, Australia.

Faculty development leave with full salary for Siva Parameswaran, Ph.D., professor of mechanical engineering in the Whitacre College of Engineering, for the period of January 15, 2021 through May 31, 2021. Dr. Parameswaran has been awarded a Fulbright Scholar Award to teach and conduct research in the College of Engineering at the University of Peradeniya in Peradeniya, Sri Lanka.

c. TTU: Approve leave of absence without pay.

Board approval required by: Section 04.05, *Regents' Rules*

The request is to approve the following leave of absence without pay. This request for leave has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Leave without pay for Dr. Bella Gerlich, Librarian and former Dean of Libraries, for the period August 3, 2020 through March 28, 2021. Dr. Gerlich will serve as a consultant to and as Interim College Librarian at Goucher College in Baltimore, Maryland.

BACKGROUND INFORMATION

Section 04.05.1, *Regents' Rules*, requires Regents' approval of leaves of absence for faculty. The existing policy provides that leaves may be granted under conditions allowable by the State of Texas. Faculty members submit requests for leave through their respective deans to the provost. The provost has approved the leave as indicated.

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

Board approval required by: Article 16, Section 40, Texas Constitution; Chapter 574, Texas Government Code and 70.15 TTU Operating Policy

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

Dr. Stephanie Shine has been appointed to the Early Childhood Intervention Advisory Committee. Her appointment is set to expire February 1, 2023. The Committee advises the Texas Health and Human Services Commission Division for Early Childhood Intervention Services on development and implementation of policies that constitute the statewide ECI system.

This appointment is not in conflict with the Dr. Shine's employment at Texas Tech University. She will serve without compensation, but may be reimbursed for necessary travel and per diem in the performance of her duties.

BACKGROUND INFORMATION

The Texas Constitution, Chapter 574 of the *Texas Government Code*, and Texas Tech University Operating Policy require a finding of fact before a university employee may accept an appointment to serve in a non-elective office.

e. **TTU: Approved revisions to the Student Handbook, effective August 7, 2020.**

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

The request is to approve revisions to the Student Handbook and *Code of Student Conduct* for Texas Tech University, effective August 7, 2020. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Executive Summary

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

Proposed revisions contain editorial revisions include clarifying language and the following changes/updates to ensure alignment with current best practices in higher education and TTU operating policies:

Updates made to: Part I, Section B: Misconduct and Part II, Section C: Anti-Discrimination Policy; Section N: Student Organizations.

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

BACKGROUND INFORMATION

In accordance with *Regents' Rules*, Section 05.01.2, revisions to the Student Handbook and *Code of Student Conduct* must be approved by the Board of Regents. On August 9, 2019, the Board of Regents approved revisions to the Student Handbook effective August 9, 2019 (Minute Order X.B.1.c.).

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

The proposed revisions to the Student Handbook are listed in detail in the executive summary of revisions:

Part I, Section B: Misconduct

- **1. a. 9** - added provision to include electronically downloading and uploading of academic work;

- **1. c** - clarified language related to collaboration leading to similarities in academic work;
- **2.5** - added language to include smokeless tobacco;

Part II, Section C: Anti-Discrimination Policy

- **2 - Sexual Harassment:** added language to clarify definition and examples;
- **3 - Submitting a Report:** updated language to ensure compliance with State of Texas policy and System Regulation 40.03 regarding reporting;
- **5 - Retaliation:** updated definition to be consistent with OP 40.02;
- **6 - Confidentiality:** updated definition to be consistent with OP 40.02;
- **8 - Grievance or Complaint Processes:** updated language to clarify where different grievances or complaints would be filed – Equal Employment Opportunity, Office of the Dean of Students, or TIX/Student Rights and Resolution;

Part II, Section N: Student Organizations

- Added an introductory paragraph surrounding expectations of student organizations and student organization members in congruence with the TTU Statement of Ethical Principles;
- **4. a. iv** - added language to include a student organization member accountability process; and,
- **8. a & b** - added language related to annual training for student organizations and student organization advisors.

Update regarding Part I, Section D: Title IX Procedures for Students

The substantive changes to Title IX will be made in coordination with the Texas Tech University System Office of General Counsel. At the August 8-9, 2019 Board meeting, the Board authorized the chancellor, or the chancellor's designee to approve necessary revision to Title IX policies during FY 2020. General Counsel has established a Title IX Taskforce and will have the necessary Title IX revisions ready by August 14, 2020, the effective date for the new Department of Education Title IX Rules.

f. TTUHSC and TTUHSC El Paso: Approve employee appointment to non-elective position.

Board approval required by: Article 16, Section 40, Texas Constitution; Chapter 574, Texas Government Code and 70.18 TTUHSC Operating Policy

The request is to approve the appointments of the following employees to non-elective positions as listed below. This request has been approved administratively by the presidents and the chancellor and is recommended for approval by the Board of Regents.

Gerad Troutman, M.D., MBA, FACEP, is an Assistant Professor of Emergency Medicine at Texas Tech University Health Sciences Center (TTUHSC) and is the EMS Medical Director for both Lubbock and Amarillo. He is a past president of the Texas College of Emergency Physicians. Currently, he serves as a Delegate to the House for the Texas Medical Association, and a committee member of the American College of Emergency Physicians and a member of the National Association of EMS Physicians, and the Texas Associate of EMS Physicians.

Alan Tyroch, M.D. is the Chair of Surgery at Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). He is a member of the American College of Surgeons, Texas Surgical Society, American Association for the Surgery of Trauma, Society of Critical Care Medicine, Southwestern Surgical Congress, Western Surgical Association, American Trauma Society, Pediatric Trauma Society, Texas Medical Association, and El Paso County Medical Society. Tyroch received an Associate's in Applied Sciences from Temple College, a Bachelor of Science in Microbiology from Texas A&M University, and a Doctor of Medicine from The University of Texas Health Science Center at Houston. He completed a general surgery internship at Baylor College of Medicine, a general surgery residency at Phoenix Integrated Surgical Residency Program, and a Trauma and Surgical Critical Care Fellowship at the University of California of San Francisco, Fresno campus.

Drs. Troutman and Tyroch were appointed by Governor Greg Abbot to the Advisory Council on Emergency Medical Services, known as GETAC, for terms set to expire on January 1, 2026. The council recommends changes to the EMS/Trauma System in order to ensure that the community receives comprehensive and efficient emergency care.

Further, the presidents and the chancellor recommend that the Board of Regents find with respect to the appointees that their service is of benefit to the State of Texas, TTUHSC and TTUHSC El Paso; and that their services does not conflict with their respective position of employment at TTUHSC and TTUHSC El Paso.

BACKGROUND INFORMATION

Section 574.001 of the Texas Government Code and University Policy (OP 70.18) require a finding of fact that Article 16, Section 40 of the Texas Constitution has been satisfied before a university employee may accept an appointment to serve in a non-elective state office.

These appointments will not conflict with the appointees' employment at TTUHSC and TTUHSC El Paso. These individuals will serve without compensation but may be reimbursed for necessary travel and per diem in the performance of their duties as a member of the body to which they are appointed.

g. TTUHSC: Approve revisions to the admissions requirements of the Graduate School of Biomedical Sciences.

Board approval required by: Section 05.01.2 and 05.02, *Regents' Rules*; and TTUHSC OP 77.01

The request is to approve revisions to the admissions requirement of the Graduate School of Biomedical Sciences ("GSBS") at Texas Tech University Health Sciences Center ("TTUHSC"), effective September 1, 2020. This request was initiated by a majority vote of the GSBS faculty and has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

TTUHSC GSBS is requesting authorization to modify existing admissions standards for the Biomedical Sciences PhD program, the Biotechnology Program, and the Public Health program to make the Graduate Record Examinations ("GRE") standardized test optional for domestic students.

BACKGROUND INFORMATION

The GRE has been required since the establishment of the GSBS. However, the exam has been a topic in a national conversation among Graduate Schools for a number of years, based on the following published observations:

1. No correlation is observed between GRE score and first-author papers or length of time to degree.
2. The GRE does not predict qualifying exam success or graduation, publications accrued, or individual grant or fellowship recipients.
3. Hinders diversity since women and underrepresented racial and ethnic minority groups may score lower on the GRE.

In addition, the GSBS has found that the GRE adds only marginal value to the academic record and the admission interview is the central most important determinant of student success. Currently, TTUHSC's GSBS is the only Biomedical Sciences PhD program out of 10 regional competitors currently requiring the GRE, harming our recruitment efforts. By making the GRE optional for domestic applicants, it is expected to result in a larger and more diverse applicant pool.

Although the GSBS requires a course-by-course transcript evaluation for international applicants, it does not have the expertise or knowledge to evaluate the academic rigor of the thousands of international institutions. By keeping the requirement of the GRE for international applicants, it provides an additional tool to assess verbal, quantitative and analytical writing capabilities.

h. TTUHSC: Approve revised Tenure and Promotion Policy.

Board approval required by: Section 04.02, *Regents' Rules*, TTUHSC Operating Policy 60.01

The request is to approve revisions to the tenure and promotion policy of Texas Tech University Health Sciences Center ("TTUHSC"). This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

The proposed changes to TTUHSC Operating Policy ("OP") 60.01 are included as a supplemental attachment to the agenda.

BACKGROUND INFORMATION

TTUHSC OP 60.01, Tenure and Promotion, provides tenure and promotion guidelines as required by Section 04.02, *Regents' Rules*. With the hiring of a new TTUHSC Provost in the fall of 2019, there was a reorganization of the university's academic affairs division to align under the Office of the Provost. With this, the position of Executive Vice President for Academic Affairs was eliminated. Accordingly, the Office of the Provost has been engaged in systematically updating OPs that reference this position.

The proposed changes to TTUHSC OP 60.01 include replacing the "Executive Vice President for Academic Affairs" title with the "Provost" title as applicable and to include the Provost role in the procedure for review of tenure and promotion recommendations. No other changes to TTUHSC OP 60.01 are proposed at this time.

i. **TTUS: Approve change to Chapter 04 (Academic Affairs), Regents' Rules, to the title of Horn Professorships and including TTUHSC El Paso for the Murray Professorship.**

Board approval required by Section 01.08, *Regents' Rules*

The Regents Rules Committee ("Rules Committee") recommends and the chancellor concurs that the Board of Regents consider adoption of amendments to Chapter 04 (Academic Affairs), *Regents' Rules*, relating to the title of Horn and Murray Professorships.

BACKGROUND INFORMATION

Amendments to the *Regents' Rules* are proposed that would (1) rename Texas Tech University's (TTU) Horn Professorships the "Horn Distinguished Professorships;" and (2) add TTUHSC El Paso's ability to participate in Murray Professorships.

The proposed renaming and related amendments to TTU's OP 32.09 have been approved by the president based on a proposal from the current Horn professors, and the chancellor concurs with this renaming. TTUHSC El Paso's status as an independent institution make it necessary to recognize the university as eligible to award the Murray Professorship until such time that TTUHSC El Paso develops an honorific title in the name of its first president. These amendments require changes to Chapter 04 (Academic Affairs) of the *Regents' Rules*. The proposed amendments are included as a supplemental attachment.

The Rules Committee (composed of Regents Michael Lewis—chair, Mark Griffin, 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*.

j. **ASU: Approve the revised Five-Year Capital Projects Plan and submission of the Capital Expenditure Plan/MP1 report to THECB.**

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

The request is to approve the revised Angelo State University Five-Year Capital Projects Plan and acknowledge the 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 chancellor and is recommended for approval by the Board of Regents.

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

BACKGROUND INFORMATION

The System staff adjusted the MP1 report to meet the component's change to the administrative requirements of the report before submission to THECB. The change requested involved a revised total project budget based on a finalized engineering report for Item #2.

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The revised report was submitted to the THECB before the July 6, 2020 deadline.

FIVE-YEAR CAPITAL PROJECTS PLAN (FY2021-2025)
 Angelo State University
REVISED: June 2, 2020

Priority	Bldg. No.	Project Description	GENERAL PROJECT INFORMATION							Project Budget	Funding Source (Millions)										Unfunded				
			Project Type			Square Footage		CIP Code	Total Project Cost		HEAF - Cash	HEAF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other Local Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development		Tuition Revenue Bonds	Other		
1	622	Carr Hall Renovation	New Construction				18,014			0	0	733000	\$ 4,450,000												
2	N01	Cooling Tower Conversion, Hydronic Plant Retrofit and Phase II Central Plant Addition		X			0	0	0	831000	\$ 28,100,000														\$ 28.10
3	109	Porter Henderson Library Conversion - Additional Technology Commons and Offices					16,200	9,900	0	827100	\$ 3,999,000														\$ 4.00
4	624	Concho Hall Renovation					99,483	0	0	733000	\$ 30,000,000														\$ 30.00
5	102	Sol Mayer Administration Building Theater Renovation					8,255	6,852	0	500501	\$ 3,150,000														\$ 3.15
6	NEW	New Police Station					8,000	4,800	0	839100	\$ 5,800,000														\$ 5.80
7	NEW	New Science Building					80,000	50,000	0	260101	\$ 57,500,000														\$ 57.50
8	NEW	Indoor Athletic Competition and Practice Complex					40,000	0	0	720100	\$ 26,800,000														\$ 26.80
9	LA01	Real Property Purchase			X		0	0	12	0	\$ 1,000,000													\$ 1.00	
		Estimated Total Project Budget Increased								TOTALS	\$ 160,799,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 160.80

k. TTU: Approve the revised Five-Year Capital Projects Plan and submission of the Capital Expenditure Plan/MP1 report to THECB.

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

The request is to approve the revised Texas Tech University Five-Year Capital Projects Plan and acknowledge the 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 chancellor and is recommended for approval by the Board of Regents.

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

BACKGROUND INFORMATION

The System staff adjusted the MP1 report to meet the component's change to the administrative requirements of the report before submission to THECB. The changes involve the following items:

- (1) deletion of four items due to completion of those projects -
 - a. C-10 Parking Expansion;
 - b. Drane Hall Phase 1 Life Safety Renovations;
 - c. Mechanical Engineering South Lab 110-112 Renovations;
 - d. Electrical Engineering Presidential Forum Class Lab 126 Renovation;
- (2) addition of an item for CHACP 1 – No. 2 Boiler Refurbish project; and
- (3) addition of an item for CHACP 2 – Add Chillers.

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The revised report was submitted to the THECB before the July 6, 2020 deadline.

FIVE-YEAR CAPITAL PROJECTS PLAN (FY2021-2025)
 Texas Tech University
REVISED June 26, 2020

Priority	Bldg. No.	Project Description	GENERAL PROJECT INFORMATION					Project Type			Square Footage			Project Budget		Funding Source (Millions)														
			New Construction	Additions	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross	Educational & General NASF	Acres	CIP Code	Total Project Cost	HEF - Cash	HEF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other, Institutional Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded				
1	206	Academic Science Building and Engineering Complex	X		X							298,723	184,783	0	000000	\$ 131,200,000									\$ 131.20					\$ -
2	273	CHACP 1 - Boiler No. 2 Refurbish		X	X		X					0	0	0	000000	\$ 4,087,000	\$ 3.00													\$ -
3	Multi	Campus Maintenance/ADA/Life Safety		X	X		X					0	0	0	000000	\$ 80,000,000														\$ 80.00
4	NEW	Music Multi-purpose Performance Facility	X									125,000	75,000	0	509601	\$ 35,000,000														\$ 35.00
5	324	CHACP 2 - Add Chillers		X	X		X					0	0	0	000000	\$ 4,450,000	\$ 3.50													\$ -
6	0272	Architecture Renovation		X	X							154,408	92,705	0	500702	\$ 15,000,000														\$ 15.00
7	0205	Library Addition and Life Safety Upgrades		X	X							430,046	290,462	0	827100	\$ 30,000,000														\$ 30.00
8	405	TTU Plaza Skyviews Renovation		X	X							7,870	4,752	0	520905	\$ 1,265,000	\$ 0.57													\$ -
9	0027	Doak Hall Renovation for ADA and Life Safety Upgrade		X	X							81,768	26,170	0	819600	\$ 22,400,000														\$ 22.40
10	INF	North Sewer Force Main (4th Street to North Loop)					X					0	0	0	000000	\$ 2,000,000														\$ 2.00

GENERAL PROJECT INFORMATION																													
Priority	Bldg. No.	Project Description	Project Type					Square Footage			Project Budget			Funding Sources (Millions)															
			New Construction	Additions	Major Repair & Renovation	Land Acquisitions	Infrastructure	Leased Space	Gross	Educational & General NASF	Acres	CJP Code	Total Project Cost	HEF - Cash	HEF - Bond	Other Revenue Bonds	Auxiliary Enterprise Funds	Other, Institutional Funds	Gifts, Donations	Federal Grants	Unexpended Plant Funds	Legislative Appropriations	Private Development	Tuition Revenue Bonds	Other	Unfunded			
11	0476	NRHC - Ranch Life Learning Center		X							4,225	0	0	00000	\$ 7,000,000												\$ 7.00		
12	0245	TTU Museum East Wing Addition		X							18,000	11,700	0	301401	\$ 12,000,000												\$ 12.00		
13	NEW	Football Training Facility	X								89,100	0	0	720600	\$ 40,000,000												\$ 40.00		
14	0381	Rip Griffin Park Baseball Clubhouse Renovation and Expansion			X						21,852	0	0	720100	\$ 13,174,252												\$ 13.17		
15	0040	Jones AT&T Stadium South End Zone Renovation	X								128,000	0	0	720600	\$ 50,000,000												\$ 50.00		
16	0035	Bledsoe Hall Repair Concrete Deck and Renovate Restrooms		X							3,420	0	0	733000	\$ 3,000,000												\$ 3.00		
17	0036	Gordon Hall Replace Fan Coil Units		X							0	0	0	733000	\$ 1,100,000												\$ 1.10		
18	0034	Sneed Hall Renovate Shower/Toilets		X							4,040	-	0	733000	\$ 2,500,000												\$ 2.50		
		New Projects Added												TOTALS	\$ 454,176,252	\$ 0.57	\$ -	\$ 6.50	\$ -	\$ -	\$ 0.11	\$ 0.59	\$ -	\$ 2.04	\$ -	\$ -	\$ 131.20	\$ -	\$ 313.17

FIVE-YEAR CAPITAL PROJECTS PLAN (FY2021-2025)

Texas Tech University

REVISED June 26, 2020

I. TTU and TTUHSC: Authorize a Permanent Right of Access and Use Agreement benefitting the new School of Veterinary Medicine Amarillo Campus, Amarillo, TX.

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

The request is to authorize the presidents to execute a Permanent Right of Access and Use Agreement of Texas Tech University ("TTU") land and Texas Tech University Health Sciences Center ("TTUHSC") land with Southwestern Public Service Company ("SPS"), a New Mexico corporation. This agreement would grant SPS perpetual easement on TTU land, totaling 0.102 acre, as a SPS utility transmission and distribution corridor for the benefit of the new School of Veterinary Medicine Amarillo Campus, Amarillo, TX.

The granting document will:

- (i) grant SPS a permanent right of access and use ("Easement") of 0.102 acre (4,443.12 square foot) of raw land for the proposed utility transmission and distribution corridor;
- (ii) grant SPS the right to install, operate, relocate, construct, reconstruct, add to, maintain, inspect, patrol, enlarge, repair, and replace Utility Facilities for the transmission and distribution of electricity upon, over, under, and across the property included in the Easement and to remove utility facilities from the property, and the right of ingress and egress on TTU and TTUHSC's adjacent property for the same purposes;
- (iii) authorize the Texas Tech University System to review final engineering plans and coordinate the project with TTU and TTUHSC component operations; and
- (iv) require SPS to pay all costs associated with the project.

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

BACKGROUND INFORMATION

The permanent right of access and use would allow Southwestern Public Service Company ("SPS") to install a utility corridor across Texas Tech University ("TTU") land and tying into a transformer located on TTUHSC property for the benefit of the new School of Veterinary Medicine Amarillo Campus currently under construction.

SPS will pay all costs associated with planning, engineering, constructing, and maintaining the proposed utility corridor location and any related work. The Texas Tech University System will have authority to review final engineering plans and coordinate the project with TTU and TTUHSC's operations prior to

construction. Additionally, SPS will be required to return the property to original condition or an acceptable state.

Regents' Rules, Section 07.12.3.d. require board approval of a lease of land and/or improvements thereon for more than four years, where a TTU system entity is either the lessor or the lessee.

m. TTU: Authorize Permanent Right of Access and Use of Texas Tech University land to the City of Lubbock (LP&L distribution line along TTU west property line; monetary consideration).

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

The request is to authorize the president to conclude negotiations and execute a Permanent Right of Access and Use Agreement of Texas Tech University ("TTU") land with the City of Lubbock, Texas, a Texas home rule municipal corporation, acting by and through its Electric Utility Board and City Council (referred to herein collectively as Lubbock Power & Light ("LP&L")). This agreement would grant LP&L perpetual easements on TTU land, totaling 1.318 acres, as an LP&L north-south utility transmission corridor from the new Red Raider Station. The granting document will:

- (i) grant LP&L a permanent right of access and use (Easement #1) of 0.209 acres (9,116 square feet) of raw land, north of North Loop 289 along TTU's west property line; Erskine Street south to the north Right-of-Way line of the frontage road for North Loop 289, for the proposed distribution line for which TTU will receive payment of its fair market value (determined by comparative cost of appraised values as \$33,729.20);
- (ii) grant LP&L a permanent right of access and use (Easement #2) of 1.109 acres (48,311 square feet) of raw land, south of North Loop 289 along TTU's west property line; south Right-of-Way line of the south frontage road of North Loop 289, south to the north Right-of-Way line of Fourth Street, for the proposed distribution line for which TTU will receive payment of its fair market value (determined by comparative cost of appraised values as \$141,068.12);
- (iii) authorize the Texas Tech University System and Texas Tech University to review final engineering plans and coordinate the project with university and component operations; and
- (iv) require LP&L to pay all costs associated with the project.

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") wishes to grant Lubbock Power & Light ("LP&L") a Permanent Right of Access and Use Agreement ("Easements") that will allow access and construction along the western boundary of TTU property in Lubbock, Lubbock County, Texas. Description of Easements are as follows:

Easement #1:

- 12-Foot Wide Utility Easement in Section 22, Block A, Lubbock County, Texas (North side of North Loop 289 to Erskine Street; West of the existing TTU warehouse and location of the Future Vietnam Center, Archive, & Museum of the Vietnam War)
- Easement request 9,116 square feet (0.209 acres)
- Comparative Cost / Appraised SF: \$3.70/SF
Comparative property located at the NW Corner Erskine Street and Knoxville Avenue (property north of the Rawls Course adjacent to TTU's Grantham site)
- Requested Monetary Value 9,116 SF x \$3.70/SF = \$ 33,729.20

Easement #2:

- 12-Foot Wide Utility Easement in Section 22, Block A, Lubbock County, Texas (South of North Loop 289 to North side of Fourth Street)
- Easement request 48,311 square feet (1.109 acres)
- Comparative Cost / Appraised SF: \$2.92/SF
Comparative property is the LP&L Red Raider Station ground lease site
- Requested Monetary Value 48,311 SF x \$2.92/SF = \$ 141,068.12

LP&L will pay all costs associated with improvements and access which include, but are not limited to, construction, installation, operation, maintenance, use, and repairs of the north-south power distribution lines, connectors and any related work. The Texas Tech University System and Texas Tech University will have authority to review final engineering plans and coordinate the project with university and component operations prior to construction.

In March 2018, Texas Tech University executed a memorandum of lease with the City of Lubbock, Texas, a Texas home rule municipal corporation, acting by and through its Electric Utility Board and City Council (referred to herein collectively as Lubbock Power & Light ("LP&L")). A ground lease of 2.525 acres would allow LP&L to erect certain property (new Red Raider Station) related to the delivery of electrical power to the campus of Texas Tech University ("TTU") and Texas Tech University Health Sciences Center ("TTUHSC"), among others, from which approximately fifty (50%) of the power delivered or generated would be dedicated for the benefit of TTU and TTUHSC. The initial thirty (30) year lease term included option to extend the lease for two (2) successive ten (10) year terms.

Regents' Rules, Section 07.12.3.d(1) a. require board approval of a lease of land and/or improvements thereon for more than four years, where a TTU system entity is either the lessor or the lessee.

n. **TTU: Accept Gift-in-Kind of Real Property benefitting College of Agricultural Sciences and Natural Resources.**

Board approval required by: Section 06.01.2.b, *Regents' Rules*

The request is to approve (i) acceptance of a real property gift-in-kind from Rita G. Pettigrew ("Donor") of lots thirteen (13) and fourteen (14), Block fifty-one (51), McCrummen Second Addition to the City of Lubbock, Lubbock County, Texas, with an approximate value of \$27,300; and (ii) execution of the deeded land to Texas Tech University for the benefit of the College of Agricultural Sciences and Natural Resources ("CASNR").

The value of the real property has been quantified by use of the Lubbock Central Appraisal District. Each lot has an appraised value of \$13,650.

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

BACKGROUND INFORMATION

The gifted property is located at 2322 and 2324 21st Street more particularly described as follows:

As real property consisting of lots thirteen (13) and fourteen (14), Block fifty-one (51), McCrummen Second Addition to the City of Lubbock, Lubbock County, Texas.

This tract of land will be used as a community garden to support research and education in local food production and urban gardening. The College of Agricultural Sciences and Natural Resources ("CASNR") will work with the Heart of Lubbock Community Garden, a local group currently maintaining the community garden, to continue operations and expansion of the garden to benefit the local community.

This tract of land currently has a small fence, a shed for storage, a shed for a learning area, a compost area, and a garden area. Other than the addition and/or maintenance of irrigation systems, as necessary, and basic cleanup, CASNR does not anticipate any major improvements to be made on the land.

A preliminary Environmental Site Assessment of the property was conducted by the Institution and no issues were identified.

Rita G. Pettigrew is a friend of Texas Tech University and resides in Lubbock, Texas.

Regents' Rules, Section 06.01.2.b requires Board approval of the acceptance of all gifts of real property, regardless of value, type, location, or designated use of the funds to be derived there from.

o. TTU: Approve naming of Personal Financial Planning Clinic counseling room (Aubrey and Dennis Moore Family Counseling Room).

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

The request is to approve naming a counseling room within the College of Human Sciences' Personal Financial Planning Clinic, the "Aubrey and Dennis Moore Family Counseling Room." The counseling room is located at the Texas Tech Plaza, Third Floor, Room 305D. The donor concurs with the naming of this space. Signage for the space will specify the approved name.

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

BACKGROUND INFORMATION

In October 2019, Wealth Management magazine states that Texas Tech University offers the best Personal Financial Planning ("PFP") program in the nation. This third party provided the first data-centric approach to measuring and ranking financial planning programs offered by universities around the country. Bill Gustafson, professor emeritus who helped create the program stated that this recognition gave credence to the PFP program at TTU. However, he went on further by saying "Since the teaching of the first course in the fall of 1986, the PFP program has enjoyed committed incredible alumni who have built the reputation of the program over the years through their professionalism and pursuit of excellence in the many areas of the financial planning profession." Aubrey and Dennis Moore exemplify those incredible alumni.

Aubrey and Dennis Moore ("Donors") made a generous contribution of \$25,000 to support the College of Human Sciences' Personal Financial Planning Clinic. To honor and recognize the contribution, a Personal Financial Planning Clinic counseling room will be named "Aubrey and Dennis Moore Family Counseling Room". Signage will specify the approved name.

The Donors are graduates of Texas Tech University. Dennis received his bachelor's in personal financial planning in 2004 and his MBA in 2009. Aubrey received her bachelor's in personal financial planning in 2004. They reside in Dallas, Texas.

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, Section 08.05.1 require board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

p. TTU: Approve naming of Personal Financial Planning Clinic counseling room (Ratzlaff Family Counseling Room).

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

The request is to approve naming a counseling room within the College of Human Sciences' Personal Financial Planning Clinic, the "Ratzlaff Family Counseling Room". The counseling room is located at the Texas Tech Plaza, Third Floor, Room 305B. The donor concurs with the naming of this space. Signage for the space will specify the approved name.

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

BACKGROUND INFORMATION

In October 2019, Wealth Management magazine states that Texas Tech University offers the best Personal Financial Planning ("PFP") program in the nation. This third party provided the first data-centric approach to measuring and ranking financial planning programs offered by universities around the country. Bill Gustafson, professor emeritus who helped create the program stated that this recognition gave credence to the PFP program at TTU. However, he went on further by saying "Since the teaching of the first course in the fall of 1986, the PFP program has enjoyed committed incredible alumni who have built the reputation of the program over the years through their professionalism and pursuit of excellence in the many areas of the financial planning profession." Jennifer and Brandon Ratzlaff exemplify those incredible alumni.

Jennifer and Brandon Ratzlaff ("Donors") made a generous contribution of \$25,000 to support the College of Human Sciences' Personal Financial Planning Clinic. To honor and recognize the contribution, a Personal Financial Planning Clinic counseling room will be named "Ratzlaff Family Counseling Room". Signage will specify the approved name.

Brandon is a graduate of Texas Tech University, receiving his bachelor's in business administration with a concentration in marketing in 2002 and his master's in personal financial planning in 2003. They reside in Midlothian, Texas.

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, Section 08.05.1 require board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

q. **TTU: Approve naming of Edward E. Whitacre Jr. College of Engineering, Livermore Center Room 101 (Evelyn M. Davies Multi-Purpose Classroom).**

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

The request is to approve naming the Edward E. Whitacre Jr. College of Engineering, Livermore Center Room 101 the "Evelyn M. Davies Multi-Purpose Classroom". The donor concurs with the naming of this space. Signage for the space will specify the approved name.

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

BACKGROUND INFORMATION

Evelyn M. Davies ("Donor") made a generous contribution of \$500,000 to support the Edward E. Whitacre Jr. College of Engineering's Evelyn M. Davies Facility Enhancement Fund; Evelyn M. Davies Multi-Purpose Classroom Maintenance Endowment; and the Evelyn M. Davies STEAM Aerobots Endowment. To honor and recognize the contribution, the Edward E. Whitacre Jr. College of Engineering, Livermore Center, Room 101 will be named "Evelyn M. Davies Multi-Purpose Classroom". Signage will specify the approved name.

Ms. Davies is a former student of Texas Tech University. She has served on several advisory boards throughout the Texas Tech University System. She resides in Lubbock, Texas.

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, Section 08.05.1 require board approval of the naming of all buildings, subunits, and other facilities within the TTU System.

r. **TTU: Approve exception to *Regents' Rules* for the CHACP 1 – Boiler No. 2 Refurbish project.**

Board approval required by Section 08.01.3, *Regents' Rules*

RECOMMENDATION

The request is to approve (i) exception to the *Regents' Rules* that the CHACP 1 – Boiler No. 2 Refurbish project be managed by Texas Tech University Operations in lieu of Texas Tech University System Facilities Planning and Construction; and (ii) use of the Revenue Finance System (“RFS”) in the funding a total project budget of \$4,087,000. The total project budget will be funded with Unexpended Plant Funds (\$1,087,000 cash) and through the Revenue Finance System (“RFS”) repaid with Auxiliary Funds and Institutional Funds.

The Board reasonably expects to incur debt obligations for the design, planning and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$3,000,000.

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

BACKGROUND INFORMATION

This approval grants authority to Texas Tech University (“TTU”) to manage the renovation project of the CHACP 1 – Boiler No. 2 Refurbish project and use the Revenue Finance System (“RFS”).

TTU will refurbish a boiler in the Central Heating and Cooling Plant 1 (“CHACP 1”). The unit has performed beyond its useful life and is becoming inefficient in addition to a maintenance concern for the campus. The new equipment will allow for increased efficiencies, better services, and increased energy cost savings. The CHACP1 Boiler No. 2 project encompasses the complete retube of the 200,000 pph Henry Vogt Superheated IWT Steam Boiler, Superheater and Stack Economizer. The existing boiler drum bonnet and roof covers, outer sidewall casing and firebox floor tile are to be reused. Boiler roof & sidewall inner casing and outer insulation are to be new. All boiler, superheater and stack economizer tubes shall be new, as well as the refractory roof and floor seals, burner & baffle wall refractory. Tube fabrication is to be at an offsite fabrication facility. Existing wiring & conduit, controls, devices, electrical boxes and structural are to be removed and reinstalled by others as required for access. Wall plates are to remain in place.

Section 08.01.3, *Regents' Rules*, major construction projects (those in excess of \$4 million), requires the projects to be managed by FP&C unless an exception is approved by the board.

The vice president for administration and finance and chief financial officer has verified the source of funds. The vice chancellor and chief financial officer of the TTU System also acknowledges the source of the funds for this project.

s. TTU: Approve exception to *Regents' Rules* for the CHACP 2 – Chillers project.

Board approval required by Section 08.01.3, *Regents' Rules*

The request is to approve (i) an exception to the *Regents' Rules* that the CHACP 2 – Chillers project be managed by Texas Tech University Operations in lieu of Texas Tech University System Facilities Planning and Construction; and (ii) use of the Revenue Finance System (“RFS”) in the funding a total project budget of \$4,450,000. The total project budget will be funded with Unexpended Plant Funds (\$950,000 cash) and through the Revenue Finance System (“RFS”) repaid with Auxiliary Revenue Funds.

The Board reasonably expects to incur debt obligations for the design, planning and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$3,500,000.

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

BACKGROUND INFORMATION

This approval grants authority to Texas Tech University (“TTU”) to manage the construction project of the CHACP 2 – Chillers project and use the Revenue Finance System (“RFS”).

TTU with the consent of Texas Tech University Health Sciences Center (“TTUHSC”) and University Medical Center (“UMC”) plan to add two (2) new 1,500-ton electric chillers to the basement of Central Heating and Cooling Plant 2 (“CHACP 2”). The new chillers will provide a great energy savings to the TTUHSC and UMC facilities. The units will complement the three existing steam chillers in operation at CHACP 2 and will provide much needed capacity at the plant.

Currently, if there is a steam outage, the boiler must be brought back up to pressure, then the chiller steam lines warmed up, the chiller placed in slow roll, then load placed on the chiller. This restart can be a lengthy process of up to 2 to 3 hours which creates a burden to the hospital and medical facilities. With electric chillers, as long as there is electric power, the restart process is as simple as re-establishing flows and pushing a start button. Within 5 minutes, the chiller will be producing design loads. In 2016, CHACP 1 installed a new electric chiller which has been a successful install that has saved the university in energy costs, well water usage, and lower chemical costs. The installation would also allow the plant some flexibility in operation with respect to energy source. The plant operation would be afforded flexibility with the ability to operate via gas or electricity or a combination of both.

Section 08.01.3, *Regents' Rules*, major construction projects (those in excess of \$4 million), requires the projects to be managed by FP&C unless an exception is approved by the board.

The vice president for administration and finance and chief financial officer has verified the source of funds. The vice chancellor and chief financial officer of the TTU System also acknowledges the source of the funds for this project.

t. **TTU: Approve exterior building signage for lease space (Use of Double T for Small Business Development Center lease space).**

Board approval required by: Section 08.05.1.h, *Regents' Rules and* TTU OP 61.22

The request is to (i) authorize the use of the Texas Tech University Double T symbol within a sign graphic for a leased property, and (ii) approve the exterior building signage for the Small Business Development Center, which will be installed on the McDougal Building located at 5001 W Loop 289. Funding for the signage will be provided by a grant from the Small Business Administration (“SBA”). This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

[NOTE: Graphic Images]

Day Time Image



Night-Time Illuminate Image



BACKGROUND INFORMATION

The Small Business Development Center (“SBDC”) is an outreach program of Texas Tech University. The SBDC provides counseling, technical assistance, training workshops, and reference resources for small businesses. It is the headquarters for several other university-based offices within a 95-county area in Northwest Texas, which are all part of the national network of SBDCs.

The SBDC, currently located on South Loop 289, proposes to lease space in the McDougal Building at 5001 W. Loop 289 in Lubbock, Texas. The following provision is contained within the new lease terms: "Tenant shall have the right to install signage on the façade of the building at Tenant's cost. Size and location to be mutually agreed between Tenant and Landlord." With the move, the Small Business Association ("SBA") provided a grant to the SBDC which requires signage and visibility with the logo to be installed within 90 days of relocation. The signage installation deadline is September 30, 2020. Along with the new SBDC graphic is the request to include the TTU Double T symbol. The Double T is TTU's most beloved and visible symbol. It plays a vital role in promoting TTU by providing a strong and recognizable graphic image which creates a great sense of pride and connection among all generations of the Texas Tech community.

On Friday, July 10, 2020, the Facilities Allocation Committee ("FAC") approved the SBDC's request for the exterior building signage graphic and further recommended forwarding the item to the Board of Regents for final approval.

Regents' Rules, Section 08.05.1 require board approval of the naming of all buildings, subunits, and other facilities within the TTU System. TTU Operating Policy 61.22 requires a non-conforming signage request be presented to the Facility Allocation Council ("FAC") for approval and forward to the board for final approval.

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

u. TTU: Approve exterior building signage on TTU facility in Midland, TX (Facility name plus use of Double T).

Board approval required by: Section 08.05.1, *Regents' Rules* and TTU OP 61.22

The request is to (i) approve naming a Texas Tech University ("TTU") facility located in Midland, Texas, the "Texas Tech University / Permian Basin Research Center"; and (ii) authorize the use of the TTU Double T symbol in conjunction with the facility's name. The research center is located at 503 S. Marienfield Street, Midland, Texas. The signage will be funded with Designated Tuition.

[NOTE: Graphic Image]



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

BACKGROUND INFORMATION

In October 2018, during Executive Session, the Board of Regents accepted the ExxonMobil Core Warehouse as a gift of improved real property and personal property benefitting the Edward E. Whitacre Jr. College of Engineering.

The College's request for acceptance and remediation of the facility provided various research and teaching opportunities for both undergraduate and graduate petroleum engineering students. The facility's 230,000+ soil cores and rock samples dating back to the early 19th century offer great research prospects. Therefore, the College request naming the facility the "Texas Tech University / Permian Basin Research Center" along with use of the TTU Double T symbol.

The Double T is TTU's most beloved and visible symbol. It plays a vital role in promoting TTU by providing a strong and recognizable graphic image which

creates a great sense of pride and connection among all generations of the Texas Tech community.

On Friday, July 10, 2020, the Facilities Allocation Committee (“FAC”) approved the request for the exterior building name and signage and further recommended forwarding the item to the Board of Regents for final approval.

Regents’ Rules, Section 08.05.1 require board approval of the naming of all buildings, subunits, and other facilities within the TTU System. TTU Operating Policy 61.22 requires a non-conforming signage request be presented to the Facility Allocation Council (“FAC”) for approval and forward to the board for final approval.

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

v. TTU: Approve a one-year contract extension with the City of Lubbock for bus service.

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

The request is to authorize the president, or his designee, to finalize negotiations and enter into a one-year contract extension with the City of Lubbock ("Citibus") to provide on and off campus bus service routes, benefiting TTU students. 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") 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 one year, beginning September 1, 2020 and ending on August 31, 2021. TTU may terminate the contract with 30 days prior written notice.

Cost. TTU will pay \$56.00 per hour for Citibus services, for an estimated total of \$2,038,484.56 for on-campus services and an estimated total of \$1,843,603.44 for off-campus services, during the extension year. The total cost of services provided over the one-year term is estimated to be \$3,882,088. The \$0.25 increase in the hourly rate will not require a change in the student fee amount for the upcoming academic year.

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.

w. **TTU: Authorize execution of four contract amendments with the US Department of Energy.**

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

The request is to authorize the president, or the president's designee, to execute contract amendments to four leases with the U.S. Department of Energy ("USDOE"). In each instance, the USDOE is a tenant on Texas Tech University ("TTU") real property or occupying the facilities located near the Pantex Plant in Carson County, Texas. 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 land and facilities leased to the USDOE are referred to respectively as "The Killgore Center," "The Bull Barns," "Tracts I & II," and "Tract III."

Each amendment extends the originally approved term of the lease for one year to allow the parties to evaluate the USDOE proposal and negotiate the best value for TTU. The leases date back to 1989. The leases will all expire on September 30, 2021.

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

x. TTU: Approve School of Veterinary Medicine Fees.

Board approval required by: Section 07.10, *Regents' Rules*; Section 229.9 *Texas Administrative Code*, Sections 54.008, 54.017, 54.051, 54.0513, 54.216, 54.218, 54.5035, 54.504, and 55.16, *Texas Education Code*

The request is to approve the proposed School of Veterinary Medicine supplemental application fee, and non-refundable matriculation fee to be included in the Texas Tech University Schedule of Fees for FY 2021 and FY 2022. 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 Texas Tech University School of Veterinary Medicine proposes the following fees:

- 1.) Supplemental Application fee of up to \$125
- 2.) Non-refundable Matriculation fee (deposit) of \$500, applied toward first semester tuition charges

All tuition, fees, rentals, rates, and charges of Texas Tech University are charged and collected under specific authorization of the laws of the State of Texas, including, but not limited to, the authorization in *Texas Education Code*, Sections 54.008, 54.017, 54.051, 54.0513, 54.216, 54.218, 54.5035, 54.504, and 55.16 and other applicable sections.

The Board of Regents has delegated to the president of Texas Tech University the authority to establish waiver and exemption criteria and waiver and exemption approval procedures for the fees, rentals, rates, and charges in accordance with state laws, including but not limited to *Texas Education Code*, Sections 54.213(a), 54.261, 54.218, 54.5035, and 54.0513.

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

y. TTU: Approve Contracts with Blackboard Inc. for Technology Support Platform Licenses.

Board approval required by: Section 7.12.3 (a) & (d) *Regents' Rules*

The request is to authorize the president or his designee to execute four contracts with Blackboard, Inc. ("Blackboard") for Texas Tech University ("TTU") technology support platform licenses. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The contracts are required to support emergency alert services, student academic services, online course delivery, continuing education delivery, distance student services, and K-12 services. The contracts were previously approved by the Board of Regents as a master agreement. The contracts support different departments and are independent scopes and have been changed to individual licenses. The parties have agreed to align the term expiration dates causing the contracts to exceed a four-year term.

BACKGROUND INFORMATION

Consideration and Term. The term and estimated total cost of ownership for each contract is summarized below.

Blackboard Contract	Complete Period	Estimated Total Cost of Ownership	Regents' Rule Policy
Student Services	6/27/2020 – 9/30/2025	\$3,270,648.97	07.12.3.d.1.b and 07.12.3.a
Higher Education LEARN	10/01/2020 – 9/30/2025	\$3,502,750.04	07.12.3.d.1.b and 07.12.3.a
Connect	8/01/2020 – 9/30/2025	\$324,931.11	07.12.3.d.1.b
K-12 Learn	10/01/2020 – 9/30/2025	\$758,136.93	07.12.3.d.1.b

Section 07.12.3.d.1.b *Regents' Rules*, requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

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

CONTENTS OF THE INFORMATION AGENDA

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

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

INFORMATION AGENDA

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

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

- (1) **ASU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2020 (as of May 31, 2020), 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. Financial reports for the most recently completed quarter for each of the component institutions are available at: <http://texastech.edu/offices/cfo/board-financial-reports.php>

- (2) **TTUHSC: Reporting on amendment to a contract previously approved by the Board:**
 - (a) AMEND1575941-004 Allscripts Healthcare, LLC; Amendment to add eChart additional services related to PHI transfer functionality; No financial impact remains \$1,278,925 annually.

- (3) **TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships 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.”

TTUHSC:

 - (a) AMEND589560-005; BSA Health System of Amarillo LLC; Amendment to Extend Term Family Medicine Faculty and Resident support; Remains \$1,756,925 annually.

- (b) AMEND589536-005; Northwest Texas Healthcare System Inc; Amendment to Extend Physician in Training Support Agreement, medical resident salary funding; Remains \$4,173,482 annually.
- (c) AMEND2405894-001; Mitchell County Hospital District; Amendment Payment Section - MCHD Wallace/SAWC Onsite services FY20-21; Increase of \$70,000 to \$1,290,859 annually.
- (d) AMEND1727424-001; Covenant Childrens Hospital; Amendment to Add - Dr. Travis Winston starting 9/1/2020.- Professional services support agreement with Covenant Children's Hospital; Increase of \$504,346 to \$1,008,693 annually.
- (e) AMEND1592374-009, University Medical Center - UMC Lubbock; Amendment to Exhibit A to remove Segun Oyenuga, M.D; Increase of \$86,195 to \$2,673,805.

TTUHSC El Paso:

- (a) 05772-A08; Hospitals of Providence, "On Call Service Agreement" for TTUHSC El Paso campus, RE: Neurology call services for Sierra Campus, annual amount not to exceed \$474,500, total contract value over multiple year term \$1,700,292.
- (b) 07368; El Paso County Hospital District, "Resident Support Agreement" for TTUHSC El Paso campus, RE: Continued support for 189.17 residents at University Medical Center, annual amount \$13,961,512, total contract value over two year term \$28,341,869.
- (c) 07370; El Paso County Hospital District, "Fellow Support Agreement" for TTUHSC El Paso campus, RE: Continued support for 19 fellows at University Medical Center, annual amount \$1,451,128 total contract value over two year term \$2,945,789.
- (d) 02736; Presbyterian Health Plan, "Managed Care Contract" for TTUHSC El Paso campus, RE: Managed Care contract for Medicaid products, annual amount not to exceed \$450,000, total contract value over term \$2,198,892.

- (4) TTU: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), Regents' Rules –** “(a) Board approval is not required, but 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.”

- (a) TreMonti, Consulting services to review the technology portfolio in order to determine the potential commercial opportunity pertaining to Texas Tech University's technology commercialization program; \$7,500. \$12,000 was reported at the February 2020 meeting.

- (5) TTU, TTUHSC El Paso and TTUS: Contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 per section 07.12.4 of the Regents' Rules –** Notwithstanding Section 07.12.3.a, Regents' Rules, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the

amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

(a) See attachment of contracts that meet the above criteria.

TTU & TTUS: Approved contracts over \$1 million for term but less than \$1 million annually

Regents' Rules 07.12.4.a

Component	Vendor	Services or Goods to be Provided	Estimated Per Annum Consideration	Estimated Term Consideration (includes renewals)	Start	End	Procurement Method
TTU	ATandT Corp	Hardware and Software Services for wireless, voice and data	\$ 320,000	\$ 1,600,000	6/10/2016	6/10/2021	DIR
TTU	CBORD Group	Food Service software services	\$ 220,000	\$ 1,540,000	7/1/2015	3/31/2022	Vizient
TTU	Lubbock Audio Visual	Audio Visual Equipment	\$ 875,000	\$ 2,600,000	12/15/2017	12/18/2020	TIPS
TTU	Taurus Technologies, Inc.	Audio Visual Equipment	\$ 950,000	\$ 3,800,000	6/23/2020	9/30/2023	TIPS
TTU	Centergas	Bulk Fuel Services	\$ 200,000	\$ 1,600,000	Last signature date	8 years from Last signature date	RFP
TTU	Pinnacle Petroleum	Bulk Fuel Services	\$ 125,000	\$ 1,000,000	Last signature date	8 years from Last signature date	RFP
TTU	Sun Coast Resources	Bulk Fuel Services	\$ 125,000	\$ 1,000,000	Last signature date	8 years from Last signature date	RFP
TTU	Tucker Oil Co.	Bulk Fuel Services	\$ 125,000	\$ 1,000,000	Last signature date	8 years from Last signature date	RFP
TTU	Microsoft	Software Licensing and Phone Services	\$ 714,000	\$ 2,142,000	9/1/2020	8/31/2023	DIR
TTUS	Ruffalo Noel Levitz	Annual Giving and Engagement Marketing Services	\$ 620,000	\$ 4,960,000	Last signature date	8 years from Last signature date	RFP

TTUHSC El Paso: Approved contracts over \$1 million for term but less than \$1 million annually

Regents' Rules 07.12.4.a

Component	Vendor	Services or Goods to be Provided	Estimated Per Annum Consideration	Estimated Term Consideration (includes renewals)	Start	End	Procurement Method
TTUHSC El Paso	07266: Oladapo Anesthesia	Anesthesia: CRNA Services	300,000	1,012,500	04/16/20	08/31/23	N/A: Professional Services
TTUHSC El Paso	07206: Hani Hanna PC	Anesthesia: CRNA Services	300,000	1,050,000	05/15/20	08/31/23	N/A: Professional Services
TTUHSC El Paso	07324: Anesthesia Management Solutions (AMS Texas PLLC)	Anesthesia Services	950,000	1,900,000	05/01/20	04/31/22	N/A: Professional Services
TTUHSC El Paso	07575: Texas Higher Education Coordinating Board	Psychiatry: Resident Reimbursement	862,500	1,725,000	07/01/20	06/30/22	N/A: Resident Services

- (6) **TTUHSC: Report of nepotism exception as provided by Section 03.01.11.h., Regents' Rules:** "All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree shall be reported to the board as an information item."

Ms. Hailee Roberts has been employed in Human Resources since November 1, 2016 where she currently serves as an HR Generalist. Effective September 1, 2020, Human Resources will report to Penny Harkey as Executive Vice President of Finance and Operations. Ms. Harkey is the mother of Hailee Roberts. Ms. Roberts' supervision, including her performance evaluations and compensation decisions, will be provided by Ms. Kelly McGinnis, Lubbock Campus Human Resources Director, in conferral with Mr. Coleman Johnson, Presidential Chief of Staff, thereby by-passing the Executive Vice President of Finance and Operations. This arrangement will be evaluated at the end of each fiscal year to assure there is effective management of the conflict of interest and to determine whether modifications are necessary.

- (7) **TTUS: Emergency or exigent circumstances delegation of authority to the Board chairman and chancellor by Sections 01.02.1.b-c.(1), Regents' Rules** – "When an emergency or exigent circumstances exist that cannot be adequately addressed through Section 07.04.4.a(2) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects, the chair – or if the chair is not available within the time required for action, the vice chair – may approve a proposal submitted by the chancellor, or the chancellor's designee, for an action that otherwise would require the approval of the board as a whole, with subsequent notification to the board as soon as practicable....The chair – or if the chair is not available within the time required for action, the vice chair – may authorize the chancellor to exercise such additional authority as is necessary to ensure the health and safety of the students, faculty, and staff of the Texas Tech University System and/or the continued operations of the System's components during a state of emergency or exigent circumstances (including, but not limited to, a "disaster" as defined in Section 418.004(1), Texas Government Code)."

- (a) On July 21, 2020, Chancellor Mitchell granted exigent circumstances approval that authorized Texas Tech University Health Sciences Center (TTUHSC) to execute a contract with the Department of State Health Services (DSHS). Under this revenue contract, TTUHSC will assist DSHS in reducing the spread of COVID-19 by performing contact tracing services. The contract has an initial term of 1 year with the option for DSHS to renew for 1 additional 12-month period. The initial value of the agreement is \$4,874,124.26. As required by Section 01.02.1.c.(1), Regents' Rules, the chancellor consulted with the chairman before exercising this authority.
- (b) On July 22, 2020, Chancellor Mitchell granted exigent circumstances approval that authorized Angelo State University to execute a memorandum of agreement with Goodfellow Air Force Base (GAFB). Under the agreement, ASU will provide housing and additional services to GAFB students, subject to space availability and the terms outlined in the agreement. As required by Section 01.02.1.c.(1), Regents' Rules, the chancellor consulted with the chairman before exercising this authority.

ATTACHMENTS

ATTACHMENT

1

**ASU Student Handbook with proposed revisions
(Consent Item a.)**

ANGELO STATE UNIVERSITY

Student Handbook 202019-20210

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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 Southern Association of Colleges and Schools 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.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and/or policies. Enrollment requires students to share this responsibility. Students are responsible for knowing the information, policies and procedures outlined in this document. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the Undergraduate Catalog and other official University publications, as well as the [Texas Education Code](#). Student organizations also agree to follow these standards, rules, and/or policies. The University or its representative may amend this document at any time without notice.

The University reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The Student Handbook was approved by the Board of Regents on 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: MISSION AND POLICIES FROM THE OFFICE OF STUDENT CONDUCT AND THE OFFICE OF TITLE IX COMPLIANCE

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 [MB1] 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 prompt, fair, and equitable process, utilizing a thorough, neutral, and impartial investigation, from which is generated a resolution.

The *Code of Student Conduct* and related processes educate students about their rights and responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry, and expression is also fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

Angelo State University is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the ~~cumulative conduct history of the student~~ student's cumulative history from both the Office of Student Conduct and Office of Title IX Compliance.

The student conduct process [MB2] 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 [MB3] 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 President is the principal agency for the investigation and adjudication of Title IX cases while the Office of the Vice President for Student Affairs and Enrollment Management is the principal agency for the administration of student

conduct and non-Title IX cases. The Executive Director of Student Affairs, the ~~Director of Title IX Compliance~~ Director of Title IX Compliance/Title IX Coordinator (~~Director of Title IX Compliance~~ Title IX Coordinator), 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~~ Title IX Coordinator, 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 ~~non-Title IX and/or~~ cases unrelated to sexual misconduct or Title IX that are heard through the Administrative Hearing process or completed via an Informal Resolution ^[MB4] Conference, 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~~ Title IX Coordinator, the Assistant Director of Student Conduct, or designee. Investigators are trained University full-time employees.

b. Administrative Hearing Officer

~~In non-Title IX and/or cases related to sexual misconduct an~~ 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 or designee.

NOTE: Administrative Hearing Officers are not used in cases involving allegations of violations to the Title IX and Sexual Misconduct policy.

c. Title IX and Sexual Misconduct Response Team

The Title IX and Sexual Misconduct Response Team ~~consists of approximately twenty~~ are ASU faculty and staff members specifically trained about sexual misconduct and Title IX policies, investigation procedures, due process, and other state and federal laws that related to Title IX and sexual misconduct ^[MB5]. The team consists of faculty and staff who have been recommended to the Office of Title IX Compliance by their Vice President or the President to serve on the team. Members

of the team may serve as Investigators or Panel Members in cases related to Title IX or sexual misconduct.

d. Hearing Panel

The Hearing Panel will conduct disciplinary 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~~ **Title IX Coordinator** 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~~ **members of the University community, and full-time students. This pool may 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 t**he **Office of Student Conduct and** Title IX and Sexual Misconduct Response **Team** [MOU6]. 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 **Conduct** 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 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 may be appointed by the Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ **Title IX Coordinator**, or designee.

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 Hearing, a Hearing Panel will consist of three (3) members chosen from the available pool by the Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ **Title IX Coordinator**, 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 a hearing involving charges of sexual misconduct or Title IX violations,

the Director of Title IX Compliance ~~Director of Title IX Compliance~~ Title IX Coordinator will appoint three (3) members of the Title IX and Sexual Misconduct Response Team who did not serve as an investigator in the case. ~~For all other student conduct hearings, the Executive Director of Student Affairs or designee will appoint three (3) members chosen from the available pool.~~ Typically, a non-Title IX Hearing Panel will be comprised of one student, one faculty member, and one staff member. For a hearing involving charges for Academic Misconduct, the Executive Director of Student Affairs or designee will appoint three (3) Panel members consisting of only students and faculty. The Hearing Panel composition may include only professional faculty and/or staff members in cases involving sensitive issues.

4. Removal of Hearing Panel Member^[MB7]

The Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ Title IX Coordinator, 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 Complaining 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~~ Title IX Coordinator, or designee will review and approve or deny student requests for removal of a Panel Member.

5. Resource Person^[MB8]

The Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ Title IX Coordinator, or designee will appoint a Resource Person. The Resource Person serves as a non-voting member of the Hearing Panel and assures that University procedures are followed throughout each 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. *Hearings*

The Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ Title IX Coordinator, 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.~~

7. *Panel Quorum*

A quorum for the Panel Hearing consists of three (3) members. An Alternate is typically appointed and prepared to serve if needed.

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~~ **Title IX Coordinator**, 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 ~~and~~ 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 Executive Director of Student Affairs and ~~/or the Director of Title IX Compliance~~ **Title IX Coordinator**, or designee. Members are encouraged to attend additional trainings throughout their service on the Hearing Panel.

ed. 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:

- A Representative from the Office of Title IX Compliance
- 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**_[MOU9]

Students at the University are provided an electronic copy of the *Code of Student Conduct* annually in the form of a link on the Student Affairs and Enrollment Management website: (<http://www.angelo.edu/student-handbook/code-of-student-conduct/>). Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The University community has developed standards of behavior pertaining to students and to student organizations. Students and registered student organizations are subject to conduct action according to the provisions of the *Code of Student Conduct*. The University respects the rights and responsibilities of students and will consider each violation of the University policy and each violation of federal, state, and/or local law on a “case-by-case” basis and will further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students.

The *Code of Student Conduct* and the processes included therein apply to the conduct of individual students, both undergraduate and graduate, and all registered student organizations. For the *Code* to apply, 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, the Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ Title IX Coordinator, 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 jurisdiction related to this *Code* 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 University reserves the right to address and adjudicate behavior of previously enrolled students when there is a continued University interest.

[MB10]The *Code of Student Conduct* may be applied to behavior conducted online, via e-mail, or other electronic medium. This activity may fall outside of protected speech, and may, in some cases, constitute Code of Student Conduct violations. 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 often not private. ~~These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online.~~ While ~~t~~The University does not regularly typically search for this ~~information activity, it may be~~ but may take action if and when such information is brought to the University's attention of University officials. If the activity rises to the level of a Code of Student Conduct violation, disciplinary action may be taken.

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 of Student Conduct 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 [MOU11].

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 ~~Title IX Coordinator~~, 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 in the student records system at:

[http://www.angelo.edu/services/registrar office/registrar forms.php](http://www.angelo.edu/services/registrar%20office/registrar%20forms.php).

4. **Timelines**^[MB12]

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. The Office of Student Affairs and/or Office of Title IX Compliance will make every effort to complete the process as quickly as possible. 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.

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 or any Concerns Related to Student Behavior**

To report allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online [Incident Reporting Form](#). The online reporting form can be utilized to report any behaviors of concern to the appropriate individuals at Angelo State University including but not limited to: potential violations of the *Code of Student Conduct*, reports to the Behavioral Intervention Team (BIT), concerns related to possible violations of Angelo State’s Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy, academic misconduct, and any other concerns related to student behavior. For specific directions related to reporting allegations of Sexual Misconduct please see ~~the Director of Title IX Compliance~~ Section D: Procedures from the Office of Title IX Compliance.

When submitting an online report, please include as many details as possible, including name, CID, title, and contact information. Please note that submitting the report anonymously may greatly limit the institution’s ability to address your concern. Upon receipt of this report, the appropriate Angelo State Administrator will review the matter and take proper steps to investigate, stop, prevent, and remedy prohibited conduct in accordance with Angelo State policies.

Individuals may also file a report in person with the Executive Director of Student Affairs or designee, located in Suite 112 of the Houston Harte University Center, or the Director of Title IX Compliance Title IX Coordinator located in the Mayer Administration Building, Room 21004. The Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ Title IX Coordinator, or designee regularly review reports submitted from

the Angelo State University community, Housing and Residential Programs, University Police Department, and non-University community ~~members~~^[MOU13].

~~As it relates to Student Organizations, To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members, or other parties) may complete the online Incident Reporting Form. Individuals may also file a report in person with the Executive Director of Student Affairs, Director of Title IX Compliance, or designee.~~

~~Student organization~~ leaders of organizations 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 organization is less likely to 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 Complaining Party, the options for resolution are more limited. Self-reporting allows the University to work collaboratively with the organization to address the situation and can allow for lower-levels of sanctioning for misconduct. Sometimes organization leaders may become aware of organization or member activities that may result in violations of policy but have not occurred yet. In these cases, the organization leadership is encouraged to work directly with the Executive Director 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~~^[MOU14] ~~of both~~ the Complaining Party, ~~and~~ the Responding Party, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident 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. Unless waived in writing by the individual, the identity of aforementioned individuals:

- a. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
- b. May be disclosed only to:

- ~~i. University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;~~
- ~~ii. Aa law enforcement officer as necessary to conduct a criminal investigation of the report;~~
- ~~iii. Aa health care provider in an emergency, as determined necessary by the University;~~
- ~~iv. Tthe Responding Party, to the extent required by other law or regulation; and and~~
- ~~v. Potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.~~

~~potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complainant'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 Complainant 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 Complainant's desire to pursue allegations of student misconduct, and may be required to issue a "timely warning" to the campus community as required by the Clery Act. Timely warnings do not include personally identifiable information of involved parties.

However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complainant's request for confidentiality. The Director of Title IX Compliance **Title IX Coordinator** or designee will evaluate requests for confidentiality. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Responding Party, may affect the integrity of the investigation.

~~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. Witnesses may also review their portions of the Investigation Report and their presence at the hearing may be requested by the involved parties.~~

Students may make confidential reports to the University Counseling Center. All Complaining Parties may also make confidential reports to local rape crisis centers^[MOU15], ~~clergy~~, or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the university. Information may be shared by the clinical and/or medical provider only with the Complaining Party's or Responding Party's consent.

8. Anonymity

Angelo State University understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of the Complaining 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.

If^[MOU16] the Complaining Party of an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner an anonymous complaint may be investigated. The University shall inform the Complaining Party whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:

- a. The seriousness of the alleged incident;
- b. Whether the University has received other reports of Sexual Harrassment, Sexual Assault, Dating Violence, or Stalking committed by the alleged perpetrator or perpetrators;
- c. Whether the alleged incident poses a risk of harm to others; and
- d. Any other factors the University determines relevant.

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:

- a. School officials with legitimate educational interest.
- b. Other schools to which a student is transferring.
- c. To comply with a judicial order or lawfully issued subpoena.
- d. To parents when there is a health or safety emergency involving the student.
- e. 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.
- f. To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing.

Additional information on Student Records is available in The Student Handbook, Part II, Section O: (Student Records) or at: (www.angelo.edu/ferpa).

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, sponsoring department, or organization 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, Informal Conference, any Hearing process, 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.

[See Section D.3 for more information on reporting sexual misconduct to law enforcement.](#)

12. ~~Amnesty~~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:

- a. Victims of or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use at the time of the incident.
 - ⊖ 1. In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may fall under this amnesty provision.
- b. Students who offer assistance to others by calling medical personnel or law enforcement.
- c. 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 stalking, 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.

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~~ Title IX Coordinator, Title IX Officer, or his/her designee will make a determination as to whether 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 H, section B. 1.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, but the final determination regarding amnesty will be made by the Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ Title IX Coordinator, or designee.

13. Withdrawal

The Complaining or Responding Party who are the subjects of an alleged incident of sexual harassment, sexual assault, dating violence, or stalking will be allowed to drop a course in which they are both enrolled without any academic penalty.

A Responding Student facing an alleged violation of the *Code Student 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~~ Title IX Coordinator, 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. The institution shall expedite the disciplinary process as necessary to accommodate both the Complaining and Responding Party's interest in a speedy resolution.

SECTION B: PROCEDURES FROM THE OFFICE OF STUDENT CONDUCT FOR STUDENTS

Upon notice of an alleged violation of the *Code of Student Conduct*, the Executive Director of Student Affairs 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 Complaining Party's statement. If it is determined that the information reported does not warrant an allegation, a Policy Clarification may be issued to the involved parties to clarify the policy that was in question.

When an initial report of misconduct by a third party does not identify the Complaining Party or the Complaining Party is not available, the Student Conduct Officer/Investigator will investigate the reported incident to the fullest extent of the information available.

When a Complaining 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 Complaining Party while weighing the interests of the campus community and the possibility of a continuing threat. If the Complaining 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 Complaining 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.

NOTE: The Executive Director of Student Affairs or designee may proceed with the conduct process (even if the Complaining Party(ies) choose not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.

1. Misconduct addressed by the Office of Student Conduct

a1. 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.

1.~~a~~ Cheating

- 1.~~a~~** Copying from another student's academic work, test, quiz, or other assignment.
- 2.~~b~~** Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
- 3.~~c~~** 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.~~d~~** 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.~~e~~** Possession, at any time, of current or previous course materials without the instructor's permission.
- 6.~~f~~** 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.~~g~~** 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.~~h~~** 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.~~i~~** 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.~~j~~** Falsifying research data, laboratory reports, and/or other academic work offered for credit.

~~11.k.~~ Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.

~~2.b.~~ *Plagiarism*

~~1.a.~~ 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.b.~~ 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.

~~3.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.

~~4.d.~~ *Falsifying Academic Records*

~~1.a.~~ Altering or assisting in the altering of any official record of the University and/or submitting false information.

~~2.b.~~ Omitting requested information that is required for, or related to, any official record of the University.

~~5.e.~~ *Misrepresenting Facts*

~~1.a.~~ Providing false grades, falsifying information on a resume, or falsifying other academic information.

~~2.b.~~ Providing false or misleading information in an effort to injure another student academically or financially.

~~3.c.~~ Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses, family and personal emergencies, and signing into class and failing to remain the entire time.

~~6.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.

~~7g.~~ *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 ~~1-6~~a-f above.

~~b2.~~ ***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.1.~~ *Disruptive and/or Obstructive Conduct*

Intentional or reckless behavior that disrupts or obstructs the University operations including the cessation or temporary cessation of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.

~~b. 2.~~ *Harmful, Threatening, or Endangering Conduct*

Intentional or reckless behavior that harms, threatens, or endangers the health or safety of others, including but not limited to:

~~31.~~ *Assault*

- a. Intentionally, recklessly, or knowingly causing physical harm to another individual.
- b. Intentionally, recklessly, 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.

~~42.~~ *Threats*

Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

~~53.~~ *Intimidation*

An implied threat or act that causes a reasonable fear of harm in another.

~~64.~~ *Bullying/Cyber Bullying*

Repeated 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*.

~~75.~~ *Mutual Combat*

Any incident between two or more individuals in which violence or the threat of violence is mutual.

NOTE: Information related to the freedom of expression policy is available in Part II, Section ~~G.P.~~ [\(Use of University Space\)](#).

~~e.~~ 8. *Hazing*

Intentional, knowing, or reckless act, occurring on or off the campus of the University, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose membership consists primarily 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.a.~~ Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- ~~a.~~ Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement in a small space, personal servitude, calisthenics, or other similar activity.
- ~~b.~~ Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
- ~~c.~~ Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.
- ~~d.~~ Any activity in which a person solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing; intentionally, knowingly, or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Affairs.
- ~~e.~~ 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.
- ~~f.~~ 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.
- ~~3.g.~~ Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

NOTE: See [Texas Education Code](#), Sections 37.151-37.155 and Section 51.936.

9. *Discriminatory Harassment*

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, 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.

~~d.~~ 10. *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.~~

Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant (or supporter of a participant) in a conduct process, civil rights grievance proceeding, or other protected activity.

~~e.~~ 11. *Complicity or Knowingly Present*

- ~~1.~~a. Assisting, via acts or omission, another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*.
- ~~2.~~b. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.
- ~~3.~~c. Any person who is knowingly present for the commission of a violation of the *Code of Student Conduct* and does not take steps to remove themselves from the location of the violation.

NOTE: Actions involving free expression activities are covered in Part II: Community Policies, Section H (Freedom of Expression).

c3. Alcoholic Beverages

- 1a.*** 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.
- 2b.*** Being under the influence of alcohol and/or intoxication as defined by federal, state, local law, and/or Angelo State University policy.

d4. Narcotics or Drugs

- 1a.*** Use, possession, sharing, furnishing, sale, delivery, manufacture or distribution of any narcotic, drug, and/or prescription medications contrary to a valid prescription, 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.
- 2b.*** Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.
- 3.c.*** Being under the influence of narcotics, drugs, prescription medications contrary to a valid prescription, chemical compound, or other controlled substance, that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.

e5. Smoking/Vaping/Tobacco

Smoking, vaping, or use of smokeless tobacco products in unauthorized areas on University property as designated by the Angelo State University [Smoke/Tobacco-Free Environment policy \(OP 34.23 Smoke/Tobacco-Free Environment\)](#).

f6. Firearms, Weapons, and Explosives

Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, Tasers, or explosive or noxious materials on University premises that would constitute a violation of any federal, state, local law, and/or Angelo State University policy. ([University Operating Policy 02.10 Concealed Carry of Handguns on Campus](#)).

NOTE: See RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates) for specific approved devices allowed in the residence halls.

g7. Flammable Materials/Arson

- 1a.*** Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.
- 2b.*** 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.

h8. Theft, Damage, Littering, or Unauthorized Use

- 1.a.** Attempted or actual theft of property or services of the University or of another.
- 2.b.** Possession of property known to be stolen or belonging to another person without the owner's permission.
- 3.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.
- 4.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.
- 5.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.
- 6.f.** Alteration, forgery, or misrepresentation of any form of identification.
- 7.g.** _____ Possession or use of any form of false identification.
- 8. 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.i.** Selling items including but not limited to: stolen items, student identification cards, and/or any item which may be used as a form of false identification.

ij9. 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.

jk10. False Alarms, Emergency Equipment, and/or Terroristic Threats

- 1.a.** Intentional sounding of a false fire alarm, falsely reporting an emergency in any form, and/or filing false police reports.
- 2.b.** Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.
- 3.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.

kl11. *Unauthorized Entry, Possession, or Use*

- 1a.** Unauthorized entry into or use of University premises or equipment including another student's room.
- 2b.** 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.
- 3e.** 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."
- 4.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.

lm12. *Failure to Comply*

- 1a.** Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.
- 2b.** Failure to present student identification on request or identify oneself to any University official acting in the performance of his or her duties.
- 3e.** Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the Student Handbook.

mn13. *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 ([OP Section 44](#)), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information systems includes, but is not limited to, the following:

- a.1.** 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.2.** 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.3.** Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).
- d.4.** 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.5.~~ Attempted or actual use of the Angelo State University information systems for unauthorized political or commercial purposes, or for personal gain.

~~f.6.~~ Access, creation, storage, or transmission of material deemed obscene (as defined by [Chapter 43 of the State of Texas Penal Code](#) on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information resource must be reported to the Chief Information Officer immediately.

~~g.7.~~ 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.

—Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.

~~8.~~

~~9.~~ 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.

~~ne~~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.

~~op~~15. *Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation*

Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

NOTE: Refer to University Parking Services regulations at:

http://www.angelo.edu/services/parking_services/

p. *Interference with Expressive Activities*

Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS Regulation 07.04, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the Code of Student Conduct. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. NOTE: See also Code of Student Conduct Part II, Section G – Freedom of Expression Activities.

qq16. *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 Board of Regents' Rules the following:-

1. a. University Parking Services
2. b. Housing and Residential Programs
3. c. Student Life
4. d. Multicultural and Student Activities Programs
5. e. University Recreation
6. ASU Student-Athlete Handbook
7. f. Texas Tech University System Board of Regents' Rules
8. g. Angelo State University Operating Policies and Procedures
9. h. Community Policies of the Student Handbook (Part II)
9. i. ASU Athletics

rr17. *Violation of Federal, State, and/or Local Laws, and/or University Policy*

Misconduct which may constitute a violation of federal, state, and/or 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.

ss18. *Abuse of the Discipline System*

1. 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.
2. b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
3. e. Disruption or interference with the orderly conduct of a disciplinary proceeding.
4. d. Filing an allegation known to be without merit or cause.
5. e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
6. f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during and/or after the disciplinary proceeding.

7g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

3C. Remedies and Resources

The University will take immediate action to eliminate hostile environments, prevent recurrence, and address any effects on the Complaining Party and community prior to the initiation of conduct procedures. These immediate steps will be taken to minimize the burden on the Complaining Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to, counseling services, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

a1. 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 including the Office of Title IX Compliance. The Executive Director of Student Affairs or designee are also available to help students understand the student conduct process and identify resources.

b2. Interim Actions

Under the *Code of Student Conduct*, the Executive Director of Student Affairs 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 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 and/or the University campus/facilities/events. As determined appropriate by the Executive Director of Student Affairs 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 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 Complainant 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*.

1a. *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 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 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 may result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension pending the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2b. *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 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 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 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 or other member(s) of the University community that is deemed a continuous threat;
- 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.

3e. *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.

4d. *Non-Student Interim Actions*

Any guest to the University who is alleged to have violated the *Code of Student Conduct* and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members or the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Executive Director of Student Affairs or designee, in conjunction with the University Police Department, will issue a Criminal Trespass Warning to that individual(s).

5e. *Withdrawal of Consent*

1. Grounds for Removal

The Student Conduct Officer/Investigator or another University agent acting in accordance with his/her duties may recommend to the Executive Director of Student Affairs or designee that, in accordance with the [Texas Education Code](#), the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Executive Director of Student Affairs 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 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 or designee and the University Police Department. The Executive Director of Student Affairs 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.

z. 6. Registration Hold 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](#)

cD. Referral Meeting

A University official may request a meeting with a student in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator 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.

dE. Voluntary Resolution

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complaining 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, 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 may be agreed upon by the parties with concurrence from the Executive Director of Student Affairs 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.

eF. The Conduct Process

11. Notice of Investigation/Notice of Involvement/Notice to Appear

A student will be given notice of his or her investigation in an alleged violation of the *Code of Student Conduct* by the receipt of a “Notice of Investigation/Notice of Involvement” Letter. (*Note: *In cases involving Part I, Section B.1.a. (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 the event 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 this 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 may result in additional alleged violation and result in a charge of Failure to Comply.

22. 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 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:

a.a. A prompt, fair, and equitable process.

b.b. 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 parent or legal guardian, a relative, or 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. The Student Conduct Officer/Investigator will not accept investigative materials, statements, evidence, etc. directly from an advisor and will not communicate with the advisor on behalf of the student. 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 suspended may not serve as an advisor during their suspension,~~ and students who have been expelled may not serve as an advisor. 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 Conduct Officer/Investigator.

- ce.** Refrain from making any statement relevant to the investigation. If a student chooses not to provide information or provides only limited information during the investigation, they will not be allowed to provide new information during the Hearing. The student will only be permitted to speak to the information that they 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 investigation process which could disadvantage the other party. ***A student's choice not to participate in the investigation process will not stop the investigation or hearing process.***

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

- de.** The opportunity to provide information and evidence in support of their case.
- ee.** Know if they have been issued any allegations of misconduct.
- ff.** Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred.
- gg.** Know the Angelo State University conduct policies and procedures and where to find them.
- hh.** Know that any information provided by the student may be used in a conduct proceeding.

- 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.

It is the student's responsibility to:

- aa. Be responsive to all correspondence from the University.
- bb. Provide information relevant to the incident or situation.
- cc. Be honest and provide true and accurate information during the investigation.
- dd. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

33. *Investigation*

The Executive Director of Student Affairs 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.a. (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, Complaining 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 un-

obstructive 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.

~~Allegations~~ ~~Charges~~ 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~~ ~~charges, along with decisions regarding the finding(s) and sanction(s)~~.

44. *Informal ~~Conference~~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 ~~Conference~~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 ~~Conference~~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.a. (Academic Misconduct), the instructor of record can assign sanctions in Part I, Section ~~B.3.g.8.a-k~~~~H.8~~. Additional sanctions in Part I, Section ~~B.3.g.H.1-7~~ can also be assigned on a case-by-case basis by the Executive Director of Student Affairs or designee.

In cases involving another student (a Complaining Party) and/or a violation of Part I, Section B.~~1.b~~~~2~~. (Actions Against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complaining 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.

Written notification of the outcomes and sanctions, if applicable, of the Informal ~~Conference~~Resolution will be provided to the student and appropriate University Administrators within five (5) University business days of the effectuation of the Informal ~~Conference~~Resolution. All cases involving Part I, Section B.1.a. (Academic Misconduct) will be reported to the Executive Director of Student Affairs or designee by the instructor of record ~~using the online Incident Reporting Form~~.~~if the student chooses the Informal Resolution.~~

55. *Pre-Hearing Process*

In cases involving an Administrative Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the Complaining 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 the Responding Party's allegations, Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, Section A.3., of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative Hearing or Hearing Panel, 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 Hearing or Hearing Panel.

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, Complaining 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, Hearing Panel 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, Hearing Panel or Sanction Only Hearing 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 Hearing Panels. 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 or designee will schedule the Panel Hearing.

At the discretion of the Executive Director of Student Affairs 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.

6.G. *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 Hearing or a Hearing Panel and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Hearing Panel 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 Complaining Party) and/or a violation of Part I, Section B.1.b2. (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complaining 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 Complaining 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 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, and the student has failed to respond within the allotted timeframe to meet with a ~~Student Conduct Officer/Investigator~~.

a1. 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, or designee. In cases involving Part I, Section B.1.a. (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 [B.3.h](#).

b2. Hearing Panel

For each Hearing Panel three (3) Hearing Panel members will be chosen from the available pool by the Executive Director of Student Affairs 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.a. (Academic Misconduct), the Hearing Panel will be comprised of only students and faculty members. ~~For some cases involving Part I, Section B.2. (Actions Against Members of the University Community and Others), the Hearing Panel will be comprised of only faculty and staff members.~~ All Hearing proceedings, excluding deliberations of the Hearing Panel, will be recorded by the University.

During the Hearing, a designated non-voting Resource Person will facilitate the Hearing process.

The Executive Director of Student Affairs 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 Clarifications 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 Complaining 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, Complaining Party, Responding Party, and any witnesses. The Complaining Party and Responding Party 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 Resource Person removes a student due to misconduct (Complaining Party, Responding Party, or witnesses), the alleged misconduct will be forwarded to the Executive Director of Student Affairs 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 Complaining 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 simultaneously 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 [B.3.h](#).

c3. 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 Complaining and Responding Party are not allowed to dispute the facts or details of the case. Both the Complaining and Responding Party may be present and both the Complaining 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 I, Section [B.3.h](#). 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.*

~~7~~H. Sanctions

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or Hearing Panel may impose sanctions as a result of an Informal ~~Resolution~~Conference, Administrative Hearing, or Hearing Panel, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid at: <http://www.angelo.edu/student-handbook/appendices/sanctioning-grids.php>. The grid, mentioned above, is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the Hearing Panel. The Student Conduct Officer/Investigator, Administrative Hearing Officer, and/or the Hearing Panel may deviate from the grid for sufficient reason.

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Sanctions agreed upon through the Informal ~~Resolution~~Conference Process are final upon effectuation of the Informal ~~Resolution~~Conference. 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 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~~Conference Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in Room 112 of the Houston Harte University Center for a minimum of seven (7) years from the date the case is completed through an Informal ~~Resolution~~Conference, Administrative Hearing, Hearing Panel, Sanction Only Hearing, and/or Disciplinary Appeal Procedures in Part I, Section ~~B.3.h~~. 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~~1. 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~~2. 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 conditions, restrictions, and/or sanctions.

~~c~~3. 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.

d4. 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, University related activities, or be present on campus property. 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. In most cases, the notation of disciplinary suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: (1) the student is eligible to reenroll in the institution or (2) the Executive Director of Student Affairs or designee determines that a good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period 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 Executive Director of Student Affairs, or designee may deny readmission of a student. On denial of a student's readmission, the Executive Director of Student Affairs or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

e5. 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. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student may petition in writing to remove a Disciplinary Expulsion notation in the following instances: (1) the student is eligible to reenroll in the institution or (2) the Executive Director of Student Affairs or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student record by the Executive Director of Student Affairs or designee to prevent future registration.

f6. 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 assessment/counseling intake session.
- Discretionary educational conditions and/or programs of educational service to the University and/or community.
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
- Monetary assessment owed to the University.
- Completion of an alcohol or drug education program.
- Referral to the Alcohol & Drug Abuse Council for the Concho Valley (ADACCV) for assessment, <http://www.adaccv.org/>.

g7. 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.

h8. Academic Penalties

In cases involving violations of Part I, Section B.1.a. (Academic Misconduct) an academic penalty may be imposed by the referring party. Academic penalties include, but are not limited to:

- a. Assignment of a grade for the relevant assignment, exam, or course;
- b. Relevant make-up assignments;
- c. No credit for the original assignment;
- d. Reduction in grade for the assignment and/or course;
- e. Failing grade on the assignment;
- f. Failing grade for the course;
- g. Dismissal from a departmental program;
- h. Denial of access to internships or research programs;
- i. Loss of appointment to academically-based positions;

- ~~j.~~• Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities; and/or
- ~~k.~~• Removal of fellowship or assistantship support.

~~i~~9. Parental Notification

Violations of Part I, Sections B.1.c~~3~~. (Alcoholic Beverages) or B.1.d~~4~~. (Narcotics or Drugs) may result in notification to the parents/guardians of dependent students under the age of 21.

~~8~~f. *Disciplinary Appeal Procedures*

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Hearing Panel 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. A procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- b. 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
- c. 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.1.b~~2~~. (Actions against Members of the University Community and Others), either the Complaining Party or Responding Party may appeal the decision of the Hearing Panel.

The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be

dismissed, and the decision will be final. The Hearing Body may provide a response to the appeal upon request of the appellate officer.

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error, or new evidence that was unavailable at the original Hearing, 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.

9j. 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 C: PROCEDURES FROM THE OFFICE OF STUDENT CONDUCT 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 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 Complaining Party's statement. If it is determined that the information reported does not warrant an allegation, a Policy Clarification letter may be issued to clarify the policy 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 Complaining 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 Complaining Party while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the Complaining 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 Clarification 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 Complaining Parties/Responding Parties

- a. The University will take immediate action to eliminate hostile environments, prevent recurrence and address any effects on the Complaining 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 Complaining Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to, counseling services, 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 Complaining Party in order to help them understand the options available to them when making a report, to determine what resolution the Complaining Party is seeking, to identify university and community resources to support the Complaining 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 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 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 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 well-being of the Complaining 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

A student organization will be given notice of the organization's investigation in an alleged violation of the *Code of Student Conduct* by receipt of a "Notice of

Investigation/Notice of Involvement” letter or direct contact by the Executive Director of Student Affairs or designee.

6. Initial Contact to the Student Organization Leadership and Advisor

In most cases, the appropriate Student Organization or Greek Life, Student Affairs, or 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 investigation process. Organization leaders are expected to be prompt, cooperative, and forthcoming with information for review by the Executive Director of Student Affairs or designee. Organizations should be aware that information gathered during this initial contact is documented for use during the investigation process. Organizations that fail to comply with or respond to a notice issued as part of investigation process and/or fail to appear at a Hearing 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 International or Regional Headquarters (if relevant)

In most cases (with the exception of low-level concerns), Greek Life staff will notify representatives of the international or regional headquarters of the complaint received and of the process for reviewing the complaint. Angelo State University believes in an active partnership with international and regional organization staff to resolve concerns. These international 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 international and regional organizations when recurring concern indicates a climate issue for the organization, when the response of the organization is not compliant or timely, when there is an immediate threat to member or 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 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 parent or legal guardian, a relative, or an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student organization and does not have an active, participatory role in

the conduct process. If an advisor for the student 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 any meeting or Hearing on behalf of the University. Student organizations are responsible for presenting their own information; therefore, advisors are not permitted to speak or participate directly in any meeting or Hearing unless authorized by a Student Conduct Officer/Investigator. The Student Conduct Officer/Investigator will not accept investigative materials, statements, evidence, etc. directly from an advisor and will not communicate with the advisor on behalf of the student organization. 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 suspended may not serve as an advisor during their suspension,~~ and students who have been expelled may not serve as an advisor. Student organizations should select an advisor whose schedule allows attendance at the scheduled date and time for meetings and 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.

- c. Refrain from making any statement relevant to the investigation.
If a student organization chooses not to provide information or provides only limited information during the investigation, they will not be allowed to provide new information during the Hearing. The student organization will only be permitted to speak to the information that they 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 investigation process which could disadvantage the other party. ***A student's choice not to participate in the investigation process will not stop the investigation or hearing process.***

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

- d. The opportunity to provide information and evidence in support of the case;
- e. Know if they have been issued any allegations of misconduct;
- f. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- g. Know the Angelo State University conduct policies and procedures and where to find them;
- h. Know that any information provided by the student organization may be used in a conduct proceeding;

- Any information provided by a student during an investigation may be used in formal conduct processes related to allegations against the student organization, the student, or other students.
 - Student and student organization records are subject to the Federal Education Rights & Privacy Act (FERPA). Information collected during an investigation will be compiled into an investigation report and is considered student or student organization records. The investigation report may be shared with the assigned student conduct hearing panel members or administrative officers assigned to adjudicate concerns as officials with legitimate educational interest and without written consent for release. Student and student organization records can be subpoenaed in accordance with criminal processes which could include the release of the investigation report to law enforcement officials. The investigation report may also be shared with the international 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:

- a. Be responsive to all communications from the University;
- b. Provide information relevant to the incident or situation;
- c. Be honest and provide true and accurate information during the investigation;
- d. If a student or student organization needs additional time to gather information, please inform your Student Conduct Officer/Investigator;
- e. 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 or designee will appoint a Student Conduct Officer/Investigator to conduct a prompt, thorough, reliable, and impartial investigation of the reported allegation.
- 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.
 - Angelo State University Sexual Misconduct and Title IX Office Investigation
 - Criminal Investigation by the University, San Angelo, or Other Police Departments.

- International 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~~ 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 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 unobstructed 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 (international or regional actions, local alumni board actions). This information is used to afford the opportunity for an organization to be eligible for ~~I~~informal ~~resolution~~ Conference 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.

10. Investigation Report is Completed by Conduct Officer/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 Clarification will be issued to the organization and the file will 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 will occur around the opportunity for an Iinformal resolution Conference or a formal Hhearing.
- b. In cases proceeding to a formal hearing, the President and his/her Advisor(s) for the student organization will review the formal hearing script and the pool of faculty, staff, and students trained for the Hearing Panel.

11. Informal ConferenceResolution

- a. Upon review of the investigation report and the investigation process, the organization may have the opportunity to resolve the issue informally. The Conduct Officer/Investigator would provide an Informal ConferenceResolution 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 conferenceresolution. To participate in the Informal ConferenceResolution process, the President and his/her Advisor(s) for the student organization must accept both the finding and the sanction. There is no appeal of signed informal conferencesresolutions. Once completed, the Iinformal ConferenceRresolution 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 Hearing or Hearing Panel, 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 Hearing or Hearing Panel. 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 Hearing or Hearing Panel. Other documents may include notification of Responding Party's allegations, Panel composition, and Hearing Script. Following the Pre-Hearing, the President and his/her Advisor for the student organization 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 Hearing or Hearing Panel, 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 Hearing or Hearing Panel.

- 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 Complaining 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, Hearing Panel, 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, 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 list 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 or designee will schedule the Panel Hearing.
- f. At the discretion of the Executive Director of Student Affairs 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

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 Hearing or Hearing Panel and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or Hearing Panel 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 Hearing or Hearing Panel, 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 conduct processes are typically adjudicated by a Panel Hearing. If the student organization accepts responsibility for the allegations issued in the Investigation Report, the student organization may request a Sanction Only Hearing.

Hearings are closed to the public. In cases involving another student (a Complaining Party) and/or a violation of Part I, Section B.1.b2. (Actions Against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complaining 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 Complaining Party and Responding Party 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.

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.

Student organizations are typically represented by the current President and an advisor.

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 international 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.

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,

~~Director of Title IX Compliance~~ Title IX Coordinator, 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.15.

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, the ~~Director of Title IX Compliance~~ Title IX Coordinator, or designee. Typically, the Hearing Panel will be comprised of one student, one faculty member, and one staff member. (**Note students are not utilized in a Title IX Hearing Panel*). Availability may determine a different composition for the Hearing Panel. For allegations involving Part I, Section B.1.a. (Academic Misconduct), the Panel will be comprised of only students and faculty members. For cases involving Part I, Section B.1.b2. (Actions Against Members of the University Community and Others) or other sensitive issues, the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee will appoint three (3) Administrative Hearing Officers from the pool of available members 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 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~~ Title IX Coordinator, 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 Clarifications 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 Complaining 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, Complaining Party, Responding Party, and any witnesses. The Complaining Party and Responding Party 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 Resource Person of the Hearing Panel removes a student due to misconduct (Complaining Party, Responding Party, or witnesses), the alleged misconduct will be forwarded to the Executive Director of Student Affairs 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 Complaining 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 simultaneously 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.15.

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 Complaining Party and Responding Party are not allowed to dispute the facts or details of the case. Both the Complaining 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.1-5. 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 Conference, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanctioning Grid in the Student Handbook, Appendix C. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the Hearing Panel. The Student Conduct Officer/Investigator, Administrative Hearing Officer, 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 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 Conference Process are final upon effectuation of the Informal Resolution Conference. When sanctions are final, appropriate University Administrators may be notified of the student organization’s sanctions. Upon the judgment of the Executive Director of Student Affairs 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 Conference Process are final 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 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 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 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 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. [Texas Education Code, Chapter 51.936](#) indicates that institutions of higher education shall distribute to each student enrolled at the institution, no later than the 14th day before the first class day of each fall or spring semester, a copy of, or an electronic link to a copy of, a report on hazing committed on or off campus by an organization registered with or recognized by the institution.

Each postsecondary educational institution shall develop and post in a prominent location on the institution's Internet website a report on hazing committed on or off campus by an organization registered with or recognized by the institution. The report must include:

- 1.i. Information regarding each disciplinary action taken by the institution

against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued or updated, including:

- A. The name of the organization disciplined or found responsible;
- B. The date on which the incident occurred or the citation was issued, if applicable;
- C. The date on which the institution's investigation into the incident, if any, was initiated;
- D. A general description of:
 - i. The incident;
 - ii. The violations of the institution's *Code of Student Conduct*;
 - iii. The findings of the institution;
 - iv. Any sanctions imposed by the institution on the organization;
- E. The date on which the institution's disciplinary process was resolved;

~~2.~~ ii. The report must be updated to include information regarding each disciplinary process not later than the 30th day after the date on which the disciplinary process is resolved; and

~~3.~~ iii. The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report required under Texas Education Code, Chapter 51.936 and include the Internet website address to access the report.

A student organization spokesperson may, at any time, request a review of the sanctions in place in writing to the Executive Director of Student Affairs or designee.

15. Disciplinary Appeals Procedures

- a. A student organization may appeal the decision of a hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal hearing by submitting a written petition for appeal to the designated appeal officers within five (5) University business days of receiving the written decision.
- b. The Vice President for Student Affairs and Enrollment Management or designee will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.

- d. The only proper grounds for appeal are as follows:
- i. A procedural [or substantive] error occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 - ii. The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
 - iii. 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.1.b2. (Actions Against Members of the University Community and Others), either the Complaining Party or Responding Party may appeal the decision of the Hearing Panel. In such cases, the Office of the Vice President for Student Affairs and Enrollment Management or designee will provide the request for appeal to the other party and provide opportunity for response.
- f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or Panel Hearing. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, ~~he or she~~ they may:
- i. Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
 - ii. Remand the case to the original Hearing Panel;
 - iii. 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~~ conference, 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 international or regional headquarters or organizations as appropriate.

SECTION D: PROCEDURES FROM THE OFFICE OF TITLE IX COMPLIANCE^[MB17] ^[MB18]

This section provides information regarding the University's ~~policy on prevention and education efforts related to~~ sex discrimination, sexual harassment, sexual exploitation, public indecency, sexual misconduct, interpersonal violence, and stalking.

1.

1.—Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policies at Angelo State University

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~~^[MOU19]. ~~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~~The University prohibits discrimination based on sex, which includes pregnancy, ~~sexual orientation and gender identity~~, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal ~~(dating, domestic, or family)~~ violence, sexual violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct. ~~Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.~~

Policies outlined in this section may be found in [TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#) and in Angelo State's [Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#).

~~While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.~~

This policy applies to all University students and University employees, visitors, applicants for admission to or employment within the University, as well as University affiliates and others conducting business on the University campuses [MOU20]. This policy will apply to on-campus and off-campus conduct of which the University is made aware and which adversely impacts the educational and employment environments of the University. The University will take all reasonable steps to prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Complaining Party and others, if appropriate.

The [MOU21] University expects all members of the University Community to comply with the law. Members of the University Community who violate these policies and laws may be subject to disciplinary action or sanctions, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

For complaints relating to any discrimination, other than gender discrimination or discrimination based on sex, see Angelo State [Operating Policy 16.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#) or Section B.2. ~~e and/or f d and/or e.~~

The ~~Director of Title IX Compliance~~ Title IX Coordinator/Title IX Coordinator, or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the report indicates that there is reasonable belief a policy was violated. If this determination is made, the ~~Director of Title IX Compliance~~ Title IX Coordinator/Title IX Coordinator will provide the student with the option to move forward with voluntary resolution, informal resolution, or a formal investigation along with any requisite interim remedies. Interim remedies and the aforementioned processes are outlined in this section, along with definitions, individuals responsible for each process, and potential outcomes.

All investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, equitable, and impartial manner. Investigations conducted under this policy are not criminal investigations. For all complaints under this policy,

the burden of proof shall be a preponderance of the evidence, which means more likely than not.

a.—The Office of Title IX Compliance

a.

The University has an Office of Title IX Compliance which includes the ~~Director of Title IX Compliance~~ Title IX Coordinator / Title IX Coordinator (~~Director of Title IX Compliance~~ Title IX Coordinator) who oversees the University’s compliance with Title IX with the help of the Title IX Officer. The University has also designated Title IX Deputy Coordinators and a Title IX and Sexual Misconduct Response Team that works alongside the ~~Director of Title IX Compliance~~ Title IX Coordinator.

The ~~Director of Title IX Compliance~~ Title IX Coordinator / Title IX Coordinator is the University official responsible for overseeing and implementing processes and procedures related to Title IX. This person is also responsible for investigations into reports and complaints of sexual misconduct between students. The individuals responsible for implementing Title IX processes and procedures are listed below:

2. CONTACT	3. PHONE	4. ADDRESS	5. EMAIL
ASU Director of Title IX Compliance <u>Title IX Coordinator</u> / Title IX Coordinator Michelle Boone Director of Title IX Compliance <u>Title IX Coordinator</u> / Title IX Coordinator	325-942-2022	Mayer Administration Building, 210 Office of Title IX Compliance ASU Station #11044 San Angelo, TX 76909	michelle.boone@angelo.edu

<p>ASU^[MOU22] Title IX Deputy Coordinator for Employees</p> <p>Kurtis Neal Director of Human Resources</p>	<p>325-942- 2168</p>	<p>Hardeman Student Services Center, Suite-Room 202</p> <p>ASU Station #11009 San Angelo, TX 76909</p>	<p>Kurtis.neal@angelo.edu kurtis.neal@angelo.edu</p>
<p>ASU Title IX Deputy Coordinator, Athletic Equity</p> <p>Madison Seaver Scottie Moler</p> <p>Assistant Athletic Director of Compliance</p>	<p>325-486- 6072</p>	<p>Junell Center/Stephens Arena, 242Room 2050</p> <p>Angelo State University</p> <p>2235 S. Jackson Street</p> <p>San Angelo, TX 76904</p>	<p>scottie.moler@angelo.edu</p>
<p>Charlotte Bingham</p> <p>Managing Director</p> <p>Office of Equal Opportunity</p>	<p>806-742- 3627</p>	<p>TTU System Administration Building, 1508 Knoxville Ave., Suite 208</p> <p>Office of Equal Opportunity</p> <p>Texas Tech University System</p> <p>Box 1073</p>	<p>eeo@ttu.edu</p>

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b. *The Title IX and Sexual Misconduct Response Team*

~~The Title IX and Sexual Misconduct Response Team are ASU faculty and staff members specifically trained about sexual misconduct and Title IX policies, investigation procedures, due process, and other state and federal laws that related to Title IX and sexual misconduct. The team consists of faculty and staff who have been recommended to the Office of Title IX Compliance by their Vice President or the President to serve on the team. Members of the team may serve as Investigators or Panel Members in cases related to Title IX or sexual misconduct.~~

~~The Title IX and Sexual Misconduct Response Team consists of approximately twenty ASU faculty and staff members. The team consists of faculty and staff who have been recommended to the Office of Title IX Compliance by their Vice President or the President to serve on the team. The team serves as ASU's Sexual Misconduct and Title IX Hearing Panel Members or Sexual Misconduct and Title IX Investigators.~~

- ~~i.~~ i. *Sexual Misconduct and Title IX Investigators (Investigators)*: Two members of the Title IX and Sexual Misconduct Response Team can be designated to conduct a thorough, reliable, and impartial investigation of the reported sexual misconduct or Title IX allegation.
- ~~ii.~~ ii. *Sexual Misconduct and Title IX Hearing Panel Members (Hearing Panel Members)*: Three members of the Title IX and Sexual Misconduct Response Team (who did not serve as Investigators on the case) may be designated to serve as Hearing Panel Members on Hearing Panels involving charges of sexual misconduct and/or Title IX violations. Hearing Panel Members are responsible for reviewing information provided by the Investigators, reviewing and weighing evidence, and rendering a decision in regard to the alleged misconduct as well as determining sanctions, if appropriate.

Current members of the Title IX and Sexual Misconduct Response Team can be viewed at: <https://www.angelo.edu/services/title-ix/contacts.php>.

Prior to a Hearing, students will have an opportunity to review the Hearing Panel make-up and request any members be dismissed that they feel may be biased or have a conflict of interest. The Office of Title IX Compliance will do their best to comply with reasonable requests.

~~2.~~ **2. Definitions**

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply. Additionally, illustrative examples of some of these defined terms may be found at <http://www.angelo.edu/titleix>.

a. ***Common Terms Related to Title IX and Sexual Misconduct*** ^[MOU23]

i. ~~Advisor: An advisor is a person who may provide support and advice throughout the Title IX process. An advisor does not take an active role in the process and may not speak on behalf of the student. An advisor may be a member of the University Community (faculty, staff, or a student that is not otherwise involved in the case), a relative, parent or legal guardian, or an attorney.~~

ii.

a.

i. *Advisor: An advisor is a person who may provide support and advice throughout the Sexual Misconduct and Title IX process. An advisor does not take an active role in the process and may not speak on behalf of the student.*

~~iii.~~ ii. *Complaining Party/Complainant* – A person who is the subject of an alleged violation of this policy.

iii. ~~iii.~~ *Consent* – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

iv. 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~~ their own free will to choose whether or not to engage in sexual activity. *See Appendix B for a more expansive definition of consent.*

v. ~~iv.~~ *Employee* – Any person who receives a W-2 or 1042-S from the University, including full and part-time faculty, staff, and students. *An Employee is working in the course and scope of their employment if the Employee is performing duties in the futherence of the University's interest.*

~~v.~~ vi. *Incapacitation* – A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

vii. Reporting Party – A person or entity (in the case of the University) other than the Complaining Party who reports an alleged violation of this policy.

viii. Responding Party/Respondent – Generally, the Repsonding Party is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.

~~1. Responding Party/Respondent – Generally, the Responding Party is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.~~

ix. Sexual Misconduct – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.

F.

~~vi.x. University Community~~ – All faculty, staff, and students of and vistoris to any Unviersity premises or University-affiliated activity.

~~vii. Responding Party/Respondent~~ – Generally, the Responding Party is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.

~~viii. University Community~~ – All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

~~b. Title~~^[MOU24] **IX Related & Sexual Misconduct**

~~b.~~

~~1. I. Interpersonal Violence~~ – For the purposes of this policy, ~~I~~interpersonal ~~V~~violence is:

~~(1) 1. Domestic or Family Violence Dating Violence~~ – Physical, sexual, or verbal aAbuse or violence, or threat of abuse or violence -committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complaining 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 socializing between two individuals does not constitute a romantic or intimate

relationship. This definition does not include acts covered under Domestic or Family Violence.

~~current or former spouse or intimate partner of the Complaining Party, by a person with whom the Complaining Party shares a child in common, by a person with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complaining 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.~~

- ~~(2)2. Dating Violence Domestic Violence or Family Violence – Physcial, sexual, or verbal aAbuse or violence, or threat of abuse or violence, or threat of abuse or violence, committed by a current or former spouse or intimate partner of the Complaining Party, by a person with whom the Complaining Party shares a child in common, by a person with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complaining 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. by a person who is or has been in a social relationship of a romantic or intimate nature with the Complaining 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 socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.—~~

ii. 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:

~~2.—~~

- ~~(1)1. _____ Exposing one's genitals or private areas;~~
- ~~(2)2. _____ Public urination;~~
- ~~(3)3. _____ Public dDefecation; and/or~~
- ~~(4)4. _____ Public sex acts.~~

iii. Sexual Assault – Sexual contact or intercourse with a person 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. Sexual assault includes:

1. Non-Consensual Sexual Contact – Intentional sexual touching, however slight, with any object or part of one's body of another's private areas

without consent. Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals;
- Touching another with any of these body parts;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

2. Non-Consensual Sexual Intercourse – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complaining Party.
- Incest – 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 Complaining Party, including instances where the Complaining Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

iv. Sex Discrimination – An act that deprives a member of the University Community of ~~his or her~~their rights of access to campuses and facilities and/or of participation in education, services, programs, operations, employment, benefits or opportunities with the University on the basis of the person’s sex.

v. Sexual Exploitation – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

~~3.—~~

~~4. Sexual Misconduct—A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.~~

5. ~~Sexual Assault—Sexual contact or intercourse with a person 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. Sexual assault includes:~~

~~(1)—Non-Consensual Sexual Contact—Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes:~~

- ~~• Intentional contact with the breasts, buttock, groin, or genitals;~~
- ~~• Touching another with any of these body parts;~~
- ~~• Making another touch you or themselves with or on any of these body parts; or~~
- ~~• Any other intentional bodily contact in a sexual manner.~~

~~(2)—Non-Consensual Sexual Intercourse—Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.~~

~~The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.~~

- ~~• Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complaining Party.~~
- ~~• Incest—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 Complaining Party, including instances where the Complaining Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity~~
- ~~• Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.~~

6. ~~Sexual Exploitation—Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:~~

- ~~(1)1. Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person’s full knowledge or consent;~~

- ~~(2)~~2. Sexual voyeurism;
- ~~(3)~~3. Inducing another to expose one's genitals or private areas;
- ~~(4)~~4. Prostituting another; or
- ~~(5)~~5. Knowingly exposing someone to or transmitting a sexually transmitted disease without the person's full knowledge and consent.

7.—vi. *Sexual Harassment* – Means unwelcome sex-based verbal or physical conduct that:

- 1. ~~(1)~~—iin the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- 2. ~~(2)~~iin the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from education programs or activities.

To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be severe, persistent, or pervasive.

Examples of inappropriate behavior that may constitute Sexual Harassment or Sexual Misconduct include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

3.—vii. *Stalking* – A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's 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 Complainant Party.~~ “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

3. Reporting Allegations of Sexual Misconduct or Title IX Violations

4. F. Reporting Allegations of Sexual Misconduct

Students are strongly encouraged to promptly report to the ~~Director of Title IX Compliance~~ **Title IX Coordinator**. Reports may be made online 24 hours a day, 365 days a year at <http://angelo.edu/incident-form>. When submitting the report, please include as many details as possible. Note that while you may submit an anonymous report it will greatly limit the ability for the Office of Title IX Compliance to investigate an alleged incident, collect evidence, and/or take action or otherwise address concerns. ~~address your concern.~~

Reports may be made in person to:

CONTACT	PHONE	ADDRESS	EMAIL
ASU Director of Title IX Compliance Title IX Coordinator / Title IX Coordinator		Mayer Administration Building, 210	
Michelle Boone	325-942-2022	Office of Title IX Compliance	michelle.boone@angelo.edu
Director of Title IX Compliance Title IX Coordinator / Title IX Coordinator		ASU Station #11044 San Angelo, TX 76909	

Angelo State respects the sensitivity of the information that may be included in this report and will make all reasonable efforts to protect the privacy of those involved, in accordance with state and federal law, while balancing the need to gather information to address the incident and take steps to stop, prevent, and remedy prohibited conduct.

Students may also report incidents of sexual misconduct to law enforcement, including on-campus and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of the Office of Title IX Compliance or the Office of Equal Opportunity in contacting the authorities if the individual wishes Director of Title IX Compliance. To contact the University Police Department, call 325-942-2071. Complaining Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.

An individual who experiences ~~any form of sexual harassment, sexual assault, dating violence, or stalking~~ Sexual Misconduct is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as practicable after the incident. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence ~~up to 4 days~~ several days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE ~~services~~^[MB25]. For more information about the SAFE, see <https://www.texasattorneygeneral.gov/victims/safes.shtml#survivors>.

An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.

a. Confidentiality

Angelo State University is committed to ensuring confidentiality during all stages of the student conduct process. The ~~confidentiality~~^[MOU26] the Complaining Party, the Responding Party, the Reporting Party, any individuals who have sought guidance about this policy or have participated in an investigation or incident 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. Unless waived in writing by the individual, the identity of aforementioned individuals:

- i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
- ii. May be disclosed only to:

1. University Employees or individuals under contract with the University to which the report is made who are necessary for an investigation of the report or other related hearings;
2. a law enforcement officer as necessary to conduct a criminal investigation of the report;
3. a health care provider in an emergency, as determined necessary by the University;
4. the Responding Party, to the extent required by other law or regulation; and
5. potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

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 Complaining 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.

However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complaining Party's request for confidentiality. The Title IX Coordinator or designee will evaluate requests for confidentiality. The willful and unnecessary disclosure of confidential information by anyone, including the Complaining Party or Responding Party, may affect the integrity of the investigation.

Students may make confidential reports to the University Counseling Center. All Complaining Parties may also make confidential reports to local rape crisis centers[MOU27], or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the university. Information may be shared by the clinical and/or medical provider only with the Complaining Party's or Responding Party's consent.

Absent[MB28] consent from the Complaining Party, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. These Employees are encouraged to provide Complaining Parties with information and guidance regarding University reporting options and available resources. This Subsection does not affect the Employee's duty to report an incident under any other law or regulation under which they maintain their licensure[MB29].

Angelo State University is committed to ensuring confidentiality during all stages of the sexual misconduct and Title IX process. The confidentiality of both the Complaining

Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, all University employees have mandatory reporting and response obligations and may not be able to honor a Complaining 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 Complaining 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 Complaining 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 Sexual 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 Sexual 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. Witnesses may also review their portions of the Investigation Report and their presence at the hearing may be requested by the involved parties.

Students may make confidential reports to the University Counseling Center. All Complaining 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, including medical providers employed by the university. Information may be shared by the clinical and/or medical provider only with the Complaining Party's or Responding Party's consent.

While there is no deadline to file a report **complaint**, to promote timely **prompt** and effective **equitable** review, the University strongly encourages individuals who believe they have experienced Sexual Misconduct to come forward **promptly as soon as possible** with their complaints and to seek assistance from the **U**niversity. Delays in reporting can greatly limit the University's ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating **this** policy. *Please note: if a Responding Party has left campus, either by withdrawing or graduating, prior to a report being filed, the university's ability to investigate and/or adjudicate may be limited.*

b. ***Responsible Employees and Confidential Resources:***

All^[MB30] employees, including student employees, who in the course and scope of employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and Sexual Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's ~~Director of Title IX Compliance~~ Title IX Coordinator/Title IX Coordinator, Office of Title IX Compliance, ~~or the Office of Human Resources~~, or the System Office of Equal Opportunity (OEO). An employee is required to report an incident regardless of where or when the incident occurred. Failure to report Sexual Harassment, Sexual Assault, Dating Violence, or Stalking is a violation of state law ~~which~~ that shall result in termination of employment and may result in criminal penalties.

The^[MB31] report must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complaining Party has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complaining Party has expressed a desire for confidentiality. ~~whether an alleged victim has expressed a desire for confidentiality in reporting the incident.~~

Disclosures to a healthcare provider, licensed clinical and/or mental health ~~care~~ provider, or other medical provider professionals acting in the course and scope of their employment with the University ~~in professional role in the provision of services~~ are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources.

~~These employees include physicians, psychologists, nurses, counselors, clergy, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but~~ absent consent from the Complaining Party, disclosures to a healthcare provider, mental health care provider, or other medical provider acting in the course and scope of their employment with the University shall only state the type of incident reported and may not include any information that would violate an expectation of privacy.

~~will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.~~ The following Confidential Resources are available to Angelo State Students:

CONTACT	PHONE	Website
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University Counseling Center	325-942-2371	https://www.angelo.edu/services/counseling/
University Health Clinic	325-942-2171	https://www.angelo.edu/services/health_clinic_counseling/
University Crisis Helpline	325-486-6345	https://www.angelo.edu/services/counseling/crisishelpline.php
Open Arms - Concho Valley Rape Crisis Center	325-655-2000	http://openarmscv.com

~~5.~~ **c. Student Rights and Responsibilities**

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Investigator(s). The Students Rights and Responsibilities document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may 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:

- i.1.** A prompt, fair, and equitable process^[MB32].
- ii.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 parent or legal guardian, a relative, or 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 sexual misconduct and Title IX 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 meeting or Hearing ~~g~~ 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 meeting or Hearing unless authorized by a (the) Investigator(s). The Investigator(s) will not accept investigative materials, statements, evidence, etc. directly from an advisor and will not communicate with the advisor on behalf of the student. The Director of Title IX Compliance Title IX Coordinator 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. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the meeting or Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a (the) Investigator(s).

iii. 3. Refrain from making any statement relevant to the investigation. If a student chooses not to provide information or provides only limited information during the investigation, they will not be allowed to provide new information during the Hearing. The student will only be permitted to speak to the information that they 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 investigation process which could disadvantage the other party. ***A student's choice not to participate in the investigation process will not stop the investigation or hearing process.***

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

iv. 4. The ^[MB33] opportunity to provide information and evidence in support of their case, including the opportunity to present witnesses and other evidence relevant to the alleged violation.

v. 5. Know if they have been issued any allegations of misconduct.

vi. 6. Know the range of sanctions that may be imposed for a violation of the *Code of Conduct*, if one is alleged and found to have occurred.

vii. 7. Know the Angelo State University conduct policies and procedures and where to find them.

viii. 8. Know that any information provided by the student may be used in the investigation and any processes related to the Code of Conduct that follow.

ix9. 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.

x. Expect[MB34] that the University will take reasonable steps to protect individuals who assist with reports of violations or participates in any manner in an investigation or the resolution of a complaint from retaliation and harassment during the pendency of the disciplinary process.

xii. Have reasonable[MB35] and equitable access to all evidence relevant to the alleged violation in the institution's possession, including statements made by the Complaining Party, witnesses, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality.

It is the student's responsibility to:

- i1. Be responsive to all correspondence from the University.
- ii2. Provide information relevant to the incident or situation.
- iii3. Be honest and provide true and accurate information during the investigation.
- iv4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

d. 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:

1. Victims of or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use at the time of the incident.
 - In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may fall under this amnesty provision.
2. Students who offer assistance to others by calling medical personnel or law enforcement.

3. 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 stalking, 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.

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 Title IX Coordinator, or his/her designee will make a determination as to whether 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, but the final determination regarding amnesty will be made by the Executive Director of Student Affairs, Title IX Coordinator, or designee.

~~6.—~~

~~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 or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use at the time of the incident.~~
- ~~○—In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may be reviewed under this amnesty provision.~~
- ~~●—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 stalking, 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.~~

~~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, Title IX Officer or his/her designee will make a determination as to whether 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 influence 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, alcohol assessments, and other requirements. The final determination regarding amnesty will be made by the Director of Title IX Compliance, or designee.~~

~~7. e. Remedies and Resources~~

The University will take immediate action to eliminate hostile environments, prevent recurrence, and address any effects on the Complaining Party, Responding Party, and community prior to the initiation of any process implemented by the Office of Title IX Compliance. The Office of Title IX Compliance will request that the student share information about report made in order to assess safety and better assist the student in implementing resources and remedies. These immediate steps will be taken to minimize the burden on the Complaining Party while respecting due process rights of the Responding Party. Remedies will be evaluated on a case- by-case basis. The Office of Title IX Compliance is available to help students understand the process and identify resources.

i. Resources

~~a. Resources:~~

Angelo State University has a variety of resources to assist students who report a violation of this policy, who are participating in the investigation or resolution process, or who are experiencing concerns related to other student misconduct. Resources include, but are not limited to, assistance from the Office of Title IX Compliance 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 ~~Director of Title IX Compliance~~ Title IX Coordinator or designee are also available to help students understand the Sexual Misconduct and Title IX process and identify resources regardless of the student's desire to share details of the misconduct.

Local resources may be found by visiting <http://www.angelo.edu/title-ix>.

~~b. Interim Actions:~~ ii. Interim Actions

Under the *Code of Student Conduct*, the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee may impose restrictions and/or separate a student from the community pending the completion of the Sexual Misconduct and Title IX 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 Sexual Misconduct and Title IX process on alleged violation(s) of the *Code of Student Conduct*. 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 Complainant, Responding Party, and/or other members of the University Community. Interim action is preliminary in nature; it is in effect only until the investigation and resolution of the report 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 ~~Director of Title IX Compliance~~ Title IX Coordinator or designee via the student's official Angelo State University e-mail or during a face to face meeting. The notice serves as an official directive that the student(s) have no contact with the other listed party or 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 ~~Director of Title IX Compliance~~ Title IX Coordinator or designee. This notice may also come with a Notice of Investigation or other information related to changes in class schedule or other interim actions or restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order may result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension pending the completion of the investigation and resolution of the report. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. *Immediate Temporary Suspension*

A student may be temporarily suspended pending completion of the investigation and resolution if, in the judgment of the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee or on recommendation of an 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 ~~Director of Title IX Compliance~~ Title IX Coordinator or designee will initiate appropriate procedures to address the disruptive behavior within five (5) University business days from the date of Immediate Temporary Suspension.

A student who receives an interim suspension may request a meeting with the ~~Director of Title IX Compliance~~ Title IX Coordinator 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 formal investigation. During an Immediate Temporary Suspension, a student may be denied access to Housing and Residential Programs/or the University campus/facilities/events. As determined appropriate by the ~~Director of Title IX Compliance~~ Title IX Coordinator 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 ~~Director of Title IX Compliance~~ Title IX Coordinator 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.

Any instances whereby the student should need to return to campus must be coordinated through the ~~Director of Title IX Compliance~~ Title IX Coordinator 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 or other member(s) of the University community that is deemed a continuous threat;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the Complaining Party and the remedy for the behavior 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.

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.

3iv. *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 Housing and Residential Programs, temporary changes in a student's academic schedule, and temporary restrictions from the University campus/facilities/events.

4v. Non-Student Interim Actions

Any guest to the University who is alleged to have violated University policies 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 ~~Director of Title IX Compliance~~ Title IX Coordinator or designee, in conjunction with the University Police Department, will issue a Criminal Trespass Warning to that individual(s).

iii. Withdraw

~~c. Withdraw~~

The Complaining or Responding Party who are the subjects of an alleged incident of sexual harassment, sexual assault, dating violence, or stalking will be allowed to drop a course in which they are both enrolled without any academic penalty.

If a student withdraws or graduates from the University pending a disciplinary charge alleging the student violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence or stalking, the institution:

- ~~i.~~ 1. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- ~~ii.~~ 2. Shall expedite the institution's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution.
- ~~iii.~~ On request by another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

3.

4. Options in Addressing Reports of Sexual Misconduct ~~and/or~~ Title IX Violations

After receiving a report, the Office of Title IX Compliance will reach out to the individual deemed the Complaining Party by their official Angelo State email to request that the student schedule an appointment with the Office of Title IX Compliance to further discuss the report received and the options and resources available to the student. When health and safety of the student is potentially at risk, the Office of Title IX Compliance may call the student on the phone number listed in their student record. In the event that the student does not respond, the Office of Title IX Compliance will send a second email communication.

The Complaining Party is not required to respond or participate in any meetings with the Office of Title IX Compliance. If the Complaining Party does not return contact or requests to not meet with the Title IX staff, the case is closed.

If the Complaining Party requests only resources or remedies, the Office of Title IX Compliance will contact the appropriate campus parties to address the needs, and then the case is closed. If a Complaining Party wishes to make a statement or pursue an Investigation, the ~~Director of Title IX Compliance~~ Title IX Coordinator will schedule an intake meeting and appoint members of the Sexual Misconduct and Title IX Response Team to begin an investigation. **In Title IX cases, the Complaining Party must participate in the investigation and hearing processes in order for the University to move forward.**

NOTE: The ~~Director of Title IX Compliance~~ Title IX Coordinator or designee may proceed with the sexual misconduct and Title IX process (even if the complainant(s) chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.

If the Complaining Party requests the institution not to investigate the alleged incident reported to the University, the ~~institution~~ University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. -In determining whether to investigate the alleged incident, the institution shall consider:

- (1) The seriousness of the alleged incident;
- (2) Whether the University has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;
- (3) Whether the alleged incident poses a risk of harm to others; and
- (4) Any other factors the institution determines relevant.

If the University decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking based on the ~~alleged~~ Complaining Party's request not to investigate, the University shall take any steps the University determines necessary to protect the health and safety of the University's community in retaliation to the alleged incident.

The University shall inform a Complaining Party ~~whether~~ of an alleged incident of sexual harassment, sexual assault, dating violence, or stalking who requests the University not to investigate the alleged incident of the University will conduct an investigation into the alleed incident. ~~the University's decision whether to investigate the alleged incident.~~

In^[MB36] implementing the processes outlined in this section, the University will, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The Office of Title IX Compliance will make reasonable efforts to consult with Disability Services to assit students with any particular needs.

The options to address a reported violation of this policy include:

a. Referral Meeting

The Office of Title IX Compliance ~~A University official~~ may request a meeting with a student in order to discuss a referral made to the Office of Title IX Compliance when the referral may not include information that indicates there is reasonable belief a violation of the *Code of Student Conduct* occurred, but when the ~~University official~~ Office of Title IX Compliance 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 a Formal ~~n~~ Investigation which may warrant adjudication. This meeting my also include a Policy Clarification, which is written notice provided 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.

b. Informal~~Voluntary~~ Resolution

~~a.~~
The parties (usually the Complaining Party and Responding Party) may mutually agree to attempt to resolve the matter prior to conclusion of the investigation process takes place through a Informal~~Voluntary~~ Resolution process. The procedures utilized in the Informal~~Voluntary~~ Resolution process must be agreed upon by the parties with concurrence from the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee. The parties must agree in writing to all aspects of any resolution reached through the Informal~~Voluntary~~ Resolution process including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may stop the Informal~~Voluntary~~ Resolution process at any time prior to the final resolution and proceed with the formal investigation process outlined below. Informal~~Voluntary~~ Resolution agreements will be maintained in accordance with University

policies. Should either party violate the terms of the resolution, the matter may be referred to the Office of Student Conduct.

c. *Informal Resolution:*

~~b.~~

If after an initial inquiry or **Formal I**nvestigation, the Responding Party 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 Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process related to a violation of Sexual Misconduct and Title IX policies, both the Complaining Party and the Responding Party must accept both the finding and the sanctions as recommended by the Investigator. If accepted, the process ends, the finding is final, and there is no appeal. The case will only be reopened if new material, previously unavailable, is presented.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to both the Complaining Party and the Responding Party and appropriate University Administrators within five (5) University business days of the effectuation of the Informal Resolution.

e.d. *Formal Investigation and Panel Hearing:*

A Complaining Party (or the University, if it is deemed that the University Community is at risk) may ~~request that~~ **file** a formal complaint ~~be filed and~~ **request that** an investigation into the report begin. Upon the Office of Title IX Compliance determining that there is reasonable belief a policy was violated; the Office of Title IX Compliance will assign Investigator(s) to the case **to begin the investigation.**

i. **Formal Investigation**

The ~~Director of Title IX Compliance~~ **Title IX Coordinator** or designee may appoint a member or two of the Sexual Misconduct and Title IX Response Team as Investigator(s) who will conduct a **prompt, thorough, reliable, and impartial, and equitable** investigation of the reported ~~allegation~~^[MB37]. **Students will be given the opportunity to present witnesses and other evidence relevant to the alleged violation during this process.**

If a concurrent police investigation is occurring, the Investigator(s) will, where possible, collaborate with the University Police Department (or other law enforcement entity) during the investigation. Elements of this collaborative investigation may include the Investigator(s) coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator(s) 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.

A student will be given notice of their involvement in regard to a referral received by the University or once the University is put on notice by receipt of a "Notice of Investigation/Notice of Involvement" Letter. For Responding Parties, the Notice of Investigation will include the identity of the Complaining Party, the date, time, and location of the alleged incident(s), and the specific section(s) of the *Code of Student Conduct* the Responding Party is alleged to have violated. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an Investigator. 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 Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator ~~the Office of Title IX Compliance~~ from proceeding with the ~~conduct process~~ sexual misconduct and Title IX process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

At any point in the Investigation if additional potential allegations are discovered, the Responding Party will be sent an additional Notice of Investigation/Notice of Involvement letter including the criteria listed above.

During the investigative process, the Complaining Party and Responding Party are responsible for providing all relevant information or evidence that they believe should be considered. Both parties may be asked for a written statement and/or face to face interviews. Interviews will be recorded and transcribed. The University will make reasonable efforts to obtain information such as surveillance video footage, university card swipe access and other potentially relevant information such as statements or interviews with witnesses that may be available to the Institution.

At any point in the Investigation, either party may request to initiate the Voluntary Resolution process (See 4.b.). This process is contingent upon the agreement of both the Complaining Party and Responding Party with concurrence from the Office of Title IX Compliance.

Once the investigation process is complete, the Investigator(s) will compile the relevant information and evidence into an Investigation Report, which may include the allegations of the *Code of Student Conduct*, a timeline of the event(s), statements from interviews, transcription of the interview recordings, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator(s) will document any

physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the investigation after the Investigative process has concluded.

Charges of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the investigative process at which point the Investigator(s) 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 charges.

ii. Investigation Review

In cases where following an investigation, the Investigator(s) question whether there is reasonable belief a policy was violated or there is sufficient evidence to move forward with a Hearing Panel, the Investigator(s) may request the Investigation Report be reviewed to determine if it the case should be forwarded to a Hearing Panel.

iii Pre-Hearing Process

In cases involving a Hearing, the Pre-Hearing Process will be followed. Once the investigation process is complete, the Complaining 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 Sexual Misconduct and Title IX process may continue without their participation, including the assignment of charges and the completion of a Hearing. During this meeting, students will be given equitable access ~~the opportunity~~ to review the Investigation Report^[MB38], including all evidence relevant to the alleged violation in the insitution's possession including any statements made by the Complaining Party, Responding Party, or witnesses, information stored electronically, written or electornic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality. ~~relevant evidence, and/or other documents/materials to be used in the Hearing.~~ Other documents/materials reviewed may include an outline of the Responding Party's charges, Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, Section A.3., of a date, time, and location of the Panel 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 Investigator(s), was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the student should inform the Investigator(s) immediately. If the new information is

pertinent to the consideration of the case, the Investigator(s) will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Panel Hearing.

The Sexual Misconduct and Title IX process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties throughout the process and at the Hearing but may not do so directly. After reviewing the Investigation Report, during the Pre-Hearing, Complaining Parties and Responding Parties will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator(s), who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Resource Person will not be permitted.

If the student accepts responsibility for the charges issued in the Investigation Report, the student may request a Sanction Only Hearing. However, the Investigator(s) has the sole discretion in all cases to designate whether a Hearing Panel or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator(s) will share the list of Panel members which consists of three members of the Title IX and Sexual Misconduct Response Team. 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 Investigator(s) with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee will schedule the Panel Hearing.

At the discretion of the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee, a review of the investigation may occur at any point during the investigation process for clarification of procedural processes and may remand for further investigation or adjudication if deemed necessary.

iv. Hearing

Upon completion of the investigation, after the charges(s) have been assigned, and proper notice has been given to both the Complaining Party and Responding Party, the University may proceed to conduct a Hearing Panel and issue a finding and accompanying sanctions, if applicable. The Hearing Panel may be held and a decision made, regardless of whether the Responding Student fails to respond to communication, attends the Hearing, or fails to attend the Hearing. Should the

Responding Student fail to attend the Hearing, the Hearing Panel may consider the information contained in the Investigation Report, relevant evidence, and/or other documents/materials, and render a decision. The Complaining Party must participate in both the Investigation and Hearing Process for the matter to move forward to adjudication.

Hearings are closed to the public. Both the Complaining Party and the Responding Party have the right to be present at the Hearing ~~Panel~~; however, they do not have the right to be present during deliberations. Arrangements can be made so that Complaining and Responding Parties do not have to physically be in the Hearing room at the same time, arrangements can be made for the parties to participate electronically, from another room, etc. To request changes in the scheduled Hearing time or other accommodations students should contact the Office of Title IX Compliance prior to the scheduled Hearing.

For a Hearing Panel a panel of three (3) members of the Sexual Misconduct and Title IX Response Team will be chosen from the available pool by the ~~Director of Title IX Compliance~~ Title IX Coordinator or designee. One additional member of the team will be chosen as an alternate and be prepared to serve if needed.

Members of the Sexual Misconduct and Title IX Response Team who served as Investigator(s) 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 ~~Director of Title IX Compliance~~ Title IX Coordinator 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 Clarifications 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 the parties.

•

The Investigator(s) presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Complaining 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 Investigator, Complaining Party, Responding Party, and any witnesses. The Complaining Party and Responding Party may not question each other or witnesses directly, but may pose questions through the Investigator or Resource Person. Should new evidence be presented without prior discussion with the ~~Student Conduct Officer/Investigator~~, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event the Resource Person removes a student due to misconduct (Complaining Party, Responding Party, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct.

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 Investigator, The Office of Title IX Compliance, the Complaining 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) simultaneously 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 E.9.

v. Sanction Only Hearing

If the student accepts responsibility for the charges issued in the Investigation Report, the student may request a Sanction Only Hearing, by the Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing Panel by the Investigator(s). During presentation of the Investigation Report and finding, the Complaining and Responding Party are not allowed to dispute the facts or details of the case. Both the Complaining and Responding Party may be present and both the Complaining and Responding Party may provide impact statements prior to sanctioning. Mitigating factors may also be presented by the Complaining Party and may be considered by the Hearing Panel. Written notification of the outcome of the Sanction Only Hearing will be provided simultaneously to the students 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 I, Section E.9. 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.*

9.b. Sanctions

When a student is found responsible of a violation of the *Code of Student Conduct* sanctions may be imposed. The potential sanctions are listed in the *Code of Student Conduct* grid at: <http://www.angelo.edu/student-handbook/appendices/sanctioning-grids.php>. The grid, mentioned above, is provided only as a guideline for administering sanctions by the Investigator or Hearing Panel. The Investigator or Hearing Panel may deviate from the grid for sufficient reason.

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions. Upon the judgment of the ~~Director of Title IX Compliance~~ **Title IX Coordinator** 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 Voluntary Resolution Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file for a minimum of seven (7) years from the date the case is completed through a Voluntary Resolution, a Hearing Panel, Sanction Only Hearing, and/or Disciplinary Appeal Procedures in Part I, Section E.9. 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:

i. 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.

ii. 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 conditions, restrictions, and/or sanctions.

iii. 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.

iv. 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, University related activities, or be present on campus property. 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. In most cases, the notation of disciplinary suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the ~~Director of Title IX Compliance~~ **Title IX Coordinator**, or designee determines that a good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The ~~Director of Title IX Compliance~~ **Title IX Coordinator** or designee may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action or if the student has failed to satisfy any sanction that was imposed prior to application for readmission. On denial of a student's readmission, the ~~Director of Title IX Compliance~~ **Title IX Coordinator** or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

v. 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. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student may petition in writing to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the ~~Director of Title IX Compliance~~ **Title IX Coordinator** or designee determines that good causes exists to remove the notation. An administrative hold will be placed on the student record by the ~~Director of Title IX Compliance~~ **Title IX Coordinator** or designee to prevent future registration.

vi. f.—Conditions

A condition is an educational or personal element that is assigned by the Investigator(s) 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 assessment/counseling intake session.
- Discretionary educational conditions and/or programs of educational service to the University and/or community.
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
- Monetary assessment owed to the University.
- Completion of an alcohol or drug education program.
- Referral to the Alcohol & Drug Abuse Council for the Concho Valley (ADACCV) for assessment, <http://www.adaccv.org/>.

vii. 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.

10.c. *Disciplinary Appeal Procedures*

A student may appeal the finding or the sanction(s) imposed in a 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 designated appeal officer is a trained University staff or faculty member who did not serve as the Investigator or an Administrative Hearing Officer in the original Title IX Hearing 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.

Either the Complaining Party or Responding Party may appeal the decision of the Hearing Panel. In such cases, the designated appeal officer 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 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 designated appeal officer 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.

~~11.d.~~ **Retaliation**

Retaliation against a person who reports a potential violation under this policy,

assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. 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 report the incident to Office of Title IX Compliance.

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.

~~e.12.~~ Interference with an Investigation

Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the university. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

~~12.~~ **5. Training Requirements for Students**

Angelo State's commitment to preventing and raising awareness of the harm resulting from conduct prohibited in this policy include providing primary prevention and awareness programs.

All incoming students at Angelo State University are required to take online trainings related to Sexual Assault Prevention.

Undergraduate students must take two, two-part trainings called AlcoholEDU and Sexual Assault Prevention for Undergraduates.

- *AlcoholEDU* provides detailed information about alcohol and the effects it has on the mind and body. While many students choose not to drink while in college, the training assists students in developing skills to handle situations involving their peers and their use of alcohol.

- *Sexual Assault Prevention for Undergraduates* is intended to educate students about healthy relationships, affirmative consent, good communication, and empowers students to be active bystanders.

Graduate students are required to take one, two-part training called Sexual Assault Prevention for Graduate Students. This training is intended to educate students about healthy relationships, affirmative consent, good communication, and empowers students to be active bystanders.

In addition to these trainings above, student athletes are required to take an additional two-part training online about sexual assault prevention.

Students will receive emails with information about how to access these trainings and relative due dates. Trainings may be accessed through the student's Ramport. Additional information can be found at: <https://www.angelo.edu/services/title-ix/alcooledu-and-haven.php>.

Failure to complete these trainings by the due date may result in a hold being placed on the student's account.

13. **6. FAQs and Additional Information**

Additional information, including information about resources may be found on the Office of Title IX Compliance's website which can be located at: <https://www.angelo.edu/services/title-ix/>.

An FAQ containing frequently asked questions may be accessed online by visiting <https://www.angelo.edu/services/title-ix/frequently-asked-questions.php>.

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. 1.c3. 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 classes and/or course work at the University. Academic Misconduct violations are outlined in Part I, Section B.1.a. 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 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~~ ~~misconduct~~ 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~~ ~~misconduct~~ violations. Instructions for reporting allegations of academic ~~dishonesty~~ ~~misconduct~~ 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 [B.3.hC.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 misconduct](#) violation should also be made to the Executive Director of Student Affairs or designee for the [possible](#) assignment of [additional](#) disciplinary sanctions. Instructions for reporting academic [dishonesty misconduct](#) violations are available in the *Code of Student Conduct*. A student referred to the Executive Director of Student Affairs or designee for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*. Instructors of record of the course where the alleged violation occurred and the Academic Dean of the college where the student is enrolled or of the college housing the course where the alleged violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Executive Director of Student Affairs or designee as outlined in the *Code of Student Conduct*.

NOTE: Additional Academic [Integrity Misconduct](#) 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, including pregnancy, sexual orientation and gender identity, race, color, religion, national origin, age, disability, genetic information, status as a protected veteran, or other legally protected characteristics. ~~While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. This policy and complaint procedure is available in Angelo State University Operating Policy 16.02 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.~~

~~1. Harassment~~

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

- ~~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.~~

1. Discriminatory Harassment

Harassment based on a person's protected class is a form of discrimination. Unlawful harassment can be verbal, physical, or written conduct that shows hostility toward an

individual based on their protected classes. For more information on the University's policy and compliant procedures regarding discriminatory harassment, see Angelo State University Operating Policy 16.02 Non Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

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, sexual violence, and any other form of sexual misconduct, sexual violence, or other misconduct based on sex.

For more information on this policy and compliant procedures see See **TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure** and in Angelo State's **Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.**

University Operating Policy 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure for matters concerning Sexual Misconduct.

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/Title IX Coordinator. Additional information on reporting can be found at: <https://www.angelo.edu/services/title-ix/> or in University Operating Policy 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure for matters concerning Sexual Misconduct. An online reporting form is also available at: <https://www.angelo.edu/services/title-ix/file-a-complaint.php>.~~
- 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 Opportunity at (806)742-3627.~~

4.3. Office for Civil Rights Complaints

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office for Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100 or Customer Service Hotline (800) 421-3481 or <http://www2.ed.gov/about/offices/list/ocr/index.html>.

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. 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 Complaining 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 Complaining 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, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws and University Operating Policy 16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure for matters concerning Sexual Misconduct.

SECTION D: CLASS ABSENCES

1. Class Absences

Responsibility for class attendance rests with the student. Regular and punctual attendance at all scheduled classes is expected, and the University reserves the right to deal at any time with individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean and/or the Executive Director of Student Affairs or designee. Angelo State University Operating Policy 10.04, [Academic Regulations Concerning Student Performance](#) provides complete information regarding class attendance and reporting student illness and emergencies.

2. Religious Holy Day Absences

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in University Operating Policy 10.19, [Student Absences for Observance of Religious Holy Days](#).

3. **Student Absence due to Sponsorship of Student Activities and Off-Campus Trips**
 - a. Faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of the University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
 - b. According to University Operating Policy 10.04, [Academic Regulations Concerning Student Performance](#), students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

SECTION E: COMPLAINT PROCESSES

1. Complaints

Angelo State University has various procedures for addressing written student complaints. A written student complaint is any complaint that is written and submitted through the appropriate complaint process outlined in the Operating Policies or the online Incident Reporting Form to the Office of Student Affairs, Office of Title IX Compliance, or appropriate academic unit.

Students may seek assistance from the Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ [Title IX Coordinator](#), or designee as they go through a written complaint process. The Executive Director of Student Affairs, ~~Director of Title IX Compliance~~ [Title IX Coordinator](#), or designee help students understand all of the steps of the process as well as what information they may want to include in their written complaint.

2. Academic Status Complaints

- a. Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in University Operating Policy 10.07, [Undergraduate Academic Status](#), University Operating Policy 10.11, [Grading Procedures](#), and University Operating Policy 10.04, [Academic Regulations Concerning Student Performance](#).
- b. Undergraduate students on academic probation or suspension should refer to University Operating Policy 10.07, [Undergraduate Academic Status](#) for specific instructions regarding returning to good academic standing or reinstatement to the University. Graduate students may appeal to the Graduate School for review.

3. Complaints Against Faculty (Non-Grading and Non-Discrimination)

Conduct of University Faculty is outlined in University Operating Policy 06.05, [Conduct of University Faculty](#). The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the Department Chair.

4. Conduct Complaints against Other Students and Student Organizations

The *Code of Student Conduct* Part I, Section C and Section D of the Angelo State University Student Handbook outlines the process for filing a conduct complaint against a student or student organization.

5. Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), [the Texas Education Code](#) 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 1~~ [TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#) and in Angelo State's [Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#).

~~6.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.~~

a. *Faculty/Staff and Student Relationships:*

Angelo State University is committed to [maintaining positive work and educational environments free from abuse of authority, favoritism, and conflicts of interest. Dating, amorous, romantic, and/or sexual relationships that, although consensual, may create actual or perceived conflicts of interest or the possibility for unethical, discriminatory, and/or harassing situation disruptive to the ASU community are prohibited. For more information on ASU's policy see OP 52.64 Consensual Relationships.](#) ~~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 [10.24 Establishing Reasonable Accommodations for Students with Disabilities](#), ~~15, Providing Accommodations for Students with Disabilities~~ and Operating Policy [16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#).
- b. Any students seeking remedy on the basis of a disability must register as [an individual with a disability](#) ~~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 [Suite 112](#), Houston Harte University Center, (325) 942-2047.

7. Student Record Complaints & FERPA

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the Angelo State University Student Handbook Part II, Section O. The Registrar's Office provides oversight for student records and student record complaints.

8. Disciplinary Action

The University conduct procedure for students is outlined in the Angelo State University Student Handbook Part I, Section C. The University conduct procedure for student organizations is outlined in Part I, Section D.

9. Employment

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with her or her immediate supervisor or the person in charge of the department may contact the Office of Human Resources in accordance with the grievance procedures outlined in the University Operating Policy 52.17, [Staff Employee Complaint Procedure](#) and University Operating Policy

16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

10. Grades

The assignment of a grade in a course is the responsibility of the faculty member and is based on the professional judgment of the faculty member. Except for issues of 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, [Grade Grievance](#). Also, if Academic Misconduct is involved, refer to the Angelo State University Student Handbook Part I, Section B.1. (Academic Misconduct).

11. Parking Citations

Students may appeal a campus parking citation online at: http://www.angelo.edu/services/parking_services/. Parking Services rules and a description of the three-tiered appeals process is described in the links on the Parking Services home page (web address as above).

12. Graduate School Requirements

- a. Graduate student complaints related to academic standing and performance follow processes outlined in University Operating Policy 42.01, [Admission to the College of Graduate Studies and Research](#), University Operating Policy 42.02, [College of Graduate Studies and Research Enrollment Policy](#), University Operating Policy 42.03, [Graduate Students Employed as Teaching Assistants, Graduate Assistants, and Graduate Research Assistants](#), and University Operating Policy 42.04, [Academic Status \(Graduate Students\)](#). Such matters include, but are not limited to: disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.
- b. Appeals of course grades are made through the department chair of the college in which the course is offered and are guided by the process in University Operating Policy 10.03, [Grade Grievance](#).

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13. Housing Complaints

Housing regulations and processes are outlined in University Operating Policy 60.02, [Housing Policy](#). The Director of Housing and Residential Programs, Centennial Village Residence Hall office, (325)942-2035 oversees the resolution of complaints related to student housing.

14. Online and Distance Student Complaints

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Angelo State University provides a web-link related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at the Office of Student Affairs website: http://www.angelo.edu/services/student_services/.

15. University Health Clinic Complaints

Angelo State University has partnered with Shannon Clinic for the operation of the ASU Health Clinic. The Associate Director of Special Events Facilities and Services, (325-942-2021), oversees the resolution of complaints related to the Health Clinic. Students with Health Clinic complaints may submit concerns to ASU through an online Incident Report Form or directly to Shannon Clinic by visiting <https://shannonhealth.com/contact-us/>.

16. Tuition, Fee, and Financial Aid Complaints

Tuition, fee, and financial complaints are guided by the Student Accounts and Bursar's Office and Student Financial Aid processes. Students with complaints related to tuition and fees may contact the Student Accounts and Bursar's Office at (325) 942-2008. Students with financial aid complaints may submit concerns through an online system found on the Financial Aid website: <http://www.angelo.edu/content/forms/413-feedback-form>.

SECTION F: FINANCIAL RESPONSIBILITY**1. Financial Responsibility of Students**

- a. Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, disputed credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, by the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.
- b. Generally, failure to meet financial obligations to the University may result in:
 - Cancellation of the student's registration if tuition and registration fees are not paid by the dates provided by Student Accounts and Bursar's Office or if a returned check given in payment of tuition and fees is not redeemed by that time.
 - Possible criminal prosecution for writing insufficient fund checks.
 - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
 - A hold preventing future registration placed on a student's academic records.
 - A hold on receiving official University transcripts until the obligation is paid.
- c. The University may report individual student financial obligations to a credit reporting agency or a collection agent. A student is responsible for all collection costs charged to Angelo State University including reasonable attorney's fees.

- d. Before registering or requesting a transcript, students may check for holds by accessing their records at: <http://ramport.angelo.edu/cp/home/displaylogin> (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 the freedom of expression policy is available in the Angelo State University [Student Handbook Part II, Section P: \(Use of University Space\)](#). Operating Policy 74.07, Freedom of Expression Activities.

SECTION H: HOUSING REQUIREMENTS

1. Housing Information

- a. The Angelo State University residence hall system includes a variety of living options and affordable housing for approximately 2218 students. Living/Learning Communities provide students with the opportunity to live with others of similar interests or major. Our current Living/Learning Communities are housed in Plaza Verde Residence Hall, Texan Hall, and 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 bathroom. ~~Carr Hall includes a limited number of private suites with two single-occupancy rooms adjoined by a shared bath.~~ Vanderventer Apartments offer fully furnished apartment style living with full kitchens and an on-site free laundry room. Plaza Verde, Mary Massie and Robert Massie Residence Halls all house residents in a double-occupancy room with its own bath.
- b. Ethernet computer connections are provided in each room. All halls have WiFi. However, students are encouraged to utilize Ethernet connections for quizzes, homework, etc. Other services include laundry rooms, vending machines, and 24-hour professional staff.
- c. An experienced and trained staff of Area Coordinators, Student Hall Directors, and Resident Assistants manage each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.
- d. The interests of students living on campus are promoted through the Residence Hall Association. The Residence Hall Association sponsors social, cultural, educational, and recreational activities and participation in the activities is a wonderful way for students to be engaged in their community.

- e. Complete information regarding campus housing can be found at: http://www.angelo.edu/dept/residential_programs/. Information regarding residence hall policies can be found at: https://www.angelo.edu/dept/residential_programs/Housing_Requirements/housing_requirements_exemptions.php

2. Housing Policy

In support of the Strategic Plan of Angelo State University, the University requires all first-time students who are not residents of Tom Green County to 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, DISCRIMINATION AND TITLE IX POLICY AND COMPLAINT PROCEDURE

ASU has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, Angelo State University Operating Policies [16.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#) and [TTU System Regulation 07.06 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure and in Angelo State's Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#), ~~16.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure~~ set forth procedures for filing, investigating, and resolving complaints of harassment, sexual misconduct, discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and Title IX can be found at:

<https://www.angelo.edu/services/title-ix/>.

SECTION J: SOLICITATIONS, ADVERTISEMENTS, AND PRINTED MATERIALS

1. General Policy

The primary mission of the University is education. The University is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Therefore, solicitations or advertisements and sales, displays or distribution of publications on the campus are not permitted, except as provided below or as provided by law.

2. Definitions

- a. Solicitation includes, but is not limited to, requesting money, and/or donations, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar materials to promote sales.
- b. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
- c. Printed materials are publications, handbills, posters, leaflets, and other written matter intended for public distribution, sale or display on campus.

3. University Name, Documents, and Records

- a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Director of Communications and Marketing, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in University Operating Policy 26.07, [University Name Seal and Logo](#).

4. Jurisdiction

- a. All solicitation requests should be directed to the Director of Business Services or designee for review. Requests should be submitted online using the [Solicitation/Sales Request Form](#). Requests must be submitted at least ten (10) University business days before intended use. Solicitation requests regarding food/beverage items on campus are subject to the approval of the Director of Business Services and are submitted via the [Solicitation/Sales Request Form](#).
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the 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 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, [Solicitation of Gifts and Grants from Private Philanthropic Sources](#).

5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Angelo State University grounds and facilities except for:
 - Activities supporting the educational mission of the institution.
 - Promotion of organizational activities consistent with organization mission.
 - Recruitment of members or membership drives.
 - Accepting donations on behalf of altruistic or charitable projects.
 - Scholarship and/or fundraising projects in support of organization mission.
 - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Angelo State University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the [Solicitation/Sales Request Form](#).
- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Angelo State University registered names, logos, and trademarks, refer to University Operating Policy 30.07, Licensing and Use of ASU Registered Names, Logos, and Trademarks on the University website and also to the University Operating Policy 26.07, University Name Seal and Logo.
- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a reservation request online at: <http://reservations.angelo.edu>. Permission to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by the Executive Director of Student Affairs, 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:
<http://www.angelo.edu/collegiate-licensing/identity-guidelines/>.

8. Use of Bulletin Boards & Digital Signage

- a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University announcement bulletin boards and approved digital signs may be used only by students, registered student organizations, and University departments. Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Office of Special Events.
- b. Posters, signs, and announcements shall not exceed a maximum size of 18” x 24” digital signage requirements will differ per location and are available via the coordinator of that signage.
- c. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs.
- d. Posters, signs, and announcements shall not promote unauthorized sponsorship by Angelo State University.
- e. Posters, signs, and announcements shall not violate any local, state, or federal law.
- f. Bulletin boards belonging to academic and administrative departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department.
- g. Posters, announcements, banners, cards, or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.
- h. Use of University trademarks, such as the name or logo, on visual materials or digital signage must follow the University’s Visual Identity Guidelines:
<http://www.angelo.edu/collegiate-licensing/identity-guidelines/>.

9. Violations

A student or registered student organization violating regulations governing solicitations, advertising, and printed materials is subject to the disciplinary sanctions outlined in the *Code of Student Conduct*.

SECTION K: STUDENT IDENTIFICATION

1. Student Identification

The official Angelo State University ID card, the ASU OneCard, is the key to accessing services throughout the campus and also serves as the campus meal card for students who have purchased a meal plan. The first card is issued at no charge and there is 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 OneCard 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: <http://www.angelo.edu/services/asuone/>.

SECTION L: STUDENT INVOLVEMENT & REPRESENTATION

1. Student Government Association

The Student Government Association is the official organization representing students. Students may identify with off-campus programs and activities as individuals, but not as representatives of the University.

2. Student Media

The major campus publication at Angelo State University is the RAM PAGE, a weekly newspaper containing articles of interest to the University community. General supervision for the University's student campus publication rests with the Publications Council, which is responsible for ensuring that the publication maintains high professional standards and fulfills the educational objectives for which it has been established. The ten-member council is made up of students, faculty, and staff. One of the chief responsibilities of the council is to appoint the editor each spring for the campus publication, based upon recommendations submitted by the chair of the Publications Council.

Copies of the University publications policies are available in the offices of the chair of the Department of Communication and Mass Media, who serves as Director of Publications, and the Director of Student Life. See University Operating Policy 04.10, [Student Media](#).

Students preparing for careers in the media industry, train as videographers, editors, and on-air personalities by producing content for the 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

(Reviewed by Erika Baeza (Edits inserted 4/12))

1. Registered Student Organizations

- a. A registered student organization is a group comprised of at least five (5) students enrolled at Angelo State University who voluntarily come together under a common mission. 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/Departmental, Cultural/International/Affinity, Hobby/Recreation, Professional, Boards and Councils, Greek Social Organizations, Fraternity and

~~Sorority, Social Organizations, Honor Societies, Multicultural/International, Club Sports, Sport Clubs, Spiritual Life, Philanthropy, Service, and Special Interest and Pre-Professional.~~

- c. All student organization registration is administered by the Office of Multicultural & Student Activities Programs.

2. Club Sports

- a. The Angelo State University Club Sports program is registered by the Multicultural & 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 an 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 University Recreation to initiate the application process for Club Sports affiliation. After obtaining Club Sports status, groups must also comply with the guidelines of the Multicultural & Student Activities Programs department and University Recreation.

3. Social Fraternities/Sororities

- a. The Center for Multicultural & Student Activities Programs is responsible for the oversight of Angelo State University Greek Life Programs (~~Fraternities and Sororities~~) Fraternity and Sorority Social Organizations. A group seeking social fraternity or sorority status should first contact the Center for Multicultural & 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.
- c. All student organizations registering as a ~~social~~ fraternity or ~~social~~ sorority must be a member of a fraternity/sorority governing council to maintain official student organization status.

4. Conditions for Registration of New and ~~Renewing~~ ~~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 ~~based on~~ race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; ~~and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.~~
- b. Faculty and staff may hold associate memberships to the extent allowed by the student organization's constitution.
- c. The organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Multicultural & 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~~ ~~Funds~~ acquired by the club may be kept ~~held~~ 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 & 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.~~ These privileges are only valid for currently enrolled students at Angelo State University to protect the leadership of the organization.
- 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 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 ~~managed~~ ~~handled through the oversight of~~ ~~by~~ 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 Office of Special Events. Any student organization wishing to solicit on-campus must follow the policies and procedures listed in the current Angelo State University Student Handbook.
- i. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
- j. All registered student organizations must comply with University rules, standards, and policies.
- k. Student organization registration does not imply University approval of either the organization or its functions or activities.

5. Registration of New and ~~Re-Registering~~ **Renewing** Student Organization

- a. New and **renewing** ~~/or re-forming~~ student groups that ~~desire to~~ **desire to** become a registered student organization should contact the Center for Multicultural & Student Activities Programs to discuss the process of forming or re-forming an organization.
- b. A student group seeking to form a new organization may file the [Student Organization Registration/Renewal Form](#) and a Student Organization constitution with the Student Organizations/Activities Coordinator. The initial constitution must follow the template provided by the Center for Multicultural & 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~~ **per** 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 Government Association for review and a recommendation on registration. After receiving the ~~recommendation~~ **advice** of the Student Government Association, 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 ~~that has~~ **that 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 complies** ~~that is in compliance with~~ current requirement, and a letter explaining why the organization should be reinstated.

6. Annual Registration and Renewal Process

- a. The Multicultural & Student Activities Programs ~~Center~~ **Center** department must receive a complete Student Organization Registration/Renewal form by the deadline ~~of the first month of the semester~~. 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 five (5) students who are in good standing with the University.

- b. The organization must also submit an updated copy of the local constitution and by-laws (if applicable) and the constitution and by-laws of any other local, state, or national affiliate organization (if applicable).
- c. The organization shall also furnish the signature, title, campus address, telephone number, and e-mail address of a full-time Angelo State University faculty or unclassified staff member indicating the person's agreement to serve as the organization's advisor.
- d. The organization must also agree to comply with all University standards, rules, and/or policies as well as all federal, state, and/or local laws.
- e. Executive officers of registered student organizations must have at least a 2.0 cumulative grade point average at the time of election, must earn at least a 2.0 grade point average each semester during their term of office, must maintain full-time student status throughout their term of office, and must remain in good standing (academic and disciplinary) throughout their term of office. Student organizations may establish higher eligibility requirements for their executive officers in their constitutions.

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 & Student Activities Programs. Registered student organizations may apply for funding through the Student Organization Leadership Fund (SOLF) administered through the Center for Multicultural & 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 & 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 & 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~~ State law mandates a trainin program on risk management and organization advisors must attend this program. Specific information on complying with this training requirement is available in the Center for Multicultural & 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. Only current ASU students can benefit from SOLF funding.
- 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 & 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 & Student Activities Programs. After review, the Director of the Multicultural & 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~~obtain 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 academic 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 & Student Activities Programs.
- g. Student organization advisors should complete advisor risk management training set by the Center for Multicultural & 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 the 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 & 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 & Student Activities Programs.
- d. Conduct its affairs in a lawful manner as a collaborative entity ~~in accordance with~~ per the constitution and by-laws it has on file, in addition to applicable policies, rules, regulations~~s~~, 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 Office of Special Events.
- f. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations~~s~~, and standards of the University.
- g. Attend annual risk management training programs provided by the Center for Multicultural & Student Activities Programs. A minimum of one organization officer, the president, vice president, or chairperson in charge of risk management, is required to attend. The officers are then responsible for conveying the information to their student organization members and completing a Risk Management [Statement of Completion](#).
- h. Ensure off-campus individuals or organizations (whose appearance on campus is sponsored by the organization) observe all applicable policies, rules, regulations~~s~~, and standards of the University.
- i. The Executive Director of Student Affairs, Director of Multicultural & Student Activities Programs, or designee may suspend the registration of an organization for noncompliance with the regulations and/or standards as ~~set forth~~ outlined 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: http://www.angelo.edu/services/student_services/.

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

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/registrar_office/registrar_forms.php.

3. Student Access to Education Records

- All current and former students of the University have the right to access their educational records as provided by law.
- Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.
- The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
- Personal 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 seven (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: <http://www.angelo.edu/ferpa/online-ferpa-proxy.php>

SECTION P: USE OF UNIVERSITY SPACE

1. General Policy

With the exception of free expression activities outlined below, the space and facilities of the University are intended primarily for the support of the instructional programs of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is encouraged for activities that have as their purpose, service or benefit to the Angelo State University community, and that are sponsored by registered student organizations.

University buildings, grounds, or property may be available for use by outside groups in accordance with and subject to the provisions of the University policy, to the extent that the programs and activities of these groups do not conflict or interfere with normal University functions or the activities of campus organizations. An individual who is not a student, faculty, or staff member may attend functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Outside groups desiring use of University facilities must obtain approval for their program or activity from the Director of Business Services. The Director of Business Services is responsible for making certain that the proposed program and activity is within the *Regent's Rules* and University policies. Reservation requests must be submitted to the Office of Special Events online at: <http://reservations.angelo.edu>. Appropriate rental charges shall be charged to outside groups using University facilities. State law requires that University facilities and property be used only for state purposes and not for private gain.

2. Reservation Requirements

- a. Reservations must be made for the use of buildings and grounds under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. The procedures for requesting use of the University facilities are available online at: <http://reservations.angelo.edu>. Reservation requests must be submitted to the Office of Special Events online at: <http://reservations.angelo.edu>.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with [Texas Education Code, Chapter 51.976](#), which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space of facility will be confirmed.

3. Use of Facilities by Student Organizations

- a. Student organizations must be registered to use University facilities or grounds.
- b. A student organization that has petitioned the Center for Multicultural and Student Activities Programs for registration status may hold up to three meetings in the Houston Harte University Center pending action on the petition. These meetings must be held within a 25 calendar-day time period from the date the petitioning organization filed its intent to register. Other campus facilities or space may be reserved by “petitioning” student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Additional reservations will not be approved until the student organization is registered.

4. Procedure and Priorities for Designated Facilities

a. *Houston Harte University Center*

The facilities, services, and programs of the Houston Harte University Center have been designed to support the total educational mission of the University. In addition to recreational and dining facilities, the University Center provides a wide range of facilities and services for ASU students and their registered organizations. The meeting rooms in the University Center may be reserved for departmental/faculty/staff meetings and educational conferences. Co-sponsored conferences and meetings are provided for the cost of expenses incurred (rental fees for said events may be waived by following procedures outlined in the rules and regulations). The Facilities Fee Waiver form is located at: <http://reservations.angelo.edu> (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: <http://reservations.angelo.edu>. All use of academic space is “as is” (group is responsible for own set-up) and the full-time faculty or staff advisor assumes responsibility for accessing the space, supervising the meeting, and securing the space in same condition it was found. For-credit academic use requests may supersede not-for-credit reservations. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Academic use by departments and colleges has priority over others uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.

Academic Space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.

- The intended use does not conflict with the use by academic programs or academic organizations.
 - The intended use does not conflict with normal security and maintenance.
- c. *Residence Halls*
Currently enrolled students who live in the residence halls have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, Housing and Residential Programs. University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Director of Housing and Residential Programs or designee.
- d. *Intercollegiate Athletic Facilities*
The Junell Center/Stephens Arena, LeGrand Stadium at 1st Community Credit Union Field and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Director of Business Services or designee. Requests for use of all intercollegiate athletic facilities must be made to the Office of Special Events online at: <http://reservations.angelo.edu>.
- e. *Recreational Facilities*
The Ben Kelly Center for Human Performance, intramural fields, tennis courts, racquetball courts and basketball court are intended primarily for student recreational and instructional use on an organized group and individual basis. University Recreation is responsible for scheduling the use of these facilities for University Recreation programs and services. A hammock farm was installed between Robert and Mary Massie Residence Halls and this is the only approved campus location for hammock use. Hammocks are available for check-out in the Ben Kelly Center for Human Performance building. Other University departments, organizations, and off-campus guests may request use of the recreational facilities from the Office of Special Events using an online form located at: <http://reservations.angelo.edu>.
- f. *Pavilion*
The Pavilion is designed to meet the recreational needs of students, faculty and staff and to provide programming opportunities for the University and its registered student organizations. Reservation requests may be submitted to the Office of Special Events online at <http://reservations.angelo.edu>. The Pavilion may also be rented according to University policy governing this privilege.
- g. *Lake Facility*
The Angelo State University Lake Facility, located at 1925 Beaty Road, is open and operated seasonally by University Recreation for general use by Angelo State University students, faculty and staff. The Lake Facility is also available for University department and registered student organization events as well as private rental events (based on date availability). Reservation requests for the Lake Facility

must be submitted to the Office of Special Events online at:
<http://reservations.angelo.edu>.

5. Use of Campus Grounds

- a. Selected grounds areas (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, staff, and students. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop. Reservation requests must be submitted to the Office of Special Events online at <http://reservations.angelo.edu>.
- b. Students or registered organizations using a designated area are subject to the following requirements:
 - Use of amplification equipment must comply with the guidelines in Item 8. Use of Amplification Equipment (below).
 - A structure may not be erected on campus grounds without prior written approval that will include arrangements for cleaning up after the event.
 - If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Director of Business Services.
 - Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
 - Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the Environmental Health, Safety, and Risk Management Office, Senior Executive Assistant to the President and General Counsel, or other University departments as necessary prior to approval from the Director of Business Services.
 - Participants in, and/or sponsors for, events may be required to sign a “Hold Harmless” release.
 - The sponsor should refer to procedures provided by the Environmental Health, Safety, and Risk Management Office to make necessary arrangements for any event that includes food handling or food service on Angelo State University property by anyone other than the contracted campus food service provider.
 - The sponsor should contact Parking Services to make necessary parking arrangements for the event.
 - If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with [Texas Education Code 51.976](#), which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

6. Appeals of Campus Grounds Use Request Denials

Students or registered student organizations whose requests for the use of University grounds are denied may appeal to the Director of Business Services as follows:

- a. A written appeal describing the objections to the denial presented to the Director of Business Services must be filed no later than five (5) University business days after the receipt of notice of the denial from the Assistant Director for Special Events.
- b. The Director of Business Services will convey the appeal decision, in writing, to the student or registered student organization within a reasonable time from the receipt of the written appeal.

~~7. Freedom of Expression Activities and Forum Areas~~

- ~~a. The open exchange of information, opinions, and ideas between students is an essential element of the campus experience. These policies are intended to protect the interests of all students as well as other members of the University community. These policies presume that students are generally free to engage in freedom of expression activities in those outdoor areas of campus that are common and accessible to all students (such as park-like areas and sidewalks) without the need of prior approval of the University.~~
- ~~b. Although the Angelo State University campus is generally an open campus for purposes of student freedom of expression activities, students are encouraged, and persons and groups not affiliated with the University are required, to use the Forum Areas of the campus for freedom of expression activities.~~
- ~~c. The Forum Area on the Angelo State University campus is the student gathering area located between the Porter Henderson Library and the Houston Harte University Center. Additional free speech areas may be designated at any time by the University.~~
- ~~d. Students engaged in freedom of expression activities on campus may be required to relocate under the following circumstances:

 - ~~• The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for the event, etc.).~~
 - ~~• The activity substantially interferes with either vehicular or pedestrian traffic.~~
 - ~~• The activity blocks the ingress or egress to buildings.~~
 - ~~• The space is not available due to prior reservation.~~
 - ~~• The activity conflicts with a previously planned University activity.~~
 - ~~• The activity creates a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University.~~
 - ~~• The activity presents an unreasonable danger to the health or safety of the applicant or other individuals.~~
 - ~~• The activity is prohibited by local, state, or federal law.~~
 - ~~• The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.~~~~
- ~~e. Students engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions:~~

- ~~Activities which are illegal.~~
- ~~Activities that deny the rights of other students, faculty, and staff of the University.~~
- ~~Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities.~~
- ~~Activities that deny the use of office or other facilities to the students, faculty, staff, or guests of the University.~~
- ~~Activities that threaten or endanger the health or safety of any person on the University campus.~~
- ~~Activities that include the use of obscenities, libelous statements, or “fighting words” as defined by law.~~
- ~~Activities that result in damage to or destruction of University property.~~
- ~~Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.~~
- ~~Signs, banners, posters, and other displays used for freedom of expression activities must be handheld and must remain in the hands of individuals engaged in the expressive activities at all times.~~

8. ~~Use of Amplification Equipment~~

a. ~~Use of Amplification Equipment for freedom of Expression Activities:~~

- ~~Use of amplification equipment in Forum Areas: Students and registered student organizations may use amplification equipment for freedom of expression activities within the designated Forum Areas from 8:00 am to 5:00 pm Monday through Friday.~~
- ~~Use of Amplification Equipment in All Other Outdoor Areas: Students and registered student organizations may use amplification equipment for freedom of expression activities in all other outdoor areas of the campus after 5:00 pm Monday through Friday.~~
- ~~Use of amplification equipment is subject to all rules concerning the time, place, and manner of freedom of expression activities and Forum Areas as set forth in Section 6 of this policy.~~
- ~~Only handheld amplification devices are permitted.~~
- ~~No amplification of sound is permitted during the week prior to or the week of final exams.~~
- ~~The volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.~~
- ~~Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University community.~~

b. ~~Other Use of Amplification Equipment:~~

- ~~The use of loudspeakers, any other type of amplification equipment (e.g. portable stereo devices, portable studios, etc.), or amplified musical instruments on University grounds by students and/or registered student~~

~~organizations for any purpose other than expressive activities as set forth in Section 6, above, is by permission only.~~

- ~~• Applications from individuals, departments, and organizations for permission to use amplification equipment must be submitted as a reservation request to the Office of Special Events online at: <http://reservations.angelo.edu>.~~
- ~~• Applications must be submitted at least two weeks before the intended use.~~
- ~~• The 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: <http://reservations.angelo.edu>. Bands may use their own equipment on such dates.~~

~~c. Academic Use:~~

- ~~• The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the Provost and Vice President of Academic Affairs.~~
- ~~• Permission for use of the carillon bells in the Sol Mayer Administration Building must be requested through the Office of the President at least three (3) University business days before time of intended use. Use of the bells must not interfere with the normal function and programs of the University.~~

SECTION Q: WITHDRAWALS

1. Voluntary Withdrawal from the University

- a. According to the Undergraduate and Graduate Catalog, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Registrar's Office prior to the term withdrawal deadline. A student

wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Center for International Studies as a part of the withdrawal procedure. Student athletes must receive clearance from the Director of Athletic Academic Services.

- b. Students considering withdrawal for medical reasons may contact the Office of Student Affairs to discuss additional University resources and services.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in Angelo State University student housing, he/she should first contact those offices before applying for the withdrawal.
- d. Refunds
The Undergraduate and Graduate Catalog indicates that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at: http://www.angelo.edu/services/registrars_office/withdrawals_refunds.php.
- e. Returning to the University after a Voluntary Withdrawal
Application materials and deadlines for former Angelo State University students are available at: <https://myfuture.angelo.edu>. Official transcripts from all institutions attended subsequent to Angelo State University reenrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Angelo State University.

2. Involuntary Withdrawals

- a. Angelo State University seeks to balance the rights of individual students with the rights of the community. In order to maintain the safety of both, some behaviors require consultation among a network of campus professionals to determine the appropriate course of action to address the behavior.
- b. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.
- c. Notice regarding students who may be direct threats (both self-reports and third-party reports) should be made to the Executive Director of Student Affairs or designee.
- d. A "direct threat" means:
There is a high probability (not just a slightly increased, speculative, or remote risk) of substantial harm and based on observation of a student's conduct, actions, and statements.
- e. The Executive Director of Student Affairs or designee will review the information presented in the notice including what attempts, if any, have been made to reduce or eliminate the direct threat such as the student's voluntary compliance with medical or counseling assistance.
- f. The Executive Director of Student Affairs or designee will notify the student of the concern.

- g. The Executive Director of Student Affairs or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five (5) University business days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
- Involvement of parents or significant others.
 - Academic progress.
 - Living arrangements.
 - Previously granted accommodations.
 - Confidentiality waivers.
 - Other possible accommodations, care and support resources including medical or counseling assistance.
 - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.
- h. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via Certified Mail to the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's University e-mail account. Students not responding to requests for meetings or assessments may be referred to the Executive Director of Student Affairs or designee for allegations of failure to comply with reasonable directive and/or requests of a University official acting in the performance of his or her duties.
- i. Temporary Suspensions
During the involuntary withdrawal process, if the Vice President for Student Affairs and Enrollment Management or designee determines that an immediate direct threat exists or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, had an opportunity to address the concern, and the student was afforded a Hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use University services and/or resources (except those expressly permitted by the Executive Director of Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Executive Director of Student Affairs or designee and the University Police Department.
- j. Involuntary Withdrawal Assessment
An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University. The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University business days from the initial meeting with the student or five (5) University business days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a licensed professional counselor from University Counseling Services. The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider. The assessment will determine:

- The nature, duration, and severity of the risk.
- The probability that the potentially threatening injury will actually occur.
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

k. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review. The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Academic Dean, Director of the Student Counseling Services, Assistant Director of Student Conduct, Senior Executive Assistant to the President and General Counsel, and the Executive Director of Student Affairs. If the student resides in campus housing, the Director of Housing and Residential Programs will also serve as a voting member of the committee. If the student is receiving disability accommodations the Director of Disability Services will also serve as voting member of the committee. The Executive Director of Student Affairs will chair the committee. A non-voting resource person may be assigned by the Executive Director of Student Affairs to present information and assist the committee. The Involuntary Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to attend the Hearing, address the evidence being considered by the Involuntary Withdrawal Committee, and present information on his or her behalf. The student may be accompanied by one or more advisors. The Hearing will be scheduled by the Executive Director of Student Affairs or designee within five (5) University business days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Executive Director of Student Affairs or designee in advance of the Hearing. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the Hearing, the Executive Director of Student Affairs or designee will determine one of the following:

- The student may remain enrolled at the University with no restrictions.
- The student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee.

- The student should be involuntarily withdrawn from the University upon a specific date.
- l. Review of Committee Recommendation
The Executive Director of Student Affairs or designee will notify the student in writing of the decision within five (5) University business days.
- m. Appeals Process
The student may appeal the decision of the Executive Director of Student Affairs by submitting a written appeal to the Vice President for Student Affairs and Enrollment Management within five (5) University business days. The student will be notified in writing of the final decision within five (5) University business days of receipt of the appeal.
- n. Final Decision
Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 24 hours and may not return to campus unless approved by the Executive Director of Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds or prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Executive Director of Student Affairs or designee, limiting any subsequent registration until approval is given by the Executive Director of Student Affairs.
- o. Eligibility for Readmission
Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year from the withdrawal date. At that time, the student should present documentation to the Executive Director of Student Affairs or designee for review. Documentation may include, but is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon re-enrollment. Readmission requests and documentation must be presented at least 30 University business days prior to the beginning of the semester that the student wishes to attend. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

APPENDIX A: DEFINITIONS

Academic Work, Test, Quiz, or Other Assignment

The terms “academic work, test, quiz, or other assignment” includes any required or optional academic work that is assigned. Examples include, but are not limited to: exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold

The term “administrative hold” refers to the indicator placed on a student’s record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

Complaining 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, Informal Conference, or Formal Hearing.

Consent

Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific sexual 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.

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

The term “Policy Clarification” refers to written notice to a student when it is determined that the information reported does not warrant an allegation but may warrant notice to the involved parties to clarify the policy in question.

Preponderance of Evidence

The term of “preponderance of evidence” is the standard of proof used by Student Conduct Hearing Officers, Office of Title IX Compliance, 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 show that the fact(s) for which proof is being sought are more likely than not.

Religious Holy Day

The term “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under [Texas Tax Code §11.20](#).

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~~ [Title IX Coordinator](#), 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: 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.
- Consent is defined as mutually understandable words or actions, clearly communicated both knowingly and voluntary, that clearly conveys permission for a specific activity.
- 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:
 - 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.
 - 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:
 - Resistance: Pushing hands away, pulling away from partner;
 - Body going limp or freezing up;
 - Crying;
 - 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 non-consensual. 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 Complaining Party was incapacitated is objectively based on what a reasonable person, sober and exercising good judgment, would have known about the condition of the Complaining 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 C: SANCTIONING GRID

Violation	Code of Student Conduct Sections	Possible Sanctions Finding
Academic Misconduct	Subsection 1.	
<i>Cheating</i>		Possible Sanctions
Copying from another student's academic work, test, quiz, or other assignment.	B.1.a.1. <u>a.</u>	Reprimand-Expulsion
Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.	B.1.a. <u>12.b.</u>	Reprimand-Expulsion
The use or possession of materials or devices during academic work, test, quiz, or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.	B.1.a. <u>13.c.</u>	Reprimand-Expulsion
Possessing, using, buying, stealing, transporting, selling, or soliciting in whole or in part items including, but not limited to, the contents of an un-administered test, test key, homework solution, or computer program/software.	B.1.a. <u>14.d.</u>	Reprimand-Expulsion
Possession, at any time, of current or previous tests materials without the instructor's permission.	B.1.a. <u>15.e.</u>	Reprimand-Expulsion
Obtaining by any means, or coercing another person to obtain items including, but not limited to, an un-administered test, test key, homework solution or computer program/software, or information about an un-administered test, test key, homework solution or computer program.	B.1.a. <u>16.f.</u>	Reprimand-Expulsion
Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.	B.1.a. <u>17.g.</u>	Reprimand-Expulsion
Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz, or other assignment or sign in/register attendance.	B.1.a. <u>18.h.</u>	Reprimand-Expulsion
Taking, keeping, misplacing, damaging, or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.	B.1.a. <u>19.i.</u>	Reprimand-Expulsion
Falsifying research data, laboratory reports, and/or other academic work offered for credit.	B.1.a. <u>10.j.</u>	Reprimand- Expulsion
Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.	B.1.a. <u>11.k.</u>	Reprimand-Expulsion

Plagiarism		
The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.	B.1. a . b . 2 1 . a .	Reprimand-Expulsion
Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.	B.1. a . 2 b . 2 . b .	Reprimand-Expulsion
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.	B.1. a . c . 3 .	Reprimand-Expulsion
Falsifying Academic Records		
Altering or assisting in the altering of any official record of the University and/or submitting false information.	B.1. a . d . 1 . 4 . a .	Reprimand-Expulsion
Omitting requested information that is required for, or related to, any academic record of the University.	B.1. a . 4 . b . d . 2 .	Reprimand-Expulsion
Misrepresenting Facts		
Providing false grades, falsifying information on a resumé, or falsifying other academic information.	B.1. a . 5 . a . e . 1 .	Reprimand-Expulsion
Providing false or misleading information in an effort to injure another student academically or financially.	B.1. a . 5 . b . e . 2 .	Reprimand-Expulsion
Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance and/or obtain an academic or financial benefit for oneself or another individual. Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.	B.1. a . 5 . c . e . 3 .	Reprimand-Expulsion
Violation of Professional Standards		
Any act or attempted act that violates specific Professional Standards or a published Code of Ethics. Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.	B.1. a . 6 f .	Reprimand-Expulsion
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	B.1. a . 6 g . 7 .	Reprimand-Expulsion

disadvantage for another student that is not enumerated in items 1-6a-f above.		
Actions against Members of the University Community and Others	Subsection 2.	Possible Sanctions
Any act, or attempted act, perpetrated against another person or persons including, but not limited to:		
<i>Disruptive and/or Obstructive Conduct</i>		
Intentional or reckless behavior that disrupts or obstructs the University operations, including the cessation or temporary cessation of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.	B. 12 . b . 1 .	Reprimand-Expulsion
<i>Harmful, Threatening, or Endangering Conduct</i>		
Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of others, including but not limited to:	B. 12 . b . 2 .	Reprimand-Expulsion
<i>Assault</i>		
Intentionally, recklessly, or knowingly causing physical harm to another individual.	B. 12 . b . 3 .a.	Reprimand-Expulsion
Intentionally, recklessly, or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.	B. 12 . b . 1 . b . 3 . b .	Reprimand-Expulsion
<i>Threats</i>		
Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.	B. 1 . b . 4 . 2 . b . 2	Reprimand-Expulsion
<i>Intimidation</i>		
An implied threat or act that causes a reasonable fear of harm in another.	B. 1 . b . 5 . 2 . b . 3 .	Reprimand-Expulsion
<i>Bullying/Cyber Bullying</i>		
Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of speech will not be considered violations of the <i>Code of Student Conduct</i> .	B. 1 . b . 6 . 2 . b . 4 .	Reprimand-Expulsion
<i>Mutual Combat</i>		
Any incident between two or more individuals in which violence or the threat of violence is mutual.	B. 1 . b . 7 . 2 . b . 5 .	Reprimand-Expulsion
<i>Sexual Misconduct</i> ^[BP40]		
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	B.2.c.	

assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.		
Interpersonal Violence		
An offense that meets the definition of domestic violence or dating violence:	B.2.c.1.	
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 Complaining Party, by a person with whom the Complaining Party shares a child in common, by a person with whom the Complaining Party is cohabitating (or has cohabitated) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complaining 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.	B.2.c.1.a.	Probation-Expulsion
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 Complaining 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.1.b.	Probation-Expulsion
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.	B.2.c.2.	Probation-Expulsion
Sexual Assault		
Sexual contact or intercourse with a person 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.	B.2.c.3.	
Non-Consensual Sexual Contact		
Intentional sexual touching, however slight and 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.2.c.3.a.	Deferred Suspension-Expulsion
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.	B.2.c.3.b.	Suspension-Expulsion
Sexual Exploitation		
Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to: a. Purposeful 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.	B.2.c.4.	Deferred Suspension-Expulsion
Sexual Harassment		
Unwelcome verbal, written, or physical conduct of a sexual nature when:	B.2.c.5.	Reprimand-Expulsion

<p>a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;</p> <p>b. Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or</p> <p>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.</p>		
<p>Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;</p>	B.2.c.5.a.	Reprimand-Expulsion
<p>Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or</p>	B.2.c.5.b.	Reprimand-Expulsion
<p>Such conduct has the purpose or effect of interfering with the individual’s work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.</p>	B.2.c.5.c.	Reprimand-Expulsion
<p><i>Stalking</i></p>		
<p>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 Complaining Party. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>	B.2.c.6.	Probation-Expulsion
<p><i>Hazing</i></p>		
<p>Intentional, knowing, or reckless act, occurring on or off the campus of the University, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose membership consists primarily of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable</p>	B.12.d.b.8.	Reprimand-Expulsion

defense in a disciplinary proceeding. Hazing includes but is not limited to:		
Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity.	B. 1.b.8.a.2-d.1.	Reprimand-Expulsion
Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity.	B. 1.b.8.b.2-d.2.	Reprimand-Expulsion
Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 4 below, which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.	B. 1.b.8.c.2-d.3.	Reprimand-Expulsion
Any activity that induces, causes, or requires the student to perform a duty or task that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.	B. 1.b.8.d.2-d.4.	Reprimand-Expulsion
Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has 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.	B. 1.b.8.e.2-d.5.	Reprimand-Expulsion
Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates, or alumni of the organization of committing or assisting in the commission of hazing.	B. 1.b.8.f.2-d.6.	Reprimand-Expulsion
Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances. See Texas Education Code , Sections 37.151-37.155 and Section 51.936.	B. 1.b.8.g.2-d.7.	Reprimand-Expulsion
<i>Discriminatory Harassment</i>		
Conduct based on a student’s sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that is adversely affects the victim’s education or creates an	B. 1.b.9.2-e.	Reprimand-Expulsion

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.		
Retaliatory Discrimination or Harassment		
Any intentional, adverse action taken by an an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant (or supporter of a participant) in a conduct process, civil rights grievance proceeding, or other protected activity.	B.1.b.10.2.f.	Reprimand-Expulsion
Complicity or Knowingly Present		
Assisting, via acts or omission, another student, individual, or group in committing or attempting to commit a violation of the <i>Code of Student Conduct</i> , specifically violations that constitute Actions Against Members of the University Community.	B.1.b.11.a.2.g.1.	Reprimand-Expulsion
Complicity with or failure of any organized group to address known or obvious violations of the <i>Code of Student Conduct</i> by its members, specifically Actions Against Members of the University Community.	B.1.b.11.b.2.g.2.	Reprimand-Expulsion
Any person who is knowingly present for the commission of a violation of the <i>Code of Student Conduct</i> and does not take steps to remove themselves from the location of the violation.	B.1.b.11.c.2.g.3.	Reprimand-Expulsion
Alcoholic Beverages	Subsection 3.	Possible Sanctions
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.1.c.1.3.a.	Reprimand-Expulsion
Being under the influence of alcohol and/or intoxication as defined by federal, state, local law, and/or Angelo State University policy.	B.1.c.2.3.b.	Reprimand-Expulsion
Narcotics or Drugs	Subsection 4.	Possible Sanctions
Use, possession, sharing, furnishing, sale, delivery, manufacture or distribution of any narcotic, drug, and/or prescription medications contrary to a valid prescription, 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.1.d.1.4.a.	Reprimand-Expulsion
Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.1.d.2.4.b.	Reprimand-Expulsion
Being under the influence of narcotics, drugs, prescription medications contrary to a valid prescription, chemical compound or other controlled substance that would constitute a violation of any	B.1.d.3.4.c.	Reprimand-Expulsion

federal, state, local law, and/or Angelo State University policy.		
Smoking/Vaping/Tobacco	Subsection 5.	Possible Sanctions
Smoking, vaping, 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.	B.1.e.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, Tasers, or explosive or noxious materials on University premises that would constitute a violation of any federal, state, local law, and/or Angelo State University policy. See <i>RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates)</i> for specific approved devices allowed in the residence halls.	B.1.f.6.	Reprimand-Expulsion
Flammable Materials/Arson	Subsection 7.	Possible Sanctions
Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials.	B.1.g.1.7.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.1.g.2.7.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.1.h.1.8.a.	Reprimand-Expulsion
Possession of property known to be stolen or belonging to another person without the owner's permission.	B.1.h.2.8.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.1.h.3.8.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.1.h.4.8.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	B.1.h.5.8.e.	Reprimand-Expulsion

unauthorized use of personal property or information of another.		
Altercation, forgery or misrepresentation of any form of identification.	B. <u>1.h.6.8.f.</u>	Reprimand-Expulsion
Possession or use of any form of false identification.	B. <u>1.h.7.8.g.</u>	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. <u>1.h.8.8.h.</u>	Reprimand-Expulsion
Selling items including but not limited to: stolen items, student identification cards, and/or any item which may be used as a form of false identification	B. <u>1.h.9.8.i.</u>	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. <u>1.i.9.</u>	Reprimand-Expulsion
False Alarms, Emergency Equipment, or Terroristic Threats	Subsection 10.	Possible Sanctions
Intentional sounding of a false alarm, falsely reporting an emergency in any form, and/or filing false police reports.	B. <u>1.i.10.a.j.1.</u>	Reprimand-Expulsion
Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.	B. <u>1.i.10.b.j.2.</u>	Reprimand-Expulsion
Threats to commit any offense involving violence to any person or property with intent to: <ul style="list-style-type: none"> • 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. 	B. <u>1.j.3.0.c.</u>	Reprimand-Expulsion
Unauthorized Entry, Possession, and Use	Subsection 11.	Possible Sanctions
<u>Unauthorized entry into or use of University premises or equipment including another student's room.</u>	<u>B.1.k.1.</u>	<u>Reprimand-Expulsion</u>

<u>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.</u>	<u>B.1.k.2.</u>	<u>Reprimand-Expulsion</u>
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.1. <u>k.3.1-c.</u>	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.1. <u>k.4.1-d.</u>	Reprimand-Expulsion
Failure to Comply	Subsection 12.	Possible Sanctions
Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.	B.1. <u>l.1.2-a.</u>	Reprimand-Expulsion
Failure to present student identification on request or identify oneself to any University official acting in the performance of his or her duties.	B.1. <u>l.2.12-b.</u>	Reprimand-Expulsion
Failure to comply with the sanctions imposed by the University under the <i>Code of Student Conduct</i> or the Student Handbook.	B.1. <u>l.3.2-c.</u>	Reprimand-Expulsion
Abuse, Misuse, or Theft of University Information Systems	Subsection 13.	Possible Sanctions
Unauthorized use of University information systems is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the <i>Code of Student Conduct</i> . 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:	B.1. <u>m.13.</u>	Reprimand-Expulsion
Unauthorized use of University information systems 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.	B.1. <u>m.1.3-a.</u>	Reprimand-Expulsion
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,	B.1. <u>m.2.3-b.</u>	Reprimand-Expulsion

another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).		
Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).	B.1.m.3.3.e.	Reprimand-Expulsion
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.	B.1.m.4.3.d.	Reprimand-Expulsion
Attempted or actual use of the Angelo State University information systems for unauthorized political or commercial purposes, or for personal gain.	B.1.m.5.3.e.	Reprimand-Expulsion
Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Chair. Discovery of obscene material, including child pornography, on any Angelo State University information system must be reported to the Chief Information Officer immediately.	B.1.m.6.3.f.	Reprimand-Expulsion
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.	B.1.m.7.3.g.	Reprimand-Expulsion
Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.	B.1.m.8.3.h.	Reprimand-Expulsion
Intentional “spamming” of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications including, but not limited to, e-mails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using Angelo State University information systems.	B.1.m.9.3.i.	Reprimand-Expulsion
Providing False Information or Misuse of Records	Subsection 14.	Possible Sanctions
Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record, or instrument of identification.	B.14.n.	Reprimand-Expulsion

Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation	Subsection 15.	Possible Sanctions
Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property. Refer to University Parking Services regulations at: http://www.angelo.edu/services/parking_services/	B.15.o.	Reprimand-Expulsion
<u>Interference with Expressive Activities</u>	Subsection 16.	Possible Sanctions
<u>Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS Regulation 07.04, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the Code of Student Conduct. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. NOTE: See also Code of Student Conduct Part II, Section G – Freedom of Expression Activities.</u>	B.1.p.	<u>Reprimand-Expulsion</u>
Violation of Published University Policies, Rules, or Regulations	Subsection 17.	Possible Sanctions
Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, violations of <u>the following: University Operating Policies and Procedures and Texas Tech University System Board of Regents' Rules.</u>	B.17.q.	<u>Reprimand-Expulsion</u>
<u>University Parking Services</u>	B.1.q.1.6-a-	<u>Reprimand-Expulsion</u> <u>Reprimand-Expulsion</u>
<u>Housing and Residential Programs</u>	B.1.q.2.6-b-	Reprimand-Expulsion
<u>Student Life</u>	B.1.q.3.6-c-	Reprimand-Expulsion
<u>Multicultural and Student Activities Programs</u>	B.1.q.4.6-d-	Reprimand-Expulsion
<u>University Recreation</u>	B.1.q.5.6-e-	Reprimand-Expulsion
<u>ASU Student-Athlete Handbook</u>	B.1.q.6.6-f-	Reprimand-Expulsion
<u>Texas Tech University System Board of Regents' Rules</u>	B.1.q.7.6-g-	Reprimand-Expulsion
<u>Angelo State University Operating Policies and Procedures</u>	B.1.q.8.6-h-	Reprimand-Expulsion
<u>Community Policies of the Student Handbook (Part II)</u>	B.1.q.9.6-i-	Reprimand-Expulsion
<u>ASU Athletics</u>	B.16.i	<u>Reprimand-Expulsion</u>
Violation of Federal, State, <u>and/or</u> Local Laws, <u>and/or</u> University Policy	Subsection 18.	Possible Sanctions
Misconduct which may constitute a violation of federal, state, <u>and/or</u> local laws, <u>and/or</u> Angelo State University	B.17.r.	Reprimand-Expulsion

<p>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.</p>		
<p>Abuse of the Discipline System</p>	<p>Subsection <u>198</u>.</p>	<p>Possible Sanctions</p>
<p>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</p>	<p>B.1.8.a.<u>s.1.</u></p>	<p><u>R</u>Reprimand-Expulsion</p>
<p>Falsification, distortion, or misrepresentation of information in disciplinary proceedings.</p>	<p>B.1.<u>s.2.</u>8.b.</p>	<p>Reprimand-Expulsion</p>
<p>Disruption or interference with the orderly conduct of a disciplinary proceeding.</p>	<p>B.1.<u>s.3.</u>8.c.</p>	<p>Reprimand-Expulsion</p>
<p>Filing an allegation known to be without merit or cause.</p>	<p>B.1.<u>s.4.</u>8.d.</p>	<p>Reprimand-Expulsion</p>
<p>Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.</p>	<p>B.1.<u>s.5.</u>8.e.</p>	<p>Reprimand-Expulsion</p>
<p>Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during and/or after the disciplinary proceeding.</p>	<p>B.1.8.f.<u>s.6.</u></p>	<p>Reprimand-Expulsion</p>
<p><u>Influencing or attempting to influence another person to commit an abuse of the discipline system.</u></p>	<p><u>B.1.s.7.</u></p>	<p><u>Reprimand-Expulsion</u></p>

APPENDIX D: CAMPUS RESOURCES

Office of Academic Affairs

Provost and Vice President for Academic Affairs.....AD 204

College of Arts and Humanities

Dean of the College of Arts and Humanities.....CARR 146

Department of Communication and Mass Media.....LIB B3069

Department of English and Modern LanguagesA 010

Department of HistoryA 210

Department of Political Science and PhilosophyRAS 213

Department of Security Studies and Criminal JusticeHAR
202VIN 164

Department of Visual and Performing Arts.....CARR 139

Norris-Vincent College of Business

Dean of the Norris-Vincent College of Business.....RAS 262

Department of Accounting, Economics, and Finance.....RAS 258

Department of Aerospace StudiesRAS 227

Department of Management and Marketing.....RAS 212

College of Education

Dean of the College of EducationCARR 104

Department of Curriculum and Instruction.....CARR
1541

Department of Teacher Education.....CARR 145

College of Graduate Studies and Research.....AD 1079

Archer College of Health and Human Services

Dean of the Archer College of Health and Human Services.....HHS 202

Department of Health Science Professions.....HHS 222

Department of Kinesiology Ben Kelly CHP 201

Department of NursingHHS 318

Department of Physical Therapy.....HHS 224

Department of Psychology and Sociology.....A 204

Department of Social Work.....HHS 224

College of Science and Engineering

Dean of the College of Science and EngineeringVIN 175

Department of Agriculture.....VIN 212

Department of Biology.....CAV 101

Department of Chemistry and Biochemistry.....CAV 102L

Department of Computer Science.....MCS 205

David L. Hirschfeld Department of Engineering.....VIN 268
Department of Mathematics.....MCS 220
Department of Physics and Geosciences.....VIN 114

Administrative Staff

Athletic Director (Academic, Athletic, and Health Records of Student Athletes).....Junell Center 2226

Chief of University Police (Incident Reports and Police Investigations).....Reidy Building
Clinic Director (Medical Records).....Jackson St. University Clinic

Director of Admissions (Admissions Files).....HAR 101
Director of Affiliated Military & Veteran Services.....UC 113
Director of Career Development (Career Files).....UC 107
Director of Counseling Services (Counseling Records).....University Clinic Counseling Services

Director of Financial Aid (Financial Aid and Scholarship Records).....HAR 101
Director of Housing and Residential Programs (Housing Records).....Centennial Village
Director of Multicultural Programs/Student Activities Center (Student Organization Records).....UC 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).....UC 112
Director of Student Life.....UC 001
Director of Title IX Compliance Title IX Coordinator (Title IX Records).....AD 21004

Director of University Recreation.....Ben Kelly CHP 113
Executive Director of Enrollment Management.....HAR 100A
Executive Director of Student Affairs (Discipline and Conduct Records).....UC 112
Vice President for Student Affairs and Enrollment Management.....AD 205

ATTACHMENT

2

**TTU Student Handbook with proposed revisions
(Consent Item d.)**

**TEXAS TECH UNIVERSITY STUDENT
HANDBOOK 2020-2021**

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- Section G: Financial Responsibility
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General Purpose

FOREWARD

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 Texas Tech University.

The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules, and/or policies. Enrollment requires students to share this responsibility. Students are responsible for knowing the information, policies and procedures outlined in this document. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the Undergraduate Catalog and other official University publications, as well as the Texas Education Code. Student organizations also agree to follow these standards, rules, and/or policies. The University or its representative may amend this document at any time without notice. Neither this handbook nor the Code of Student Conduct constitutes a contract.

The University reserves the right to make changes to this *Code* as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [<http://www.depts.ttu.edu/dos/handbook/>] for the updated versions of all policies and procedures.

Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The Student Handbook was approved by the Board of Regents on May 17, 2019 to be effective Monday, May 20, 2019.

Membership in the TTU Community

As members of the academic community, University students enjoy the privileges and share the obligations of the larger community of which the University is a part. Students are entitled to the privileges that 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.

Texas Tech University Vision

Texas Tech is a great public research University where students succeed, knowledge is advanced, and global engagement is championed.

Texas Tech University Mission

As a public research University, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The University is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The University is committed to enhancing the cultural and economic development of the state, nation, and world. *Approved by the Texas Tech University Board of Regents on May 14, 2010.*

Texas Tech Statement of Ethical Principles

Texas Tech University is committed to ethical leadership practices at all levels and to our tradition of community service, both within the University community and in our relationships with the greater community. We strive for exemplary professional and community service through research, creative works, and service programs that extend beyond the University environment. We strive to provide excellent service in a caring and friendly environment and encourage such involvement in the community by all faculty, students, staff, and administration.

School of Law and Texas Tech University Health Sciences Center

Students enrolled in, and student organizations registered with, the Texas Tech University School of Law are subject to the *Code of Student Conduct*. In addition to the *Code of Student Conduct*, Tech Law students and registered organizations are also subject to the [Honor Code of the School of Law](#). In specific situations, students may find themselves in violation of either the *Code of Student Conduct* or the [Honor Code of the School of Law](#), or both.

Questions concerning the respective jurisdiction of the *Code of Student Conduct* and the [Honor Code of the School of Law](#) will be resolved by the Vice Provost Student Affairs and the Dean of the School of Law.

Students enrolled in the Schools of Medicine, , Health Professions, Nursing, Pharmacy, Graduate School of Biomedical Sciences/Public Health, and organizations registered with the Texas Tech University Health Sciences Center are subject to the [TTUHSC Student Handbook/Code of Professional Conduct](#).

PART I
CODE OF STUDENT CONDUCT

SECTION A: STUDENT CONDUCT MISSION AND POLICIES

The *Code of Student Conduct* outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the *Code of Student Conduct*. Any student or student organization found responsible for misconduct may be subject to conduct sanctions.

The University provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

The *Code of Student Conduct* and related processes educate students about their rights and responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry and expression is also fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

The Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

1. Disciplinary Authority

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The

Office of the Vice Provost, Undergraduate Education and Student Affairs is the principal agency for the administration of student conduct. The Office of the Dean of Students, the Office of Student Conduct, and University Student Housing shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Dean of Students, Managing Director of the Office of Student Conduct and the Title IX Administrator, herein after referred to as the Managing Director or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

a. Investigator

An Investigator is a trained University staff member whose role is to conduct a thorough, reliable, and impartial investigation and compile the information that they gathered into an Investigation Report. In most cases heard by a Hearing Panel, the Investigator will present the information and evidence obtained through the investigation to the Panel, which will make a determination of responsible or not responsible and assign a sanction. In non-Title IX cases heard through the Administrative Hearing process, or completed via an [Informal Resolution](#) [Informal Conference](#), the Investigator may issue allegations, may render findings and may issue sanctions. In Sanction Only Hearings for non-Title IX cases, the Investigator will issue allegations and the finding and may issue the sanction(s) but may at times only issue the allegations and the finding.

Investigators are assigned to cases by the Dean of Students, the Managing Director or designee, or Title IX Administrator. Investigators may be staff members in the Office of Student Conduct, or trained staff in other departments such as the Office for Student Rights & Resolution, the Office of the Dean of Students, Center for Campus Life, and University Student Housing. The investigator may assist the Resource Person or Committee Chairperson during the hearing.

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. In non-Title IX cases, the Administrative Hearing Officer may be the Investigator who completed the Investigation/Investigation Report, or an Administrative Hearing Officer assigned by the Managing Director or designee.

c. Hearing Panel

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel will be composed of full-time faculty members, full-time students, full-time staff, and Administrative Hearing officers.

1. Hearing Panel Appointments

The Managing Director or designee will be responsible for assembling and training the Hearing Panel annually. Students, faculty and staff may apply to serve to serve on the Hearing Panel pool by contacting the Office of Student Conduct. The Hearing Panel will consist of students, faculty, and staff members, according to the following guidelines:

a. Student Recommendations

The President of the Student Government Association, Graduate Student Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for student members to serve on the Hearing Panel. Upon recommendation, student members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, selected student members will be appointed by the Managing Director or designee. To be eligible for appointment, undergraduate students must be considered full-time students, be in academic good standing and have completed 12 hours of Texas Tech University academic credit with a cumulative GPA of at least 2.5, be in good standing with the Office of Student Conduct throughout the semester(S) in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the Panel. Graduate students must be in academic good standing and have completed 6 hours of Texas Tech University academic credit with a cumulative GPA of at least 3.0, and be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the Panel. A serious history of misconduct could disqualify a student for service. Students must submit a letter of recommendation from a faculty member or administrator from within the University community.

b. Faculty Recommendations

The President of the Faculty Senate and Associate Academic Deans are invited to make recommendations for faculty members to serve on the Hearing Panel. Upon recommendation, faculty members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, faculty members will be appointed by the Managing Director or designee.

c. Staff Appointments

The President of the Staff Senate is invited to make recommendations for staff members to serve on the Hearing Panel. Upon recommendation, staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, staff members will be appointed by the Managing Director or designee, in consultation with the Dean of Students. Staff who served as Investigators will not serve as a Resource Person or Panel Member in a Hearing.

d. Administrative Hearing Officer Appointments

An Administrative Hearing Officer may be appointed as member of the Hearing Panel by the Managing Director or designee and are selected from the 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 or as the non-voting Resource Person, 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 by the Managing Director or designee. Members may be re-appointed for consecutive one-year terms, but must complete the Hearing Panel training each year.

3. Hearing Panel Composition

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Hearing Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Hearing Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Hearing Panel members for the Panel. A Hearing Panel Chair may be selected in order to assist the Resource Person in conducting an orderly hearing. A Hearing Panel Chair may not be a student.

4. Resource Person

The Managing Director or designee appoints a Resource Person in each Panel Hearing. The Resource Person is a non-voting participant and assures that University/College procedures are followed throughout the Panel Hearing. The Resource Person is responsible for composing the Panel's decision, assisting the Panel in composing the rationale, assisting the Panel in drafting the decision letter, providing clarification on policy and procedure and providing clarification on appropriate sanctions, if assigned.

5. Removal of a Hearing Panel Member

The Managing Director 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 the Panel. The Hearing Panel member may recuse themselves on a case by case basis if there is a conflict of interest. Additionally, the Complainant or Respondent may request the removal of a Panel Member whose ability to be impartial is in question. The Managing Director or designee will review and approve or deny student requests for removal of a Panel Member.

6. Panel Hearings

The Office of Student Conduct will establish meeting dates and times during which cases will be heard and will provide for scheduling special meetings as needed. Panel Hearings will be conducted by a subgroup of the Hearing Panel Members.

7. Panel Hearing Deliberation

When deliberating a case, the Hearing Panel will meet in closed session with only voting Panel members present.

8. Additional Hearing Panel Members

The Managing Director for the Office of Student Conduct 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 disciplinary action within the University. The additional member(s) of the Hearing Panel will complete the same training, have the same duties and Responsibilities, and the same authority as the original Hearing Panel member.

9. Hearing Panel Orientation & Training

Prior to serving in a Hearing, members of the Hearing Panel will be required to participate in an orientation and training program facilitated by the Office of Student Conduct. Members are encouraged to attend additional trainings throughout their service on the 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 in conjunction with the Office of Student Conduct, University Student Housing, Dean of Students, and the Vice Provost for Student Affairs. The *Code of Student Conduct* Review Committee will conduct an annual review of the *Code of Student Conduct* and make recommendations to the Vice Provost for Student Affairs regarding omissions, clarifications, constructive changes and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The Vice Provost for Student Affairs will then present the *Code of Student Conduct* for review and consideration by the Board of Regents.

1. Committee Appointment

The *Code of Student Conduct* Review Committee members are appointed by the Managing Director or designee who will invite recommendations by the President of the Faculty Senate, President of the Staff Senate, President of the Student Government Association, President of the Graduate Student Assembly, and the President of the Residence Halls Association.

2. Committee Composition

The *Code of Student Conduct* Review Committee will include members from the following classes of Texas Tech University community members:

- a. Full-time faculty;
- b. Full-time staff;
- c. Full-time undergraduate student(s);
- d. Full-time graduate student(s).

3. Committee Removals

The Managing Director or designee may remove a member from this committee when, in their judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

The Office of Student Conduct will establish meeting dates and times during which the *Code of Student Conduct* will be reviewed and will provide for scheduling special meetings as needed.

5. Committee Quorum

A quorum for the committee is five (5) members.

6. Additional Committee Members

The Managing Director or designee may appoint additional members of the *Code of Student Conduct* Review Committee to expedite the review process of the code. The additional members of the *Code of Student Conduct* Review Committee.

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 Handbook website. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The University community has developed standards of behavior pertaining to students and to student organizations. Students and 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 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 applies to the conduct of individual students, both undergraduate and graduate, including law students and all 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 that take place on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Dean of Students or Managing Director or designee determine that the off-campus conduct affects a substantial University interest, such as situations where a student’s conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community or detrimental to the educational mission of the University.

Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings. Misconduct which may constitute a violation of federal, state, local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding. Determinations made and/or sanctions imposed as a result of University disciplinary proceedings will not be subject to change because criminal charges arising out of the same facts that resulted in the violation of University rules were dismissed, reduced, or resolved in

favor of or against a criminal law defendant.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to reenrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree. The University reserves the right to address and adjudicate behavior of previously enrolled students when there is a continued University interest.

The *Code of Student Conduct* may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information, but may take action when such information is brought to the attention of University officials.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Code* may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education program students, or by contractual agreement. Visitors to and guests of the University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of University community.

3. **Notice**

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. Pre-Scheduled meetings are scheduled around a student's published academic schedule and include the opportunity to reschedule in the event of unavoidable conflicts. Should a student wish to reschedule an appointment, they should do so in a timely manner. The University will make all reasonable efforts to accommodate student schedule conflicts, but will not permit unreasonable delays in the Conduct Process. After proper notice has been given to the student, the Investigator or designee may proceed with the conduct process. Should a student fail to comply with the requests of an Investigator or designee, the Office of Student Conduct 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 local telephone number updated in the student records system at www.raiderlink.ttu.edu/.

Student organizations are provided notice through the organization's spokesperson via the notification procedures described above. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently enrolled Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization.

4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be received by the Office of Student Conduct and/or the Office for Student Rights & Resolution within ten (10) University working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

The Office of Student Conduct and/or the Office for Student Rights & Resolution will make every effort to complete the process as quickly as possible. 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.

5. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in *Code of Student Conduct* proceedings is the preponderance of evidence, or more likely than not.

6. Reporting Allegations of Misconduct

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online [incident report form](#). The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of Student Conduct, located in suite 211 of the Student Wellness Building. Staff are also available in the Office of the Dean of Students to take initial reports of allegations and assist with conduct processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an [online form](#). Individuals may also file a report in person with the Center for Campus Life, 201 Student Union. Staff are also available in the Office of the Dean of Students and Office of Student Conduct to discuss reports of misconduct against student organizations.

Student organization leaders, members, and/or advisors are encouraged to self-report organization or member behavior, including future events that may be considered violations of TTU policy.

To file allegations of misconduct against a student or student organization that involves gender or sex based harassment, the individual(s) should complete an online [incident report form](#). The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office for Student Rights & Resolution Student Union Building Room 232E.

If after an initial report has been made a student experiences a subsequent concern or continued incident(s) of alleged misconduct, a student may file an additional report pursuant to the procedures in this section (Part I, section A.6).

7. Confidentiality

Texas Tech University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, that offer confidential assistance and support. Information about the TTU Student Counseling Center can be found at www.depts.ttu.edu/scc/.

The University is committed to facilitating an environment that supports students reporting incidents of misconduct, and will always attempt to resolve a situation in accordance with a student's wishes. In most cases, the University will not initiate student conduct proceedings or take administrative action without consulting with the reporting student.

In some exceptional circumstances, where the incident in question presents a continuing threat to the campus community, the University may be required to investigate irrespective of the Complainant's desire to pursue allegations of student misconduct, and may be required to issue a "timely warning" to the campus community, as required by The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics 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 respondents or witnesses in the case, some information may need to be shared with those involved parties in order to complete a thorough investigation.

8. Anonymity

Texas Tech understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of a Complainants' desire, in some cases, to report an

incident without disclosing their name or other identifying information. Texas Tech will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

9. 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 complainant or subject of a crime of violence or a nonforcible sex offense concerning the final results of a disciplinary Hearing.

NOTE: Additional information on Student Records is available in The Student Handbook, Part II, Section P.

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 student organization's Headquarters, sponsoring department, or organization as appropriate. This otherwise confidential information will not be shared with other students or the Greek community.

Student organization records do not affect 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](#) [Informal Conference](#), any Hearing process, and/or conduct appeal processes.

11. Reporting Criminally

Some instances of student misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. Texas Tech administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if they wish.

12. **Amnesty**

The University will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of or witnesses to misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
 - In investigations into matters of Actions Against Members of the University Community and Others, all involved parties may be reviewed under this amnesty provision.
- 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 stalking, 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.
- Students or Student Organizations who voluntarily and in good faith reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident.
- A student may not receive amnesty for reporting the student's own act of hazing of at least one or more others.
- A student may not receive amnesty if the student reports an act of hazing in bad faith or with malice.

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 influence 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, alcohol assessments, and other requirements. The Office for Student Rights & Resolution may also assist with questions related to amnesty provisions, but the final determination regarding amnesty will be made by the Managing Director of the Office of Student Conduct or designee or the Title IX Administrator or designee in Title IX cases.

13. **Withdrawal**

A responding student facing an alleged violation of the *Code of Student Conduct* may have a hold placed on their transcript requiring them to contact the Managing Director 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. The University reserves the right to reinstate a student who withdraws at any point during the conduct process.

NOTE: For information pertaining to withdrawing from a course involving Academic Integrity allegations, see Part II Community Policies Section Academic Integrity item d. Withdrawal and Assignment of Grades.

SECTION B: MISCONDUCT

1. Academic Misconduct

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Community Policies section.

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 assignment 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 unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor's permission.
5. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution or computer program/software, or information about an unadministered test, test key, homework solution or computer program.
6. Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.
- ~~8.~~ Taking, keeping, misplacing, damaging or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
- ~~9.~~ Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.
- ~~8.~~10. Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.

~~9.11.~~ Falsifying research data, laboratory reports, and/or other academic work offered for credit.

~~10.12.~~ 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, ~~and/or any other collaboration or attempted collaboration with another person that results in similarities in academic work, test, quiz, or other assignment~~ and/or any other collaboration or attempted collaboration with another person that results in similarities in academic work, test, quiz, or other assignment.

d. Falsifying academic records

1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
2. Omitting requested information that is required for, or related to, any official record of the University.

e. Misrepresenting facts

1. Providing false grades, falsifying information on a resume, or falsifying other academic information.
2. Providing false or misleading information in an effort to injure another student academically or financially.
3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance, and/or obtain an academic or financial benefit for oneself or another individual.

NOTE: Examples include, but are not limited to, fabricated, altered, misleading, or falsified documentation for medical excuses family and personal emergencies, and signing into class and failing to remain the entire time.

f. Violation of Professional Standards

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

NOTE: Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.

g. Unfair Academic Advantage

Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f above.

2. Actions against Members of the University Community and Others

Any act, or attempted act, perpetuated against another person or persons including, but not limited to:

a. Disruptive and/or Obstructive Conduct

Intentional or reckless behavior that disrupts or obstructs the University operations including the cessation or temporary cessation of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.

b. Harmful, Threatening, or Endangering Conduct

Intentional or reckless behavior that harms, threatens, or endangers the health or safety of self or others, including but not limited to:

1. Assault

- a. Intentionally, recklessly, or knowingly causing physical harm to another individual.
- b. Intentionally, recklessly, 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

An act or communication a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual(s).

- a. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- c. A threat, including but not limited to, threats of mass violence, issuing a bomb threat, constructing mock explosive devices, etc., against any person, group of people, or property.

3. Intimate partner / relationship violence/dating violence

For the purposes of this policy, Interpersonal Violence is:

- a. Domestic or family violence is abuse or violence committed by a (1) current or former spouse or intimate partner of the Complainant, (2) person with whom the Complainant shares a child in common, (3) person who is cohabitating (or has cohabited) with the Complainant as a spouse or intimate partner, (4) person similarly situated to a spouse of the Complainant under state/local law, or (5) any other person against an adult or youth who is protected by that person's acts under the state/local domestic or family violence laws.

- b. Dating violence is abuse or violence, or a 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 Complainant. 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 person's involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.
 - c. Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the victim's Complainant'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.
4. Bullying / cyber bullying
Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the *Code of Student Conduct*. NOTE: Information related to freedom of expression policy is available in Part II, Section Q Use of University Space.
5. Stalking
A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety/safety of others or would cause the 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 the person's property.
6. Mutual Combat
Any incident between two or more individuals in which violence or the threat of violence is mutual.

NOTE: Claims of self-defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Conduct.

c. Sexual Misconduct (*see also Part I, Section D*)

- 1. Sexual Harassment
Unwelcome sex-based verbal, written, or physical conduct when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education; (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or (3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe, persistent, or pervasive
- 2. Sexual Exploitation
Taking non-consensual or abusive sexual advantage of another for the benefit of

oneself or a third party. Prohibited behavior includes, but is not limited to:

- a. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent;
 - b. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent;
 - c. Sexual voyeurism;
 - d. Inducing another to expose one's genitals or private areas;
 - e. Prostituting another student;
 - f. Engaging in unprotected sexual activity while knowingly infected with a sexually transmitted infection without the party's full knowledge and consent.
3. Public Indecency
Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.
4. Nonconsensual Sexual Contact
Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Private area includes butt, breasts, mouth, genitals, groin area, or other bodily orifice.
5. Nonconsensual Sexual Intercourse
Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal. This can include intentional removal of a condom or other protective measure during intercourse without the consent of the partner.

NOTE: Refer to Section D 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 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 primarily students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
2. Any type of activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as humiliation, sleep deprivation, exposure to the elements, confinement, personal servitude, or calisthenics.
3. Any activity that involves consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance, other than as described by item 4 below, 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 induces, causes, or requires the student to perform a duty or task

that involves coercing a student to consume a drug, an alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.

5. Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred or may occur; witnesses or participates in a specific hazing incident, and knowingly fails to report the incident in writing to the Office of Student Conduct.
6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.
7. Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936

e. Discriminatory Harassment

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

f. Retaliatory Discrimination or Harassment

Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.

g. Complicity or Knowingly Present

1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*.
2. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.
3. Any person who is knowingly present for the commission of a violation of the Code of Student Conduct and does not take steps to remove themselves from the location of the violation.

NOTE: Actions involving free expression activities are covered in Community Policies, Section H.

3. Alcoholic Beverages

Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.

4. Narcotics or Drugs

Possession, use, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances and/or drug paraphernalia; including the distribution, use or possession of prescription medications contrary to a valid prescription; being under the influence of illegal drugs, intoxicants, and/or controlled substances.

5. Smoking, Vaping, and/or Tobacco Use

Smoking, vaping, and/or tobacco use (~~including smokeless tobacco~~) in unauthorized areas on University property as designated by the Texas Tech University [smoke-free and tobacco-free environment policy \(OP 60.15\)](#). ~~or by federal, state, or local law.~~

6. Firearms, Weapons and Explosives

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals or use of any item, in a manner that attempts to harm others.

NOTE: See Texas Tech University Operating Policy related to Campus Carry at <http://www.depts.ttu.edu/opmanual/> and University Student Housing Contract Guide for specific approved devices allowed in the residence halls.

7. Flammable Materials/Arson

- a. Use of items or materials to ignite, spread, or intensify flames for fire, or the attempt to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, such as the Outdoor Events Coordinating Committee.
- b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

8. Theft, Damage, Littering or Unauthorized Use

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, campus visitors or others.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, by campus visitors or others
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, campus visitors, or others.

~~Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.~~

e.

- e. 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.

f. Alteration, forgery or misrepresentation of any form of identification.

~~f. Possession or use of any form of false identification.~~

g. Selling items including but not limited to: stolen items, student identification cards and/or any item which may be used as a form of false identification.

~~h.g.~~

9. Gambling, Wagering, Gaming and/or Bookmaking

Gambling, wagering, gaming and bookmaking as defined by federal, state, local laws, and/or Texas Tech University policy are prohibited on University premises involving the use of University equipment or services.

10. False Alarms

Intentional sounding of a false fire alarm or falsely reporting an emergency. The destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.

11. Unauthorized Entry, Possession or Use

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use in University premises or equipment.
- c. Unauthorized use of the University name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a registered student organization at Texas Tech University."
- d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.
- f. Possession or use of any form of false identification.

12. Failure to Comply

- a. Failure to comply with reasonable directives of a University official acting in the performance of their duties.
- b. Failure to present student identification on directive or identify oneself to any University official acting in the performance of their duties.
- c. Any intentional, retaliatory, or adverse action taken by a respondent individual or third party, absent legitimate nondiscriminatory purposes, against a party or supporter of a party to a Misconduct or Sexual Misconduct proceeding or other protected activity under this *Code of Student Conduct*.
- d. Failure to comply with the sanctions imposed by the University under the *Code of Student Conduct* or the Student Handbook.

NOTE: Examples include but are not limited to directives from the Office of the Dean of

Students staff, Office of Student Conduct staff, Title IX staff, University Student Housing staff, Texas Tech University Police Department, Athletic staff, and others.

13. Abuse, Misuse, or Theft of University Information Resources

“Information resources” means procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors (as defined by Texas Government Code §2054.003(7).) Per Texas statutes, TTU information resources are strategic assets of the state of Texas that must be managed as valuable state resources. Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources, regardless of location or method of access, is also subject to the Information Technology Security Policies (<http://depts.ttu.edu/infotech/security/>), University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

- a. Unauthorized use of University information resources including, but not limited to, confidential and/or sensitive information and passwords, including the unauthorized sharing of confidential and/or sensitive information or passwords with individuals who have not been granted access to University information resources.
- b. Use of University information resources:
 1. 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).
 2. To violate Part I, Section B.2 of the *Code of Student Conduct* (Actions against Members of the University Community and Others).
- c. Attempted or actual:
 1. Breach of the security of another user’s account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
 2. Use of TTU information resources to interfere with the normal operation of the University.
 3. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
 4. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer- based information using TTU information resources.
- d. Use of TTU information resources to interfere with the normal operation of the University.

1. Use of TTU information resources for unauthorized political or commercial purposes, or for personal gain. This includes email signatures that promote personal or commercial gain or political agendas.
2. Destruction, disruption, or modification of programs, records, or data belonging to or licensed by the University or another user, or destruction of the integrity of computer-based information using TTU information resources.
- e. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the explicit approval by the TTU official processes regarding academic ethical issues. Discovery of obscene material, including child pornography, on any TTU information resource must be reported to the Information Security Officer or Chief Information Officer immediately.
- f. Intentional “spamming” of students, faculty, or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to e-mails and text messages to parties with whom the sender has no existing business, professional or personal relationship) using TTU information resources.

14. Providing False Information or Misuse of Records

Knowingly furnishing false information to the University, to a University official in the performance of their duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

15. Skateboards, Rollerblades, Scooters, Bicycles or Similar Modes of

Transportation Use of skateboards, rollerblades, scooters, bicycles or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

NOTE: Refer to University Parking Services Regulations at <http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf>.

16. Interference with Expressive Activities

Unduly interfering with the expressive activities of others on campus resulting in the inability for expressive activities to occur or to continue. Consistent with TTUS Regulation 07.04, students who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the *Code of Student Conduct*. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation.

NOTE: See also Code of Student Conduct Part II, Section H – Freedom of Expression Activities & Section Q – Use of University Space

17. 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:

- a. Transportation & Parking Services
- b. University Student Housing
- c. Recreational Sports
- d. Student Organization and Fraternity and Sorority Life
- e. Texas Tech University Board of Regents' Rules
- f. Texas Tech University Operating Policies and Procedures
- g. Community Policies of the Student Handbook
- h. TTU Athletics

18. Violation of Federal, State, Local Law and/or University Policy

Misconduct which may constitute a violation of federal, state local laws, and/or Texas Tech University policy will be considered a violation of this policy, and will be investigated and adjudicated through the University conduct system and standard of proof. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in a University conduct proceeding.

19. Abuse of the Discipline System

- a. Failure of a student to respond to a notification to appear before an 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.
- d.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during and/or after the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

SECTION C: CONDUCT PROCEDURES FOR STUDENTS

Upon notice or receipt of potential violation(s) of the *Code of Student Conduct*, The Dean of Students or the Managing Director or designee will appoint an Investigator who will inquire, gather and review information about the reported student misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported does not warrant an allegation, a Policy Clarification letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.

When a Complainant is identified, but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the

wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

NOTE: The Managing Director or designee may proceed with the conduct process (even if the complainant(s) chooses not to participate) on a case by case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus community and others.

1. Remedies and Resources

The University may take immediate interim actions to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal Investigation and/or formal conduct procedures. These interim steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

b. Interim Actions

Under the *Code of Student Conduct*, the Managing Director or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* 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 pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct*. Through an interim action or during an interim suspension, a student may be denied access to University Student Housing and/or the University campus/facilities/events. As determined appropriate by the Managing Director or designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Managing Director or designee and with the approval of, and in collaboration with,

the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section of the *Code of Student Conduct*. Interim action(s) or an Interim Suspension are not sanctions. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*. A student who receives an interim action(s) or interim suspension may request a meeting with the Managing Director or designee to demonstrate why an interim action(s) or suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a hearing.

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order may result in additional disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension pending the completion of the conduct process. The term of a No Contact Order is "one year from the date of issuance, or the graduation of one or both parties, whichever comes first."

2. Immediate Temporary Suspension – Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Managing Director or designee, or on recommendation of an 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 Managing Director or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension. Initiation of appropriate conduct proceedings includes but is not limited to informing parties that an investigation has begun via a "Notice of Involvement/Notice of Investigation" letter via the official notice procedures outlined in Part I, section A. 3. of the *Code of Student Conduct*.

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 or the Interim Action has been modified. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community that is deemed a continuous threat;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the Complainant and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
 - Violation of a No Contact Order;
 - Retaliatory harm, discrimination, or harassment.

3. Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings, and representing the University.

In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension by the Managing Director or designee

A student may request a review of an Immediate Temporary Suspension or Interim Action for off campus courses and activities by the Managing Director or designee. At the discretion of the Managing Director or designee, modifications can be made to an Immediate Temporary Suspension or Interim Action that impacts off campus courses and/or activities on a case by case basis.

4. Non-Student Interim Actions

Any guest to the University who is alleged to have violated university policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Office of Student Conduct, in conjunction with the Texas Tech Police Department, will issue a Criminal Trespass to that individual(s).

NOTE: Students of Texas Tech University may be held responsible for actions of their guests.

5. Withdrawal of Consent

a. Grounds for Removal

The Investigator or another University agent acting in accordance with his/her duties may recommend to the Dean of Students that, in accordance with the Texas Education Code, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Investigator and Dean of Students, it is determined that:

- The student has willfully disrupted the orderly operation of the premises, and;
- The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.
- If the Dean of Students concurs with the 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 Dean of Students and the Texas Tech Police Department. The Dean of Students will notify all parties of the final decision using the written notification procedures outlined in Part I, section A.3 within five (5) University working days.

b. Registration Flag Following Withdrawal of Consent

When a student is withdrawn under this section, an administrative hold will be placed on the student's readmission to the University. This administrative hold will remain on the student's records until the student is readmitted.

NOTE: See [Texas Education Code, sections 51.233-51.244](#)

2. **Referral Meeting**

A University official may request a meeting with a student in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the respondent that repeated referrals may warrant an Investigation which may warrant adjudication.

3. **Voluntary Resolution**

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) 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 Managing Director 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 may be agreed upon by the parties with concurrence from the Managing Director 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.

4. The Conduct Process

a. Notice of Investigation/Notice of Involvement

A student will be given notice of their involvement in regard to a referral received by the University or once the University is put on notice by receipt of a “Notice of Investigation/Notice of Involvement” Letter. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an Investigator. 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 Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

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 Investigator. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the Investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a parent or legal guardian, a relative, or an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the University. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be

allowed due to the scheduling conflicts of an advisor. The Managing Director 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 with 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 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 investigative process.

4. The opportunity to provide information and evidence in support of his/her case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student may be used in a conduct proceeding;
9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

1. Be responsive to all correspondence from the University;
2. Provide information relevant to the incident or situation;
3. Be honest and provide true and accurate information during the Investigation;
4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

c. Investigation

The Managing Director or designee will appoint an Investigator who will conduct a thorough, reliable, and impartial Investigation of the reported allegation. Reported allegations of misconduct under the *Code* have varying degrees of complexity and severity. Therefore, the Investigation procedures described below may vary.

When initial inquiry indicates a concurrent police Investigation is occurring, the Investigator will, where possible, collaborate with the Texas Tech Police Department during the Investigation. Elements of this collaborative Investigation may include the Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the Investigation is complete, the Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct 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 Investigation has concluded. In order to protect confidentiality students may be given an electronic password protected copy of the investigation report which may be redacted.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Investigator explains the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the respondent based on the information that the Investigator collected without the student's participation, if appropriate.

1. ~~Informal Resolution~~Informal Conference

If after the Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the ~~Informal Resolution~~Informal Conference Process, the Investigator conducting the initial inquiry/Investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the ~~Informal Resolution~~Informal Conference process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the

sanctions as recommended by the Investigator. The case will only be reopened if new material, previously unavailable is presented.

Written notification of the outcomes and sanctions, if applicable, of the ~~Informal Resolution~~ Informal Conference will be provided to the student and appropriate University Administrators within five (5) University working days of the effectuation of the ~~Informal Resolution~~ Informal Conference.

2. Pre-Hearing Process

In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the Investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents reviewed may include notification of Respondent's allegations, Hearing Panel composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, section A.3 of a date, time, and location of the Hearing. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel 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 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 Investigator immediately. If the new information is pertinent to the consideration of the case, the 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, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.

Students may indicate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing is preferred. However, the Dean of Students or Managing Director or designee has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing

or Sanction Only Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. 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 Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

At the discretion of the Managing Director 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.

5. 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 Investigator or the Hearing Panel may consider the information contained in the Investigation Report 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. Arrangements can be made for either party to participate electronically, from another room, etc., if requested in advance of the Hearing date.

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent students have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Conduct 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, and the student has failed to respond within the allotted time frame 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 Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Investigator or 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 working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Conduct Appeal Procedures outlined in Part II, section C.5.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or an Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three trained panel members.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

The Managing Director or designee shall appoint a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is a staff member in the Office of Student Conduct. The Resource Person assures that University/College procedures are followed throughout the Hearing.

The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post- Hearing documentation,
- Deliver notification to student parties.

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. Likewise, the Complainant and Respondent may make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the 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 removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Simultaneous notification of outcomes of the Panel Hearing should be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

Note: All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

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 body by the Investigator. During presentation of the Investigation Report and finding, the respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Respondent and may be considered by the Hearing body. Simultaneous 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 Conduct 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.”

Note: *A student may only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses.*

6. **Sanctions**

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an ~~Informal Resolution~~**Informal Conference**, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid at <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer, or the Hearing Panel. The Investigator, Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid for sufficient reason. Implementation of the disciplinary sanction(s) will begin immediately or as assigned.

In limited instances such as removal from University Student Housing, Suspension, or Expulsion, a student may submit an *Intent to Appeal* to the Managing Director or designee as soon after receipt of the hearing decision as possible and prior to the deadline to appeal (3 days). The student must clearly state an intent to appeal and must include the preliminary identification of the appropriate ground(s) of which the student believes an error occurred. Upon confirmation of receipt of the intent to appeal by the Managing Director or designee, the effective date of the student’s sanction(s) will be delayed pending the outcome of the appeal. However, upon the judgement of the Managing Director or designee, some cases (e.g. including but not limited to reasonable belief the student poses an active threat to at least one member of the University community) with sanctions of housing removal, suspension, or expulsion may begin prior to the completion of the conduct appeal process.

Note: *an Intent to Appeal does not satisfy the need for the student to articulate and submit a written appeal request as detailed in Section 7 – Conduct Appeal Procedures below.*

Both the Respondent and the Complainant (if applicable) will be simultaneously notified of the appellate officer’s decision and sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions. Findings and sanctions agreed upon through the ~~Informal Resolution~~**Informal Conference** Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in the Office of Student Conduct or University Student Housing for a minimum of seven (7) years from the date the case is completed through an ~~Informal Resolution~~**Informal Conference**, Administrative Hearing, or Panel Hearing and/or Conduct 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 to the student that the action in question was misconduct.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

c. 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, University related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. 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.. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Managing Director or designee 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 Managing Director or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Managing Director or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. This 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, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to

prevent future registration.

e. Conditions

A condition is an educational or personal element that is assigned by an Investigator, Administrative Hearing Officer, or Hearing Panel. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the University;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.

1. 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.

2. Academic Penalties

In cases involving violations of Part II, section B.1 (Academic Misconduct) an academic penalty may be imposed by the referring party. Academic penalties include, but are not limited to:

- Assignment of a grade for the relevant assignment, exam, or course;
- Relevant make-up assignments;
- No credit for the original assignment;
- Reduction in grade for the assignment and/or course;
- Failing grade on the assignment;
- Failing grade for the course;
- Dismissal from a departmental program;
- Denial of access to internships or research programs;
- Loss of appointment to academically-based positions;
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities;
- Removal of fellowship or assistantship support.

3. 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.

NOTE: Any student at any time may request a review of the sanctions in place in writing to the Managing Director or designee.

7. Conduct Appeal Procedures

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the Managing Director or designee within three (3) University working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and can only appeal on the following grounds, “the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions.” The student may appeal by submitting a written petition to the designated appeal officer within three (3) University working days of delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

The Dean of Students, Managing Director, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

In cases involving alleged misconduct involving Part I, section B.1 (Academic Misconduct), the designated appeal officer is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course or program where the violation occurred. In situations where the Associate Academic Dean participated in the Hearing as the Investigator or Instructor of Record, the designated appeal officer is the Academic Dean.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

NOTE: Lack of participation at any part of the Investigation or conduct process does not constitute as new evidence.

In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent

may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the written appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.

The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days.

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, they may:

- Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

The Office of Student Conduct shall make all reasonable efforts to simultaneously notify the parties(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days from receipt of all responses. 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 Body, the decision of that Hearing Body is final and may not be appealed.

NOTE: For information pertaining to an Intent to Appeal and delay of sanctions, please see sanction procedures.

8. 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 their records under this section must request readmission from the Managing Director or designee at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or

summer session in which the student wishes to re-enroll. The student may be required by the Managing Director or designee to submit evidence in writing supportive of his/her present ability to return to the University. The University will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Managing Director for the Office of Student Conduct or designee for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

SECTION D: TITLE IX PROCEDURES FOR STUDENTS

~~This section provides information regarding the university's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, sexual misconduct, interpersonal violence, and stalking. This policy, in conjunction with TTU OP 40.03, provides students with their rights and options and also explains how the university will proceed once it is made aware of allegations of prohibited conduct in keeping with the university's values and in order to meet the legal obligations of Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), Texas Education Code, and other applicable law.~~

~~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. Texas Tech prohibits discrimination based on sex, which includes pregnancy, and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct.~~

~~While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the university's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.~~

~~This policy applies to all university students. This policy will apply to on-campus and off-campus conduct of which the university is made aware and which adversely impacts the educational and employment environments of the university. The university will take all reasonable steps to prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Complaining Party and others, if appropriate.~~

All investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, equitable, and impartial manner. Investigations conducted under this policy are not criminal investigations. For all complaints under this policy, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The university expects all members of the University Community to comply with the law. Members of the University Community who violate these policies and laws may be subject to disciplinary action or sanctions, up to and including termination of employment, expulsion from the university, or being barred from university premises and events.

1. **Definitions**

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- a. **Complaining Party/ Complainant**—A person who was allegedly subjected to a violation of this policy.
- b. **Consent**—Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to engage in sexual activity. Before engaging in any type of sexual activity, it is the *initiator's* responsibility to obtain their partner's consent, either verbally or non-verbally. Silence cannot be assumed to express consent and saying "NO" is not the only way a sexual partner may communicate lack of consent. A partner may use non-verbal cues to indicate their lack of consent for any sexual activity. Some examples of non-verbal communication that demonstrate lack of consent include:

- Resistance: pushing hands away, pulling away from partner
- Body going limp or freezing up
- Crying
- Wincing

Other points regarding consent:

- A person is not required to actively resist their aggressor.
- A person's intentional use of alcohol/drugs neither negates nor diminishes the initiator's responsibility to acquire consent before engaging in sexual activity.
- Consent has an expiration date. Consent on Thursday does not mean consent on Friday.

- ~~—A prior existing sexual relationship between consenting adults does not imply future consent to engage in sexual activities. This is true even in marriage or other long-term sexual relationships.~~

~~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 this policy. The question of what the Respondent should have known is objectively based on what a reasonable person would have known about the condition of the Complainant.~~

~~*Revocation of Consent*—One partner can revoke their consent at any time, so long as it's clearly communicated to the other partner. Revocation may be communicated verbally and/or non-verbally. Once a partner has revoked consent, the sexual activity must stop. If sexual activity continues after the other partner has revoked their consent, a sexual assault has occurred.~~

- e. ~~**Employee**—Any person who receives a W-2 or 1042-S from the university, including full- and part-time faculty, staff, and students.~~
- d. ~~**Incapacitation**—A state of being that prevents an individual from having capacity to give consent. Incapacitation includes, but is not limited to:—~~
 - ~~—Age: A minor cannot consent to engage in sexual activity. In Texas, the legal age of consent is 17.~~
 - ~~—Intellectual or other Disability: A person with a mental disorder or other cognitive issue which prohibits them from making an informed decision lacks capacity to consent 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.~~
- e. ~~**Interpersonal Violence**—For purposes of this policy, Interpersonal Violence is:~~
 - ~~**Domestic or Family Violence**—Abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by a person with whom the Complaining Party shares a child in common, by a person with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complaining 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.~~
 - ~~**Dating Violence**—Abuse or violence, or a 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 Complaining 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 socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

- f. **Public Indecency**—Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:
- Exposing one’s genitals or private areas;
 - Public urination;
 - Defecation; and/or
 - Public sex acts.
- g. **Reporting Party**—A person or entity (in the case of the university), other than the Complaining Party, who reports an alleged violation of this policy.
- h. **Responding Party/Respondent**—Generally, the Responding Party is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.
- i. **Sex Discrimination**—An act that deprives a member of the university community of their rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the person’s sex.
- j. **Sexual Misconduct**—A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.
- k. **Sexual Assault**—Sexual contact or intercourse with a person 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. Sexual Assault includes:
- (1) **Nonconsensual Sexual Contact**—Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes:
- Intentional contact with the breasts, buttock, groin, or genitals;
 - Touching another with any of these body parts;
 - Making another touch you or themselves with or on any of these body parts; or
 - Any other intentional bodily contact in a sexual manner.
- (2) **Nonconsensual 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.
- l. **Sexual Exploitation**—Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
- Purposeful recording, distribution, or dissemination of sexual or intimate

~~images or recordings of another person without that person's full knowledge or consent;~~

- ~~• Sexual voyeurism;~~
- ~~• Inducing another to expose one's genitals or private areas;~~
- ~~• Prostituting another; or~~
- ~~• Knowingly exposing someone to or transmitting a sexually transmitted disease without the party's full knowledge and consent.~~

- ~~m. Sexual Harassment—Means unwelcome, sex-based verbal or physical conduct that in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.~~
- ~~n. Stalking—A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's 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. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~
- ~~o. University Community—All faculty, staff, and students of and visitors to any university premises or university-affiliated activity.~~

2. Title IX Staff

~~The Office for Student Rights & Resolution (OSR&R) will investigate complaints of Sexual Misconduct by or between students. (*Please note, some campus partners refer to OSR&R as "the Title IX Office."*) The Texas Tech University System Office of Equal Opportunity (Office of EO) will investigate complaints of Sexual Misconduct by or between employees.~~

~~The OSR&R staff includes the Title IX Administrator, Assistant Title IX Administrator/ Case Manager, Investigators, CARE (Campus Advocacy, Response and Education) Coordinators, and a Business Assistant. Information provided to OSR&R is considered private and is only shared with other campus officials in the event of an emergency, or an educational need to know. Reports are only shared with law enforcement with the express consent of the student involved, or through a lawfully issued subpoena.~~

- ~~a. Title IX Administrator—A trained university staff member who oversees the university's compliance with Title IX. The university has also designated an Assistant Title IX Administrator and Title IX deputy administrators for students and employees.~~
- ~~b. Title IX Case Manager—A trained university staff member whose role is to respond to Sexual Misconduct reports. The Title IX Case Manager conducts Intake meetings with the Complainant and Respondent, coordinates all remedies and resources for students involved in Sexual Misconduct cases, and assists student with anonymous reporting. The Case Manager oversees the university's compliance in offering assistance to involved parties.~~

- e. ~~Investigator—A trained university staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigation Report. Investigators may facilitate Voluntary Resolutions when requested by the parties involved in the case. In cases heard by a Hearing Panel, the Investigator will present the information and evidence obtained through the Investigation to the Panel. Investigators are assigned to cases by the Title IX Administrator or Assistant Administrator.~~
- d. ~~CARE Coordinators—CARE Coordinators are graduate students who, in conjunction with the Title IX Case Manager, connect students with resources after a referral is made to OSR&R. They serve as a student’s primary point of contact. Coordinators are trained to work with both Complainants and Respondents, but each Coordinator will only work with one party in a case. CARE Coordinators review and clarify process and policies, reporting options and available resources; attend meetings as a support person; review documents and materials from the investigation, report, Hearing, decision letters and sanctioning as requested; and provide general support and a safe listening space. CARE Coordinators can assist students in filing anonymous reports but are not a confidential resource. CARE Coordinators do not provide legal guidance.~~
- e. ~~OSR&R Business Assistant—A trained staff member who assists with the day to day operations of the office. The Business Assistant schedules appointments and greets individuals visiting the office.~~

3. Reporting Sexual Misconduct

~~All employees, including student employees, who in the course and scope of employment witness or receive information regarding a possible incident of sexual harassment, sexual assault, dating violence or stalking against a student, employee or visitor to the institution shall promptly report the incident to the Title IX Administrator, Assistant Administrator, Deputy Administrator, or TTUS Office of Equal Opportunity. While not required, students are strongly encouraged to report any incident of Sexual Misconduct to the university, including incidents in which the student was a victim.~~

~~Students may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Complainants may choose to notify law enforcement and will be provided the assistance of the Title IX Administrator, Case Manager, Deputy Administrator or Investigator in contacting these authorities if the individual wishes. Parties may also choose not to notify law enforcement of incidents of Sexual Misconduct.~~

~~A student who experiences sexual or dating violence is encouraged to seek medical care for treatment and preservation of evidence, if applicable, as soon as possible after the incident. Preserving DNA evidence can be key to a sexual violence case. Students can undergo a sexual assault forensic exam (SAFE) performed by a sexual assault nurse examiner (SANE) to preserve physical evidence with *or without* police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee’s consent, the physical evidence~~

collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go to University Medical Center or Covenant Hospital.

Anyone who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the incident reported, such as items of clothing, photographs, phone records, text messages, social media activity, computer records, and other documents.

Making a Report

At Texas Tech, students can make a report in a variety of ways. Reports are private, and will not be shared with law enforcement, other students, faculty, non Title IX staff or parent/family members without express consent.

- ~~Filing a report online: A report can be made by visiting the online reporting form via the university Title IX website (http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php). This report can also be completed anonymously, except for university employees who are fulfilling reporting requirements. Please note that reporting anonymously may limit the university's ability to investigate the incident or provide resources to the involved parties.~~
- ~~Contacting a Title IX staff member directly: Meet with a staff member in person, speak over the phone, or communicate via email. Staff members can answer questions about the policies/procedures and describe options available to students.~~
- ~~Title IX Administrator Dr. Kimberly Simon; Administration Building Suite 115, 806.834.1949, kimberly.simon@ttu.edu~~
- ~~Title IX Case Manager Meredith Holden; Student Union Building Room 232E; 806.834.5556, meredith.holden@ttu.edu~~
- ~~CARE Coordinators Student Union Building Room 232E; 806.742.7233~~
- ~~Make an anonymous report: Staff members are available to assist student in making an anonymous report. Anonymous reports can help put a student in touch with resources even if they are not sure they would like to proceed with formal reporting and investigation procedures. Anonymous reports can be made through the Title IX Case Manager and CARE Coordinators in OSR&R. These staff members can be reached by calling 806.742.7233 or visiting the Student Union Building, Suite 232E. The staff in the RISE Office can also assist with anonymous reporting. The RISE office can be reached by calling 806.742.2110, emailing RISE@ttu.edu, or visiting the office in Drane Hall Suite 247.~~
- ~~Make a confidential report: Students may make a confidential report to licensed clinical and/or mental health professionals acting in their professional roles. These employees are encouraged to provide their students with information and guidance regarding university reporting options and available resources but will not report or otherwise refer incidents to OSR&R without the student's express permission. Confidential reports may be made to the Student Counseling Center, the Family Therapy Clinic, the Psychology Clinic, and Student Health Services on campus. Students can make confidential reports off campus to Voice of Hope, and other licensed clinical and mental health providers.~~

While there is no deadline to file a report, to promote timely and effective review, the university strongly encourages individuals who believe they have experienced Sexual Misconduct to come forward promptly with their complaints and to seek assistance from the university. Delays in reporting can greatly limit the university's ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

Note: if a Respondent has left campus, either by withdrawing or graduating, prior to a report being filed, the university's ability to investigate and/or adjudicate may be limited.

4. Remedies and Resources

The university may take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of any Investigation and/or formal conduct procedures. These interim steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for involved students may include, but are not limited to, counseling services, medical assistance, modifications to on-campus housing, modifications to parking permissions, academic support referrals, modifications to academic or work situations, instituting a No Contact Order between the parties in a complaint, reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, and issuing an Interim Temporary Suspension, or otherwise altering the university status of the Respondent. Other interim measures may be implemented and will be evaluated on a case-by-case basis. Interim measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Interim measures can be implemented regardless of whether or not the Complainant pursues formal university or criminal action. OSR&R is available to help students understand the student conduct process and identify resources.

Complainants and Respondents who are the subjects of a reported incident of sexual harassment, sexual assault, dating violence, or stalking will be allowed to drop a course in which they are both enrolled without any academic penalty.

No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. Upon request from OSR&R, a No Contact Order will be issued by OSR&R, the Office of Student Conduct, or the Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Title IX Case Manager or Investigator. 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 may result in additional disciplinary action.

including possible suspension or expulsion. Violations of no contact orders may also result in Immediate Temporary Suspension pending the completion of a conduct process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

Immediate Temporary Suspension—Students

Under the *Code of Student Conduct*, the Office of Student Conduct Managing Director or designee may impose restrictions and/or separate a student from the community pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* 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. Through an interim action or during an interim suspension, a student may be denied access to University Student Housing and/or the university campus/facilities/events. As determined appropriate by the Managing Director or designee, this restriction may include classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Managing Director or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions or of an interim suspension by the official notice procedures outlined in this section. Interim action(s) or an Interim Suspension are not sanctions. It is taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*. A student who receives an interim action(s) or interim suspension may request a meeting with the Managing Director or designee to demonstrate why an interim action(s) or suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with an Investigation and adjudication.

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Office of Student Conduct Managing Director or designee, or on recommendation of Title IX Staff, 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 Managing Director or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university working days from the date of temporary suspension. Initiation of appropriate conduct proceedings includes but is not limited to informing parties that an investigation has begun via a “Notice of Involvement/Notice of Investigation” letter.

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 or the Interim Action has been modified. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- ~~A significant and articulable threat to the health or safety of a student or other member(s) of the University Community that is deemed a continuous threat;~~
- ~~Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the Complainant 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.~~

Other Interim Actions

~~In the event that the physical or emotional well-being of a student, other students, or members of the University Community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the university, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student's academic schedule, and temporary restrictions from university activities, services and/or buildings, and representing the university.~~

~~In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension or Interim Action for off campus courses and activities by the Office of Student Conduct Managing Director or designee. At the discretion of the Managing Director or designee, modifications can be made to an Immediate Temporary Suspension or Interim Action that impacts off campus courses and/or activities on a case by case basis.~~

Non-Student Interim Actions

~~The Office of Student Conduct, in conjunction with the Texas Tech Police Department, may issue a Criminal Trespass to that individual(s) to any guest to the university whose presence could significantly disrupt the normal operations of the university, or who is alleged to have violated university policies and/or is deemed to pose a threat to the physical and/or emotional well-being of a student or other members of the University Community.~~

~~*Note: Students of Texas Tech University may be held responsible for actions of their guests.*~~

5. 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 Investigator. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the Investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process.

Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

Involved parties have the right to, and are encouraged to, be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

A student has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a parent or legal guardian, a relative, or an attorney. An advisor's role is that of support—they may not speak on behalf of the student and do not have an active, participatory role in the conduct process. If an advisor for the Responding Party is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the university. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor. The Managing Director 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 with 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 Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information they provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

- ~~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 Texas Tech University conduct policies and procedures, and where to find them;~~
- ~~8. Know that any information provided by the student may be used in a conduct proceeding;~~
- ~~9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.~~

It is the student's responsibility to:

- 1. Be responsive to all correspondence from the university;
- 2. Provide information relevant to the incident or situation;
- 3. Be honest and provide true and accurate information during the Investigation;
- 4. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.

6. Amnesty

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 stalking, 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.

Amnesty will be extended to the Complainant, Respondent, and witnesses who provide statements during an investigation and disclose their own personal drug or alcohol use.

The university may provide educational options to students to address any concerning behavior as part of the afforded amnesty or in lieu of conduct proceedings.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*.

Amnesty may 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 influence 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, alcohol assessments, and other requirements.

OSR&R may assist with questions related to amnesty provisions, and the final determination regarding amnesty in Title IX cases will be made by the Title IX Administrator or designee.

7. Investigation Process

Response to Receipt of Incident

Upon notice or receipt of an incident report regarding Sexual Misconduct or gender-based harassment/discrimination, the Title IX Case Manager or Title IX Administrator will contact the named Complainant to gather and review information about the nature of the report. The Title IX Case Manager or designee will contact the student via their official TTU email and request a meeting to review process options and available resources. When health and safety are potentially at risk, the Case Manager may call the student on the phone number listed in their student record. In the event that the Complainant does not respond to communication, the Title IX Case Manager will send a second email communication. Complainants are not required to respond or participate in any meetings with the Title IX staff.

Intake Phase

Once a Complainant has made contact with the office, the Title IX Case Manager or designee will schedule an Intake Meeting with the Complainant. During this Intake, the Title IX Case Manager or designee will collect any additional demographic information, review this policy and the available options, and facilitate any requested resources and remedies. If the Complainant does not return contact or requests to not meet with the Title IX staff, the case is closed. If the Complainant requests only resources or remedies, the Title IX Case Manager contacts the appropriate campus parties to address the needs, and then the case is closed. If a Complainant wishes to make a statement or pursue an Investigation, the Title IX Case Manager or Title IX Administrator will appoint an Investigator.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student conduct process entirely, the university will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the university pursuing conduct action with respect to the named Respondent, the institution may investigate the incident in the same manner that an anonymous complaint may be investigated. If the Complainant does not want the university to pursue the report in any respect, the university will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists. In determining whether to investigate the incident, the institution shall consider the seriousness of the alleged incident, whether the university has received other reports of incidents committed by the alleged perpetrator(s), whether the alleged incident poses a risk of harm to others, and any other factor the institution deems relevant. If the university decides not to investigate the incident, the university shall take any steps deemed necessary to protect the health and safety of the community in relation to the incident. OSR&R will inform the Complainant of the decision to investigate, or not investigate, the reported incident.

Note: In Title IX cases, the Complainant must participate in the investigation and hearing processes in order for the university to move forward.

Note: The Title IX Administrator or designee may proceed with the conduct process (even if the Complainant(s) chooses not to participate) on a case-by-case basis if the alleged behavior involves pattern, predation, threat, or violence (PPTV) that may significantly impact the campus

community and others.

Investigation Phase

After an Investigator has been appointed, the Investigator will inquire, gather and review information about the reported misconduct, and will evaluate the accuracy, credibility, and sufficiency of the information.

If it is determined that the information reported does not warrant an allegation, a Policy Clarification and/or Referral Meeting may occur. A Policy Clarification letter may be issued to involved parties to clarify the policy in question. When evaluating whether or not to issue an allegation, an Investigator assumes all facts are true as reported. If the facts would not result in a policy violation, an allegation is not issued, and the case is closed.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to the fullest extent of the information available.

In accordance with state law, if a student withdraws or graduates from the university pending a disciplinary charge alleging the student violated the code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- (1) May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- (2) Shall expedite the institution's disciplinary process as necessary to accommodate both the Responding Party's and Complaining Party's interest in a speedy resolution.
- (3) On request from another institution, the university shall provide to the requesting institution information relating to a determination that a student enrolled violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Notice of Investigation/Notice of Involvement

A student will be given notice of their involvement in regard to a referral received by the university or once the university is put on notice by receipt of a "Notice of Investigation/Notice of Involvement" Letter. For Respondents, the Notice of Investigation will include the identity of the Complainant, the date, time, and location of the alleged incident(s), and the specific section(s) of the *Code of Student Conduct* the Respondent is alleged to have violated. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with an Investigator. 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 Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear

will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

At any point in the Investigation if additional potential allegations are discovered, the Respondent will be sent an additional Notice of Investigation/Notice of Involvement letter including the criteria listed above.

~~Actions constituting Sexual Misconduct~~

The comprehensive list of actions constituting misconduct in the *Code of Student Conduct* allegations can be found in Part I, Section B. Actions specifically related to Sexual Misconduct are located in Part I, Section B. 2 Actions against Members of the University Community and Others, and are reproduced here:

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 university operations including the cessation or temporary cessation of teaching, research, administration, other university activities, and/or other authorized non-university activities which occur on campus.~~

~~b. Harmful, Threatening, or Endangering Conduct~~

~~Intentional or reckless behavior that harms, threatens, or endangers the health or safety of self or others, including but not limited to:~~

~~1. Assault~~

~~a. Intentionally, recklessly, or knowingly causing physical harm to another individual.~~

~~b. Intentionally, recklessly, 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~~

~~An act or communication a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon a specific individual(s).~~

~~a. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.~~

~~b. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.~~

~~c. A threat, including but not limited to, threats of mass violence, issuing a bomb threat, constructing mock explosive devices, etc., against any person, group of people, or property.~~

~~3. Intimate partner / relationship violence/dating violence~~

~~For the purposes of this policy, Interpersonal Violence is:~~

~~d. Domestic or family violence is abuse or violence committed by a (1) current or former spouse or intimate partner of the Complainant, (2) person with whom the Complainant shares a child in common, (3) person who is cohabitating (or has cohabited) with the Complainant as a spouse or intimate partner, (4) person similarly situated to a spouse of the Complainant under state/local law, or (5) any other person against an adult or youth who is protected by that person's acts~~

under the state/local domestic or family violence laws.

~~e. Dating violence is abuse or violence, or a 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 Complainant. 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 person's involved in the relationship. A casual acquaintanceship or ordinary socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.—~~

~~f. Verbal abuse must be sufficiently severe, persistent, or pervasive that it adversely affects the victim's Complainant'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.~~

~~4. Bullying / cyber bullying~~

~~Repeated or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. Activities protected by freedom of expression will not be considered violations of the *Code of Student Conduct*. NOTE: Information related to freedom of expression policy is available in Part II, Section Q Use of University Space.~~

~~5. Stalking~~

~~—A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's 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. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~

~~7. Mutual Combat~~

~~Any incident between two or more individuals in which violence or the threat of violence is mutual.~~

~~*NOTE: Claims of self defense will be evaluated as a mitigating factor on a case-by-case basis and may still be investigated by the Office of Student Conduct.*~~

~~e. Sexual Misconduct~~

~~1. Sexual Harassment~~

~~Unwelcome sex-based verbal, written, or physical conduct when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education; (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or (3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or~~

~~educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe, persistent, or pervasive.~~

~~2. Sexual Exploitation~~

~~Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:~~

- ~~a. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent;~~
- ~~b. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent;~~
- ~~c. Sexual voyeurism;~~
- ~~d. Inducing another to expose one's genitals or private areas;~~
- ~~e. Prostituting another student;~~
- ~~f. Knowingly exposing someone to or transmitting a sexually transmitted infection without the party's full knowledge and consent.~~

~~3. Public Indecency~~

~~Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.~~

~~4. Nonconsensual Sexual Contact~~

~~Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. 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.~~

~~5. Nonconsensual 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. This can include intentional removal of a condom or other protective measure during intercourse without the consent of the partner.~~

~~d. Hazing *Information available in Part I, Section B:2.*~~

~~e. Discriminatory Harassment~~

~~Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, gender, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the university's resources and opportunities.~~

~~f. Retaliatory Discrimination or Harassment~~

~~Any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity.~~

~~g. Complicity or Knowingly Present~~

- ~~1. Assisting via acts or omissions another student, individual, or group in committing or~~

attempting to commit a violation of the *Code of Student Conduct*.

2. ~~Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.~~
3. ~~Any person who is knowingly present for the commission of a violation of the *Code of Student Conduct* and does not take steps to remove themselves from the location of the violation.~~

NOTE: Actions involving free-expression activities are covered in Community Policies, Section H.

~~When initial inquiry indicates a concurrent police investigation is occurring, the Investigator will, where possible, collaborate with the Texas Tech Police Department during the investigation. Elements of this collaborative investigation may include the Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Investigator will never take physical custody of any physical or electronic evidence but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the investigative report.~~

~~During the investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered. The university will make all reasonable efforts to obtain relevant information such as surveillance video footage, university card swipe access and other information that may be available to the Institution.~~

~~At any point in the investigation, either party may request to initiate the Voluntary Resolution process. This process is contingent upon the agreement of both the Complainant and Respondent, with the concurrence of the Title IX Administrator or designee. More information about the Voluntary Resolution process can be found under the *Resolution Phase* section below.~~

~~Once the investigation is complete, the Investigator will compile the relevant information and evidence into an investigation report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and does not obstruct 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 investigation has concluded. In order to protect confidentiality students may be given an electronic password protected copy of the investigation report which may be redacted. Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the investigation at which point the Investigator reiterates the options for resolution to the involved parties. Should students not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student's participation, if appropriate.~~

Resolution Phase

Referral Meeting

A University official may request a meeting with a student in order to discuss a referral made to OSR&R or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, 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 Respondent that repeated referrals may warrant an Investigation which may warrant adjudication.

Voluntary Resolution

In any matter governed by the *Code of Student Conduct*, the parties (the Complainant and Respondent) 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 Title IX Administrator 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 may be agreed upon by the parties with concurrence from the Title IX Administrator 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. Should either party violate the terms of the Voluntary Resolution, the matter may be referred to the Office of Student Conduct for adjudication.

Informal Resolution Informal Conference

If after the Investigation, the Respondent accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the **Informal Resolution Informal Conference** Process, the Investigator conducting the initial inquiry/Investigation will contact the Office of Student Conduct who will inform the student of the appropriate sanctions for the misconduct. To participate in the **Informal Resolution Informal Conference** process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Investigator. The case will only be reopened if new material, previously unavailable is presented.

Written notification of the outcomes and sanctions, if applicable, of the ~~Informal Resolution~~ ~~Informal Conference~~ will be provided simultaneously to the student(s) and appropriate University Administrators within five (5) university working days of the effectuation of the ~~Informal Resolution~~ ~~Informal Conference~~.

Hearings

Should the Complainant and Respondent wish to resolve the case through a formal Hearing, there are two options available: Administrative Hearing and Panel Hearing. For either type of Hearing, students will first complete the Pre-Hearing Process.

a. ~~Pre-Hearing Process~~

~~In cases involving an Administrative or Panel Hearing, the Pre-Hearing Process will be followed. Once the Investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Parties will acknowledge the receipt of and ability to review the completed Investigation Report and that they have no other information to present. Once the Investigation Report is finalized, the case will officially be referred to the Office of Student Conduct for adjudication.~~

~~Complainants and Respondents will then meet with their Resource Person in the Office of Student Conduct to complete the remainder of the Pre-Hearing Process. (Note: additional information about the Resource Person may be found in Part I, Section A, I.c.4.) The Resource Person will review other documents including the Hearing Panel composition, Hearing Script, Opening, Closing, and Impact Statement, and Appeal Procedures. Following the Pre-Hearing, student(s) will be notified of a date, time, and location of the Hearing via written notification sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the university's primary means of communication with students. Students are responsible for all communication delivered to their university email address. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel 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 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 Investigator immediately. If the new information is pertinent to the consideration of the case, the 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, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.~~

~~NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Investigator may be rejected.~~

~~Students may indicate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing is preferred. However, the Dean of Students, Managing Director, Title IX Administrator or designee has the sole discretion in all cases to designate whether an Administrative Hearing, Panel Hearing or Sanction Only Hearing will be held notwithstanding the student's preference.~~

~~In cases requiring a Hearing Panel, the Resource Person will share the pool of staff trained for Hearing Panels. 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 Resource Person with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Resource Person will schedule the Panel Hearing.~~

~~At the discretion of the Title IX Administrator or designee, a review of the case may occur at any point during the investigation or conduct process for clarification of procedural processes and may be remanded to investigation or adjudication if deemed necessary.~~

~~b. 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 either an Administrative or a Panel Hearing and issue a finding and accompanying sanctions, if applicable. The 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 Hearing, the Administrator or the Hearing Panel may consider the information contained in the Investigation Report 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. For Title IX cases, the Complainant must participate in both the Investigation and Hearing processes for the matter to move forward to adjudication.~~

~~Hearings are closed to the public. In Title IX cases, both the Complainant and Respondent 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 Complainant and Respondent do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time or to participate from a separate room/ electronically, students should contact the Office of Student Conduct prior to the Hearing.

An In Absentia decision may be rendered by the appointed hearing body after proper notice has been given to the Respondent and the Respondent has failed to respond within the allotted time frame to meet with an Investigator.

The Managing Director or designee shall appoint a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is a staff member in the Office of Student Conduct. The Resource Person assures that university/college procedures are followed throughout the Hearing.

The Panel Resource Person may:

- Prepare the Administrative/Panel Hearing materials;
- Record the Administrative/Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative/Panel Hearing;
- Ensure the procedural soundness of the Administrative/Panel Hearing;
- Provide student conduct history of the Respondent during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative/Panel Hearing;
- Compile the post-Hearing documentation;
- Deliver simultaneous notification to student parties.

The Investigator will present the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent may make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent may not make character statements about themselves or others and may not make impact statements. The Complainant and Respondent may make comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may pose questions for each other through the Investigator. Should new evidence be presented without prior discussion with the 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 removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses. Simultaneous notification of outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) university working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Conduct Appeal Procedures outlined below in this document.

Note: All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the university.

1. 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 is assigned by the Office of Student Conduct Managing Director 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 working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Conduct Appeal Procedures outlined below.

2. Panel Hearing

A Panel Hearing is the process of adjudicating allegations of violations of the *Student Code of Conduct* by a Hearing Panel. For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Simultaneous notification of outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined below.

3. 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 body by the Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the Respondent and may be considered by the Hearing body. Simultaneous 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 Conduct Appeal Procedures outlined below. 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.

Sanctions

An Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an ~~Informal Resolution~~ **Informal Conference**, Administrative Hearing, or Panel Hearing, when a student is found responsible. The potential sanctions are listed on the Title IX website at <http://www.depts.ttu.edu/titleix/> or in the *Code of Student Conduct* grid at <http://www.depts.ttu.edu/studentconduct>. The grid is provided only as a guideline for administering sanctions by the Administrative Hearing Officer and/or Hearing Panel. The Administrative Hearing Officer and/or the Hearing Panel may deviate from the grid for sufficient reason. Implementation of the disciplinary sanction(s) will begin immediately or as assigned.

In limited instances such as removal from University Student Housing, Suspension, or Expulsion, a student may submit an Intent to Appeal to the Managing Director or designee as soon after receipt of the hearing decision as possible and prior to the deadline to appeal (3 days). The student must clearly state an intent to appeal and must include the preliminary identification of the appropriate ground(s) of which the student believes an error occurred. Upon confirmation of receipt of the intent to appeal by the Managing Director or designee, the effective date of the student’s sanction(s) will be delayed pending the outcome of the appeal. However, upon the judgement of the Managing Director or designee, some cases (e.g. including but not limited to reasonable belief the student poses an active threat to at least one member of the University Community) with sanctions of housing removal, suspension, or expulsion may begin prior to the completion of the conduct appeal process.

Note: an Intent to Appeal does not satisfy the need for the student to articulate and submit a written appeal request as detailed in the Conduct Appeal Procedures below.

Both the Respondent and the Complainant will be simultaneously notified of the appellate officer’s decision and sanctions as appropriate. When sanctions are final, appropriate University Administrators may be notified of the student’s sanctions. Findings and sanctions agreed upon through the **Informal Resolution** **Informal Conference** Process are final and cannot be appealed.

All records related to the disciplinary process will remain on file in the Office for Student Rights and Resolution and the Office of Student Conduct for a minimum of seven (7) years from the date the case is completed through an **Informal Resolution** **Informal Conference**, Administrative Hearing, or Panel Hearing and/or Conduct Appeal Procedures. 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 this section to the student that the action in question was misconduct.

b. — Disciplinary Probation

Disciplinary Probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with university policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

c. — 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, university related activities, or be present on campus property. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. 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. In most instances, the notation of Disciplinary Suspension will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Suspension notation in the following instances: 1) the student is eligible to reenroll in the institution or 2) the Managing Director or designee, in conjunction with the Title IX Administrator, determines that good cause exists to remove the notation. A Disciplinary Suspension of a student will indicate the date on which the suspension period begins and the earliest date the application for student readmission will be considered. The Managing Director or designee 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 Managing Director or designee may recommend denial of readmission of a student. On denial of a student's readmission, the Managing Director or designee will set a date when another application for readmission may again be made. An administrative hold will be placed on the student's record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time limited disciplinary suspension, please refer to OP 34.21 located at <http://www.depts.ttu.edu/opmanual/OP34.21.pdf>

d. — Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the university. This 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, "Expulsion" and the date in which the student's expulsion became effective. In most instances, the notation of Disciplinary Expulsion will remain on the transcript permanently. A student has the ability to petition to remove a Disciplinary Expulsion notation in the following instances: 1) the student is eligible to reenroll in the

institution or 2) the Managing Director or designee determines that good cause exists to remove the notation. An administrative hold will be placed on the student's record to prevent future registration.

e. — Conditions

A condition is an educational or personal element that is assigned by an Administrative Hearing Officer or Hearing Panel. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session;
- Discretionary educational conditions and/or programs of educational service to the university and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the university;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.

f. — 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.

NOTE: Any student at any time may request a review of the sanctions in place in writing to the Managing Director or designee.

Conduct Appeal Procedures

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or Panel Hearing by submitting a written petition to the Office of Student Conduct Managing Director or designee within three (3) university working days of the delivery of the written decision. If a student selects a Sanction Only Hearing, the student may appeal the sanction and can only appeal on the following grounds, "the sanction(s) imposed substantially varies from the range of sanctions normally imposed for similar infractions." The student may appeal by submitting a written petition to the designated appeal officer within three (3) university working days of delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

~~The Dean of Students, Managing Director, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained university staff or faculty member who did not serve as the Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.~~

~~The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:~~

- ~~• A procedural [or substantive error] occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);~~
- ~~• The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or~~
- ~~• The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.~~

~~NOTE: Lack of participation at any part of the Investigation or conduct process does not constitute as new evidence.~~

~~In Title IX cases, either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the written appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.~~

~~The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days.~~

~~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, they may:~~

- ~~• Modify the finding and/or increase, decrease, or otherwise modify the~~

sanctions;

- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

The Office of Student Conduct shall make all reasonable efforts to simultaneously notify the parties(s) of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student(s) the result of their appeal using the written notification procedures within ten (10) university working days from receipt of all responses. 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 Body, the decision of that Hearing Body is final and may not be appealed.

NOTE: For information pertaining to an Intent to Appeal and delay of sanctions, please see sanction procedures.

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 their records under this section must request readmission from the Managing Director or designee at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Managing Director or designee to submit evidence in writing supportive of his/her present ability to return to the university. The university will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Managing Director for the Office of Student Conduct or designee for the removal of the administrative hold, the student must then complete the regular university readmission procedures.

8. Retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals, and/or adverse actions related to an individual's employment or education. 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 report the incident to OSR&R.

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.

9. Confidentiality

The confidentiality of both the Complainant and Respondent will be honored by the university to the extent possible without compromising the university's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the university also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many university employees have mandatory reporting and response obligations and may not be able to honor a Complainant's request for confidentiality. The Title IX Administrator will evaluate requests for confidentiality.

The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Respondent, may affect the integrity of the investigation.

Students may make confidential reports to the University Student Counseling Center, Family Therapy Clinic, Psychology Clinic or Student Health Services. Complainants may also make confidential reports to Voice of Hope or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the university. Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

10. Interference with an Investigation

Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the university. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

11. Training and Education

Texas Tech's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new employees, ongoing education to both employees and students, and emailing information regarding this policy to students at the

~~beginning of each academic semester. This policy is published on the university's website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff. All incoming first year and transfer students must attend an in-person Orientation session, and must additionally complete an online education module. Failure to complete this required training may result in a hold being placed on the student's account. All employees must attend Equal Opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as risk reduction and safe and positive options for bystander intervention. In addition, university employees and administrators responsible for implementing this policy, including the Title IX Administrator, Assistant Title IX Administrator, Title IX Deputy Administrators, Investigators, and Hearing Officers, receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.~~

SECTION E. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Managing Director or designee will appoint an Investigator to review allegations of misconduct. The 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. If it is determined that the information reported does not warrant an allegation, a Policy Clarification Letter may be issued to involved parties to clarify the policy in question.

When an initial report of misconduct by a third party does not identify the involved parties or the involved parties are not available, the Investigator will investigate the reported incident to fullest extent of the information available.

When a Complainant is identified but is reluctant to participate in the investigative process and/or the student organization conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

1. Remedies & Resources

The University may take immediate interim actions to eliminate hostile environments, prevent recurrence, and address any effects on the Complainant and community prior to the initiation of formal Investigation and/or formal conduct processes. These interim immediate steps will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Remedies for students may include, but are not limited to counseling services, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

a. Resources

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to student and/or student organization conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Office of the Dean of Students is also available to help students understand the student conduct process and identify resources.

b. Interim Actions for Student Organizations

Under the *Code of Student Conduct*, the Managing Director or designee may impose restrictions and/or impose an Interim Suspension of Student Organization Activities on a student organization pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct* when a student organization represents a threat of serious harm to others 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 Interim Suspension of Organization Activities or restrictions pending the completion of the conduct process for alleged violation(s) of the *Code of Student Conduct*. A student organization that receives an interim action(s) or Interim Suspension of Student Organization Activities may request a meeting with the Managing Director to demonstrate why an interim action(s) or Interim Suspension of Student Organization Activities is not merited. Regardless of the outcome of this meeting, the University may still proceed with conducting an Investigation and the scheduling of a campus Hearing. Through an interim action or during an interim suspension, a student may be denied access to University facilities/events. As determined appropriate by the Managing Director, or designee this restriction may include University activities or privileges for which the student organization might otherwise be eligible. Student organizations are informed of interim actions or of an interim suspension by the official notice procedures outlined in Part I, section A.3 of the *Code of Student Conduct*. Interim action(s) or an Interim Suspension of Student Organization Activities are not sanctions. Interim actions are taken in an effort to protect the safety and well-being of the Complainant, Respondent, and/or other members of the University Community. Interim action(s) is/are preliminary in nature; and are in effect only until the conduct process has been completed. However, violations of interim action may result in additional allegations of the *Code of Student Conduct*.

c. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or designee via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in an Interim Suspension of Student Organization Activities during the completion of the conduct process. The term of a No Contact Order is one year from the date of issuance, or the graduation of one or both parties, whichever comes first.

d. Interim Suspension of Student Organization Activities

Under the *Code of Student Conduct*, the Managing Director or designee may, when the student organization represents a threat or serious harm to others that is deemed a continuous threat, or is facing allegations of criminal activity, impose restrictions, including, but not limited to temporarily suspending the activities of a student organization pending the outcome of the University's and/or Headquarters, sponsoring department or organization (where applicable) conduct process. The purpose of an interim suspension of activities is to protect students, preserve the integrity of an Investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operation of the University.

Examples of conduct or incidents that may result in an Interim Suspension of Student Organization Activities, include but are not limited to, hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an Interim Suspension of Student Organization Activities may request a meeting with the Managing Director or designee to discuss the rationale for the action. During an Interim Suspension of Student Organization Activities, the student organization is limited to minimal functions in order to conduct the Investigation only. Failure or refusal to follow the Interim Suspension of Student Organization Activities may result in additional charges of misconduct. Student organizations will be informed of interim actions pursuant to the official notice procedures outlined in Part I, section A.3. of the *Code of Student Conduct*. An interim action is not considered a sanction.

In the event an Immediate Suspension of Student Organization Activities is issued, a student organization may request a review of the Immediate Suspension of Student Organization Activities by the Managing Director or designee.

2. Referral Meeting

A University official may request a meeting with a student organization spokesperson (in most cases, the President of the Organization) in order to discuss a referral made to the Office of Student Conduct or other administrative department when the referral may not be deemed a violation of the *Code of Student Conduct*, but when the Investigator or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the student organization that repeated referrals may warrant an Investigation which may warrant adjudication.

3. Voluntary Resolution

In any matter governed by the *Code of Student Conduct*, the parties (usually the Complainant and Respondent) 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 Managing Director. 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 may be agreed upon by the parties with concurrence from the Managing Director, 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.

4. The Conduct Process for Student Organizations

a. Notice of Investigation/Notice of Involvement

A student organization will be given notice of the organization's involvement in a referral or report received by the University related to the *Code of Student Conduct* by receipt of a "Notice of Investigation/Notice of Involvement" letter which will include an invitation for the student organization spokesperson to meet with an Investigator. In a case of a student organization's dangerous misconduct, serious injury, and/or death, The Managing Director or designee may issue an interim suspension of all organizational activities. In the event that a student organization fails to respond to written notification, interim actions and/or restrictions may be implemented by the Managing Director or designee. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent an Investigator from proceeding with the conduct process. Likewise, failure of a student organization to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

The Investigator may notify a student organization's advisor, Headquarters, sponsoring department or organization (that a referral was received by the University).

The Managing Director or designee may proceed with the conduct process (even if the complainant chooses not to participate) on a case by case basis if the alleged behavior

involves pattern, predation, threat, or violence that may significantly impact the campus community and others.

b. Rights & Responsibilities

Prior to the formal Investigation process, the student organization spokesperson will be provided a Student Organization Rights & Responsibilities document to review and sign prior to an interview with the Investigator. Additionally, each individual student involved in any capacity with a student organization Investigation will be provided the Student Rights and Responsibilities document detailed in Part I, Section C.3.b. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Information gathered during the course of the Investigation and student conduct process may be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student organization has the right to:

1. A prompt, fair, and equitable process;
2. Be accompanied by one advisor at any conduct or related proceeding. An “advisor” can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor’s role is that of support – he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University. Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Investigator and with advanced notice. Student organizations are reminded that the organization’s advisor of choice is only permitted to accompany a student in a conduct or related proceeding if they are chosen by that student as that student’s advisor of choice.

The Managing Director 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. 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 whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the Investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization

provides only limited information during the Investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary. The rationale for this policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

4. Provide information and evidence in support of the case;
5. Know if they have been issued any allegations of misconduct;
6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
7. Know the Texas Tech University conduct policies and procedures, and where to find them;
8. Know that any information provided by the student organization may be used in a conduct proceeding;
9. Know that if the student organization spokesperson, or members of the organization, makes any false or misleading statements on behalf of the organization during the student conduct process, the student organization could be subject to further disciplinary action.

It is the Student Organization's Responsibility to:

1. Appoint one organizational spokesperson. In most cases, the organization's spokesperson is the President of the organization. However, organizations may appoint an alternate spokesperson to formally represent the organization. A student organization spokesperson must be a currently Texas Tech University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international Headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the President of the organization. The student organization spokesperson is responsible for making all official responses on behalf of the organization during any student organization conduct proceeding. In the event that the student organization spokesperson is not be able to speak on behalf of the local advisory board to the student organization, a representative from the local advisory board may speak on behalf of the local advisory board. Be responsive to all communications 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 Managing Director or designee will appoint an Investigator to conduct a thorough, reliable, and impartial Investigation of the reported concern. 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.

1. Partnership Process

At all times, the Managing Director or designee retains the discretion to investigate a referrals of student organization misconduct. However, in the initial meeting with the Investigator, a student organization may indicate their preference to conduct an internal Investigation as a part of a Partnership Process with the Office of Student Conduct and/or Center for Campus Life.

Student organizations participating in a Partnership Process must commit to the deadlines and formatting requirements provided by the Managing Director or designee Upon the conclusion of the internal Investigation, the student organization spokesperson shall present a written report of its internal Investigation findings to the Managing Director or designee If the Managing Director or designee determines that no further action is necessary, he/she may conclude the investigative process, and consider the matter closed.

Upon completion of the internal Investigation, the Managing Director or designee has the discretion to approve and/or adopt the internal investigative report, in whole or in part, as the Final Investigation Report. An internal Investigation may be rejected, in whole, or in part for reasons including, but not limited to, the following:

- The student organization obstructed the process, or provided false, incomplete, or inaccurate information;
- The student organization did not conduct its Investigation or provide a report in a timely manner;
- The student organization violated Interim Actions imposed by the Managing Director or designee; or
- The Office of Student Conduct receives additional referrals of misconduct against the student organization during the pendency of the internal Investigation.

If the internal Investigation Report is accepted by the Managing Director or designee the assigned Investigator may proceed to assign allegations of the *Code of Student Conduct* to the student organization. If information contained in the internal Investigation Report indicates that there is insufficient evidence to support organizational allegations, but that individual organization members may be responsible, the Investigator may proceed with the conduct process for individual students. In order to proceed with the conduct process for individual students, the names of individuals involved must be provided in the internal Investigation Report.

In the event the internal Investigation Report is rejected, in whole or in part, the Managing Director or designee may proceed with a University Investigation (Part I, Section D.3.c.2).

Note: Student organizations conducting any internal Investigation may be subject to Interim Actions that may be imposed upon the student organization by the Managing Director or designee.

2. University Investigation Process

Should a student organization not complete the Partnership Process, the Managing Director or designee may proceed with the University Investigation Process.

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 Investigator instead of meeting together with other Investigators. The identities of individuals who issue statements in organizational conduct Investigations, may be withheld from Investigation Reports at the discretion of the Managing Director or designee.

During the investigative process, the student organization spokesperson is responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the 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 does not obstruct concurrent or forthcoming police Investigations. The student organization spokesperson 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, the student organization spokesperson may be given an electronic password protected copy of the investigation report which may be redacted. Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the

Investigation at which point the Investigator explains the options for resolution to the involved parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The Investigator may assign allegation(s) to the Respondent based on the information that the Investigator collected without the student organization's participation, if appropriate.

The university will attempt to facilitate 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 representative, and the student organization representative has failed to respond within the allotted time frame to meet with an investigator.

d. ~~Informal Resolution~~Informal Conference (Partnership Process)

If after the Investigation, the responding student organization accepts responsibility for the allegation(s) of *The Code of Student Conduct* outlined in the Final Investigation Report, the student organization may be eligible to resolve the issue informally. Student organizations participating in the ~~Informal Resolution~~Informal Conference process must commit to the deadlines and formatting requirements of requested documentation and as provided by the "Managing Director" or designee. The student organization spokesperson is responsible for preparing the ~~Informal Resolution~~Informal Conference, which will include proposed sanction(s), corrective actions, and educational enhancement plans for the student organization. The student organization spokesperson is encouraged to consult appropriate University staff in the Center for Campus Life, the Office of Student Conduct, the appointed Investigator, the Office of Student Conduct sanction grid, the student organization's officers, advisor, Headquarters, sponsoring department or organization, and/or governing council representative to develop an ~~Informal Resolution~~Informal Conference that is appropriate, effective, and is proportionate to the severity of the incident and the cumulative conduct history of the student organization.

Upon timely receipt of the ~~Informal Resolution~~Informal Conference, the Managing Director or designee may adopt, reject, or supplement, in whole or in part, the sanction(s) proposed in the ~~Informal Resolution~~Informal Conference presented by the student organization. In the event the proposed ~~Informal Resolution~~Informal Conference is rejected, in whole or in part, the student organization's alleged violations of the *Code of Student Conduct* may be resolved pursuant to the Pre-Hearing process outlined in Part I, Section D.3.e and the Formal Hearing process as outlined in Part I, Section D.4.

There is no appeal of signed ~~informal resolution~~Informal Conferences. Once completed, the ~~informal resolution~~Informal Conference completes the conduct process for student organizations. The case will only be reopened if new materials, previously unavailable are presented.

Written notification of the outcomes and sanctions, if applicable, of the ~~Informal Resolution~~Informal Conference will be provided to the student organization and appropriate University Administrators within five (5) University working days of the effectuation of the ~~Informal Resolution~~Informal Conference.

Findings and sanctions agreed upon through the ~~Informal Resolution~~Informal Conference Partnership Sanctioning Process, are final and cannot be appealed.

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 student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or Panel Hearing. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or Panel Hearing. Other documents include notification of Respondent's allegations, Hearing Panel composition, and Hearing script. Following the Pre-Hearing, student organizations will be notified, via the notification procedures, outlined in Part I, Section A.3 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 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 Investigator immediately. If the new information is pertinent to the consideration of the case, the 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 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, Complainants and Respondents will have the opportunity to question the statements and evidence presented by the other involved parties, via the Investigator, who will pose the questions and supplement the Investigation Report.

Questions that are deemed objectionable, inappropriate, and/or irrelevant by the

Investigator may be rejected.

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

Student organizations may indicate whether an Administrative Hearing or Panel Hearing is preferred. However, the Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or Panel Hearing will be held notwithstanding the student's preference.

In cases requiring a Hearing Panel, the Investigator will share the pool of faculty, staff, and students trained for Hearing Panels. Student organization representatives will be given the opportunity to request to strike any member of the Hearing Panel whose impartiality may be in question. In order to strike a member of the Hearing Panel, the student organization representative must provide the Investigator with a reasonable and substantiated rationale for the request. Once the composition of the Hearing Panel is set, the Investigator will schedule the Panel Hearing.

At the discretion of the Managing Director 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 back to investigation if deemed necessary.

5. Hearings

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 Investigator or the Hearing Panel may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a Hearing Panel.

Hearings are closed to the public. Complainants and Respondents 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 complaining and responding students are not present in the Hearing room at the same time.

Student organizations are represented by the student organization spokesperson. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of

conduct processes when a current student is no longer able to represent the organization.

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 Investigator that completed the Investigation Report, or Administrative Hearing Officer assigned by the Managing Director or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working 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 D.14.

b. Panel Hearing

For each Panel Hearing, a Panel of three (3) members will be chosen from the available pool by the Managing Director or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director or designee will appoint three Administrative Hearing Officers for the Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of Administrative Hearing Officers. The Resource Person assures that University/College procedures are followed throughout the Hearing. The Panel Resource Person may:

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;

- Ensure the procedural soundness of the Administrative Panel Hearing;
- Provide student conduct history of the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post-Hearing documentation,
- Deliver notification to student parties.

The Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to make an opening statement about key points of the case. During the opening statement phase of the conduct process, the Complainant and the Respondent do not have the right to make character statements about themselves or others and do not have the right to make impact statements. Likewise, the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Panel may ask questions of the Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Investigator. Should new evidence be presented without prior discussion with the 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 removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The Investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

Should the Hearing Panel have any questions for the Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days of the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Conduct 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 Investigator. During presentation of the Investigation Report and finding, the Respondent and the Complainant are not allowed to dispute the facts or details of the case. Both the Respondent and the Complainant may be present and both the Respondent and the Complainant may provide impact statements prior to sanctioning. Mitigating factors as well as a character statement may also be presented by the student organization spokesperson and may be considered by the Hearing body. Written notification of the outcome 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 student organizations by utilizing the Conduct 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 only choose a Hearing Panel for Sanction Only Hearings for potentially separable offenses. Prior to the sanctioning phase of a hearing, the complainant and/or respondent are allowed to give an impact statement. The investigator may assist the Resource Person or Committee Chairperson during the hearing

6. Sanctions

An Investigator, Administrative Hearing Officer, or a Hearing Panel may impose sanctions as a result of an ~~Informal Resolution~~Informal Conference, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the Investigator, Administrative Hearing Officer or the Hearing Panel.

The cooperation of an organization during the Investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a conduct appeal has expired or until the conduct appeal process is exhausted. Upon the judgment of the Managing Director or designee, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the conduct appeal process.

If a student organization is found responsible for violating the Code of Student Conduct, sanctions may be imposed and can include, but is not limited to the following:

- a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good standing.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

c. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the University is suspended, including the privileges and benefits of registration. All organizational activity, whether on or off campus, official or unofficial, must immediately cease until the conclusion of the suspension. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. The suspension will not commence for purposes of calculating the end date of such suspension until all activity of the organization has completely ceased, and such end date will be extended for any time in which such activities resume and/or continue during the suspension. If an inter/national or regional organization suspends the charter of an organization, the time-limited suspension for the student organization will be the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Managing Director or designee 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 Managing Director or designee may deny registration to the student organization. On a denial of student organization registration, the Investigator or Managing Director or designee will set a date when another application for registration may again be made.

d. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student organization is permanently separated from the University with no opportunity for future registration as a student organization.

e. Conditions

A condition is an additional component of a disciplinary sanction, usually an educational element assigned to occur in conjunction with a period of probation or deferred suspension or assigned to occur prior to returning from time-limited suspension. Examples include, but are not limited to

- Hosting educational programs or initiatives for the organization or community related to the misconduct
- Requirements for additional training or advisement from TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans

f. Restrictions

A restriction is an additional component of a disciplinary sanction, usually an educational restriction on organization activities that occurs during a time period of probations or deferred suspension or upon return from time-limited suspension. Examples include, but are not limited to

- Revocation of organization benefits such as eligibility for SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus
- Denial of participation or restrictions associated with participation in University activities as a student organization such as homecoming, intramurals, recruitment activities

g. Required Notifications

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student enrolled at the institution no later than the 14th class day of each fall and spring semester a copy of, or an electronic link to a copy of, a report on hazing committed on or off campus by an organization registered with or recognized by the institution.

Each postsecondary educational institution shall develop and post in a prominent location on the institution's Internet website a report on hazing committed on or off campus by an organization registered with or recognized by the institution. The report must include:

1. Information regarding each disciplinary action taken by the institution against an organization for hazing, and each finding of responsible of hazing by an organization, during the three years preceding the date on which the report is issued or updated, including:

- A. The name of the organization disciplined or found responsible;
 - B. The date on which the incident occurred or the citation was issued, if applicable;
 - C. The date on which the institution's investigation into the incident, if any, was initiated;
 - D. A general description of:
 - i. The incident;
 - ii. The violations of the institution's Code of Student Conduct;
 - iii. The findings of the institution;
 - iv. Any sanctions imposed by the institution on the organization;
 - E. The date on which the institution's disciplinary process was resolved;
2. The report must be updated to include information regarding each disciplinary process not later than the 30th day after the date on which the disciplinary process is resolved; and
 3. The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report required under Texas Education Code, Chapter 51.936 and include the Internet website address to access the report.

A student organization spokesperson may, at any time request a review of the sanctions in place in writing to the Managing Director or designee.

7. Conduct Appeal Procedures

- a. A student organization may appeal the decision of a formal Hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal Hearing by submitting a written petition for appeal to the the Managing Director or designee within three (3) University working days of receiving the written decision.
- b. The Managing Director, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
- d. The only proper grounds for appeal are as follows
 - Procedural or substantive error that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);

- Discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
 - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for one response. Responses must be provided within three (3) university working days.
 - 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. The Hearing Body and/or a representative of the Hearing Body may provide a response to the appeal upon request of the appellate officer within three (3) university working days
 - 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 Hearing Panel. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
 - Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
 - Remand the case to the original Hearing Body;
 - Remand the case to a new Hearing Body.
 - h. The Office of Student Conduct or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days of receipt of all responses. 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 Body, the decision of that Hearing Body is final and may not be appealed.

8. 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~~Informal Conference, formal Hearing, and/or conduct appeal processes.
 - b. Student organization records do not impact the content of individual student records for student organization members. Findings of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.
 - c. Student organization conduct decisions and finding are shared with the student organization's Headquarters, sponsoring department, or organizations as appropriate.
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PART II
COMMUNITY POLICIES

SECTION A. ALCOHOL POLICY & INFORMATION

a. Alcoholic Beverage Provisions in the *Code of Student Conduct*

SECTION B. ACADEMIC INTEGRITY

a. Texas Tech University Statement of Academic Integrity

Academic integrity is taking responsibility for one’s own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers. [[Texas Tech University \(“University”\) Quality Enhancement Plan, Academic Integrity Task Force, 2010](#)]

b. Academic Dishonesty Definitions

Students must understand the principles of academic ~~integrity, and~~ integrity and abide by them in all class and/or course work at the University. Academic Misconduct violations are outlined Part I, section B of the *Code of Student Conduct*. If there are questions of

interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

c. Instructor 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 Office of Student Conduct to discuss the nature of the violation and the student's record of academic integrity violations.

Instructions for reporting allegations of academic dishonesty are available in the *Code of Student Conduct*. The instructor should attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to assigning a paper or research project related to academic integrity, make-up assignment that is different than the original assignment, issue no credit for the original assignment, reduce the grade for the assignment and/or course, issue a failing grade on the assignment, and/or issue a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Office of Student Conduct as a central clearinghouse of violations and for adjudication as a *Code of Student Conduct* violation where disciplinary sanctions will be assigned.

d. Withdrawal and Assignment of Grades

1. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Vice Provost for Student Affairs for approval to drop the course or withdraw from the University retroactively. Any student found responsible for an academic integrity violation and assigned an academic penalty of F in the course may not drop the course during the semester in which the violation occurred.
2. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Associate Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Office of the Registrar, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic channels and the completion of a grade change form. All appeals related to academic integrity violations should follow the process outlined in Part I, section C. (Conduct Appeals Procedures).

e. **Academic and Disciplinary Penalties**

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

f. **Referrals to the Office of Student Conduct**

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Office of Student Conduct for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the *Code of Student Conduct*. A student referred to the Office of Student Conduct for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the *Code of Student Conduct*.

Law students are subject to discipline procedures as described in the Honor Code of the School of Law. Instructors of record of the course where the violation occurred and the associate academic dean of the college where the student is enrolled or of the college housing the course where the violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Office of Student Conduct as outlined in the *Code of Student Conduct*.

NOTE: Additional Academic Integrity information is available from the Office of Student Conduct

SECTION C. ANTI-DISCRIMINATION POLICY

The university does not tolerate discrimination or harassment based on or related to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, or other protected categories, classes, or characteristics. ~~While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.~~ (<http://www.depts.ttu.edu/opmanual/OP40.02.pdf>)

1. **Discriminatory Harassment**

- a. Discriminatory harassment is verbal or physical conduct that shows hostility toward an individual based on or related to sex, race, color, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics and that 1) ~~creates~~ Creates an intimidating, hostile, or offensive working or educational environment; 2) ~~has~~ Has the purpose or effect of unreasonably interfering with an employee's or student's educational performance; 3) ~~adversely~~ Adversely affects an employee's employment opportunities or student's educational opportunities ~~or student's educational opportunities~~; and 4) ~~is~~ Is severe or pervasive.
- b. Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:

- Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
- Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, e-mails, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category;
- Derogatory remarks about a person's national origin, race or other ethnic characteristics;
- Disparaging or disrespectful comments if such comments are made because of a person's protected status;
- Loud or angry outbursts or obscenities in the academic environment directed toward another student, faculty, staff, or visitor;
- Disparate treatment without a legitimate business reason; or
- Other threats, discrimination, hazing, bullying, stalking, or violence based on a protected category, class, or characteristic.

2. Sexual Harassment

a. Unwelcome sex-based verbal, ~~written~~, or physical conduct ~~when that~~: 1)

~~In the employment context, unreasonable interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. To constitute an intimidating, hostile, or offensive working environment, the complained of conduct must be either severe, persistent, or pervasive; or 2) In the educational context, is sufficiently severe, persistent, or pervasive that the conduct unreasonably interferes with a student's ability to participate in or benefit from educational programs or activities. 1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education; 2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or 3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe, persistent, or pervasive.~~

~~a.b.~~ Examples of inappropriate behavior that may constitute sexual ~~harassment~~ Harassment include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a demeaning manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Gifts, letters, calls, e-mails, 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;
- Inappropriate discussion of private sexual behavior;
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose their genitals;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Nonconsensual Sexual Intercourse, Sexual Assault, or rape~~Sexual assault, or nonconsensual sexual intercourse or contact~~;
- Stalking;
- Domestic~~Interpersonal, Relationship~~, or Dating violence;
- Other gender-based threats, discrimination, intimidation, hazing, bullying, ~~stalking~~Stalking, or violence.

Note: While not appropriate, not all rude or offensive comments or conduct~~or~~ constitute misconduct, sexual harassment, or unlawful discrimination.

See Part I, Section B: Misconduct, C. Sexual Misconduct of the Code of Student Conduct

Submitting a Report Reporting Concerns

3. Submitting a Report

Students wishing to report an incident of discrimination or harassment, including gender-based discrimination, sexual harassment, or sexual assault, should contact the Title IX Administrator or the Office of the Dean of Students. If the complaint is against an employee the student may also contact the Office of Equal Opportunity. Additional reporting information, including how to make a confidential report, can be found at titleix.ttu.edu/, <https://www.depts.ttu.edu/dos/>, or <http://www.texastech.edu/offices/equal-employment/>.

Students reporting discrimination or harassment in their employment capacity should contact the Office of Equal Opportunity. Information on reporting may be found here: <http://www.texastech.edu/offices/equal-employment/>.

Note: The State of Texas requires Texas Tech University employees, including student employees, to report an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to involve a student enrolled at or an employee of the University at the time of the incident^{MCZ1}. For more information, please see: ...^{MCZ2} The State of Texas requires Texas Tech University employees to report an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to involve an enrolled student.

4. Office of Civil Rights Complaints

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline#: (800) 421-3481, <http://www.ed.gov/ocr>.

5. Retaliation

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, assists someone in reporting a complaint, or participates in any manner in an investigation or in the resolution of a complaint. Retaliation is defined as any intentional, adverse action taken by an individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant [or supporter of a participant] in a conduct process, civil rights grievance proceeding, or other protected activity[MCZ3].

6. Confidentiality

Confidentiality of both the involved parties [MCZ4] 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 the involved parties [MCZ5] may affect the integrity of the investigation and may result in appropriate disciplinary measures against the offending party.[MCZ6]

7. Faculty/Staff and Student Relationships

Texas Tech University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, Provost's Office or the Dean of Students.

8. Grievance or Complaint Processes

A grievance is a formal complaint pertaining to adverse actions taken on the basis of unlawful discrimination, violation of federal or state law, or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. Employees, students, or third parties with a complaint against an employee should contact the TTUS Office of Equal Opportunity (EO). Employees, students, or third parties with a complaint of discrimination and/or harassment based on sex only (as opposed to discrimination on other bases, such as race, national origin, etc.) against a student should contact the Title IX Administrator. Employees, students, or third parties with a complaint of discrimination and/or harassment against a student based on a protected class other than sex (such as race, national origin, etc.) should contact the Office of the Dean of Students or the Office of Students Rights and Resolution. On behalf of the University, the Office of the Dean of Students is designated to formally investigate reports of discrimination by or against a student. Accordingly, the Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) is designated to formally investigate reports of discrimination by or against an employee. For additional information regarding the complaint process, see TTU Operating Policies 40.02 and 40.03.

9. Student Initiated Grievances or Complaints and Investigations – Involving Employees, Whether Faculty, Staff, or Students

- a. This grievance or complaint process is applicable to all students who choose to complain about discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is acting in his/her capacity as an employee, whether faculty, staff, or student.
- b. All grievance or complaint investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
- c. The filing of a grievance or complaint shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance or complaint.
- d. A student may consult with the Office of the Dean of Students to determine if they wish to file a formal grievance or complaint. Students wishing to file a grievance or complaint should complete the grievance or complaint form located at www.depts.ttu.edu/dos/. However, even if a formal grievance or complaint is not filed, the Dean may notify key personnel at their discretion about the allegation, and other action may be taken by TTU as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing the responding party of TTU's policies and educating departments and supervisors as needed on this and other policies.
- e. If the grievance or complaint involves the Dean of Students, the grievance or complaint should be presented to the Office of Equal Opportunity.
- f. Student grievances or complaints of discrimination or harassment by an employee will be investigated jointly by the Office of the Dean of Students or Title IX Administrator and the Office of Equal Opportunity.
- g. The investigation may consist of the review of the grievance or complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Dean of Students or Title IX Administrator and the Office of Equal Opportunity. Any findings in the investigation will be based upon a preponderance of the evidence.
- h. After the investigation is complete, the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity or designee will provide a written determination to the student who has filed the grievance or complaint, the responding party and the appropriate administrators.
- i. The finding of the Office of the Dean of Students or the Title IX Administrator and the Office of Equal Opportunity is final and not appealable.
- j. In the event a finding of a violation of this policy or TTU OP 40.02 or 40.03 is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.

- k. If there is a finding of a violation of gender discrimination under TTU OP 40.02 or any violation under TTU OP 40.03 either party may appeal the imposed disciplinary action or lack thereof as provided under TTU OP 40.03. For all other violations, only the responding employee may appeal the disciplinary action as provided in other TTU policies. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of Equal Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance or complaint has taken place, the student should contact the Office of the Dean of Students, Title IX Administrator, or the Office of Equal Opportunity, and/or file a grievance or complaint for retaliation.

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 address at any time individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean. Texas Tech University Operating Policy 34.04 provides complete information regarding class attendance and reporting student illness and emergencies.

1. Student Absence due to Pregnancy and Childbirth

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." Students needing assistance related to pregnancy/childbirth absences should contact the Title IX Administrator, the Title IX Case Manager, the Dean of Students Office, or fill out a report at http://www.depts.ttu.edu/titleix/students/Report_an_Incident.php

2. Religious Holy Day Absences

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in Texas Tech University Operating Policy 34.19.

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

- a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
- b. According to Texas Tech University Operating Policy 34.06, students will be

responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

SECTION E: COMPLAINT PROCESSES

1. **Complaints/Grievances**

Texas Tech University has various procedures for addressing written student complaints/grievances. Students may seek assistance from the Office of the Dean of Students as they go through a written complaint/grievance process. The Office of the Dean of Students helps students understand all of the steps of the process as well as what information they may want to include in their written complaint/grievance.

2. **Academic Status Complaints**

Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in Operating Policy 34.07 Undergraduate Academic Status, Operating Policy 34.15 Grade Replacement Policy, and Operating Policy 64.04 Academic Probation and Suspension of Graduate Students.

3. **Complaints against Faculty (Non-Grading and Non-Discrimination)** Conduct of University Faculty is outlined in Operating Policy 32.04 Conduct of University Faculty. The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the department chair.

4. **Conduct Complaints against Other Students and Student Organizations** The *Code of Student Conduct* Part I, Section C and Section D of the TTU Student Handbook outlines the process for filing a conduct complaint against a student or student organization.

5. **Disability-Related Complaints**

a. Complaints related to disabilities are guided by Operating Policy ~~1040.048~~ [Access for Individuals with Disabilities](#), ~~Americans with Disabilities Act (ADA)~~ and Section 504 of the Rehabilitation Act (Section 504) and Operating Policy 34.22 Establishing Reasonable Accommodation for Students with Disabilities.

b. Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by a Student Disability Services counselor may appeal the decision to the Managing Director of Student Disability Services. The ADA Campus Coordinator for Students is the Managing Director of Student Disability Services, 335 West Hall, (806) 742-2405.

c. Students who wish to appeal the decision beyond the Managing Director of Student Disability Services can appeal to the Vice Provost for Student Affairs. The Vice

Provost for Student Affairs will be the final decision.

6. Student Record Complaints & FERPA

Guidelines governing student access to personal records and the procedures for challenging information in these records are contained in the student records policy that is detailed in the Student Handbook Part II, section P. The Registrar's Office provides oversight for student records and student record complaints.

7. Disciplinary Action

The University disciplinary appeals process is outlined in the Student Handbook Part I, section C. Conduct Procedures relating to the School of Law Honor Code violations are contained in the Honor Code of the School of Law. Conduct Procedures relating to the School of Law are contained in the Honor Code of the School of Law. School of Law Students are also subject to the code of student conduct. Procedures relating to the School of Medicine, School of Nursing and the School of Health Professions are contained in the School of Medicine Student Handbooks, School of Nursing Student Handbook, and the School of Health Professions Student Handbooks.

8. Employment

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with their immediate supervisor or the person in charge of that department may contact Human Resources or the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the University Operating Policy 70.10 Non-Faculty Employee Complaint Procedures and Operating Policy 40.02 (formerly 70.28) Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws.

9. Grades

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. The complete student grade appeal policy and procedure is listed in Operating Policy 34.03 Student Grade Appeal. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Office of the Provost. Also, refer to the Student Handbook Part I, section B.1 (Academic Misconduct).

10. Parking Citations

Students may appeal a campus parking citation online at www.parking.ttu.edu. Transportation & Parking Services rules and a description of the three-tiered appeals process is described in the *Traffic and Parking Regulations* available online at <http://www.depts.ttu.edu/parking/PDFsandDocuments/rulesandregs.pdf>.

11. Graduate School Requirements

- a. Graduate student complaints related to academic standing and performance follow processes outlined in Operating Policy 64.07 Graduate Student Appeals. Such matters include, but are not limited to, disputes concerning comprehensive and qualifying

examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.

- b. Appeals of course grades are made through the dean of the college in which the course is offered and are guided by process in Operating Policy 34.03 Student Grade Appeal.

12. Housing Complaints

Housing regulations and processes are provided annually in the University Student Housing Contract Guide, on the University Student Housing website. University Student Housing oversees the resolution of complaints related to student housing.

13. Online and Distance Student Complaints

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at <http://www.depts.ttu.edu/elearning/complaint-process/>.

14. Tuition, Fee, and Financial Aid Complaints

Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

SECTION F: STUDENT SUPPORT SERVICES

The University has designated a Support Services Liaison staff member to assist students. The Liaison will connect students to resources available on campus to address a variety of needs. Resources available include but are not limited to: medical and behavioral health services; public benefit programs, including programs related to food security and housing security; program benefit case management assistance and counseling; parenting and child care resources; employment assistance; financial counseling and tax preparation assistance; transportation assistance; student academic success strategies; and other support resources available to students.

A comprehensive listing of online reporting options has been established in a central location to assist students, faculty, staff, and the general community with the option to submit reports of observed or known concerns surrounding a student. When a report is received, staff will review the details of the report, will determine a response that may include available campus resources, and will ask the appropriate staff to respond to the reported concerns. For a complete list of reporting options available, please visit the Office of the Dean of Students website: <http://www.depts.ttu.edu/dos/report-a-concern.php>

Additionally, the Behavioral Intervention Team (BIT), Campus Inclusion Resource Team (CIRT), and Student Threat Assessment Team (STAT) have been established to assist with

reports related to students of concern, students in crisis, and/or imminent threat of harm directed at one or more others.

Behavioral Intervention Team (BIT)

Under the auspices of the Office of the Dean of Students, BIT is a team of professionals uniquely situated to address elevated student behavior concerns and serves as a central repository for the Texas Tech University community to report student behaviors of concern. As warranted, BIT facilitates early intervention, risk assessment and referrals to help promote student success while paying special attention to the safety and security needs of members of the University Community.

Campus Inclusion Resource Team (CIRT)

In cooperation with the Division of Diversity, Equity & Inclusion and under the direction of the Office of the Dean of Students, the CIRT is a team of professionals uniquely situated to address concerns surrounding expressive activities involving a student(s). CIRT is a non-adjudicative body that addresses concerns surrounding student behavior through appropriate use of University resources and support mechanisms. When behavior does not rise to the level of a policy violation or violation of law, a member(s) of CIRT may request to meet with individual students involved or named in the report to provide education and resources.

Members of CIRT will assist students in understanding what constitutes allowed expressive activities, what expressive activities are not allowed, where to seek information or assistance surrounding inclusive practices, how to seek referrals for on-campus support resources, and how to become involved on campus with programs and organizations who are engaged in inclusive practices.

The Campus Inclusion website will track reports including general descriptive information, appropriate responding office(s), and related outcome(s). Providing details about specific incident information is limited by policies/laws, including but not limited to the Family Educational Rights and Privacy Act of 1974 (FERPA). A CIRT report may be filed on the Diversity Equity & Inclusion, the Office of the Dean of Students, and the RISE websites or via Raiders Report; <http://www.depts.ttu.edu/dos/report-a-concern.php>

Student Threat Assessment Team (STAT)

Under the direction of the Dean of Students, the STAT is a team of professionals specially trained on acts that may constitute threatening behavior and is a subsidiary of the Behavioral Intervention Team. The STAT responds to reports of imminent threat(s) involving a student.

Support Services Liaison

Please contact the Assistant Dean of Students in the Office of the Dean of Students to access support resources available to students: (806) 742-2984; deanofstudents@ttu.edu

SECTION G. 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 and cashing privileges, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, 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.
 - Possible criminal prosecution for writing insufficient fund checks.
 - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
 - A hold preventing future registration placed on a student's academic records.
 - A hold on receiving official University transcripts until the obligation is paid.
 - The University may report individual student financial problems to a credit agency or a collection agent. Before registering or requesting a transcript, students may check on the presence of holds by accessing their records at www.raiderlink.ttu.edu under the TTU MyTech (for Students) tab.
- c. For more information, please visit the Student Business Services website at www.sbs.ttu.edu.

SECTION H. FREEDOM OF EXPRESSION

1. Freedom of Expression Activities

- a. Texas Tech University recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberation by students enrolled at TTU as well as other persons. Expressive activities on the TTU campus are governed by Texas Tech University System Regulation 07.04. The terms of such Regulation shall control in the event of any conflict between the provisions set forth in this Handbook and the terms of such Regulation. Additional information regarding events on University property is available in Part II, Section Q - Use of University Space.

SECTION I. GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT,

DISCRIMINATION, AND TITLE IX

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 (<https://www.depts.ttu.edu/opmanual/OP40.02.pdf>) and 40.03 (<http://www.depts.ttu.edu/opmanual/OP40.03.pdf>) set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and Title IX can be found at titleix.ttu.edu. Further information and definitions may be found in Section D: Title IX Procedures for Students, Section C. anti-Discrimination Policy, and Appendix A.

SECTION J: STUDENT HOUSING REQUIREMENTS

1. Student Housing Information

- a. University Student Housing is located in Wiggins on the west side of the building adjacent to Hospitality Services and can be found on the TTU Campus Map <http://www.ttu.edu/map/>. The main phone number is 806-742-2661 and the website address is <http://www.depts.ttu.edu/housing/>.
- b. The University Student Housing Contract Guide located at <http://www.depts.ttu.edu/housing/contracts/index.php> can provide information about the contracting process and specifics about the residence halls.
- c. Policies and procedures, (<http://www.depts.ttu.edu/housing/contracts/hallpolicies.php>), safety information, staffing, and how to get involved in the halls can be found on our website at <http://www.depts.ttu.edu/housing/>.

2. Housing First Year Student Residency Requirement

- a. National research indicates that students living on campus maintain a higher--grade point average and are more likely to graduate. Therefore, the Board of Regents of Texas Tech University supports the On-Campus Residence Requirement to give new students a greater chance of achieving their educational goals.
- b. The On-Campus Residence Requirement applies to students enrolled in more than six hours for the fall and spring semesters, and/or enrolled for three hours per summer session. More information can be found at <http://www.depts.ttu.edu/housing/contracts/residencerequirement.php> and <http://www.depts.ttu.edu/housing/exemptions.php>.

3. Housing Residency Requirement Exception Process

- a. We understand not every first year student is able to live in the Residence Halls at Texas Tech. Even though institutional research indicates that students who live on campus perform better academically, there are provisions for students that need to live off campus if they meet the requirements. Students are encouraged to read OP 30.25 for a full list of requirements when requesting to live off campus. Students that meet one of these requirements need to fill out the Exemption Form at <http://www.depts.ttu.edu/housing/> and send any other necessary documentation to

- University Student Housing. We will respond via email within three to five business days with a notice of eligibility, ineligibility, or a request for further information. All responses will be sent to the student's official Texas Tech email address. Please send all documents to housing@ttu.edu, fax them to 806-742-2696, or upload them using the electronic form.
- b. Common reasons a student may be ~~are~~-eligible to live off campus:
- Student has 30 hours post high school credit. (Advance Placement, CLEP, ACT, SAT, dual-credit, and/or concurrent-credit do not count toward this requirement)
 - Student has lived on campus for 2 or more semesters. (Fall and Spring semesters only.) *Proof of Residence from Previous Institution Form is required.*
 - Student will continue to reside in the established primary residence of their parent or legal guardian within a 60-mile radius of Lubbock and has been there for at least the previous six months. *Sworn*
 - *Statement of Commuting Status Form is required.*
 - Student has extreme financial hardship, similar to guidelines set forth by the Student Financial Aid office. *Financial Hardship Addendum and personal statement are required.*
 - Student has a medical hardship which may be intensified by living on campus. *Medical Hardship Addendum and personal statement are required.*
 - Student is 21 years of age, has served in the military, is married, and/or has dependent children
- c. More requirements and EExemption forms can be found at <http://www.depts.ttu.edu/housing/exemptions.php>. The exemption application process is not a request to cancel a housing assignment and contract. All exemption requests and results must be completed prior to the official Move-In date for the current academic year.
- d. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and dining plan fees, or probation, as determined by the Office of Student Conduct and in accordance with the *Code of Student Conduct* of Texas Tech University.
- e. University Student Housing and Hospitality Services Contracts can be signed for the early, late or full summer session or the academic year (fall and spring semesters). Any student wishing to move off campus should consult the Residence Hall Contract for the provisions applicable to cancellation of the contract or to the website <http://www.depts.ttu.edu/housing/contracts/deposit.php>.
- f. Signing a lease for off-campus housing does not relieve the student of contractual obligations that may have been assumed with the University for

housing in the residence halls. It is responsibility of the student to comply with all provisions of the contract.

- It is the responsibility of the student to update any incorrect information, regarding place of residence with the Office of the Registrar.
- No exemptions will be approved once the student has moved into the residence halls.

4. Room and Dining Plan Fees and Advance Payments

- a. A \$75 non-refundable Application Fee is required at the time of application. A \$400 Initial Deposit is due at the time of application. The Initial Deposit will automatically be applied after the spring portion of the contract is completed, or the student may choose to roll this payment over to the next fall contract period during Priority Room Selection in October. Refund of the \$400 Initial Deposit, due to cancellation prior to occupancy is only applicable prior to May 1 before the fall Move-In term, is determined in the following chart. -Students are required to contract for a Dining Plan in addition to a room.
- b. Once the contract has been signed, even if it is signed after the May 1 deadline for cancellations even if it is after the cancellation dates below, it becomes a binding agreement, a contract between the student (and his/her Guarantor, if required) and the University. All cancellation requests must be submitted to University Student Housing in writing by the student.
- c. Residents who reserve space in Carpenter/Wells, Murray Hall, Gordon Hall, Talkington Hall, West Village, or Honors Hall are required to pay a \$250 Additional Deposit, in addition to the \$400 Initial Deposit. It is due at the time a contract is completed. This fee is **non-refundable** if the contract is cancelled at any time before the end of the contract period.
- d. Both the Initial Deposit and the Additional Deposit will automatically be applied as a credit after the spring portion of the contract is completed, or the student may choose to roll this payment over to the next fall contract period during Priority Room Selection in October.
- e. Additional contact and payment information can be found at <http://www.depts.ttu.edu/housing/contracts/deposit.php>.

SECTION K. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

1. General Policy

- a. The primary mission of the University is education. The University is responsible for promoting and protecting the intellectual and cultural growth and development of the institution and the members of its community. Therefore, solicitations or advertisements and sales, displays or distribution of publications on the campus are not permitted, except as provided below or as provided by law.

2. Definitions

- a. Solicitation includes, but is not limited to requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering other comparable materials and privileges in person or by handbills, posters or similar

- materials to promote sales.
- b. Advertisements are the displays of any items that have, as an integral part of their design, the identification of a consumer product or service.
 - c. Printed materials are publications, handbills, posters, leaflets and other written matter intended for public distribution, sale or display on campus.

3. University Name, Document and Records

- a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in Operating Policy 01.06 Use of Texas Tech University Name or Logo for Private Business Purposes, Operating Policy 72.23 Licensing and Use of TTU Registered Names, Logos, and Trademarks, and Operating Policy 68.03 Visual Identity Guidelines.

4. Jurisdiction

- a. All solicitation requests should be directed to the Outdoor Events Coordinating Committee for review. Complete and submit the Grounds Use/Solicitation Request form at www.depts.ttu.edu/centerforcampuslife/ Requests must be submitted at least six (6) University working days before intended use.
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Managing Director of the Center for Campus Life.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Senior Vice President of Administration and Finance.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Senior Vice President of Academic Affairs.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice Chancellor of Institutional Advancement and in accordance with OP 02.02.

5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Texas Tech University grounds and facilities except for:
 - Activities supporting the educational mission of the institution;
 - Promotion of organizational activities consistent with organization mission;
 - Recruitment of members or membership drives;
 - Accepting donations on behalf of altruistic or charitable projects;
 - Scholarship and/or fundraising projects in support of organization mission;
 - The regulating offices may grant special permission for solicitation

purposes or places not listed above in exceptional circumstances.

- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Texas Tech University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the Outdoor Events Coordinating Committee and appropriate building manager.
- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Texas Tech University registered names, logos and trademarks, refer to OP 54.03 or contact the Office of Intercollegiate Athletics External Operations.
- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a Grounds Use/Solicitation request form to the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. A permit to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by the Outdoor Events Coordinating Committee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Director of the Center for Campus Life.
- g. A written appeal describing the objections to the denial to the Director of the Center for Campus Life must be filed no later than five (5) University working days after receipt of notice of denial from the Outdoor Events Coordinating Committee.
- h. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within five (5) University working days from the receipt of the written appeal.
- i. The student or registered student organization may not appeal beyond the Director of the Center for Campus Life.

6. Advertisements

- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship, which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.
- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be

removed from the campus by the Texas Tech Police and will be subject to appropriate legal action.

- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Outdoor Events Coordinating Committee.

7. Printed Materials & Digital Signage

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets or any other type of printed materials, except as provided by law
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request;
- c. Solicitation and Advertising materials must conform with the provisions stated above;
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association;
- e. Use of the Texas Tech campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party;
- f. Printed materials may not be placed on vehicles parked in University parking lots or on vehicles in motion without permission of the vehicle owners;
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings;
- h. Printed materials and digital signage content shall not violate any local, state, or federal law; Printed materials shall not include the use of obscenities, libelous statements, or “fighting words” as defined by law.
- i. Registered student organizations and University departments are allowed to hang banners within the Student Union at the discretion of the Director of the Center for Campus Life. A list of requirements regarding the banners is available in the Center for Campus Life.

8. Use of Bulletin Boards & Digital Signage

- a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The University announcement bulletin boards and approved digital signs may be used only by students, registered student organizations, and University departments.

Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Center for Campus Life.

- b. Posters, signs and announcements shall not exceed a maximum size of 18” x 24”, digital signage requirements will differ per location and are available via the coordinator of that signage;
- c. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs;
- d. Posters, signs, and announcements shall not promote unauthorized sponsorship by Texas Tech University;
- e. Posters, signs, and announcements shall not violate any local, state or federal law;
- f. Bulletin boards belonging to academic and administrative Departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department; and
- g. Posters, announcements, banners, cards or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.

9. Violations

A student or registered student organization violating regulations governing solicitations, advertising, and printed materials is subject to the disciplinary sanctions outlined in the *Code of Student Conduct*.

SECTION L. STUDENT IDENTIFICATION

1. Student Identification

- a. The student identification card is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their student identification in any way.
- d. On request, students must present their student identification to any member of the University faculty, staff, administration or police.
- e. A student must pay a replacement charge for lost, stolen or damaged student identification cards. Upon issuance of a replacement student identification card, previous cards cannot be reactivated.
- f. Identification cards are only valid when the bearer is a registered student, employee, or guest of the University.

SECTION M. STUDENT INVOLVEMENT & REPRESENTATION

1. Student Government Association

The Student Government Association (SGA) is the official organization representing student interests and voicing concerns to administration. SGA provides programs and activities directed to enhance and develop premier leadership and career success through education.

2. Toreador Media

Located on the first floor of the Media & Communication Rotunda, Toreador Media provides out of classroom learning opportunities for students to use academic training obtained at Texas Tech in practical settings of publishing the student newspaper, *The Daily Toreador*; digital media at www.dailytoreador.com; and the campus yearbook, *La Ventana*. Texas Tech University recognizes the editorial independence and press freedom of all student-edited campus media, specifically *The Daily Toreador* and *La Ventana*. Both print and digital publications are considered out-of-classroom learning opportunities, free from administrative censorship. Student editors of *The Daily Toreador* and *La Ventana* have the authority to make all content decisions; consequently, they bear the responsibility for the decisions they make. Toreador Media employs 30-50 students each semester as collegiate editors, reporters, photographers, videographers, graphic designers, print, & digital advertising account executives, and members of the delivery staff and street team. Many Toreador Media students are Media & Communication majors while others may study other disciplines. Students interested in the fields of advertising, journalism, marketing, public relations, photography and broadcast are encouraged to apply for positions on the newspaper, multimedia website, and yearbook staffs at www.dailytoreador.com. See TTU Operating Policy 30.27.

3. Military & Veterans Programs

Military & Veterans Programs (MVP) is here to assist veterans and their families in achieving academic and personal success. The department serves as a resource to connect veterans and their family members to the University and surrounding community. MVP oversees the certification of Veterans Educational Benefits such as:

- a. The exemption for Texas Veterans under the Hazlewood Act which provides an education benefit to honorably discharged or separated Texas veterans and to eligible dependent children and spouses of Texas veterans.
- b. The educational programs such as the various educational benefits offered through the Department of Veteran Affairs.

Connect with Military & Veterans Programs by visiting www.mvp.ttu.edu

SECTION N. STUDENT ORGANIZATIONS

Student Organizations at Texas Tech University are an integral component of the student involvement experience. Students are encouraged to be involved on campus and joining a student organization is one option.

Texas Tech University defines a student organization as a group consisting of five (5) or more students (president, treasurer, and a minimum of three members) joining together for a common mission, purpose, cause, and/or any other association. Only currently enrolled TTU students are eligible to be a member of student organizations at TTU.

As a representative of the university, student organizations and members of those organizations should, at all times, exhibit behaviors that epitomize the Texas Tech University Statement of Ethical Principles. Those values include mutual respect, cooperation in communication, creativity and innovation, community service and leadership, pursuit of excellence, public accountability,

and diversity. Additionally, student organizations and members are responsible for adhering to university policies and procedures.

1. Registered Student Organizations

a. To be considered a registered student organization, student organizations must meet the guidelines and expectations for a registered student organization and complete the annual registration process through the Center for Campus Life. Registered student organizations are bound by the expectations set forth by the Center for Campus Life and receive all rights and responsibilities outlined by TTU.

b. Generally, student organizations are broadly categorized all under as one of the following categories:

Academic-Agricultural Sciences and Natural Resources,
Academic- Architecture, Academic-Arts and Sciences,
Academic-Business, Academic-Education, Academic-
Engineering, Academic-Human Sciences, Academic-Media and
Communications, Academic-Visual and Performing Arts,
Advocacy/Activism, Campus Departmental Support,
Cultural/International, Fraternity/Sorority, Graduate,
Hobby/Leisure/Recreation, Honor, Law School, Political, Pre-
Law, Pre-Professional, Residential, Service/Philanthropy,
Spiritual/Faith Based, and Sport Club.

b-c. Sport Clubs

1. Recreational Sports is responsible for the oversight of the Texas Tech Sport Club Program. This program exists to promote and develop interest in sports. Sport club members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.
2. A student organization seeking sports club status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Center for Campus Life for at least a full academic year before full consideration for Sport Club status.
3. Following the annual student organization registration process via the Center for Campus Life, an organization should request a meeting with Recreational Sports to initiate the application process for sports club affiliation. After obtaining Sport Club status, groups must also comply with the guidelines of Recreational Sports.

e-d. Social Fraternities/Sororities

1. The Center for Campus Life is responsible for the oversight of Social Fraternities and Sororities at Texas Tech University. A group seeking single-sex social fraternity or sorority status must first be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and College Panhellenic Council.

2. All student organizations registering as a single-sex social fraternity or social sorority must show proof of their Title IX exemption by uploading to their registration, a letter from their national affiliate with their IRS 501(c)7 number.

2. Unregistered Student Organizations

- a. Student organizations that are unregistered with the Center for Campus Life may not access University resources; however, unregistered student organizations shall be subject to the TTU Code of Student Conduct and Community Policies (Student Handbook).

3. Student Organization Policies

- a. The annual registration process, administered by the Center for Campus Life, will open at the Student Org Academy each spring semester and need to be completed for the future academic year (fall start) by May 1st.
- b. Organizations may register between the opening date in the spring and the first day of classes in the fall semester. After the deadline has passed, organizations can re-register their organization after submitting a Reinstatement Request and attending the required training.
- c. A student organization is eligible for registration if it does not deny membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.
- d. Faculty and staff may hold associate membership to the extent allowed by the student organization's constitution and/or bylaws.
- e. The student organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Campus Life.
- f. All funds allocated to a registered student organization from University-controlled sources must be maintained in a University account. Additional resources acquired by fundraising may be kept in an off-campus organizational account.
- g. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Campus Life is available to assist in organizational development.
- h. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/ associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Texas Tech University.
- i. Registered student organizations shall not use the name, logo or symbols of the University in print, online, and on social media as part of its name or in its publications. In addition, the organization shall not advertise or promote functions or activities in a manner that suggest sponsorship by the University. Registered student organizations are permitted to use the word "Tech" or "Raider" as a part of their names or to use the

complete statement “a registered student organization at Texas Tech University.” Approval of the use of logos or symbols protected by Texas Tech University is under the discretion of the Director of Digital Media, Trademark Licensing, and Special Projects in the Athletic Department of Texas Tech University.

- j. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials in the Center for Campus Life. Any student organization wishing to solicit on campus must follow the policies and procedures listed in the current TTU Solicitation Policy.
- k. All registered student organization resources must be used to advance and support the organization’s purpose, identified goals, and/or mission.
- l. All registered student organizations must comply with University rules, standards, and policies.
- m. Student organization registration does not imply University approval of either the organization or its functions or activities.

4. Registration Process - Currently Registered Student Organizations

The registration process must be completed annually for student organizations, fraternities and sororities, and sport clubs to maintain registration status. Student Organizations must be registered to participate in summer organization fairs and the first day of the fall semester to avoid being Frozen. Organizations that are Frozen will still be able to access and register their organization but will not be listed as an organization to the public and do not have the benefits of a registered student organization. Once the organization has submitted their registration and has been approved, they will be removed from Frozen status.

- a. Registration occurs by going to the TechConnect website at <https://ttu.campuslabs.com/engage/> and follow the process established by the Center for Campus Life.
- b. To complete the online process, student organizations must provide the following:
 - i. List of Officers (must include president and treasurer).
 - ii. List of full membership, must have a minimum of three (3) members in addition to a president, treasurer (total minimum organization size of five).
 - iii. List an on-campus address, also known as a Mail Stop or box number.
 - iv. Submit updated copy of constitution and/or bylaws and constitution and/or bylaws of any other local, state or national affiliate organization (if applicable). An organization’s constitution and/or bylaws should address a minimum of these areas:
 - name and purpose, membership requirements, selection process, accountability and removal process, anti-discrimination statement, officer titles, duties, election and removal process, departmental and/or external relationships, financial procedures, procedures for decision making (quorum and voting), faculty/staff advisor selection process and expectations, and parliamentary authority. It is recommended to include the organization’s risk management policy into the bylaws or upload it to the

organization's TechConnect portal.

- v. The president or organization must meet with the TTU Faculty/Staff advisor and have them sign a "Advisor Agreement Form" (Electronic signatures are not accepted).
- vi. Upload a signed copy of the Advisor Agreement Form on the last page of registration to complete the process.

5. Registration Process - New and Reinstating Student Organizations

- a. A student may submit the "intent to form" request, a new student organization application on TechConnect or a "reinstatement" request form, an application on TechConnect for students wanting to reinstate a frozen or inactive student organization. The student is then contacted to attend a required training with the Student Involvement Staff to discuss the registration process. After the form for new student organizations has been submitted and the student has attended the training with the Student Involvement Staff the non-registered group will be placed on a 30 day temporary status, which will allow the group the privileges of the University facilities and publicity venues common to registered student organizations. The 30-day time period should be used to recruit new members, develop a constitution and bylaws and obtain a permanent full-time faculty/staff advisor. A student organization may choose to register within the 30-day time period if they have met all of the requirements to register.
- b. Extensions of the "intent" status are possible under extenuating circumstances and requests should be addressed to the Student Involvement Staff.
- c. New student organizations registering as a single-sex, social fraternity or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must submit a letter from their national affiliate with their IRS 501(c) 7 (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify eligibility for single-sex exemption.

6. Benefits of Registered Student Organizations

- a. Benefits include: space reservations in the Student Union, opportunity to reserve rooms in academic space (i.e. classrooms), Grounds Use application, mailbox in the Student Union, organization information published online, posting on campus, use of University logo (with permission by the Athletic Department Director of Digital Media, Trademark Licensing, and Special Projects), leadership training, student org resources, access to Involvement Center, and opportunity for storage lockers through the Student Union Main Office.
- b. Registered student organizations may apply for funding through the Student Government Association (SGA) each year provided they are registered as a student organization with the Center for Campus Life and have completed the annual risk management requirement prior to the application deadline. Registered student organizations that are not funded by SGA may apply for funding from the Core Values Fund each year. .

- c. Sport clubs are entitled to all of the benefits of a registered student organization. In addition, each club receives administrative and financial support from Recreational Sports. Organizations that affiliate with Recreational Sports are not eligible for SGA funding but may receive funding from Recreational Sports.

7. Requirements to Maintain Registration Status

- a. To maintain its active registration status throughout the academic year, a registered student organization must meet the following criteria:
 - i. Organizations must update the “Roster” on TechConnect at <https://ttu.campuslabs.com/engage/> within ten (10) University working days of any of the following:
 - Election of or change in officers outside of a registration period;
 - Change of full-time faculty or staff advisor;
 - ii. Conduct its affairs in a lawful manner as a collaborative entity, in accordance with the constitution and bylaws it has on file, and applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.
- b. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Student Involvement Staff.
- c. 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.
- d. Center for Campus Life and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the Student Handbook, Part I, Section D

8. Training Opportunities and Requirements

The Center for Campus Life is committed to providing a variety of training opportunities to the student leaders, members, and advisors of the registered student organizations. The purpose of training is to further educate student organization leaders, members, and advisors on policy and procedures as well as develop leadership/advising skills.

- a. Student training opportunities include but are not limited to the following:
 - i. Student Org Officer Welcome Back Bash – This event takes place at the start of the fall semester to provide student organization officers the opportunity to make sure their organization is up to date, and aware of programs, opportunities and requirements are for the academic year.
 - ii. Leading a Successful Organization workshops – These workshops are hosted 2-3 times a semester on topics that help students lead their organizations successfully throughout the academic year. Topics can include but are not limited to: constitutions and bylaws, parliamentary procedure, elections and officer transition, being an inclusive leader, and conflict management.

- iii. President Mixer – This event is hosted once every semester as an opportunity for presidents of student organizations to come together and network with their peers and to make sure their organization is meeting the deadlines throughout the academic year.
- iv. Student Org Academy (REQUIRED) – This program is hosted once every academic year in the spring to open the registration for the new year, provide resources for operational success, and to facilitate the annual risk management training for student organizations. It is required that student organizations have one officer (preferably the president) in attendance for the entire program.
- v. Student Org Risk Management Training (REQUIRED) – In accordance with Texas Education Code, Section 51.9361, all registered student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities and complete the required assessment. Social fraternities and sororities are required to attend additional Clay R. Warren Risk Education Programming annually.
- vi. Additional student organization trainings may be deemed necessary by the Center for Campus Life and/or the University for organizations to attend.
- b. Advisor training opportunities include but are not limited to the following:
 - i. New Advisor Orientation – This program is recommended for new and returning advisors who would like to learn more about their role as a student organization advisor and student organization policies and procedures. This program is hosted at the beginning of each semester.
 - ii. Advisor Roundtable – This program is an opportunity for student organization advisors to come together and discuss topics they are experiencing with their organization, network with other advisors, and gain resources.
 - iii. Advisor EDU workshops – These workshops are offered twice a semester and cover topics that help the advisors successfully support and guide organizations through their day to day operations.
 - iv. Student Org Advisor Risk Management Training (REQUIRED) – In accordance with Texas Education Code, Section 51.9361, student organization advisors are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/ or activities. Student Organization advisors are required to attend once but are welcome to attend again if desired. If the university makes changes to the training, advisors will be requested to re-attend.
 - v. Additional advisor trainings that may be deemed necessary by the university and/or Center for Campus Life for advisors to attend.

8.9. Faculty or Staff Advisor

- a. Each registered student organization shall have a full-time TTU faculty or staff

advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to incorporate the advisor into the organization's program planning and decision-making. The advisor is recommended to certify the organization's expenditures by co-signing all checks or vouchers. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and bylaws.

- b. Registered student organizations may have additional advisors, i.e. coaches (typical of sport clubs) or alumni advisors, to the extent permitted by their constitution and/or bylaws; however, one advisor must be a full-time Texas Tech University faculty or staff member as required and identified in the registration process.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Texas Tech employee should also be included when filling out the registration application, complete with names, addresses, telephone numbers and emails.
- d. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
- e. Established full-time TTU University faculty or staff members, who reduce employment hours below full-time status and maintain an office on-campus, may continue to function as the "Primary" advisor of a student organization with the approval of the Center for Campus Life.

9.10. Conduct Procedures for Student Organizations

- a. All student organizations, registered and operating as a registered organization are held accountable for the *Code of Student Conduct* to include but not limited to academic integrity, sexual misconduct, hazing, and federal/state/local laws (a lack of conviction in any criminal proceeding of members of the organization or the student organization does not preclude the University from proceeding with TTU conduct processes). The student organization conduct process is outlined in Part I Code of Student Conduct, Section D, including processes for the interim suspension and denial of registration for student organizations.

SECTION O. STUDENT RIGHT TO KNOW

In compliance with federal guidelines, Texas Tech University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at <http://www.depts.ttu.edu/studentconduct/right-to-know.php>.

SECTION P. STUDENT RECORDS

1. General Policy

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the *Student Handbook* and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University.

2. Address of Record

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at www.raiderlink.ttu.edu via the MyTech (for Students) tab.

3. Student Access to Educational Records

- a. All current and former students of the University have the right to access their educational records as provided by law.
- b. Upon written requests, students may obtain copies of their educational records at their expense and pending resolution of administrative holds.
- c. The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- ~~d. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards. Additionally, recommenders who submit a letter to a student's credential file at the University Career Center may indicate whether they wish the student to have access to said letter. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards. A student seeking employment through the University Career Center may sign a waiver.~~
- ~~e.d.~~ Directory information may be disclosed without the student's permission, unless the student has requested confidentiality See http://www.depts.ttu.edu/registrar/Academic_Information.php for more information.
- ~~f.e.~~ Non-directory information such as personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student.

4. Records Not Accessible to Students

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed

- to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
- b. Employment records of a University employee who is not a student.
 - c. Medical records are maintained for students visiting Student Health Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Medical records are kept on file indefinitely. Students needing a copy of their medical records may contact the Medical Records Office at (806) 743-2608. While not considered “education” records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned statute still allows the patient, in most instances, access to his/her records. The general rule of confidentiality contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental or emotional health of the patient.
 - d. Medical and/or psychological information submitted to Student Disability Services for the purpose of determining eligibility and services are not releasable. Students may obtain the original information from the sources.

5. Authorized Non-Student Access to Student Records

Educational records, including non-directory information and personally identifiable information within a record, may be released without the written consent of the student to:

- a. Officials, faculty and staff employed by the University if they have a legitimate educational interest.
- b. Officials of other educational institutions in which the student intends to enroll or seeks to enroll so long as the disclosure is for purposes related to the student’s enrollment or transfer.
- c. Authorized representatives of federal, state or local educational authorities.
- d. Individuals needing this information in connection with a student application for, or receipt of, financial aid.
- e. Organizations such as Educational Testing Service administering predictive tests, student aid programs and improving instruction. The organizations must not show the personally identifiable information to outsiders and the information must be destroyed when no longer needed for audit, evaluation or compliance with federal requirements.
- f. Accrediting organizations.
- g. Parents who certify a student is carried as a dependent for federal income tax purposes. This certification must be reviewed and documented by the Office of the Registrar.
- h. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
- i. Individuals requiring such information by means of a judicial order or any

lawfully issued subpoena.

6. Challenge of Record Information

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the Student Handbook, Part VI, section A.7. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

- a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
- b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student and the author (if appropriate) of the material.
- c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal Hearing will be conducted under the following procedures:
 - The Hearing will be conducted within seven University working days following the request for the Hearing.
 - The Hearing will be conducted by an institutional official or other party who does not have direct interest in the outcome of the Hearing appointed by the Vice Provost for Student Affairs.
 - The student may present evidence relevant to the content of the educational records to demonstrate how they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The 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.
 - A written decision must be delivered in writing to all interested parties within seven University working days after the conclusion of the Hearing.

7. Release of Student Directory Information

- a. Directory information of students who have not elected to restrict their directory information may be released to third parties upon request.
 - Student Name
 - Permanent and Local Addresses
 - Place of Birth
 - Classification
 - Major Field of Study
 - Dates of Attendance
 - Degrees, Awards, and Honors Received
 - Specific Enrollment Status

- Full-time, Part-time, Half-time
 - Undergraduate, Graduate, Law
 - Participation in Officially Recognized Sports and Activities
 - Height/weight of members of Athletic Teams
 - Previous Institution(s) Attended
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in West Hall, room 103, or by restricting personal directory information at www.raiderlink.ttu.edu under the MyTech (for Students) tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.
- c. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.021, Government Code.

8. Destruction of Records

The University constantly reviews the “educational records” it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student’s basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Office of Student Conduct. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely. Student Disability Services records are maintained for three years after the last date of enrollment. [CM7]

9. Letters of Recommendation

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- ~~b. Appropriate forms are available in the University Career Center for students using the credentialing service to store letters of recommendation for future employment purposes. These forms provide the student with several options concerning the use and confidentiality of letters of reference and recommendation. Appropriate forms are available in University Career Center for students using this service for future employment purposes. These forms are designed to provide the student with several options concerning the use and confidentiality of future letters of reference and recommendation.~~
- ~~e.b.~~ Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

SECTION Q. USE OF UNIVERSITY SPACE

1. General Policy

Freedom of expression is critical and fosters free, robust, and uninhibited debate and deliberations by students enrolled at TTU as well as other persons. The purpose of this section is to establish the approval process for the use of University grounds, facilities, and amplification equipment for faculty, staff, academic, and administrative departments. With the exception of expressive activities outlined under Texas Tech University System Regulation 07.04, the space and facilities of the University are available according to the following priorities: the support of the instructional programs of the institution; the programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments; the use of campus space and facilities for activities that have as their purpose, service or benefit to the Texas Tech University community, and that are sponsored by registered student organizations, students, faculty, and employees. Notwithstanding any other provision set forth in this section or elsewhere in this Handbook, in the event of any conflict between the terms of TTUS Regulation 07.04 and the provisions of this Handbook, the terms of TTUS Regulation 07.04 shall control.

Except as specifically provided in TTUS Regulation 07.04 or elsewhere in this section, University facilities may not be used by individuals or organizations not connected with the University. An individual who is not a student, faculty, or staff member may attend public 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. There may be a charge for attendance at some events. Sponsorship and/or co-sponsorship minimally include, but are not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Except as otherwise permitted under Texas Tech University or Texas Tech University System policies, non-registered organizations or off-campus groups or persons not sponsored by a department or registered organization will not be permitted to reserve facility spaces on campus. State law requires that University facilities and property not be used for private gain.

2. Reservation Requirements

- a. Reservations must be made for the use of facilities under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. Requests must be made to the appropriate office. Requests from registered student organizations must be signed by the organization's president and full-time faculty/staff advisor. Requests from individuals must be signed by the person applying for the use of the space or facilities.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code § 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department

of State Health Services of such training should be received before reservation of space or facility will be confirmed.

3. Use of Facilities by Student Organizations

- a. Student organizations must be registered to use University facilities or grounds.
- b. These meetings must be held within a 30 calendar-day time period from the date the Center for Campus Life Staff notifies the Student Union for the petitioning organization's intent to register. Academic campus facilities may be reserved by "-petitioning-" student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Petitioning student organizations are also allowed to submit unlimited grounds use requests during the 30-day time period. If the petitioning student organization does not have a faculty/staff advisor yet the staff in the Center for Campus Life can sign off. Additional reservations will not be approved until the student organization is registered.

4. Procedure and Priorities for Designated Facilities

a. Student Union

Priority for use of space in the Student Union is given to programs and activities which are conducted by the various departments within the Student Union. Secondary priority is given to registered student organizations and University departments. Reservations must be made in the Student Union Office Room 203.

b. Academic Buildings

Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the Operations Division Planning and Administration. All requests must be submitted by an active member of the student organization using the online request form in Ad Astra Schedule at <https://www.aaiscloud.com/TXTechU> - http://academicscheduling.ttu.edu/Astra_Schedule or in person at the Operations Division Planning and Administration office. A link to the scheduling site and complete instructions can be found on the department website at

<http://www.depts.ttu.edu/-odpa/spi/eism>

All requests must include the full name, department, and phone number of the student organization's full-time faculty or staff advisor. Recurring space assignments may be made for one semester only. All space assignments are made on the basis of use consistent with the purposes of the University and of available space. Space assignments for student organizations will not be scheduled on weekends, holidays, during final examination periods, or during Individual Study Day. Academic use by departments and colleges has priority over other uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop. Academic space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.

- The intended use does not conflict with the use by academic programs or academic organizations.
 - The intended use does not conflict with normal security and maintenance schedules.
- c. Residence Halls
- Enrolled students who live in the residence halls and participate in the residence hall governments have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, University Student Housing.
- University departments or registered student organizations may use residence hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Managing Director of University Student Housing.
- d. Intercollegiate Athletic Facilities
- Texas Tech University complies with ADA standards and ensures access and accommodations for guests to all facilities listed. The Jones/AT&T Stadium Athletic Complex, Fuller Track and Field, Rip Griffin Park, McLeod Tennis Center, Rocky Johnson Field, John Walker Soccer and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of all intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office. Texas Tech University complies with ADA standards and ensures access and reasonable accommodations for guests to all facilities listed in items e-i below.
- e. Recreational Facilities
- The Robert H. Ewalt Recreational Center, Aquatic Center, Leisure Pool, recreation fields, gazebos, tennis courts, racquetball courts and basketball courts are intended primarily for student recreational and instructional use on an organized group and individual basis. Recreational Sports is responsible for scheduling the use of these facilities.
- f. McKenzie-Merket Alumni Center
- The McKenzie-Merket Alumni Center, located on the southeastern corner of the Texas Tech campus, directly west of the Kent R. Hance Chapel, is the home for all Texas Tech Alumni and friends. This facility boasts a ballroom that can seat 300-plus for a banquet and more than 500 in a theatre setting. Two separate courtyards provide space for outdoor events. Booking of this facility is coordinated by the Texas Tech Alumni Association at (806) 742-0400.
- g. Frazier Alumni Pavilion
- The Frazier Alumni Pavilion, situated just southwest of Jones AT&T Stadium is a 6,000-square foot facility designed to host large banquets but can be configured for

weddings, press conferences, and other events. It also has a 10,000-square foot outdoor porch area that can be used to increase the size of your event. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

h. Kent R. Hance Chapel

A 6,879-square foot, 250-seat, non-denominational Spanish Renaissance chapel is capable of supporting a broad range of services and events. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

i. United Supermarkets Arena

The United Supermarkets Arena is a 15,000-seat multi-purpose facility and is host to a variety of entertainment and athletic events, including Texas Tech University basketball and volleyball, commencement ceremonies, concerts and numerous meeting room events. Facilities available for lease within the United Supermarkets Arena include the four meeting rooms in the City Bank Conference Center, Club Red, the arena concourse, the arena floor and the arena bowl area.

Registered student organizations receive rental discount for the City Bank Conference Center meeting rooms. Texas Tech University Commencement, Texas Tech University Health Sciences Center Commencement, Texas Tech basketball and volleyball games and major arena events, such as concerts, have priority in booking the United Supermarkets Arena. Space in the United Supermarkets Arena is reserved through the Arena Management Office.

5. Use of Campus Grounds

With the exception of expressive activities under TTUS Regulation 07.04, or as otherwise outlined in this section, university grounds are available for use only in accordance with the following policies and procedures:

- a. Selected grounds area (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, students and employees. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Students or registered student organizations desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. Faculty, staff, or departments of the University desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304 as well. In accordance with the University's Operating Policy 61.02 regarding Use of University Grounds, Facilities and Amplification, each use must be approved in writing by the Outdoor Events Coordinating Committee (OECC). Requests must be submitted at least two (2) weeks before the intended use. Recurring use assignments shall not be permitted.
- c. The Outdoor Events Coordinating Committee (OECC) will coordinate all grounds

use applications and shall grant only grounds use requests that are consistent with applicable University regulations and local, state, and federal law.

- d. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires and any special provisions concerning the use of the space. No request will be approved for activities occurring during individual study days and/or final examination period.
- e. Students or registered organizations using a designated area are subject to the following requirements:
 - Use of amplification equipment must comply with the guidelines below.
 - A structure may not be erected on campus grounds without prior written approval that will include arrangements for securing the structure and cleaning up after the event.
 - If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Outdoor Events Coordinating Committee.
 - Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
 - Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the General Counsel's Office, Risk Management Office, other University departments or others as necessary prior to approval from the Outdoor Events Coordinating Committee.
 - Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
 - The sponsor shall contact the Environmental Health and Safety Department to make necessary arrangements for any event that includes concessions or a mobile concession stand. In order for any person, vendor, or organization to operate a temporary food service or mobile unit on Texas Tech property, the Environmental Health and Safety Department must issue a valid Temporary Food Service Permit.
 - The sponsor should contact Transportation & Parking Services to make necessary parking arrangements for the event.
 - If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code § 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

6. Expressive Activities

Expressive activities on the TTU campus are governed by Texas Tech University System Regulation 07.04. Notwithstanding any other provision set forth in this section or elsewhere in this Handbook, in the event of any conflict between the terms of TTUS Regulation 07.04 and the provisions of this Handbook, the terms of TTUS Regulation 07.04 shall control.

- a. Students or other persons engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions:
 - Activities that are illegal.
 - Interference with the expressive activities of others.
 - Activities that deny the rights of other students, faculty and staff of the University as afforded by policy or state, federal law.
 - 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 hate speech, 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.
- b. Expressive signage, posters, displays, and structures must comply with the requirements of TTUS Regulation 07.04.

7. Appeals of Ground Use Request Denials

Students or registered student organizations, whose requests for the use of campus grounds or non-academic space are denied, may appeal to the Director of the Center for Campus Life as follows:

- a. A written appeal describing the objections to the denial presented to the Director of the Center for Campus Life must be filed no later than five (5) University working days after the receipt of notice of the denial from the Outdoor Events Coordinating Committee.
- b. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within a reasonable time from the receipt of the written appeal.

8. Use of Amplification Equipment

- a. Use of Amplification Equipment for Expressive Activities
 - Amplified sound shall not exceed 80 decibel levels near University buildings, as measured at the outdoor edge of such buildings closest to the amplified sound. Any amplification device must be hand-held.

- Use of Amplification Equipment around University facilities. Students and registered student organizations may use handheld amplification equipment (e.g. megaphone) for expressive activities 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 expressive activities in all other outdoor areas of the campus after 5:00 pm Monday through Friday and weekends.
 - Use of amplification equipment is subject to all rules concerning the time, place, and manner of expressive activities outlined in TTUS Regulation 07.04.
 - No amplification of sound is permitted during the final exam period.
 - 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 made on the Grounds Use and Solicitation Request form provided by the Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration.
 - Applications must be submitted at least two weeks before the intended use.
 - The Outdoor Events Coordinating Committee and the management of Operations Division Planning and Administration may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with University functions, classes in session, examinations, other nearby activities, and the campus environment.
 - The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions, as well as policies governing solicitation and commercial activities.
 - The use of such equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours without written permission from Operations Division Planning and Administration.

- Sound equipment must not be disruptive, and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
 - Special events such as dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of the Outdoor Events Coordinating Committee (OECC).
 - Outdoor dances utilizing sound amplification devices may be held only on Friday and Saturday nights, and must terminate by 1:00 a.m. Bands may use their own equipment on such dates.
- c. Academic Use
- The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the Provost.
 - Permission for use of the victory bells or carillon bells in the towers of the Administration Building must be requested through the Office of the Provost at least one University working day before time of intended use. Use of the bells must not interfere with the normal functions and programs of the University. See OP 30.21.

SECTION R. WITHDRAWALS

1. Voluntary Withdrawal from the University

- a. According to the Undergraduate and Graduate Catalog and OP 34.05, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Office of the Registrar prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Office of International Affairs as a part of the withdrawal procedure. Student athletes must receive clearance from their Athletic Academic Advisor. Withdrawal and re-enrollment procedures vary for School of Law students. Students enrolled in the School of Law and seeking withdrawal information should contact the Associate Dean for Academic Affairs at the School of Law for assistance.
- b. Students considering withdrawal for medical reasons may contact the Office of the Dean of Students to discuss additional University resources and services. Law students considering withdrawal for medical reasons may contact the Associate Dean for Academic Affairs at the School of Law.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in TTU student housing, he/she should first contact those offices before applying for the withdrawal. If a registration hold exists on the student's

record, it must be cleared before the withdrawal can be processed. To check your student record for registration holds, log on at www.raiderlink.ttu.edu and select the MyTech (for Students) tab. Law students considering withdrawal must contact the Senior Financial Aid Advisor at the School of Law.

d. Refunds

The Undergraduate and Graduate Catalog indicate that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at <http://www.depts.ttu.edu/registrar/>. School of Law students must contact the School of Law's Senior Financial Aid Advisor to discuss eligibility for refunds.

e. Returning to the University after a Voluntary Withdrawal

Application materials and deadlines for former Texas Tech students are available at www.gototexastech.com. Official transcripts from all institutions attended subsequent to Texas Tech re-enrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Texas Tech. Please visit the following for more information: <http://www.depts.ttu.edu/formertech/> School of Law students must contact the Associate Dean of Academic Affairs to discuss the process of returning to school.

2. Involuntary Withdrawals

- a. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.
- b. Notice
Notice regarding students who may be direct threats (both self-reports and ~~third-party~~third-party reports) should be made to the Office of the Dean of Students or designee.
- c. A "direct threat" means
 - There is a high probability (not just a slightly increased, speculative, or remote risk)
 - of substantial harm
 - Based on observation of a student's conduct, actions, and statements.
- e. The Dean of Students or designee will review the information presented in the notice, including what attempts, if any, have been made to reduce or eliminate the direct threat, such as the student's voluntary compliance with medical or counseling assistance.
- f. The Dean of Students or designee will notify the student of the concern.
- g. The Dean of Students or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
 - Involvement of parents or significant others;

- Academic progress;
- Living arrangements;
- Previously granted accommodations;
- Confidentiality waivers;
- Other possible accommodations, care and support resources including medical or counseling assistance; and
- Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.

~~h.~~ If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via certified mail to the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's University email account. Students not responding to requests for meetings or assessments may be referred to the Office of Student Conduct for allegations of failure to comply with reasonable directives and/or requests of a University official acting in the performance of their duties. ~~School of Law students may also be referred to the Associate Dean for Student Life and may be held accountable through the Student Code of Professional Conduct.~~

~~i.~~ **Temporary Suspensions**

During the involuntary withdrawal process, if the Vice Provost, for Student Affairs or designee determines that an immediate direct threat exists against others or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, and had an opportunity to address the concern, and the student is afforded a Hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use University services and/or resources (except those expressly permitted by the Vice Provost, for Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Vice Provost, for Student Affairs or designee and the Texas Tech Police Department.

~~j.~~~~h.~~ **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 in part 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.

Additionally, the assessment may include but not limited to information related to the student's threat to self or others, non-compliance with University requirements or expectations, and/or lack of Academic progress. Students with disabilities have the right to have their disability considered during the Committee's review. However, the student must adhere to all academic requirements and technical standards set forth by their department or college.

The student must be able to meet the requirements with or without accommodations for their disability. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University working days from the initial meeting with the student or five University working days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a psychiatrist from Student Health Services and a psychologist from the Student Counseling Center. The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider.

The assessment will determine:

- The nature, duration, and severity of the ~~risk~~; risk;
- The probability that the potentially threatening injury will actually occur; and
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

k.i. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review.

The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Associate Academic Dean, Director of the Student Counseling Center, Medical Director of Student Health Services, Director of Student Disability Services, and Dean of Students. If the student resides in campus housing, the Director of Student Housing will also serve as a voting member of the committee. The Dean of Students or designee will chair the committee. If the student is a law student, the Associate Dean for Student Life will also serve as a voting member of the committee. A non-voting resource person may be assigned from the Vice Provost for Student Affairs to present information and assist the committee. The Involuntary University Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Committee. The Hearing will be scheduled by the Office of the Dean of Students within five (5) University working days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Dean of Students in advance of the Hearing. The student may elect to attend the Involuntary Withdrawal Committee Hearing and present information on their behalf. The student may be accompanied by one or more advisors. A non-voting resource person will present information and act as a recorder for the committee. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the

Hearing, the Involuntary Withdrawal Committee will recommend one of the following:

- the student may remain enrolled at the University with no ~~restrictions~~; restrictions;
- the student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee; or
- The student should be involuntarily withdrawn from the University upon a specific date.

h.j. Review of Committee Recommendation

The Dean of Students or designee will notify the student in writing of the decision within five University working days.

m.k. Appeals Process

The student may appeal the decision of the Dean of Students or designee by submitting a written appeal to the Vice Provost for Student Affairs within five (5) University working days. The student will be notified in writing of the final decision within five (5) University working days of receipt of the appeal.

n.l. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 48 hours and may not return to campus unless approved by the Vice Provost for Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds of prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Dean of Students or designee, limiting any subsequent registration until approval is given by the Dean of Students or designee.

o.m. Eligibility for Readmission

Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year. At that time, the student should present documentation to the Office of the Dean of Students for review. Documentation may include, but it is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon re-enrollment. The documentation shall be presented to the Involuntary Withdrawal Committee for recommendation to the Dean of Students or designee. Readmission requests and documentation must be presented by February 1 for summer enrollment, May 1 for fall enrollment, and October 1 for spring enrollment. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

APPENDIX A

DEFINITIONS

Academic Work, Test, Quiz, or Other Assignment

The terms “academic work, test, quiz, or other assignment” includes any required or optional academic work that is assigned. Examples include, but are not limited to, exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold

The term “administrative hold” refers to the indicator placed on a student’s record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

Behavioral Intervention Team (BIT)

Under the auspices of the Office of the Dean of Students, BIT is a team of professionals uniquely situated to address elevated student behavior concerns and serves as a central repository for the Texas Tech University community to report student behaviors of concern. As warranted, BIT facilitates early intervention, risk assessment and referrals to help promote student success while paying special attention to the safety and security needs of members of the University Community.

Complainant

Also known as the “Complaining Party”, the “Complainant” refers to a person who is the subject of an alleged violation of misconduct.

Conduct History

The term “conduct history” is a compilation of records related to any student or student organization’s behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*.

Consent

Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity. *For the full definition of Consent, see Section D: Title IX Procedures for Students.*

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.

Dating Violence

Abuse or violence, or a 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 Complaining 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 socializing between two individuals does not constitute a romantic or intimate relationship. This definition does not include acts covered under Domestic or Family Violence.

Designee

The term “designee” refers to the Managing Director of the Office of Student Conduct or could include but is not limited to an individual staff member, Office of the Dean of Students staff, Office for Student Rights & Resolution Staff, Title IX Administration, and members of the Behavior Intervention Team.

Disciplinary Good Standing

The term “disciplinary good standing” is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion and who has fulfilled in a timely manner, if any, sanctions imposed.

Discipline Body

The term “discipline body” means any University official or group of officials authorized by the Director of the Office of Student Conduct to determine whether a student has violated the *Code of Student Conduct* and to recommend imposition of sanctions.

Domestic Violence

The term “Domestic Violence” includes acts of domestic/family, dating violence, interpersonal violence (IPV) which includes forms of relationship violence.

Employee

The term “employee” means any person who receives a W-2 or 1042-S from the university, including full-and part-time faculty, staff, and students.

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 Investigator.

Investigator

The term “Investigator” means a University designee authorized by the Director of the Office of Student Conduct, Dean of Students and/or the Director of University Student Housing pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

Managing Director

The term Managing Director refers to the Managing Director of the Office of Student Conduct” or designee who has oversight of implementation of the *Code of Student Conduct* to include but is not limited to determination of Investigation of incidents, all notification procedures, interim actions/suspensions, Investigation procedures, adjudication procedures and appellate procedures.

Member of the University Community

The term “member of the University community” includes any person who is a student, faculty or staff member, University official or any person employed by the University or campus visitors.

Official Academic Record

The term “official academic record” includes, but is not limited to applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.

Organization

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

Policy

The term “policy” is defined as the written regulations, standards and/or rules of the University.

Policy Clarification

The term “policy clarification” refers to written notice to a student when it is determined that the information reported does not warrant an allegation, but may warrant notice to the involved parties to clarify the policy in question.

Preponderance of Evidence

The term “preponderance of evidence” is the standard of proof used by Student Conduct Hearing Officers, Office of Student Conduct and University Student Housing. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

Religious Holy Day

The term “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20.

Respondent

The term “Respondent” refers to the party responding to the complaint or concern reported regarding their behavior or actions.

Retaliation

The term “Retaliation” is defined as any intentional, adverse action taken by any party to the matter, 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. Retaliation is strictly prohibited against a person who files a report through appropriate university reporting mechanisms made in good faith, who assists someone in filing a report, or participated in any manner in the investigation and/or conduct process.

Simultaneous(ly)

The term “simultaneous” or “simultaneously” is defined as soon as feasibly possible and does not necessarily mean instantaneous.

Sponsorship and/or co-sponsorship

The term “sponsorship and/or co-sponsorship” is defined as minimally including, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.

Student

The term “student” includes all persons admitted to or enrolled in courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Texas Tech University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students”.

Student/Student Organization Conduct History

The term “student/student organization conduct history” includes, but is not limited to any responsible finding in a conduct proceeding.

Investigator

The term “Investigator” means a University designee authorized by the Director of the Office of Student Conduct, Dean of Students and/or the Director of University-Student Housing pursuant to the *Code of Student Conduct* to adjudicate alleged violations of the *Code of Student Conduct*.

Student Organization

Texas Tech University defines a student organization as a group consisting of 5 or more students (president, treasurer, and a minimum of three members) joining together for a common mission, cause, and/or any other association. Only currently enrolled students are eligible to be part of student organizations at TTU. TTU registers student organizations annually through the Center for Campus Life. Registered student organizations are bound by the expectations set forth by the Center for Campus Life and receive all rights and Responsibilities outlined by TTU (Section N. Registered student organizations 1.a). Student organizations that are unregistered may not access University resources however, unregistered student organizations shall be subject to the TTU Code of Student Conduct.

Student Threat Assessment Team (STAT)

Under the direction of the Dean of Students, The STAT is a subsidiary of the Behavioral Intervention Team that responds to reports of imminent threat(s) involving a student.

University

The term “University” means Texas Tech University and Texas Tech University Health Sciences Center.

University Official

The term “University official” includes any person employed by Texas Tech University or Texas Tech University Health Sciences Center while performing assigned administrative or professional Responsibilities.

University Premises

The term “University premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks)

ATTACHMENT

3

**TTUHSC OP 60.01, Tenure and Promotion with proposed revisions
(Consent Item f.)**



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.01, **Tenure and Promotion Policy**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide TTUHSC tenure and promotion guidelines within the HSC OP manual, as required by Section 04.02, *Regents' Rules*.

REVIEW: This HSC OP will be reviewed by April 1 of even-numbered years by the deans and ~~Executive Vice President for Academic Affairs~~ Provost, with recommendations for revision forwarded to the president by May 1. Any changes in this HSC OP must be approved by the Board of Regents ("board").

POLICY/PROCEDURE:

1. General Considerations.

- a. **Required contribution by faculty.** TTUHSC is a community of scholars dedicated to teaching and to the advancement of scientific knowledge through scholarship. An essential component of academic endeavor provided by faculty members who have clinical skills is participation in clinical service. Faculty members may also serve the academic community through participation in institutional governance, e.g., committee work, in addition to other activities. Some TTUHSC faculty members also make important contributions to the community in the form of their academically related public service complementary to the institutional mission. All of these contributions by faculty members will be recognized as essential to the mission of TTUHSC.
- b. **Competence and objectivity.** Faculty members at TTUHSC have correlative responsibilities. In addition to maintaining standards of competence, particularly those relating to scholarship, clinical practice, and teaching ability, faculty members are also responsible for maintaining objectivity and industry and cooperating with colleagues and associates in the university.
- c. **Subject to adjustments.** With approval of the dean, faculty members are subject to adjustments to salary, administrative positions, employment duties, and campus location.
- d. **Non-discrimination.** All tenure and/or promotion considerations and recommendations rest upon objective requirements in relationship to the ability of faculty members to perform effectively their responsibilities in teaching, scholarship, clinical service, and academically-related or other public service. Such considerations and recommendations are to be made without regard to race, color, religion, sex, national origin, age, disability, genetic information, status as a covered veteran, or any other legally protected category, class, or characteristic, which, otherwise, do not preclude performance of requisite faculty responsibilities.

2. Academic Freedom.

- a. **Open expression.** Achievement of the teaching, research, patient care and service missions of TTUHSC depends upon an uninhibited search for truth and its open expression. Hence, it is essential that faculty members be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that they consider relevant.

- b. **Content of teaching material.** TTUHSC faculty members are entitled to freedom in the classroom in discussing the subject which they teach, but should refrain from introducing controversial matters which bear no relationship to the classroom subject. When speaking, writing or acting as a citizen of the nation, state or community, faculty members must be free from institutional censorship or discipline, and should make it clear that in this capacity they do not speak for TTUHSC. Faculty members are subject to academic responsibility as noted below in this policy.

3. **Academic Responsibility.**

- a. **Information provided by faculty.** Faculty candidates agree to provide complete, accurate and current information on all applications for employment and credentialing as deemed necessary by TTUHSC. Prior to commencement of employment and as a condition of continued employment with TTUHSC, faculty members shall, at a minimum, obtain and maintain all the requisite licenses/ certifications required by the state of Texas and other such governmental and professional boards having authority over them and practice privileges where applicable. Failure to comply with these requirements may result in suspension without pay and/or termination.
- b. **Responsibility of faculty.** The concept of academic freedom for faculty members is accompanied by an equally important concept of academic responsibility. Faculty members have a responsibility to TTUHSC, their profession, students, and society at large. The rights of faculty members as extended by society and protected by written policies and the law require the reciprocal assumption of certain responsibilities. The fundamental responsibilities of faculty members as teachers, scholars and/or clinicians include maintaining competence in their field of specialization as exhibited in the classroom, the clinic or laboratory and in the public arena by such activities as discussions, lectures, consulting, publications, and participation in professional organizations and meetings.
- c. **Protection of statements.** Statements by faculty members are protected even though they may be critical in tone or content. However, such statements are not protected by free speech if, they substantially impede faculty members' performance of their duties, materially and substantially interfere with the regular operation of TTUHSC, or are part of a continuing pattern of expression that may destroy the harmony and morale of an academic unit. False statements made publicly with knowledge of their falsity, or in reckless disregard for the truth, are not subject to constitutional protection. Such action may call into question the fitness of faculty members to perform their professional duties.
- d. **Conduct in the classroom.** Faculty members should be professional in their conduct in the classroom and in relationships with students, maintain respect for students and students' rights in the learning experience, and be reasonably available to students for consultation concerning course work.

4. **Tenure Perspectives.**

- a. **Concept of tenure.** Academic tenure has been developed so that TTUHSC may have the benefit of the competent and honest judgment of its faculty. Tenure recognizes the professional status of faculty members and assures that employment may be terminated only for cause. The burden of proof rests upon TTUHSC when it elects to dismiss tenured faculty members.
- b. **Purposes of tenure.** The purposes of tenure are to protect the academic freedom of the faculty member, to ensure faithful observance of the requirements of academic due process, and to retain, encourage, and promote the ablest and most promising faculty members. This policy defines the types of appointments that may lead to tenure and specifies procedures for granting tenure.

- c. **Award of tenure.** Tenure may be awarded at certain ranks only after a period of probationary service. TTUHSC may award tenure based on excellence of performance in the following areas relevant to faculty members' disciplines:
- (1) teaching;
 - (2) scholarship (includes appropriate research pursuits);
 - (3) clinical service; and
 - (4) academically-related or other public service.

Tenure at TTUHSC is awarded only by formal action of the board.

- d. **Ranks eligible for tenure.** Members of the faculty with the rank of associate professor and professor alone are eligible for tenure. Tenure does not apply to administrative appointments.

5. **Non-tenure Track Appointments.**

- a. **Term appointment.** Non-tenure track term appointments (0.5 to 1 FTE) are for a specific period of time. Faculty appointees in non-tenured positions shall be given a statement in writing of the conditions and period of their appointment. Term appointments may be renewed. However, reappointment shall not create the right to a subsequent term appointment. Time served by persons in non-tenure track series cannot be used as time accrued toward tenure. Each school may select titles from the following non-tenure track appointment positions:

- (1) **Non-tenure track appointments.** Non-tenure track appointments apply to non-tenure track faculty members who are, at the least, halftime, and to individuals with the appropriate professional credentials, as determined by TTUHSC, who are full-time employees of institutions holding formal affiliation agreements with TTUHSC as follows:

- (a) assistant instructor;
- (b) instructor;
- (c) assistant professor;
- (d) associate professor; or
- (e) professor.

- (2) **Faculty associate appointments.** Faculty associate non-tenure track titles may be used for persons who are employees of TTUHSC and who function in teaching, research, or clinical support roles.

- (3) **Research appointments.** The following non-tenure track appointments are for faculty members engaged primarily in research, with incidental teaching and/or patient care responsibilities:

- (a) research instructor;
- (b) research assistant professor;
- (c) research associate professor; or

(d) research professor.

b. **Other term appointments with qualifying conditions.** Non-tenure track term appointments with qualifying conditions are written for a specific period of time. Faculty appointees in non-tenured positions with qualifying conditions shall be given a statement in writing of the conditions and period of their appointment. Term appointments with qualifying conditions may be renewed. However, reappointment to any such position shall not create the right to a subsequent term appointment. Each school may select titles from the following non-tenure track appointment positions:

(1) **Clinical appointments.** The following non-tenure track appointments are reserved for appointees with less than half-time appointments (less than 0.5 FTE), i.e., less than half-time commitment to, and less than half-time compensation from, TTUHSC:

- (a) clinical lecturer;
- (b) clinical instructor;
- (c) clinical assistant professor;
- (d) clinical associate professor; or
- (e) clinical professor.

Sections 10 and 12 herein do not apply to clinical appointments.

(2) **Non-clinical appointments.** The following non-tenure track appointments are reserved for appointees with less than half-time appointments (less than 0.5 FTE), i.e., less than half-time commitment to, and less than half-time compensation from, TTUHSC:

- (a) lecturer;
- (b) instructor;
- (c) assistant professor;
- (d) associate professor; or
- (e) professor.

Sections 10 and 12 herein do not apply to non-clinical appointments.

(3) **Adjunct appointments.** The term “adjunct” may be used in conjunction with any appropriate non-tenure track titles including joint appointments to indicate that appointees are regularly engaged as employees of another institution or agency. The following “adjunct” series also may be used for TTUHSC faculty who may be engaged in part-time or full-time teaching and/or patient care activities in a duly authorized TTUHSC program and whose compensation is not derived from TTUHSC state-appropriated faculty budgets:

- (a) adjunct instructor;
- (b) adjunct assistant professor;
- (c) adjunct associate professor; or

- (d) adjunct professor.

Sections 10 and 12 herein do not apply to adjunct appointments.

- (4) **Visiting appointments.** The following non-tenure track appointments are reserved for distinguished individuals who meet the criteria for appointment in senior academic ranks. Visiting appointments may be part- or full-time, but are not continuing unless approved by the dean:

- (a) visiting associate professor, or
- (b) visiting professor.

Sections 10 and 12 herein do not apply to visiting appointments.

- c. **Non-reappointment in non-tenure series of appointments.** Faculty appointments in the non-tenure track series shall be reviewed annually by the respective department chairs and deans. Although a reason for the decision not to reappoint is not required, a decision not to reappoint cannot be based on considerations violative of academic freedom or other legally impermissible reasons. TTUHSC will be compliant in following its established standards or prescribed procedures. A written notice of non-reappointment will be issued by the dean to faculty no less than four months prior to August 31 of each year.

Notice of non-reappointment to clinical, non-clinical, adjunct, and visiting faculty may be issued at any time.

- d. **Notice of non-reappointment following five years of service.** After a period of five years of service in the full-time non-tenure track at the assistant professor, associate professor, or professor level, a written notice of reappointment or non-reappointment will be issued by the dean no less than 12 months prior to the date of separation.

Notice of non-reappointment to clinical, non-clinical, adjunct, and visiting faculty may be issued at any time.

- e. **Transition within non-tenure track appointments.**

- (1) Non-tenured faculty members are subject to adjustments to salary, administrative positions, employment duties, and campus location.
- (2) After a period of five years of service in the non-tenure track at the assistant professor level or three years at the associate professor or professor level, extended appointments not to exceed five years may be offered upon recommendation by department chair and approval of the dean.
- (3) The transition from the non-tenure track series to the tenure track series, or vice versa, may be permitted following review and by mutual agreement of the faculty members, the respective department chairs and deans. Absent extraordinary circumstances which are approved by deans, only one transfer between tracks will be permitted.
- (4) Non-tenure track faculty may be eligible for promotion in accordance with requirements and procedures provided for in the respective schools' tenure and promotion guidelines.

- f. **Conditions of non-reappointment and dismissal.**

- (1) Faculty members are entitled to review their personnel files and to obtain a copy of the information contained therein at their expense. The non-reappointment appeal process for an alleged violation of academic freedom, other legally

impermissible reasons, or TTUHSC's non-compliance in following its established standards or prescribed procedures is set out in Section 10.b of this policy.

- (2) Faculty members holding non-tenure appointments may be dismissed for cause as set out in Sections 11 and 12 of this policy.

6. Tenure and Tenure Track Appointments.

- a. **Time served.** Time served on the tenure track in the assistant professor, associate professor and professor ranks shall count as probationary time toward the award of tenure. (See Section 7 of this policy.) Tenure may be awarded only at the associate professor and professor ranks.
- b. **Tenure track appointments.** The following tenure track appointments are for full-time faculty members.
 - (1) assistant professor;
 - (2) associate professor; or
 - (3) professor.
- c. **Tenured appointment.** A tenured appointment assures the right of faculty members to a continuing academic position of employment. Tenured faculty members are subject to adjustments to salary, administrative positions, employment duties, and campus location.
- d. **Academic appointment.** Tenure applies only to full-time faculty members including those faculty members with nine month appointments. Although tenure does not apply to administrative positions, faculty members holding administrative positions may be tenured in their respective academic units.
- e. **Leave of absence.** Tenure applies to continuous full-time appointment in the academic units which have the authority to initiate tenure recommendations. The following rules govern the effect of a leave of absence upon the maximum probationary period:
 - (1) Leave for four months or less during an academic year shall be included in the maximum probationary period.
 - (2) Continuous leave for more than four months shall cause that entire academic year to be excluded from the maximum probationary period unless faculty members are on faculty development leave, or the equivalent of an approved fellowship, performing scholarly activities.
- f. **Joint appointment.**
 - (1) Faculty members whose efforts constitute a 50/50 percent joint appointment in two TTUHSC academic units may be awarded tenure in the joint position. If one of the units refuses to recommend tenure upon expiration of the probationary period and issues timely written notice, tenure shall not be awarded, unless faculty members are given full-time employment in the academic unit that elects to recommend tenure.
 - (2) Faculty members whose efforts do not constitute a 50/50 percent appointment in two TTUHSC academic units may be awarded tenure only in the unit where an appointment greater than 50 percent is held. That unit then must be prepared to absorb the remainder of the faculty member's appointment if the faculty member relinquishes, or is asked to relinquish, the part of the appointment that is less than 50 percent.
- g. **Restructuring of Academic Units.** If a department or other academic unit is merged or otherwise reorganized, tenured faculty members in the affected academic unit shall not lose their tenure appointment solely because of such reorganization.

7. Probationary period.

- a. **Probationary appointment.** Probationary appointees serve in a faculty status leading to the possible award of tenure. Probationary appointees are reappointed after appropriate review each academic year unless otherwise given written notice. (See Section 10.a of this policy.) Such appointees are subject to adjustments to salary, administrative positions employment duties, and campus location.
- b. **Maximum probationary period.** The maximum probationary period for tenure consideration is the same for all tenure-eligible ranks. Before the end of the seven-year probationary period, non-tenured assistant professors, associate professors, or professors must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the eighth year.
- c. **Early tenure.** Requests for early tenure consideration may be appropriate if faculty members' accomplishments are exceptional. Each school will establish criteria for awarding tenure before the end of the maximum probationary period.
- d. **Previous service.** Previous full-time service at the rank of assistant professor, associate professor, or professor, or comparable status in institutions of higher learning, may be applied toward the award of tenure. The dean's letter of appointment shall state whether, and to what extent, time served at another institution will be applied to the probationary period.
- e. **Tenure with appointment.** The president, at the request of a dean, may recommend that the board award appointment with tenure to accommodate the recruitment of senior faculty who have been granted tenure by universities or institutions of higher learning that are at levels comparable to TTUHSC, or whose qualification merit tenure with appointment. The qualifications of candidates for appointment with tenure will be reviewed in accordance with school tenure and promotion policies, standards and guidelines, as well as Section 9 of this policy.
- f. **Extenuating circumstances** .Occasionally, faculty members may experience extenuating circumstances during their appointment resulting in the need to interrupt the probationary period. Consequently, the years considered as part of the probationary period may not be consecutive. Staying the probationary period will not jeopardize or adversely affect faculty members in the tenure review. Guidelines for requests to stay the probationary period are provided in Section 8 of this policy.
- g. **Computing date of service.** In computing probationary periods for tenure, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made. A common tenure anniversary date of August 31 for all tenure-eligible academic appointments shall apply. (See Section 6.f of this policy, for computing periods of leave without pay.)

8. Extension of tenure track probationary period.

- a. **Adjustment of probationary period.** Faculty members may request an extension of their maximum probationary period in order to accommodate those faculty faced with extenuating circumstances. This period of time is not a leave of absence, but rather is a defined period during which expectations for faculty performance are adjusted to reflect faculty members' past or current circumstances. The expectations and responsibilities during this period will be defined in writing by the respective department chairs and approved by deans.
- b. **Extension of probationary period.** The maximum extension that may be granted to faculty members is three years, regardless of the combination of circumstances. Faculty members who are granted an extension of the probationary period will be evaluated on

the same basis and by the same standards as though there had been no extension.

- (1) **Parenting a new child.** Tenure-track faculty members who become the parent of children by birth or adoption during the probationary period for tenure may request a one-year extension of their maximum probationary period to provide time to adjust to the demands of parenting newborn or adopted children. An application for a second consecutive extension may be submitted, but must be approved by the dean, prior to completion of the first extension.

Requests for extension of the probationary period must be submitted as soon as possible after the birth or adoption. If both parents are employed in an eligible position at TTUHSC, each of them may request an extension of the probationary period for each birth or adoption that adds a child or children to their family.

- (2) **Other extenuating circumstances.** When faced with extenuating circumstances, tenure-track faculty members may request an extension of up to three years of the maximum probationary period for reasons beyond the faculty members' control that deprive them of reasonable opportunity to demonstrate their ability and potential as faculty members. Examples of extenuating circumstances include, but are not limited to, care for seriously ill children or family members, physical disaster affecting research materials, and exceptional institutional responsibilities.

- (3) **Procedure for requesting an extension.** Individual schools will develop criteria for consideration of requests for extension of the maximum probationary period. School procedural guidelines will require, at a minimum, that such requests be submitted in writing through the department chair to the dean for approval.

9. **Tenure and promotion decision process.**

- a. **Criteria and standards.** The criteria and areas of performance to be considered in the tenure and promotion decision processes may consist of teaching, scholarship, clinical service, and academically-related or other public service. Individual schools will develop standards of excellence in each of these areas. These standards should also describe the relative importance of each performance category, along with the related criteria for award of tenure or receipt of promotion.
- b. **Guidelines.** Individual schools will develop and publish written policies that translate tenure and promotion standards into guidelines that are appropriate to their disciplines. It shall be the responsibility of the deans to assure appropriate faculty participation in the development of these standards and guidelines, to approve school tenure and promotion policies, and to monitor their application. Deans shall review these guidelines periodically and consider appropriate recommendations from the faculty, according to the bylaws of each school.
- c. **Information regarding criteria, standards, and guidelines.** It is the responsibility of the respective department chairs and deans, to ensure that all faculty members are provided the written tenure and promotion criteria, standards, and guidelines of the school and the department in which appointment has been made.
- d. **Procedure for review of qualifications for tenure and promotion.** Primary responsibility for evaluation of the academic qualifications of candidates for tenure and /or promotion rests with the faculty.

- (1) Where applicable, six sequential steps in the tenure and/or promotion review process are as follows:

- (a) peer review by tenured faculty members in the department for consideration of tenure;
 - (b) peer review by faculty members of higher academic rank in the department for consideration of promotion;
 - (c) review by the department chair;
 - (d) review by the school's committee charged with tenure and promotion;
 - (e) review by the dean;
 - (f) review by the provost; and
 - (g) review by the president.
- (2) In conducting reviews at the department level, all tenured faculty shall have an opportunity to vote on a tenure recommendation. Likewise, in conducting reviews at the department level, all faculty of higher academic rank shall have an opportunity to vote on a promotion recommendation. However, no faculty member currently or previously related by blood or marriage may participate in the tenure and/or promotion evaluation process of any such relative. The department chair is responsible for making an independent tenure or promotion recommendation in writing to the dean. The summary of the vote by appropriate faculty of the department (or of any special review committee) is to be forwarded with the department chair's recommendation to the school tenure and promotion committee, along with appropriate documentation in the tenure or promotion dossier.
- (3) Each school within TTUHSC will have a committee responsible for tenure and promotion, the composition of which will be outlined in the school's respective bylaws. The school tenure and promotion committee will review recommendations for tenure and/or promotion in terms of department and school standards. Each school's tenure and promotion committee will forward its recommendations to the dean, who will be responsible for reviewing and recommending appropriate action on all tenure and/or promotion recommendations emanating from the school. These recommendations, with accompanying documentation in the tenure and/or promotion dossier, will be forwarded to the provost and president. The final recommendations on tenure and/or promotion will ~~then~~ be made by the president and forwarded to the board.

Faculty members may be awarded tenure and/or promotion only by formal action of the board.

10. **Non-reappointment of faculty.**

- a. **Notice of non-reappointment of tenure track faculty.** Although a reason for the decision not to reappoint tenure-track probationary faculty is not required, a decision not to reappoint cannot be based on considerations violative of academic freedom or other legally impermissible reasons. TTUHSC will be compliant in following its established standards or prescribed procedures. Except under conditions relating to the dismissal of faculty noted in Section 11, deans shall give written notice of non-reappointment of non-tenured faculty members on tenure track probationary appointments in accordance with the following schedule. For computing the period of employment, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made.
 - (1) at least four months before the end of two years of service;
 - (2) at least nine months for those with more than two years of service.

Notwithstanding the above provisions, notice of non-reappointment may be given at any time prior to the notice deadline

- b. **Appeal of non-reappointment for non-tenured faculty (non-tenure track and tenure track).** TTUHSC is not required to give any non-tenured faculty members a reason for the decision to not reappoint. However, faculty members are entitled to review their personnel files and to obtain a copy of the information contained therein at their expense.

If non-tenured faculty members allege that the decision not to reappoint them is caused by considerations violative of academic freedom, legally impermissible reasons, or for significant noncompliance with TTUHSC's established standards or prescribed procedures, the allegation shall be given consideration in accordance with the following procedures:

- (1) Faculty members shall submit in writing, and with specificity, allegations of improper non-reappointment, as outlined above, and request a hearing within fifteen (15) TTUHSC business days of receipt of the notice of non-reappointment. Faculty members shall submit the allegations and request for hearing to the dean, the department chair, and the chair of the School Hearing Committee.
- (2) A hearing will be initiated by the School Hearing Committee as soon as possible after receipt of written, specific allegations. The hearing will be conducted in accordance with guidelines and procedures provided in Section 12.i-k of this policy. Under these procedural guidelines, the panel of the School Hearing Committee will select a chair and may request *pro bono* legal counsel or legal counsel from the Office of General Counsel. Legal counsel may advise the hearing panel but may not vote. The faculty member shall have the right to appear in person with legal counsel retained by the individual. Failure on the part of the faculty member to use an attorney or other representative at the hearing shall not preclude the hearing panel from using legal counsel or other assistance from the Office of General Counsel. An audio recording of the proceedings shall be made and delivered to the dean, and a copy of the audio recording will be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the dean and at the expense of the requesting party.
- (3) The faculty member shall have the burden of proving to the hearing panel facts that establish the non-reappointment was improper, as outlined above. The procedure shall be investigatory and non-adversarial in nature.
- (4) Within ten (10) TTUHSC business days of conclusion of the hearing, the chair of the hearing panel shall deliver the findings, recommendations, and minority opinions, if any, to the dean.
- (5) Upon receipt of the hearing panel's findings and recommendations, and within ten (10) TTUHSC business days thereof, the dean shall submit these documents, along with his or her findings and recommendations, to the provost and president and to the faculty member.
- (6) The president shall review the findings and recommendations and within ten (10) TTUHSC business days of receipt of the dean's recommendation make a decision. The president's decision will be stated in writing and communicated to the dean and the faculty member. The decision of the president shall be final.

11. **Grounds for dismissal of tenured and non-tenured faculty.**

- a. **Dismissal.** Dismissal of all faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, will be for cause only.

- b. **Cause for dismissal.** Examples of cause for dismissal of appointment of faculty members include, but shall not be limited to, the following:
- (1) professional incompetence;
 - (2) neglect of professional responsibilities;
 - (3) moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates;
 - (4) mental or physical disability of a continuing nature adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates that cannot be reasonably accommodated;
 - (5) unprofessional conduct adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates.
 - (6) failure to pass comprehensive performance evaluation (See HSC OP 60.03 Comprehensive Performance Evaluation of Tenured Faculty).

12. **Procedures in dismissal cases.** Due process as set forth in this policy statement embodies a course of proceedings in line with rules and principles generally recognized in the academic community. Among these is the right of a tenured faculty member and a non-tenured faculty member during the term of his or her appointment, to request and be granted a hearing before a panel of the School Hearing Committee when notice of cause and request for dismissal has been received by the faculty member and the dean.

In each case, the procedure for dismissal will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of TTUHSC.

- a. **Written notice.** A faculty member shall not be dismissed until he or she has received written notice of the cause for dismissal and, except as specified below, only after a reasonable opportunity for a hearing, which shall meet the established procedures of due process as set forth herein and in which the school shall bear the burden of showing cause for dismissal.
- b. **Salary and duties.** The faculty member will receive his or her salary until conclusion of the dismissal procedures and may continue the performance of his or her duties for that period unless the individual's welfare or that of the school, in the opinion of the dean, requires that a leave of absence be issued. A faculty member's salary, benefits, and duties may be discontinued, on written recommendation of the dean and approval by the president, in cases of job abandonment, loss of professional license/certification to practice, loss of clinical credentials, or similar instances where the faculty member, either by choice or as the result of official actions, becomes prohibited from fulfilling the conditions of his or her employment.
- c. **Resignation.** In cases where the respondent faculty member admits his or her conduct constitutes cause, or does not choose to have a hearing, he or she may resign.
- d. **Lapse of deadline.** Failure to appeal the dismissal, or to submit one's resignation, within fifteen (15) TTUHSC business days of receipt of written notice as set forth above, will relieve TTUHSC of any further obligation to pay a faculty member's salary and benefits, effective immediately, and completes the dismissal process. The dean shall notify the faculty member in writing of this action.
- e. **School Hearing Committee and Hearing Panel.** The School Hearing Committee shall be charged with initiating a hearing in cases of dismissal of tenured faculty or non-

tenured faculty during their term of appointment. The composition and method of selecting a School Hearing Committee panel will be set forth in the faculty bylaws of each school.

- f. **Mediation.** Before the filing of formal dismissal charges by the dean, a reasonable effort shall be made to mediate and conciliate differences, where appropriate. Upon written notification by the dean of a request for dismissal, and within fifteen (15) TTUHSC business days, the chair of the School Hearing Committee shall appoint a mediation team comprised of two faculty members, neither of whom serves in the same department as the faculty member recommended for dismissal, who are not on the School Hearing Committee, and who are acceptable to both parties. If no mediators are found acceptable within fifteen (15) TTUHSC business days, mediation will be deemed not feasible, and the matter will be referred back to the dean. In this case, the dean will determine whether formal charges should issue to dismiss the faculty member for cause.

If a mediation team is acceptable, it shall attempt to reach a mutually acceptable resolution between the dean and faculty member in a thorough, confidential, equitable, and expeditious manner. The mediation team shall report the outcome of the mediation to the president within fifteen (15) TTUHSC business days of the first day of the mediation. If conciliation is not achieved, the dean shall determine whether formal charges should issue to dismiss the faculty member for cause.

- g. **Formal dismissal charges.** In all cases where formal dismissal charges issue, the faculty member will be informed in writing of the charges. The charges will be considered by the panel of the School Hearing Committee unless the faculty member resigns, as set out in Section 12.c. of this policy, or the faculty member fails to cooperate in advancing the appeal, per Section 12.d. of this policy.
- h. **Right to hearing.** Upon receipt of formal dismissal charges, the faculty member shall also be notified in writing of his or her right to a hearing and shall be given fifteen (15) TTUHSC business days from the date of receipt of such notice to submit to the dean and the chair of the School Hearing Committee a request for a hearing before the panel of the School Hearing Committee. Upon receipt of the request, the chair of the School Hearing Committee, will take the necessary measures to address the formal charges as soon as possible.
- i. **Hearing panel.** The panel of the School Hearing Committee will select a chair and may, if it chooses, request *pro bono* legal counsel from the Office of General Counsel. Legal counsel will advise the School Hearing Committee, but may not vote. If the panel of the School Hearing Committee retains *pro bono* legal counsel from outside the Office of the General Counsel, it may consult with the Office of General Counsel regarding technical questions not directly bearing on the merits of the case.
- j. **Representatives at hearing.** In a dismissal hearing, the faculty member shall have the right to appear in person with legal counsel retained by the individual, or representative of his or her choice, and to confront and cross-examine witnesses. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which he or she considers to be relevant or material to the case. TTUHSC shall also have the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and have the same rights in the hearing as those accorded the faculty member. Failure on the part of the faculty member to utilize an attorney or other representative at the hearing shall not preclude the panel of the School Hearing Committee from utilizing *pro bono* legal counsel or other assistance from the Office of General Counsel.
- k. **Procedural aspects.** The parties shall make any objections, substantive or procedural, deemed relevant during the course of the hearing, although neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence shall apply to the hearing.
- l. **Recording.** An audio recording of the proceedings shall be made and delivered by the

dean to the president of TTUHSC, and a copy of the audio recording shall be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the president at the expense of the requesting party.

- m. **Findings of hearing panel.** The nature of the hearing or review of the formal dismissal charges shall be investigatory and non-adversarial. The panel of the School Hearing Committee, by majority of its membership, shall make written findings on the material facts on each charge and make specific recommendations with regard to each of the charges, as well as general recommendations concerning dismissal. The panel of the School Hearing Committee, by majority of its membership, may make any supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated.
 - n. **Dean's review.** The chair of the panel of the School Hearing Committee shall deliver the written findings, recommendations, and suggestions to the dean within seven (7) TTUHSC business days of the hearing. The dean shall review the committee's findings and recommendations and, within seven (7) TTUHSC business days, shall transmit them along with his or her own recommendations to the provost and president.
 - o. **President's review in dismissal of non-tenured faculty.** In the case of dismissal of a non-tenured faculty member, the president shall review the School Hearing Committee's findings and recommendations and the dean's recommendations and make a decision. The president's decision will be stated in writing and communicated to the faculty member and the dean within ten (10) TTUHSC business days of receipt of the recommendations of the School Hearing Committee and the dean. The decision of the president shall be final.
 - p. **President's review in dismissal of tenured faculty.** In the case of a dismissal of a tenured faculty member, the president shall transmit the findings and recommendations of the panel of the School Hearing Committee and the dean's recommendations, along with his or her recommendations, to the faculty member, dean and to the board for its consideration. The board, by a majority of its total membership, shall take final action. The decision of the board will be stated in writing and communicated to the president, who will communicate it to the dean. The president shall also notify the faculty member in writing of the board's decision. The decision of the board shall be final. Once the board acts to dismiss, salary and benefits shall cease, unless such has been discontinued previously for any reason referenced hereinabove.
 - q. **President's right to extend time periods or intervene.** The president shall have the prerogative of extending any of the time periods specified above if, in his or her opinion, it is in the best interest of TTUHSC or the faculty member. The president shall have the right to intervene when, in his or her judgment, the proceedings are not progressing in a timely manner.
 - r. **Suspension of faculty.** The procedures for dismissal described in the foregoing paragraphs of this section do not negate the right of the president to suspend the faculty member from all or some duties when the president reasonably believes it to be in the best interest of the institution. The suspension with pay shall be without appeal and shall continue until such time as the suspended faculty member has been accorded the procedural rights described in this section.
13. **Financial exigency, phasing out, or reorganization of programs.**
- a. Financial exigency: The board has sole authority to declare financial exigency. When faculty dismissals are contemplated on grounds of financial exigency, there should be timely notice as reasonably early as possible. In cases of financial exigency, the faculty members involved shall be given opportunities for appointment in related areas of the school or TTUHSC, provided they are qualified professionally to serve in such areas, and provided such positions are available.

- b. Phasing out, or reorganization of programs: When faculty dismissals are contemplated on grounds of program termination or reduction, or reorganization of academic units, there should be timely notice as reasonably early as possible, with affected faculty having an opportunity to address the matter with the dean. Recommendations from the faculty will be sought by the dean regarding alternatives available to the school to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members. In cases of the phasing out of programs requiring reduction in the number of faculty, the faculty members involved shall be given opportunities for appointment in related areas of the school or TTUHSC, provided they are qualified professionally to serve in such areas, and provided such positions are available.

14. **Implementation.**

- a. This policy, as amended, applies to all faculty members and is to be implemented immediately upon approval by the board. Faculty members in tenure track probationary status at the time of an amendment will have the option of electing the tenure and promotion decision process of either the tenure policy that was in effect when they were appointed or that was in effect at the time of application for tenure. All faculty members are subject to all other provisions and procedures of this tenure policy, as amended, upon its approval by the board. Faculty members who have been awarded tenure at TTUHSC shall continue under this policy, as amended. This policy shall not be applied in derogation of any faculty members' contract rights. It is not the intent of this policy to operate in derogation of any substantive benefit earned by tenured faculty members under a previous TTUHSC tenure policy.

ATTACHMENT

4

**TTUS *Regents' Rules*, Chapter 04 with proposed revisions
(Consent Item g.)**

Chapter 04 – Academic Affairs

04.01 Honorific titles

04.01.1 Horn [Distinguished Professorships](#) and Murray Professorships

- a. The board has established special professorships known as "Horn [Distinguished](#) Professorships" named in honor of Paul Whitfield Horn, the first president of TTU and "Murray Professorships" named in honor of Grover Murray, the first president of TTUHSC. "Horn [Distinguished](#) Professorships" are granted to TTU professors and "Murray Professorships" are granted to TTUHSC and [TTUHSC El Paso](#) professors.
- b. Horn [Distinguished](#) Professorships and Murray Professorships, the highest honors that TTU, ~~and~~ TTUHSC, ~~and~~ [TTUHSC El Paso](#) may bestow on members of their respective faculties, are granted to professors in recognition of their attainment of national or international distinction for outstanding teaching, research, or other creative achievement.
- c. In its operating manuals, each university has specific procedures to be followed for selection of Horn [Distinguished Professorships](#) or Murray Professorships. These procedures provide details concerning material to be gathered and other procedures to be followed.
- d. The board shall approve those faculty members to be granted Horn [Distinguished](#) Professorships and Murray Professorships upon recommendation of the presidents with concurrence by the chancellor.
- e. In unusual and unforeseen circumstances, the board reserves the right to rescind a previously-awarded Horn [Distinguished Professorship](#) or Murray Professorship. The process by which such a rescission is considered shall include the following:
 - (1) A peer-review evaluation may be initiated by the president of the institution, which shall be conducted in accordance with the operating policies and procedures of that institution. The president shall appoint the

members of the peer-review committee. The peer-review committee shall make a recommendation to the president with respect to rescission. In making its recommendation, the committee shall consider whether the actions of the individual:

- (a) constitute significant violations of the institution's operating policies and procedures or of the *Regents' Rules*;
 - (b) constitute an act of moral turpitude or a crime punishable as a felony offense;
 - (c) have substantially harmed the reputation of the academic community of the institution or would cause such reputational harm if the actions were to become public knowledge; or
 - (d) have done substantial harm to the state, national, or international reputation of the institution or would cause such reputational harm if the actions were to become public knowledge.
- (2) The results of the peer-review evaluation shall be provided to the president of the institution. In turn, the president shall make a recommendation that is in the best interest of the institution.
 - (3) The board shall approve the rescission of a Horn [Distinguished Professorship](#) or Murray Professorship upon recommendation of the president with concurrence by the chancellor.