

TEXAS TECH UNIVERSITY SYSTEM  
Lubbock, Texas

Minutes

Board of Regents

August 11-12, 2022

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Prior to the start of the Board of Regents meeting, at 12:30 pm in the C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas, a swearing-in ceremony was conducted for the newly appointed student regent, Mr. Hani Michael Annabi.

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The Trustees Meeting of the ASU Carr Scholarship Foundation took place immediately upon conclusion of the swearing-in ceremony at 12:48 pm in the C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas. The Trustees Meeting of the ASU Carr Scholarship Foundation adjourned at 1:03 pm.

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Committee meetings took place sequentially immediately upon adjournment of the Trustees Meeting of the ASU Carr Scholarship Foundation beginning at 1:06 pm in the C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas. All approved items are listed below under I.

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Thursday, August 11, 2022.—Committee meetings commenced sequentially upon adjournment of the Trustees Meeting of the ASU Carr Scholarship Foundation beginning at 1:06 pm on Thursday, August 11, 2022, in C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas, with the following in attendance:

ATTENDANCE.—

Regents present in person were Arcilia Acosta; Hani Michael Annabi, Student Regent; Cody Campbell; Ginger Kerrick Davis; Pat Gordon; Mark Griffin, Vice Chairman; J. Michael Lewis, Chairman; John Steinmetz; John Walker; and Dusty Womble.

The following officers and staff were present for all or a portion of the meeting: Dr. Tedd Mitchell, Chancellor, TTUS; Dr. Lawrence Schovanec, President, TTU; Dr. Richard Lange, President, TTUHSC El Paso; Dr. Lori Rice-Spearman, President, TTUHSC; Mr. Ronnie Hawkins, Jr., President, ASU; Dr. JuliAnn Mazachek, President, MSU; Mr. Keino McWhinney, Secretary of the Board and Special Advisor to the Chancellor, TTUS; Mr. Eric Bentley, Vice Chancellor and General Counsel, TTUS; Mrs. Penny Harkey, Interim CFO, TTUS and Vice President and Chief Financial Officer, TTUHSC; Mr. Billy

Breedlove, Vice Chancellor for Facilities, Planning and Construction, TTUS; Mrs. Kim Turner, Chief Audit Executive, Office of Audit Services, TTUS; Mr. Patrick Kramer, Vice Chancellor for Institutional Advancement, TTUS; Ms. Martha Brown, Vice Chancellor for State Relations, TTUS; Mrs. Kristina Butts, Vice Chancellor for Federal Relations, TTUS; Mr. Tim Barrett, Chief Investment Officer, TTUS; Mr. Dailey Fuller, Chief of Staff, Chancellor's Office, TTUS; Mrs. Noel Sloan, Senior Vice President for Administration and Finance and Chief Financial Officer, TTU; Mrs. Angie Wright, Vice President for Finance and Administration, ASU; Dr. Beth Reissenweber, Vice President for Administration and Finance, MSU; Dr. Donald Topliff, Provost and Vice President for Academic Affairs, ASU; Dr. James Johnston, Provost and Vice President for Academic Affairs, MSU; Dr. Ronald Hendrick, Provost, TTU; Dr. Darrin D'Agostino, Provost and Chief Academic Officer, TTUHSC; Ms. Chelle Hillis, Assistant CFO, TTUS; Mr. Scott Lacefield, Executive Director of Media Relations and Communications, Chancellor's Office, TTUS; and Mrs. Christina Martinez, Assistant Secretary to the Board of Regents, TTUS.

- I. MEETING OF STANDING COMMITTEES.—Committee meetings took place sequentially upon adjournment of the Trustees Meeting of the Carr Scholarship Foundation beginning at 1:06 pm on Thursday, August 11, 2022.

- I.A. FACILITIES COMMITTEE

The Facilities Committee, presided by Committee Chair Dusty Womble and Vice Chair Mark Griffin and composed by all nine voting members of the Board of Regents, met in open session on August 11, 2022 at 1:06 pm to consider and act on the items as listed below. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were considered and approved by the Facilities Committee in open session and without objection by the Board of Regents of the Texas Tech University System.

- I.A.1. ASU: Authorize expenditures of the Carr Hall Renovation project for Design-Build Stage I and Pre-construction services.—The Board approved the concept for the project and authorized the chancellor or the chancellor's designee to (i) approve expenditures of \$167,194 in order to provide planning and design services for the Carr Hall Renovation project, with an anticipated project budget of \$6,800,000; (ii) waive the use of a Construction Manager Agent ("CMA"); (iii) waive the board directed fees for landscape enhancements; (iv) waive the board directed fees for public art; (v) award a Design-Build Agreement; and (vi) authorize Stage I design services and pre-construction services. The expenditures will be funded with cash.

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 \$6,800,000.

The Board further authorized 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.

This approval grants authority for the Design-Build firm to proceed with Stage I services and move forward on the project's vision through the programming and schematic design phases, provide a Statement of Probable Cost, and project schedule. Provide pre-construction activities associated with the planning and design process, i.e., project evaluation; site analysis; constructability review; value engineering; scheduling; cost control; and development of a Guaranteed Maximum Price ("GMP"). Waive the use of a Construction Manager Agent ("CMA"), waives the board directed fees for landscape enhancements, and waives the board directed fees for public art.

The project will deliver a complete interior renovation of the Carr Hall Residence building, which is an 18,014 GSF, two-story structure built in 1959. The project will modernize the campus residential facility with an anticipated 94 bed count.

The scope of work will include restructuring the existing dorm rooms to meet the current housing trends, with code compliant layouts and fixture counts. Both the lobby and common spaces will be addressed in this renovation. A major part of this renovation involves the HVAC, plumbing, and electrical. New mechanical distribution and equipment will be provided. Currently, the HVAC system utilizes a common return (via main corridors). Due to air quality concerns during the COVID-19 pandemic, Carr Hall has remained off-line. A new HVAC system will be utilized. This will isolate return and supply air cycles to each suite – creating a healthy building. New plumbing distribution and fixtures will be provided throughout. Also new electrical distribution and gear, along with network cabling and technology upgrades will be provided. Critical life safety systems: fire alarm, fire suppression and building controls will be installed. Also, furniture, fixtures, and equipment will be provided.

The ASU Authorize expenditures of the Carr Hall Renovation project for Design-Build Stage I and Pre-construction services PowerPoint is included herewith as Attachment No. 1.

I.A.2. ASU: Approve renewal of lease agreement with the Department of the Army Lease DACW63-1-22-0581 at O.C. Fisher Lake, Texas.—

The Board approved the renewal of the Department of the Army Lease Number DACW63-1-22-0581 authorizing Angelo State University the use and occupancy of 6,000 acres of Government-owned land at O.C. Fisher Lake, Texas, for the period September 1, 2022 and ending August 31, 2047 and that the president of Angelo State University be authorized to execute the lease agreement.

Angelo State University is requesting authorization to sign the Department of the Army Lease Number DACW63-1-22-0581 through the U.S. Army Corps of Engineers for the period September 1, 2022 through August 31, 2047. This lease agreement will replace Lease Agreement DACW63-1-97-0572, which expires on August 31, 2022. This lease agreement has been approved by the Department of the Army, TTU System Office of General Counsel and submitted to Angelo State University for formal execution.

The purpose of the lease is for management, research, and instructional purposes related to animals, plants, wildlife, conservation, restricted agriculture, grazing and recreation in connection with the University's Management, Instruction and Research Center. As a condition of the lease, all monies received by the Lessee (ASU) from operations conducted on the premises may be utilized by the Lessee for the administration, maintenance, operation and development of the Premises. Beginning 5 years from the date of this lease and continuing at 5-year intervals, any such monies not so utilized or programmed for utilization within a reasonable time shall be paid to the Real Estate Contracting Officer. The Lessee shall provide an annual statement of receipts and expenditures to the Real Estate Contracting Officer. The Real Estate Contracting Officer shall have the right to perform audits of the Lessee's records and accounts.

Payment of direct expenses is authorized for planning and development of optimum wildlife habitat including planting of wildlife foot plots, necessary timber clearing, erosion control or habitat improvements such as shelter, restocking of fish and wildlife, and protection of endangered species. Payment of Lessee's employees who are directly engaged in such activities at the project is also authorized. However, proceeds will not be used for the payment of general administrative expenses.

The ASU Approve renewal of lease agreement with the Department of the Army Lease DACW63-1-22-0581 at O.C. Fisher Lake, Texas PowerPoint is included herewith as Attachment No. 2.

- I.A.3. TTU: Approve naming of School of Law, Classroom 109 (Robert Don Collier Classroom).—The Board approved naming of the School of Law, Classroom 109 the “Robert Don Collier Classroom.” Signage for the space will specify the approved name.

Robert “Bob” Don Collier (“Donor”) passed away on April 9, 2020. Through his Estate, Donor made a generous bequest gift of over \$11.4 million to support the School of Law in multiple areas, including providing additional monetary support to his existing endowments, establishing an Endowed Chair for Federal Tax, and designating \$8 million to establish the Robert Don Collier Testamentary Endowed Scholarship. Additional support will be received from the Donor’s Estate after the estate has settled. To honor and recognize this contribution, the School of Law, Classroom 109 will be named “Robert Don Collier Classroom”. Signage for the space will specify the approved name.

The Donor was a two-time graduate of Texas Tech University, earning a bachelor’s in agricultural engineering and a Doctor of Jurisprudence from the School of Law. He was number one in his graduating class from the School of Law and was editor-in-chief of the Law Review. Additionally, the Donor obtained an LL.M. in taxation from New York University School of Law. The Donor served as Managing Partner at Meadows, Collier, Reed, Cousins, Crouch and Ungerman, L.L.P., where he developed a successful tax and business practice. He was heavily involved within the national, state and local bar association. With his bequest gift, the Donor became the largest donor in the School of Law’s history.

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.

The TTU Approve naming of School of Law, Classroom 109 (Robert Don Collier Classroom) PowerPoint is included herewith as Attachment No. 3.

- I.A.4. TTU: Approve total project budget for the National Ranching Heritage Center’s The Cash Family Ranch Life Learning Center project and accept CMAR’s GMP.—The Board authorized the chancellor or the chancellor’s designee to (i) accept the Guaranteed Maximum Price (“GMP”) for construction of the National Ranching Heritage Center’s The Cash Family Ranch Life Learning Center project; (ii) increase the budget by \$7,259,322 for a total project budget of \$8,200,000; (iii) waive the use of a Construction Manager Agent (“CMA”); (iv) report the project to the Texas Higher Education Coordinating Board (“THECB”); and (v)

amend the Construction Manager At Risk (“CMAR”) Agreement. The total project budget will be funded through the Revenue Finance System (“RFS”) repaid with gifts. The current total of expenditures includes the previously board authorized expenditures from gifts (\$940,678).

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 \$8,200,000.

The Board further authorized 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.

This approval grants authority to construct the National Ranching Heritage Center’s The Cash Family Ranch Life Learning Center for a total project budget of \$8,200,000 and waive the use of a Construction Manager Agent (“CMA”).

The National Ranching Heritage Center (“NRHC”) proposes to build The Cash Family Ranch Life Learning Center dedicated to educating the public about the fundamentals of ranching. Told from the perspective of Hank the Cowdog in partnership with famed author John Erickson, the facility will educate both children and adults about the business and science of ranching, ranch life and natural resource management. While all ages will benefit, the focus will be on fourth-eighth grade students. In 2016, the NRHC received a grant that funded a space analysis and conceptual designs for the indoor and outdoor space and exhibits. Currently, we have approval from the Ranching Heritage Association board to move forward with the project.

The project will include 3,500 SF within the Mallet Ranch museum building comprising the following spaces: Orientation Theater, Prairie Ecology Exhibits, Ranching Exhibits, Instruction Space, Security Headquarters, reconfigured Cogdell's General Store, addition of public spaces and a covered porch. Exterior site improvements of 19,897 SF will include: Water Resources Exhibit, Wildlife Exhibit, Ranch House, Machine Shed and Cake House, Amphitheater, Footbridge, Cowboy Workstation, Windmill Feature, hardscaping, and landscaping.

The TTU Approve total project budget for the National Ranching Heritage Center's The Cash Family Ranch Life Learning Center project and accept CMAR's GMP PowerPoint is included herewith as Attachment No. 4.

- I.A.5. TTUHSC: Approve additional project scope and budget increase to the renovation of the Southwest Professional Building project and accept CMAR's amended GMP.—The Board authorized the chancellor or the chancellor's designee to (i) approve the additional project scope to renovate/build-out the Sixth Floor of the Southwest Professional Building; (ii) accept the amended Guaranteed Maximum Price ("GMP") for the Renovation of the Southwest Professional Building project; (iii) increase the budget by \$6,781,070 for a total project budget of \$22,281,070; (iv) report the project to the Texas Higher Education Coordinating Board ("THECB"); and (v) amend the Construction Manager At Risk ("CMAR") Agreement. The total project budget will be funded with Higher Education Funds ("HEF") (cash) and Gifts.

The Board further authorized 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.

This approval grants authority to amend the Construction Manager At Risk ("CMAR") Agreement to add the renovation/build-out of the Sixth Floor and increase the budget by \$6,781,070 for a total project budget of \$22,281,070 on the Renovation of the Southwest Professional Building project.

The Texas Tech University Health Sciences Center ("TTUHSC") has had a presence in Dallas since 1997, leasing building space at 5920 Forest Park Rd. The building supports all four years of Pharmacy students, the School of Nursing, and the Laura Bush Institute for Women's Health. The continued demand for Healthcare Providers and the desire to be in the Dallas-Fort Worth area prompted TTUHSC to purchase the building and begin an extensive renovation of the facility in 2019. These renovations included repair and water/moisture proofing of the façade, installation of a new roof, replacement of exterior fenestration to meet current energy code requirements, MEP infrastructure improvements and utilities rehabilitation, life/safety systems replacement for code conformity, and aesthetic changes to brand the building with Texas Tech's image identity. In addition, the project included renovation of the 7th floor for university occupancy. The balance of the building was occupied by other tenants with varying lease expiration dates that transitioned with the purchase agreement. As tenant leases expired and spaces vacated,

TTUHSC started refurbishing those spaces. The last tenant, who occupied the 6th floor, was Parkland Clinic, who vacated the premises in April 2022. A renovation plan for the 6th floor was contracted by TTUHSC prior to Parklands departure, in anticipation for future renovations based on funding availability. Demolition of the 6th floor has been completed to (1) continue the work of the existing Board of Regent's approved project where the 6th floor windows are being replaced, and the building's façade work is being completed, and (2) advance the build out of the 6th floor. This new project request will authorize build out the Sixth Floor as simulation space for use by both the School of Pharmacy and the School of Nursing, provide new offices, student study space, create a new suite for the Laura Bush Institute for Women's Health, and provide space for program growth.

The TTUHSC Approve additional project scope and budget increase to the Renovation of the Southwest Professional Building project and accept CMAR's amended GMP PowerPoint is included herewith as Attachment No. 5.

- I.A.6. TTUS: Report on Facilities Planning and Construction projects.— The Board accepted a report on Facilities Planning and Construction managed, included herewith as Attachment No. 6 (TTUS Report on Facilities Planning and Construction projects (project data as of 07/20/2022) PowerPoint) and Attachment No. 7 (TTUS Facilities Planning and Construction Capital Projects Budget Analysis FY 2016-2022 Report (Revised 06-28-2022)).

## I.B. FINANCE AND INVESTMENTS COMMITTEE

The Finance and Investments Committee, presided by Committee Chair John Walker and Vice Chair Cody Campbell and composed by all nine voting members of the Board of Regents, met in open session on August 11, 2022 at 1:39 pm to consider and act on the items as listed below. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were considered and approved by the Finance and Investments Committee in open session and without objection by the Board of Regents of the Texas Tech University System.

- I.B.1. ASU, MSU, TTU, TTUHSC, TTUHSC El Paso, and TTUSA: Approve FY 2023 operating budgets.—The Board approved the FY 2023 operating budgets for: Angelo State University, Midwestern State University, Texas Tech University, Texas Tech University Health Sciences Center, Texas Tech University Health Sciences Center El Paso, and Texas Tech University System Administration. In addition, the Board also approved to appropriate the fund balances of income generating accounts for specific activities usually supported by the accounts.

The Board is required to approve on or before September 1, 2022, budget covering operations for the ensuing fiscal year.

The FY 2023 budget has been prepared on the basis of funds appropriated by the 87th Legislature, Regular Session and in accordance with guidelines from the Texas State Comptroller's Office.

The State Auditor has requested that all fund balances be appropriated by the Board of Regents or be classified as unreserved or unallocated. It was recommended that the Board of Regents appropriate fund balances to the activities supported by the accounts.

The TTUS FY 2023 Operating Budget PowerPoint is included herewith as Attachment No. 8.

- I.B.2. TTU: Authorize president to execute a contract extension with Starbucks Corporation.—The Board authorized the president, or his designee, to finalize negotiations and enter into a contract extension with Starbucks Corporation (“Starbucks”) for the license of retail coffee operations.

Texas Tech University (“TTU”), on behalf of its Department of Hospitality Services, issued a Request for Proposals (RFP) on December 22, 2015, seeking competitive responses from qualified vendors and selected Starbucks Corporation as the most qualified and possessing the best overall value to TTU.

The Board of Regents approved the original ten-year contract in the May 2016 meeting. TTU finalized negotiations and entered into the contract on December 9, 2016. The current contract is scheduled to terminate on December 8, 2026.

The proposed Starbucks contract extension will include additional TTU location(s) and continue the relationship between Starbucks and TTU.

**Term and termination.** The proposed Starbucks contract extension will include one 10-year renewal option. The contract does not allow TTU to terminate without cause.

**Cost.** The estimated annual value of the contract is \$3,500,000. The estimated annual revenue of the contract is \$2,000,000. The estimated annual expenses (payments to Starbucks) for TTU to be the franchisee/operator are \$1,500,000 and include but are not limited to the following: (1) a monthly royalty of 7% of the Gross Revenue, (2) monthly advertising and marketing fees each equal to

1% of the Gross Revenue, (3) potential design and development fees for construction or refurbishment of each Starbucks store not to exceed \$25,000, (4) potential training fees not to exceed \$12,000 over the term, and (5) costs of products, supplies, services, fees, and expenses.

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.

- I.B.3. TTU: Authorize president to execute contract for athletics online merchandise (e-commerce) sales with Fanatics Retail Group.—The Board authorized the president, or his designee, to enter negotiations and execute a contract with Fanatics Retail Group (“Fanatics”) for Texas Tech University (“TTU”) Athletics online merchandise (e-commerce) sales.

TTU, on behalf of its Department of Athletics (“Athletics”), issued a Request for Proposal (“RFP”) on April 20, 2022, seeking competitive proposals from qualified e-commerce suppliers and selected Fanatics as providing the best overall value to TTU. The proposed contract will replace the existing contract with Fanatics, which has been in effect since September 01, 2019. Fanatics was the sole respondent to the RFP.

Fanatics will serve as the online retailer to sell licensed athletic merchandise and apparel through the TTU Athletics website as well as all the Fanatics network of online fan shops. TTU Athletics will receive a revenue share of online sales across all sites. The minimum revenue guarantee to TTU is \$1,150,000 over the term with several additional commitments to digital marketing, reporting, and shared data to drive other revenue streams.

**Term and termination.** The proposed contract will be effective from the date of the last signature and will expire after ten (10) full years from that date. The contract does not allow TTU to terminate without cause.

- I.B.4. TTUS: Approve amendments to *Regents’ Rules*, Chapter 06 (Institutional Advancement) and make technical adjustments to *Regents’ Rules*, Chapter 13 (Namings).—The Board approved adoption of amendments to Chapter 06 (Institutional Advancement), *Regents’ Rules*, governing the process and procedures for securing and managing gifts within the Texas Tech University System (“TTUS”) and authorized the Secretary of the Board to make necessary technical adjustments to Chapter 13,



*Regents' Rules* to conform and align with the amendments to Chapter 06.

A comprehensive rewrite of Chapter 06, *Regents' Rules* is proposed to indicate the philosophical and operational shift in the management of Institutional Advancement activities to the component institutions with complementary and coordinating services being provided by TTU System Administration ("TTUSA"). The Rules Committee, in conjunction with a working group comprised of representatives from TTUSA and the component institutions, conducted a comprehensive review of the existing Chapter 06, *Regents' Rules*. The review process included consideration of current internal practices, industry standards, and how best to serve the varying needs of each component institution.

A summary of the major provisions of the proposed new chapter include:

- Reorganization and amendments of chapter sections to flow in the following sequence: 1) definitions; 2) roles and responsibilities; 3) management and coordination of activities; 4) gift acceptance and administration; 5) restrictions; and 6) affiliated entities.
- Addition of definitions to clarify key operating terms specific to the revised chapter. [\[see Sec. 06.00 ... p. 1-2\]](#)
- Delineation of the roles and responsibilities of the board, the chancellor, vice chancellor for institutional advancement, and component institution presidents. Such clarity helps to satisfy accreditation standards while maintaining the board's legal role in accepting gifts. [\[see Sec. 06.01 ... p. 2-3\]](#)
- Addition of language outlining the unique management and coordination functions of the TTU System Office of Institutional Advancement (TTUSIA) and that of each component institution's advancement offices. Distinctions are made between the centralized supportive services provided by TTUSA and the lead role of the component institutions in their fundraising activities. [\[see Sec. 06.02 ... p. 3-4\]](#)
- Addition of clarifying language under gift acceptance and administration on the role of the chancellor and vice chancellor for institutional advancement in establishing procedures for coordinated solicitation, proper acceptance, acknowledgment, and receipt of gifts. Additionally, language is updated to indicate responsibility of the benefitting component institution president in evaluating gifts that require board acceptance and outlines dollar thresholds

where the board is required to formally accept unrestricted gifts, restricted gifts, and gifts-in-kind. [see Sec. 06.03 ... p. 4-5]

- Addition of language authorizing each component institution, in coordination with TTUSIA, to be responsible for establishing minimum funding levels to support endowed chairs, professorships, deanships, and any other academic position(s). This replaces the previous minimum endowment levels in Chapter 06 which are deleted. [see Sec. 06.03.3 ... p. 7]
- Addition of language to provide for exigent circumstances approval in the acceptance of a gift by the chair and vice chair of the board with concurrent notice to the board of the decision. [see Sec. 06.03.4 ... p. 7]
- Updated language to clarify the process by which modification of gifts from their original purpose may be undertaken, with any modification being in accordance with Texas law. Clarifying language is also added regarding the appropriate use of fundraising for employee salaries and a prohibition is added for the unlawful donor restrictions. [see Sec. 06.04. ... p. 7- 10]
- Addition of a section on affiliated entities to recognize their role and to formalize the process by which affiliated entities engage with TTUS and its component institutions. This section also outlines the expectations that affiliated entities operate in a manner that aligns with the mission, operations, and objectives of TTUS and its component institutions and provides for regular assessment of the relationship with affiliated entities. [see Sec. 06.05 ... p. 11-12]

Additionally, the Rules Committee recommended that the Board authorize the Secretary of the Board to make technical adjustments as needed for Chapter 13, *Regents' Rules* to conform with the amendments to Chapter 06. These changes will include updating the definition of affiliated entities in Section 13.00.2 to match the Chapter 06 definition and updating the Exigent Circumstances provision in Section 13.05.8 to include language on concurrent notice to the board.

The TTUS Chapter 06 – Institutional Advancement (*Regents' Rules*) with proposed revisions is included herewith as Attachment No. 9.

- I.B.5. TTUS: Investment Performance Update.—The Board accepted an update on the performance of TTUS investments, included herewith as Attachment No. 10 (TTUS Investment Performance Update).

## I.C. ACADEMIC, CLINICAL AND STUDENT AFFAIRS COMMITTEE

The Academic, Clinical, and Student Affairs Committee, presided by Committee Chair Ginger Kerrick Davis and Vice Chair Pat Gordon and composed by all nine voting members of the Board of Regents, met in open session on August 11, 2022 at 2:27 pm to consider and act on the items as listed below. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were considered and approved by the Academic, Clinical, and Student Affairs Committee in open session and without objection by the Board of Regents of the Texas Tech University System.

- I.C.1. ASU: Approve change in academic rank.—The Board approved a change in academic rank for the faculty of Angelo State University (“ASU”) as listed below, effective June 1, 2022.

Andrew A. Tiger, Ph.D., associate professor to professor,  
Dean of Norris Vincent College of Business

- I.C.2. ASU: Approve appointment with tenure.—The Board approved granting tenure to the faculty of Angelo State University as listed below, concurrently with the appointment.

James A. Eldridge, Ed.D., new professor in the Department of Kinesiology, Archer College of Health and Human Services, effective September 2022. Dr. Eldridge was formerly a tenured professor at The University of Texas Permian Basin, where he has been in several different positions since 1997 through 2022.

- I.C.3. MSU: Approve appointment with tenure.—The Board approved the granting of tenure for the following faculty member of Midwestern State University concurrently with her respective appointment.

Jennifer Amox, D.M.A., will join Midwestern State University, effective August 15, 2022, as the newly appointed chair of the department of music within the Fain College of Fine Arts. Dr. Amox comes to MSU from Henderson State University, where she was a tenured associate professor of flute and music theory. She has performed on piccolo and flute with the Houston Civic and Fort Bend Symphony Orchestra, as well as Orchestra of the Pines, Ballet Forte, the Little Rock Winds, and the National Flute Association Professional Flute Choir. She earned her bachelor's degree in flute performance from Henderson State University, a master's degree in flute performance from Stephen F. Austin State

University, and a doctorate in musical arts from the University of Memphis.

- I.C.4. MSU: Approve Master of Business Administration ("MBA") Degree in Business Analytics.—The Board approved a new degree program, Master of Business Administration ("MBA") in Business Analytics, offered by the Dillard College of Business Administration, and authorized submission by the Office of the Provost and Vice President for Academic Affairs to the Texas Higher Education Coordinating Board ("THECB") seeking its certification of such a program, and to the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC") for acknowledgment of a new degree program.

Enrollment projections for the new program are given in Table 1 below. These figures represent anticipated new enrollment beyond what the MBA degree currently generates and do not include Business Analytics concentration students who would likely shift to the new degree, should it be approved. This conservative estimate is used for both enrollment and financial projections because the new degree will draw some students from the MBA in Business Administration and utilize existing faculty, facilities, and instructional support resources, which effectively offset.

Table 1: Projected Enrollment in MSU's Proposed MBA in Business Analytics

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Total New Students</b>	<b>30</b>	<b>33</b>	<b>33</b>	<b>33</b>	<b>33</b>
Attrition*	0	3	3	3	3
<b>Cumulative Headcount</b>	<b>30</b>	<b>60</b>	<b>55</b>	<b>55</b>	<b>55</b>
FTSE**	25	50	47	47	47
Graduates	0	25	30	30	30

\* Attrition applied at the beginning of a year. We find that a certain number of students begin the program based on the attractiveness of the job market but decide to convert to a general MBA once they experience the nature and difficulty of the material.

\*\* Full-time student equivalent, calculated by estimating the mix of full-time and part-time students.

Projected costs and funding for the proposed MBA in Business Analytics degree are summarized in Table 2. No additional faculty or staff are expected to be needed in the program's first five years. Additional faculty may be needed if the program becomes even more popular and undergraduate enrollment grows in the Dillard College. Existing facilities and equipment are sufficient to support the proposed program with no additional costs. Expenses related to student scholarships are shown in the "Other" category. A donor has provided \$50,000 of funding for scholarships and faculty

development. During the first five years, the proposed program is anticipated to generate revenue of \$1,987,280 against total costs of \$25,000.

Table 2: Projected Costs and Revenue for MSU's Proposed MBA in Business Analytics

Five-Year Costs		Five-Year Funding	
Personnel+	\$0	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$556,244
Library, Supplies, and Materials	\$0	Tuition and Fees	\$1,381,037
Other (scholarships)	\$25,000	Donor Support	\$50,000
<b>Total Costs</b>	<b>\$25,000</b>	<b>Total Funding</b>	<b>\$1,987,280</b>

+ Personnel/faculty costs are shared with the existing MBA in Business Administration program; no additional personnel costs are expected.

I.C.5. TTU: Approve appointments with tenure.—The Board approved the granting of tenure for the following faculty of Texas Tech University concurrently with their respective appointments.

Diana M. Hechavarria, Ph.D., most recently a tenured associate professor with the Center for Entrepreneurship in the Muma College of Business Administration at the University of South Florida, will join TTU as a tenured professor with the Area of Management in the Rawls College of Business, effective September 1, 2022.

Zhongkui Hong, Ph.D., will begin his position at TTU, effective September 1, 2022, as a tenured associate professor in the Department of Mechanical Engineering in the Edward E. Whitacre Jr. College of Engineering. Dr. Hong comes to Texas Tech from the University of South Dakota where he was a tenured associate professor in the Department of Biomedical Engineering.

Krishna Jagadish, Ph.D., appointed, effective March 15, 2022, as a professor and the Thornton Distinguished Chair in the Department of Plant and Soil Science, Davis College of Agricultural Sciences and Natural Resources. Dr. Jagadish comes to TTU from Kansas State University where he was a tenured professor in the Department of Agronomy.

Donald H. Kluemper, Ph.D., to join TTU as a professor in the Area of Management in the Rawls College of Business effective September 1, 2022. In his most recent position, Dr.

Kluemper was a tenured associate professor and co-director of the Institute for Leadership Excellence and Development in the Department of Managerial Studies at the University of Illinois Chicago.

- I.C.6. TTU: Approve conferral of an honorary degree.—The Board approved the conferral of an honorary degree—Master of Architecture—to Mr. Tommie Huckabee.

Mr. Huckabee, the founding principal of Huckabee Architects, studied at Texas Tech University from 1953-54 before going on to become incredibly influential in the field of education-based architecture.

Through his exceptional career, Mr. Huckabee has served not just as a tremendous representative of the university and college, but also as an inspiration for numerous generations of its students.

- I.C.7. TTUHSC: Approve appointment with tenure.—The Board approved the granting of tenure to Grace M. Kuo, Pharm.D., M.P.H., Ph.D., FCCP, FNAP, concurrent with her appointment as professor in the Jerry H. Hodge School of Pharmacy at Texas Tech University Health Sciences Center (“TTUHSC”), effective August 11, 2022.

- I.C.8. TTUHSC: Approve appointment of Grover E. Murray Professors.—The Board approved the appointment of Sherry Sancibrian, MS, CCC-SLP, BCS-CL, FASHA, and Thomas W. Hale, RPh, PhD, as Grover E. Murray Professors.

The Grover E. Murray Professorship is the highest honor the Texas Tech University Health Sciences Center (“TTUHSC”) may bestow on a professor in recognition of national and/or international distinction for outstanding teaching, research, or clinical practice. Professor Sherry Sancibrian and Dr. Thomas Hale meet the criteria for such a distinction.

Professor Sancibrian’s service at TTUHSC began in 1984, when she became Director of Clinical Services for the Speech-Language Hearing Clinic. Since then, she has served as a program director within the Department of Speech, Language, and Hearing Sciences for over 20 years and as interim chairperson for two years. She is currently a full professor, serving as the associate chair for the department and as program director for the Masters in Speech-Language Pathology program. In addition to her departmental duties, she aids the School of Health Professions as the Associate Dean for Academic Affairs. She is a licensed and certified speech-language pathologist, in addition to being a Board Certified Specialist in Child Language.

Professor Sancibrian is an innovative educator and has taught various courses across her years at TTUHSC. She has consistently received robust course evaluations and has been recognized for her excellence in teaching. She has received the TTUHSC Student Senate Outstanding faculty award 11 times, spanning the time frame from 1994 to 2018. She was awarded the President's Excellence in Teaching award two times (1996 and 2007) and received national recognition through the American Speech-Language-Hearing Association Golden Apple award in 2000. Ms. Sancibrian received the School of Health Professions Dean's Distinguished Faculty Service Award in 2016, and was named a TTUHSC Distinguished Clinician two times (2003, 2013). She is a TTUHSC University Distinguished Faculty and received the Chancellor's Council Distinguished Teaching Award in 2020.

Professor Sancibrian has been a part of over 300 presentations, including invited and peer-reviewed venues. Her clinical work has spanned 40 years and has benefited Lubbock and surrounding communities. Her service positions include founder and director of the South Plains Autism Network and the Lubbock Cleft Palate/Craniofacial Team coordinator. She has also been active in service at the local, state, and national levels. Locally, she has volunteered with the South Plains Speech-Language-Hearing Association. She previously served as president of the Texas Speech-Language-Hearing Association, the Texas Speech-Language-Hearing Foundation, and the National Council of State Board of Examiners.

Professor Sancibrian currently serves as chair of the Texas Speech-Language Pathologists and Audiologists Advisory Board for the Texas Department of Licensing and Regulation. She also has had leadership positions within the American Speech-Language-Hearing Association, including convention co-chair and the Speech-Language-Hearing Interstate Compact Advisory Group. Her work has led to honors from associations, such as the Award of Honor from the Texas Speech-Language-Hearing Association and Fellow of the American Speech-Language-Hearing Association.

In 1981, Dr. Hale joined the TTUHSC School of Medicine as assistant professor in the Department of Pediatrics. He has amassed numerous awards from TTUHSC, as well as outside entities, including the Resident's Award for Most Outstanding Pediatric Faculty in 1999 and 2005, Excellence in Research from the Women's Health Research Institute in 2000, various Dean's awards from 2007 through 2010, the John Kennell/Marshall Klaus Award from DONA International in 2011, Texans Caring for Texas Award in 2011, and the Founders Day Lecturer with the American Academy of Breastfeeding Medicine.

Dr. Hale is also an accomplished researcher with more than \$2.7 million in research grant support from organizations such as the Payne Foundation, Marshal Verne Ross Foundation, Children's Miracle Network, and Ferring Pharmaceuticals of Denmark. These grants have led to over fifty publications, along with more than forty abstracts and case reports, five published books, and more than thirty chapters written for various books and textbooks both in the United States and abroad.

In addition, his expertise led to the creation of two smart device applications. The first is *MommyMeds*®, which was developed by the InfantRisk Center to give fast, convenient access to up-to-date and evidence-based information about prescription and over the counter medications and their safety to pregnant and new mothers. Written for clinicians and also developed by the InfantRisk Center, *InfantRisk HCP*® was developed to provide fast, convenient access to evidence-based information about medications and their safety during pregnancy and breastfeeding.

Dr. Hale is an accomplished author, and recently published the 20th edition of his book, *Medications and Mothers' Milk* with Springer Publishing of New York. This book is sold worldwide, in 4 languages, and has sold in excess of 1.5 million copies to date.

Based on their achievements, as well as through their demonstration of excellence in living out TTUHSC's values – One Team, Kindhearted, Integrity, Visionary, Beyond Service – both Professor Sancibrian and Dr. Hale are deserving of the distinction 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 recipients' active service at TTUHSC. Holders of the title, if granted emeritus status upon retirement, shall be designated as Grover E. Murray Professor Emeritus.

- I.C.9. TTUHSC: Authorize president to execute a consulting contract related to institutional planning.—The Board authorized the president, or the president's designee, to finalize negotiations,



approve and execute a contract with a consultant to provide institutional planning services for Texas Tech University Health Sciences Center (“TTUHSC”).

TTUHSC endeavors to construct a multi-year (5-year and 10-year) institutional plan, balancing strategic program growth for the Schools of Medicine, Nursing, Pharmacy, Health Professions, GSBS, Population and Public Health, and Research and Innovation divisions with necessary infrastructure improvements to successfully grow future initiatives in a responsible manner. As a complex, multi-campus, multi-disciplinary health sciences center, it is paramount that the university strategically facilitates institutional planning that ensures alignment of the mission and resources that will be necessary to maintain excellence in academics, research, and patient care.

The TTUHSC Institutional Plan will consider existing facilities, potential space accommodations, opportunities for consolidation of remote facilities to main campuses, projected academic, research and clinical needs, current capabilities, infrastructure improvements to pace campus growth, educational goals, and anticipated budgetary funding requirements by phase.

TTUHSC issued a Request for Qualification 739-SL3238888 (“RFQ”) on February 1, 2022, seeking competitive responses from qualified consultants and selected Perkins Eastman Architects DPC (“PEA”) as the most qualified and possessing the best overall value to TTUHSC. Founded in 1992, PEA is a strategic consultancy that has an established and deep understanding in institutional planning with higher education clients from coast to coast and includes many of the nations largest medical teaching institutions. PEA is additionally supplemented by a strong team of specialists (including HUB qualified firms) in the areas of educational and research programming, AV/IT/MedEd-Tech, clinical analysis, civil engineering, MEP engineering, transportation engineering, and cost estimating.

PEA’s services are needed to align TTUHSC’s academic programs, clinical practices, research endeavors, and facilities toward a clear articulation of TTUHSC’s vision for how to leverage university enterprise connections, operationally build interprofessional convergence, and utilize the adoption of telemedicine wherever broadband is available. PEA will utilize data driven metrics and benchmarking to provide information in order for institutional leadership to evaluate and make informed decisions. A three-phased approach to articulate elements into a singular, convergent vision will include developing the following:

- TTUHSC’s Institutional Plan focusing on academics, research, and clinical opportunities;
- Five- and ten- year Campus Master Plan to capitalize on TTUHSC’s strategic opportunities for each of the six campuses; and
- A model for decision making to be fiscally responsible with implementation scenarios for each TTUHSC campus to be evaluated annually.

Using this three-phased approach, the project schedule anticipates a completion timeline of between 14 and 21 months dependent on sequential vs overlapping campus approaches and phased commencement approvals. This process will ensure successful facilitation of an institutional plan that will support strategic campus and program growth direction for TTUHSC.

The scope of work is constructed in three phases, with TTUHSC retaining the right to initiate each phase with the issuance of a formal written authorization to proceed. The contract (CON3341437) is constructed to become effective on or about September 1, 2022 and will expire on or about August 31, 2024. The proposed consulting fee is not to exceed \$2,700,000 including actual travel, lodging, and out-of-pocket expenses related to the services provided.

#### I.D. AUDIT COMMITTEE

The Audit Committee, presided by Committee Chair John Steinmetz and Vice Chair Arcilia Acosta, and composed by all nine voting members of the Board of Regents, met in open session on August 11, 2022 at 2:56 pm to consider and act on the items as listed below. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were considered and approved by the Audit Committee in open session and without objection by the Board of Regents of the Texas Tech University System.

I.D.1. TTUS: Approve 2023 annual audit plan for the Texas Tech University System.—The Board approved the annual audit plan, included herewith as Attachment No. 11 (TTUS Annual Audit Plan for the year ending August 31, 2023).

I.D.2. TTUS: Report on audits.—The Board accepted the recognition of Emily Knopp, Audit Director at Angelo State University, for her 20 years of service in the Office of Audit Services.

Thursday, August 11, 2022.—The members of the Board of Regents of the Texas Tech University System convened at 3:07 pm on Thursday, August 11, 2022, in C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas, with the following in attendance:

ATTENDANCE.—

Regents present in person were Arcilia Acosta; Hani Michael Annabi, Student Regent; Cody Campbell; Ginger Kerrick Davis; Pat Gordon; Mark Griffin, Vice Chairman; J. Michael Lewis, Chairman; John Steinmetz; John Walker; and Dusty Womble. Regent Cody Campbell departed the meeting early.

The following officers and staff were present for all or a portion of the meeting: Dr. Tedd Mitchell, Chancellor, TTUS; Dr. Lawrence Schovanec, President, TTU; Dr. Richard Lange, President, TTUHSC El Paso; Dr. Lori Rice-Spearman, President, TTUHSC; Mr. Ronnie Hawkins, Jr., President, ASU; Dr. JuliAnn Mazachek, President, MSU; Mr. Keino McWhinney, Secretary of the Board and Special Advisor to the Chancellor, TTUS; Mr. Eric Bentley, Vice Chancellor and General Counsel, TTUS; Mrs. Penny Harkey, Interim CFO, TTUS and Vice President and Chief Financial Officer, TTUHSC; Mr. Billy Breedlove, Vice Chancellor for Facilities, Planning and Construction, TTUS; Mrs. Kim Turner, Chief Audit Executive, Office of Audit Services, TTUS; Mr. Patrick Kramer, Vice Chancellor for Institutional Advancement, TTUS; Ms. Martha Brown, Vice Chancellor for State Relations, TTUS; Mrs. Kristina Butts, Vice Chancellor for Federal Relations, TTUS; Mr. Tim Barrett, Chief Investment Officer, TTUS; Mr. Dailey Fuller, Chief of Staff, Chancellor's Office, TTUS; Mrs. Noel Sloan, Senior Vice President for Administration and Finance and Chief Financial Officer, TTU; Mrs. Angie Wright, Vice President for Finance and Administration, ASU; Dr. Beth Reissenweber, Vice President for Administration and Finance, MSU; Dr. Donald Topliff, Provost and Vice President for Academic Affairs, ASU; Dr. James Johnston, Provost and Vice President for Academic Affairs, MSU; Dr. Ronald Hendrick, Provost, TTU; Dr. Darrin D'Agostino, Provost and Chief Academic Officer, TTUHSC; Ms. Chelle Hillis, Assistant CFO, TTUS; Mr. Scott Lacefield, Executive Director of Media Relations and Communications, Chancellor's Office, TTUS; and Mrs. Christina Martinez, Assistant Secretary to the Board of Regents, TTUS.

- II. MEETING OF THE BOARD—CALL TO ORDER; CONVENE INTO OPEN SESSION OF THE BOARD.—At 3:07 pm, Chairman Lewis announced a quorum present and called the meeting to order.
- III. EXECUTIVE SESSION.—At 3:07 pm, the Board recessed and convened into Executive Session as authorized by Sections 551.071, 551.072, 551.073, 551.074 and 551.076 of the *Texas Government Code* in UC 206, Second Floor, Houston Harte University Center, 1910 Rosemont.

Friday, August 12, 2022.—The members of the Board of Regents of the Texas Tech University System reconvened at 9:44 am on Friday, August 12, 2022, in the C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas, with the following in attendance:

## ATTENDANCE.—

Regents present in person were Arcilia Acosta; Hani Michael Annabi, Student Regent; Ginger Kerrick Davis; Pat Gordon; Mark Griffin, Vice Chairman; J. Michael Lewis, Chairman; John Steinmetz; John Walker; and Dusty Womble. Regent Campbell was unable to attend the meeting.

The following officers and staff were present for all or a portion of the meeting: Dr. Tedd Mitchell, Chancellor, TTUS; Dr. Lawrence Schovanec, President, TTU; Dr. Richard Lange, President, TTUHSC El Paso; Dr. Lori Rice-Spearman, President, TTUHSC; Mr. Ronnie Hawkins, Jr., President, ASU; Dr. JuliAnn Mazachek, President, MSU; Mr. Keino McWhinney, Secretary of the Board and Special Advisor to the Chancellor, TTUS; Mr. Eric Bentley, Vice Chancellor and General Counsel, TTUS; Mrs. Penny Harkey, Interim CFO, TTUS and Vice President and Chief Financial Officer, TTUHSC; Mr. Billy Breedlove, Vice Chancellor for Facilities, Planning and Construction, TTUS; Mrs. Kim Turner, Chief Audit Executive, Office of Audit Services, TTUS; Mr. Patrick Kramer, Vice Chancellor for Institutional Advancement, TTUS; Ms. Martha Brown, Vice Chancellor for State Relations, TTUS; Mrs. Kristina Butts, Vice Chancellor for Federal Relations, TTUS; Mr. Tim Barrett, Chief Investment Officer, TTUS; Mr. Dailey Fuller, Chief of Staff, Chancellor's Office, TTUS; Mrs. Noel Sloan, Senior Vice President for Administration and Finance and Chief Financial Officer, TTU; Mrs. Angie Wright, Vice President for Finance and Administration, ASU; Dr. Beth Reissenweber, Vice President for Administration and Finance, MSU; Dr. Donald Topliff, Provost and Vice President for Academic Affairs, ASU; Dr. James Johnston, Provost and Vice President for Academic Affairs, MSU; Dr. Ronald Hendrick, Provost, TTU; Dr. Darrin D'Agostino, Provost and Chief Academic Officer, TTUHSC; Ms. Chelle Hillis, Assistant CFO, TTUS; Mr. Scott Lacefield, Executive Director of Media Relations and Communications, Chancellor's Office, TTUS; Ms. Ryleigh McKinney, Parliamentarian, SGA, ASU; Ms. Gabi Pettijohn, President, SGA, MSU; Ms. Brianna Mendoza, President, SGA, TTUHSC; Ms. Georgia Blackwell, President, SGA, TTUHSC El Paso; and Mrs. Christina Martinez, Assistant Secretary to the Board of Regents, TTUS.

VI. MEETING OF THE BOARD—CALL TO ORDER; RECONVENE INTO OPEN SESSION OF THE BOARD.—At 9:44 am, Chairman Lewis announced a quorum present and called the meeting to order.

VI.A. INTRODUCTIONS AND RECOGNITIONS.—The Board continued in Open Session. Chairman Lewis called on Dr. Mitchell, Mr. Hawkins, Dr. Mazachek, Dr. Schovanec, Dr. Lange and Dr. Rice-Spearman to present their introductions and recognitions.

Chancellor Mitchell recognized Jim Brunjes; JuliAnn Mazachek; Ronnie Hawkins; Rep. Darby; Congressman Pfluger; and all the ASU, TTUS and TTU staff that assisted in making the meeting a success.

Presidents Hawkins introduced Vinay Patel; Megan Patel; Ben Lion; Andrew Tiger; Michael Salisbury; and David Bixler.

President Schovanec recognized Joe Heppert and Bernay Sheffield.

President Rice-Spearman recognized Tom Hale and Sarah Wakefield.

Presidents Lange and Mazachek had no introductions or recognitions.

[NOTE: All introductions and recognitions for the August 12, 2022 Board of Regents meeting can be viewed in their entirety at the Board of Regents webpage under video archives.]

- VII. RECESS—The Meeting of the Board was not recessed.
- VIII. MEETING OF STANDING COMMITTEES.—No standing committees were reconvened on Friday, August 12, 2022.
- IX. MEETING OF THE BOARD—CALL TO ORDER; RECONVENE INTO OPEN SESSION OF THE BOARD.—The Board continued in Open Session.
- X. OPEN SESSION.—At 10:19 am on Friday, August 12, 2022, the Board continued meeting in open session in the C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, San Angelo, Texas, to consider items as a Committee of the Whole and Meeting of the Board.
  - X.A. APPROVAL OF MINUTES.—Chairman Lewis asked for approval of the minutes of the board meeting held on May 5, 2022. Regent Walker moved for their approval. Regent Acosta seconded the motion, and the motion passed unanimously.
  - X.B. COMMITTEE OF THE WHOLE.—Chairman Lewis announced that for the purpose of facilitating action on the items to be considered, Vice Chairman Griffin would preside over the Committee of the Whole.
    - X.B.1. ASU, MSU, TTU, TTUHSC, TTUHSC El Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda.—Vice Chairman Griffin presented the item regarding approval of the Consent Agenda and acknowledgment of its review of the Information Agenda. The following are the Minute Orders approved by this motion:
      - X.B.1.a. ASU: Approve revisions to the *Student Handbook of Angelo State University, effective August 12, 2022.*—The Board approved revisions to the *Angelo State University Handbook*, effective August 12, 2022. This request was approved administratively by the president and the chancellor.

## 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.

The proposed revisions of the *Student Handbook* are summarized below.

1. Part I, Section A: Added opening paragraph to emphasize the University's core values as an active component of the student experience.
2. Part I, Section B: Removed "Failure of a student to respond to a notification to appear before a Student Conduct Officer / Investigator during any stage of the conduct process" based on TTU Code of Conduct Update and language.
3. Part I, Section B: Added "Immediate Temporary Suspension review process" based on TTU Code of Conduct Update and language
4. Part I, Section B: Added "Other Interim Actions review process" based on TTU Code of Conduct Update and language.
5. Part I, Section B: Added note about student guest actions to "Non-Student Interim Actions" because statement exists for regular actions.

Other changes, including Title IX changes, are editorial.

The ASU *Student Handbook 2022-23* with proposed revisions is included herewith as Attachment No. 12.

- X.B.1.b. ASU: Approve revisions to the Regulations for Performance Evaluation of Tenured Faculty, OP 06.19.—  
The Board approved revisions to the Annual Performance Evaluation for Tenured and Tenure Eligible Faculty operating policy at Angelo State University, effective upon approval. This request was approved administratively by the president and the chancellor.

Angelo State University requested authorization to revise regulations for evaluation of tenured faculty. The proposed changes to the evaluation regulations policy, OP 06.19, are minor. In Section 3 the change corrects the title of OP 06.23 referenced in this policy and corrects a typographical error.

The ASU OP 06.19, Regulations for Performance Evaluation of Tenured Faculty, with proposed revisions is included herewith as Attachment No. 13.

- X.B.1.c. ASU: Approve revisions to the Annual Performance Evaluation for Tenured and Tenure Eligible Faculty, OP 06.28.—The Board approved revisions to the Annual Performance Evaluation for Tenured and Tenure Eligible Faculty operating policy at Angelo State University, effective upon approval.

Angelo State University is requesting authorization to revise procedures for evaluation of tenured and tenure eligible faculty. The proposed change to the evaluation procedures policy is minor. In Section 3 the change allows the submission of paper and/or digital documentation at the discretion of the Dean of the College.

The ASU OP 06.28, Annual Performance Evaluation for Tenured and Tenure Eligible Faculty with proposed revisions is included herewith as Attachment No. 14.

- X.B.1.d. MSU: Approve emeritus appointment.—The Board approved to grant emeritus status to the individual listed below. This request was approved administratively by the president and the chancellor.

**Dr. Delores Jackson** retired from MSU on January 1, 2022, as Director of the Bachelor of Applied Arts and Sciences (“BAAS”) program within the West College of Education (“WCOE”). Dr. Jackson served the university for 21 years in many capacities, including Military Outreach Coordinator, Academic Advisor, and Assistant Director of BAAS. She is an MSU advocate and is heavily involved in local, state, and national civic and professional organizations. Through Dr. Jackson's focus on high standards, the MSU BAAS program built a high-quality reputation across the state of Texas. Under her leadership, the MSU BAAS program was recognized and selected as one of seven state universities dedicated to

adult degree completion and was featured on the Texas Higher Education Coordinating Board's GradTX site.

- X.B.1.e. MSU: Approve revisions to the Student Handbook, effective August 12, 2022.—The Board approved revisions to the *Midwestern State University Student Handbook*, effective August 12, 2022. This request was approved administratively by the president and the chancellor.

### **Executive Summary**

The Student *Handbook* is intended to inform the Midwestern State University community of the expectations, regulations, and/or standards by which students abide and procedures which guide campus activities. The *Student Handbook* is available electronically at <https://msutexas.edu/student-life/assets/files/handbook.pdf>

The proposed revisions to the *Student Handbook* are summarized below.

- MSU's policies governing Title IX and Non-Title IX sexual misconduct are being replaced with the Texas Tech University System Title IX and Non-Title IX sexual misconduct policies. MSU's were similar, but not exact, before joining the System on September 1, 2021. The *2021-2022 Student Handbook* was already published at the time MSU joined the System; therefore, the change is being made with the *2022-2023 Student Handbook*. Sexual misconduct as it solely relates to employees was largely removed from the *Student Handbook*.
- Given significant repetition, the Human Dignity Statement was removed and incorporated into Student Rights and Responsibilities.
- Values were replaced with the new MSU Core Values. A concomitant change was made in the Code of Student Conduct. Where the code previously referred to "core values," it now refers to "principles."
- Updated listings of protected classes are included to be consistent with *Texas Tech University System*



*Regulation 07.10.* This update is realized in multiple sections of the *Student Handbook*.

- Removed items that do not pertain to students, such as the "Intellectual Property Rights" policy.
- Removed MSU policies, where appropriate, that are superseded by Texas Tech University System policies.
- Miscellaneous edits were made for flow, grammar, and formatting.

The MSU Student *Handbook 2022-2023* with proposed revisions is included herewith as Attachment No. 15.

X.B.1.f. MSU: Approve and acknowledge actions relating to low-producing degree programs.—The Board approved and acknowledged the retention of two undergraduate and one graduate degree with all being programs deemed to be “low producing” by the Texas Higher Education Coordinating Board (“THECB”). The proposed responses to the THECB recommendations are to retain the BA in Humanities, the BA in Global Studies, and the MSRS – Radiologist Assistant, with rationale provided for the undergraduate programs and continued actions to be taken to increase enrollment and graduation for the graduate program. This request was approved administratively by the president and the chancellor.

Per state law and THECB rules, the THECB may recommend the consolidation or closure of degree programs it deems to be low producing. A program is considered to be low producing if the number of graduates over the past five years is below the following thresholds:

- for undergraduate programs, fewer than 25 degrees awarded;
- for master’s programs, fewer than 15 degrees awarded; and
- for doctoral programs, fewer than 10 degrees awarded.

In response to such a THECB recommendation, the options include retaining the program with appropriate actions to remedy the program’s low producing status,

consolidating the program with another degree program, or eliminating the program.

If a program identified by the THECB as low producing is retained, the institution's next Legislative Appropriations Request (LAR) must identify the program as one that was recommended for consolidation or elimination.

The THECB recommended the consolidation or closure of the following three MSU programs.

- BA in Humanities
- BA in Global Studies
- MSRS – Radiologist Assistant

The following rationale is provided for continuing the undergraduate programs and actions being taken to increase enrollment and graduation for the graduate program.

#### **BA in Humanities**

The BA in Humanities is a small degree pathway with no staffing or instructional costs directly related to the degree. Liberal arts curriculum offerings are essential to the University's mission. Closure of this degree offering would not result in any cost savings as the courses are primarily dual-listed and serve other majors and the MSU honors program.

#### **BA in Global Studies (formerly International Studies)**

As with the BA in Humanities, the BA in Global Studies has no staffing or instructional costs directly related to the degree. This interdisciplinary degree uses courses in Political Science, Economics, and History. These courses also serve areas of the core and other majors/degrees, and the closure of this degree offering would not result in any cost savings.

#### **MSRS – Radiologist Assistant**

This program suffered a decline in enrollment immediately before the COVID-19 pandemic due to pressures within the profession, primarily recognition and credentialing (total enrollment of four in 2018 and three in 2019). However, the professional climate has changed, particularly through the pandemic, with a strong interest in "upskilling" within the degree field. Enrollment has grown significantly (total enrollment of 11 in 2020, 17 in

2021, and 28 in 2022). The program has intensified its recruiting and retention efforts over the last three years, and the results are evident. The program graduated five students in 2020 and 10 in 2021. These recruiting and retention efforts are continuing, and positive results are anticipated.

X.B.1.g. TTU: Approve faculty development leaves of absence.—  
The Board approved the following faculty development leaves of absence. This request was approved administratively by the president and the chancellor.

Faculty development leave with full salary for Dr. Conrad Lyford, Professor in the Department of Agricultural and Applied Economics in the Davis College of Agricultural Sciences and Natural Resources, for the period of August 22, 2022, through December 17, 2022. Dr. Lyford is recipient of a Fulbright Award for a project to be conducted in Ghana, Africa, seeking to further develop a model for enhancing agricultural productivity and market opportunities for smallholder farmers. The project has a special focus on female smallholder farmers in northern Ghana and builds on a successful earlier project funded by the USDA. Having been awarded this Fulbright opportunity qualifies Dr. Lyford for Texas Tech University's incentives associated with targeted external prestigious awards. One such incentive is to provide a faculty development leave to support the faculty member's relocation for the overseas period of the project.

Faculty development leave with full salary for Dr. Natalia Velikova, Professor in the Department of Hospitality and Retail Management in the College of Human Sciences, for the period of August 22, 2022, through January 11, 2023. Dr. Velikova is a recipient of a Fulbright U.S. Scholar Award to Bulgaria to pursue a project combining research (70%) and teaching (30%) on wine marketing and wine tourism aimed at developing strategies to effectively promote Bulgarian wines worldwide and spur the growth of wine tourism in the country. Having been awarded this Fulbright opportunity qualifies Dr. Velikova for Texas Tech University's incentives associated with targeted external prestigious awards. One such incentive is to provide a faculty development leave to support the faculty

member's relocation for the overseas period of the project.

Faculty development leave with half salary for Dr. Virginia Whealton, Assistant Professor in the School of Music in the J.T. & Margaret Talkington College of Visual and Performing Arts, for the period of August 22, 2022, through May 31, 2023. Dr. Whealton has been awarded a post-doctoral research fellowship with the American Association of University Women (AAUW) to conduct archival research for her book project, *At the Helm of the New Republic: The Music Collection and Musical Life in Early Nineteenth Century Norfolk, Virginia*. The fellowship will entail residence in Norfolk, Virginia with occasional travel elsewhere in Virginia for access to archives at the Jean Outland Chrysler Library (in Norfolk) and the Virginia Museum of History and Culture (in Richmond). Having been awarded this fellowship qualifies Dr. Whealton for Texas Tech University's incentive program to foster and facilitate faculty participation in external residential fellowships. One such incentive is to provide a faculty development leave to enable the faculty member's relocation for the residential period of the fellowship.

- X.B.1.h. TTU: Approve an exception to nepotism policy.—The Board approved an exception to the nepotism policy as listed below. This request was approved administratively by the president and the chancellor.

Dr. Andrew Stetson, Associate Professor in the School of Music, has been named the interim director of the School of Music in the J.T. & Margaret Talkington College of Visual & Performing Arts, effective August 1, 2022. Dr. Stetson's spouse, Rebecca Zeisler, is a staff member and lecturer in the School of Music. To avoid any potential conflict of interest with this line of reporting, during the time that Dr. Stetson serves as interim director, Ms. Zeisler will be supervised by Dr. Peter Martens, Associate Dean for Faculty, Research & Creative Activity in the Talkington College. Dr. Martens will conduct Ms. Zeisler's performance evaluations, compensation changes, and related personnel matters that may arise during Dr. Stetson's interim appointment. This arrangement will cease at the conclusion of Dr. Stetson's appointment as interim director and will be re-evaluated at the end of the academic year if the interim appointment extends further to ensure there is

appropriate management of the conflict of interest and to determine whether any modifications to the arrangement are necessary.

X.B.1.i. TTU: Approve and acknowledge actions relating to low-producing degree programs.—The Board approved and acknowledged the closure of one graduate program and the retention of six degree programs, four of which are graduate, with all being programs that were deemed to be “low producing” by the Texas Higher Education Coordinating Board (“THECB”). The proposed responses to the THECB recommendations are to:

- (1) retain the PhD in Land Use Planning, Management, and Design, the MEd in Bilingual Education and English as a Second Language, the MEd in Language\ Literacy Education, the MS in Microbiology, the BS in Multidisciplinary Science, and the BA in Interdisciplinary Arts Studies, with specified actions to be taken to increase enrollment and graduation for these programs.

This request was approved administratively by the president and the chancellor.

Per state law and THECB rules, the THECB may recommend the consolidation or closure of degree programs it deems to be low producing. A program is deemed to be low producing if the number of graduates over the past 5 years is below the following thresholds:

- for undergraduate programs, fewer than 25 degrees awarded;
- for master’s programs, fewer than 15 degrees awarded; and
- for doctoral programs, fewer than 10 degrees awarded.

In response to such a THECB recommendation, the options include retaining the program, with appropriate actions to be taken to remedy the program’s low producing status; consolidating the program with another degree program; or eliminating the program.

If a program identified by the THECB as low producing is retained, the institution’s next Legislative Appropriations

Request (LAR) must identify the program as one that was recommended for consolidation or elimination.

The THECB recommended the consolidation or closure of the following seven TTU programs.

- Land Use Planning, Management, and Design (PhD)
- Bilingual Education and English as a Second Language (MEd)
- Language & Literacy Education (MEd)
- Multidisciplinary Science (MS)
- Microbiology (MS)
- Multidisciplinary Science (BS)
- Interdisciplinary Arts Studies (BA)

The MS in Multidisciplinary Science has been submitted to the THECB for phase-out. The president recommends, with the concurrence of the chancellor, that the other six programs be retained, with the actions planned for each of these programs provided as follows.

#### **PhD in Land Use Planning, Management, and Design**

The interdisciplinary PhD program in Land Use Planning, Management, and Design (LPMD), was originally housed in the College of Architecture (CoA) since being approved by the Coordinating Board in 1974. In academic year 2019-2020, the program was moved from the CoA to the Graduate School to better align with the interdisciplinarity of the LPMD program. The Graduate School updated the course curriculum, is increasing student funding opportunities and improving advertising to increase visibility, outreach and branding to increase enrollment and graduation.

#### **MEd in Bilingual Education and English as a Second Language**

The Department of Curriculum and Instruction in the College of Education in academic year 2020-2021 performed a review of the curriculum and identified a program coordinator to focus on advertising and recruiting new students to the program. This renewed effort will take a few years to realize success.

#### **MEd in Language & Literacy Education**

The Department of Curriculum and Instruction in the College of Education in academic year 2020-2021

restructured the Language & Literacy curriculum and identified a program coordinator to focus on advertising and recruiting new students to the program. This renewed effort will take a few years to realize success.

### **BS in Multidisciplinary Science**

The Department of Teacher Education in the College of Education in academic year 2021-2022 restructured the Multidisciplinary Science program to attract more students and continue to serve urban and rural areas as high-need for secondary STEM-Science and Math content teaching. Total enrollment in the program is up 35% (from 22 to 34 students) over the past two years.

### **MS in Microbiology**

The Department of Biological Sciences in academic year 2020-2021 created a one-year non-thesis master's option in microbiology aimed at students in their gap-year between undergrad and professional degrees. The program accepted its first students in Fall 2021 and experienced a 38% increase in total enrollment (from 8 to 13 students) compared to the prior year. The department is working to increase their advertising efforts to expand further.

### **BA in Interdisciplinary Arts Studies**

The degree program underwent substantive changes in 2021-2022. The J.T. & Margaret Talkington College of Visual & Performing Arts has implemented a marketing and recruitment plan for the BA-IAS, which coupled with the curricula revisions should create growth. Enrollment went from zero in 2017 and 2018 to an average of 10 per year over the past three years. Efforts to further expand enrollments include innovative curricular paths to better define possibilities for prospective students, and the recent appointment of a program coordinator.

- X.B.1.j. TTUHSC: Approve exceptions to nepotism policy.—The Board approved an exception to the nepotism policy in the following instance. This request was approved administratively by the president and the chancellor.

Dr. Mahmoud Ahmed accepted appointment as a tenure-track assistant professor in the Department of Pharmaceutical Sciences in the School of Pharmacy and will begin August 2022. His current research at UT Southwestern Medical Center focuses on medicinal chemistry, biochemistry, and drug discovery. His

TTUHSC startup agreement includes funding that can support research staff. Dr. Ahmed's wife, Dr. Tyler Heba Ewida, is an ideal candidate to serve as a post-doctoral research associate with the Ahmed group because of her own research experience.

Dr. Ewida is a Ph.D. trained biochemist with an expertise in cardiometabolic diseases. This includes post-doctoral training under Dr. Luke Szewda at UT Southwestern Medical Center, where she studied the metabolic pathways integrated in the progression of diabetes and heart failure.

In fact, Drs. Ahmed, Szewda, and Ewida have already initiated a collaboration developing novel chemical entities to tackle molecular and metabolic pathways towards induction of heart cells regeneration. Dr. Ahmed plans to continue with collaboration at TTUHSC and Dr. Ewida is integral to this success and they plan to validate the efficacy of the synthesized molecules in planned, preclinical studies. This research collaboration is critical to supporting the Dr. Ahmed's collaborative efforts and success in publications and securing extramural funding.

If approved for employment, to avoid any potential conflict of interest, Dr. Ahmed would not initiate or participate in any institutional decision affecting Dr. Ewida's employment status or compensation. Instead, Dr. Thomas Abbruscato, University Distinguished Professor, Chair of the Department of Pharmaceutical Sciences, and Senior Associate Dean, GSBS, will personally and directly conduct and approve Dr. Ewida's performance reviews and any other records, correspondence, or transactions involving her appointment, wages, hours, advancement, or other conditions of employment. Her pay will be based on NIH scale for post-doctoral fellows. Directly reporting to Dr. Abbruscato will circumvent the line of reporting to Dr. Ahmed. This reporting structure will be in effect for the duration of Dr. Ahmed's startup funding, approximately three years. The reporting structure will also be in effect if additional funding is obtained by Dr. Ahmed in which an appropriate salary line for Dr. Ewida is included. Grants applications from the Ahmed lab are an expected part of his job duties and should be submitted regularly. At the end of each academic year, this arrangement will be re-evaluated by the dean, associate dean for research, and department chair, to ensure that there is effective



management of the conflict of interest and to determine if any modifications are necessary.

- X.B.1.k. TTUHSC El Paso: Approve revisions to the 2022-2023 Institutional Student Handbook: Code of Professional Conduct effective September 1, 2022.—The Board approved revisions to the Institutional Student Handbook: *Code of Professional and Academic Conduct 2022-2023* for Texas Tech University Health Sciences Center El Paso, to be effective September 1, 2022.

The TTUHSC El Paso Student Handbook: *Code of Professional and Academic Conduct 2022-2023* with proposed revisions is included herewith as Attachment No. 16.

- X.B.1.l. TTUS: Approve delegation of authority to the chancellor or his designee to adopt changes to TTU System Regulations on Title IX to be consistent with U.S. Department of Education Title IX Regulations.—The Board approved the delegation of authority to the chancellor, or his designee, to adopt changes to Texas Tech University System (“TTUS”) Regulations on Title IX to be consistent with recent amendments to the U.S. Department of Education (“DOE”) Title IX Regulations. This request was approved administratively by the chancellor.

On June 23, 2022, the U.S. DOE proposed amendments to “the regulations implementing Title IX of the Education Amendments of 1972 (Title IX)” which will apply to TTUS component institutions. Prior to taking effect, the DOE rules are subject to a 60-day public comment period. To ensure timely compliance with the new rules once they are finalized, it is requested that the board delegate authority to the chancellor or his designee to adopt changes to TTUS Title IX System Regulations to be consistent with the DOE Title IX regulations once they are adopted.

- X.B.1.m. TTU: Approve naming of teaching laboratory in the Edward E. Whitacre, Jr. College of Engineering (Evelyn M. Knox Davies Undergraduate Teaching Lab).—The Board approved the naming of Electrical Engineering Lab 007 in the Edward E. Whitacre, Jr. College of Engineering the “Evelyn M. Knox Davies Undergraduate Teaching Lab.” The donor concurs with the naming of this space. Signage for the space will specify the

approved name. This request was approved administratively by the president and the chancellor.

Evelyn M. Davies (“Donor”) made a generous commitment of \$1.2 million to support the Edward E. Whitacre Jr. College of Engineering through the immediate renovation of Electrical Engineering Lab 007. To honor and recognize this contribution, the renovated teaching laboratory in the Edward E. Whitacre Jr. College of Engineering will be named “Evelyn M. Knox Davies Undergraduate Teaching Lab”. Signage for the space will specify the approved name.

The Donor is a former student of Texas Tech University. She has been active in the community, receiving the Women of Excellence Award from the YWCA in 2017 and Outstanding Philanthropist from the Association of Fundraising Professionals – Lubbock chapter in 2014. She has served on various advisory boards throughout the Texas Tech University System, including service to the Texas Tech Foundation Board of Directors. 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.

- X.B.1.n. TTU: Approve School of Veterinary Medicine Five-Year Capital Projects Plan and authorize submission of the MP1 report.—The Board approved the Texas Tech University School of Veterinary Medicine Five-Year Capital Projects Plan and authorized submission of Texas Tech University School of Veterinary Medicine’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.

The TTU School of Veterinary Medicine Five-Year Capital Projects Plan is included herewith as Attachment No. 17.

- X.B.1.o. TTUHSC El Paso: Acknowledge the revised Five-Year Capital Projects Plan and submission of the MP1 report.—The Board acknowledged the revised Texas Tech University Health Sciences Center El Paso Five-Year Capital Projects Plan and authorized submission of

the Texas Tech University Health Sciences Center El Paso's Capital Expenditure Plan ("MP1") Summary Report to the Texas Higher Education Coordinating Board ("THECB"). This request was approved administratively by the president and chancellor.

The TTUHSC El Paso Five-Year Capital Projects Plan is included herewith as Attachment No. 18.

- X.B.1.p. ASU: Approve commissioning of police officers.—The Board approved to commission the following individuals as a police officers, effective on the date indicated below. This request was approved administratively by the president and the chancellor.

Juan Soto, effective April 25, 2022  
Beau Sanders, effective May 2, 2022  
Misty Eatmon, effective July 1, 2022

- X.B.1.q. ASU: Authorization to execute a contract amendment with Skyline Aviation Inc. for Flight Training Courses for the 2023 school year.—The Board authorized the president, or his designee to approve a contract amendment with Skyline Aviation Inc. ("Skyline") for flight training courses for school year 2023, including fall, spring, and summer semesters. This request was approved administratively by the president and the chancellor.

In June 2021, ASU initiated within its Department of Business, a Bachelors of Commercial Aviation ("BCA") program. The BCA program was approved by the Board of Regents on May 14, 2020 and a contract with Skyline was approved by the Board of Regents on May 13, 2021. Under the existing agreement, ASU contracted with Skyline to provide the in-flight training and to participate in cooperative education endeavors for the aviation students in this program. ASU had a successful launch and first year of this new program. School year 2023 has a projection to double in students, including new students and those entering their second year of the program. This growth in students necessitates a contract amendment with Skyline to meet program demand over the course of one school year. The contract amendment has been reviewed by the Office of General Counsel.

The cost below is for courses and required flying time. In addition, the cost adjusts for the increase in aircraft fuel

prices. As this program evolves and historical data is available, costs will be estimated for future years of the program.

Component	Vendor	Service to be Provided	Estimated Per Annum Expenditures	Estimated Term Expenditures (includes renewals)	Start	End	Procurement Method
ASU	Skyline Aviation	Flight instruction	\$2,600,000.00	To Be Determined	9/1/2022	8/31/2023	Competitive Quotation

X.B.1.r. TTU: Approve commissioning of police officers.—The Board approved to commission the following individuals as a police officer, effective on the date indicated below. This request was approved administratively by the president and the chancellor.

Steven Provencio, effective May 5, 2022  
 Elias Soto IV, effective May 12, 2022  
 Josue Alonzo, effective May 23, 2022

X.B.1.s. TTU: Authorize president to execute contract for building and rooftop lease with New Cingular Wireless PCS, LLC.—The Board authorized the president, or his designee, to enter into a contract with New Cingular Wireless PCS, LLC (“AT&T”) for a building and rooftop lease at the Texas Tech Plaza located at 19<sup>th</sup> and University Avenue (“TTU Plaza”). This request was approved administratively by the president and the chancellor.

The president of Texas Tech University (“TTU”) recognizes the need for TTU to enter into a lease agreement to provide rooftop space at TTU Plaza to AT&T. TTU has similar leases in place at TTU Plaza with other communications providers, which help fully optimize space, generate revenue, and enhance cellular service to the TTU community. Under the lease agreement, TTU will lease 502 square feet of rooftop space to AT&T for installation of a cellular antenna and associated equipment. TTU will allow limited access to the building and rooftop over the term for repair and maintenance. Access will be monitored by TTU’s Operations Division.

Rent charged to AT&T will start at \$34,800 per year and is subject to 2% increases upon reevaluation by TTU each fiscal year. Electricity to the antenna will be sub-

metered and invoiced to AT&T by the Operations Division.

The initial term is five years beginning on November 1, 2022 and ending on October 31, 2027. There are four additional five-year extensions available under the lease if agreed to by both parties prior to the end of the then-current term.

After the initial five-year term, TTU may terminate the agreement, within its sole discretion, by providing one hundred eighty (180) days written notice.

- X.B.1.t. TTU: Approve modification of endowment (The CH Foundation Endowment for The Remnant Trust at Texas Tech University).—The Board approved modification of The CH Foundation Endowment for The Remnant Trust at Texas Tech University (“Endowment”) currently held in the Texas Tech University Office of the Provost and approved modification of the related quasi-endowment, as outlined below:

Close the Endowment and use the balance to: 1) add funds to **The CH Foundation Graduate Fellowship Endowment**, the donor’s existing endowment housed in the Graduate School; and 2) use the remaining funds in excess of the original gift to establish a new scholarship endowment in the J.T. & Margaret Talkington College of Visual & Performing Arts (“TCVPA”).

Modify the existing quasi-endowment to benefit **The CH Foundation Graduate Fellowship Endowment**, housed in the Graduate School.

Actions:

**1) Add Funds to Existing Endowment**

Transfer Donor’s original gift to **The CH Foundation Graduate Fellowship Endowment** to raise the corpus of this existing fund.

**2) Modify Related Quasi-Endowment**

Modify the related quasi-endowment to benefit **The CH Foundation Graduate Fellowship Endowment** in the Graduate School.

### 3) Establish New Endowment

Utilize remaining funds to establish a new endowment, as follows:

Fund Name:

**The CH Foundation Scholarship Endowment for the J.T. & Margaret Talkington College of Visual & Performing Arts**

Criteria:

**The CH Foundation Scholarship Endowment for the J.T. & Margaret Talkington College of Visual & Performing Arts** will be awarded to full-time undergraduate students enrolled in TCVPA with a minimum GPA of 3.0. Preference will be given to students in the Schools of Music and Theatre & Dance.

- X.B.1.u. TTU: Approve modification of endowment (Helen DeVitt Jones Endowment for The Remnant Trust at Texas Tech University).—The Board approved modification of the Helen DeVitt Jones Endowment for The Remnant Trust at Texas Tech University (“Endowment”) and the related quasi-endowment currently held in the Texas Tech University Office of the Provost as follows:

Close the Endowment and use the balance to establish a new endowment to benefit the Museum of Texas Tech University:

New Fund Name:

**Helen DeVitt Jones Endowment for Outreach Programming at the Museum of Texas Tech University**

New Criteria:

The **Helen DeVitt Jones Endowment for Outreach Programming at the Museum of Texas Tech University** will benefit outreach programs of the Museum, including, but not limited to: (1) in-person programming for community, service, scouting and hobby organizations in the South Plains; (2) development, production and installation of rotating small traveling exhibits or remote displays at local, regional or state establishments or institutions in the South Plains, Texas Panhandle and West Texas regions; (3) lecture or

speaker series for the South Plains and Texas Tech communities; (4) development and implementation of elementary and secondary school, and university, in-person outreach programming; (5) distance learning programs for local and rural schools; and (6) graduate research fellowships in support of the programs.

No portion of the fund may be used for marketing or to supplement or offset salary and/or fringe benefits for the Helen DeVitt Jones Curator of Education or the Helen DeVitt Jones Curator of Art, or any educational staff positions at either the Museum of Texas Tech University or the Lubbock Lake Landmark.

This request was approved administratively by the president and the chancellor.

- X.B.1.v. TTU and TTUS: Approve purchasing contract(s) in excess of \$1,000,000.—The Board approved purchasing contracts in accordance with *Regents Rules* 07.12.3.a, including those contracts with a value exceeding \$5,000,000 in accordance with *Regents' Rules* 07.12.3.c as listed on the following page. This request was approved administratively by the president and the chancellor.

**TTU and TTUS: Approve Purchasing Contracts**

*Regents' Rules 07.12.3.a and 07.12.3.c*

Component	Vendor	Services or Goods to be Provided	Estimated Per Annum Expenditures	Estimated Term Expenditures (includes renewals)	Start	End	Procurement Method
TTU	Advanced Graphix (C19035)	Promotional goods and services	\$ 1,500,000	\$ 12,000,000	Execution	8 years after execution	Request for Proposal
TTU	LemnaTec GmbH (C18998)	Equipment that generates phenotypic data of plants	\$ 5,946,000	\$ 5,946,000	Execution	2 year warranty period	Sole Source
TTU	Scarborough Specialties (C19036)	Promotional goods and services	\$ 1,500,000	\$ 12,000,000	Execution	8 years after execution	Request for Proposal
TTUS	STM Charters (C19037)	System-wide Aircraft Charter Broker	\$ 1,000,000	\$ 8,000,000	Execution	8 years after execution	Exempt
TTUS	Texas A&M Corpus Christi/Ellucian (C19038)	Enterprise software licenses, services, maintenance, and goods	\$ 1,500,000	\$ 15,000,000	9/1/2022	8/31/2032	Texas Connection Consortium

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.

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.

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.

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.



X.B.1.w. TTUHSC: Authorize president to finalize negotiations and enter into contract with Boehringer Ingelheim Pharmaceuticals, Inc.—The Board authorized the president, or the president’s designee, to finalize negotiations and enter into a contract with Boehringer Ingelheim Pharmaceuticals, Inc. (“BIP”) for the purpose of conducting a clinical study and evaluation. The commitment of resources may exceed four years and does not contain a cancellation provision as provided in Section 07.12.3.d(2) that would except it from requiring Board approval. This request was approved administratively by the president and the chancellor.

X.B.1.x. TTUHSC: Approve establishment of Quasi Endowment – Research Collaboration Endowment.—The Board approved establishment of a quasi-endowment with an initial investment of \$6,000,000 to support the Texas Tech University Health Sciences Center (“TTUHSC”) School of Medicine Research Collaboration Endowment. This request was approved administratively by the president and the chancellor.

The investment of \$6,000,000 to support this endowment will be provided from the department of pathology Medical Practice Income Plan fund balance. No donor funds will be used for the creation of this endowment but may be used in the future to enhance the endowment.

These funds will be used, at the dean’s discretion, to enhance collaborative research. In addition, these funds will be used for basic science and clinical research.

X.B.1.y. TTUHSC: Approve establishment of Quasi Endowment – Research Chair.—The Board approved establishment of a quasi-endowment with an initial investment of \$1,500,000 to support the Texas Tech University Health Sciences Center (“TTUHSC”) Research Chair. This request was approved administratively by the president and the chancellor.

This investment will meet the minimum endowment threshold for Chair Endowments within TTUHSC. No donor funds will be used for the creation of this endowed chair but may be used in the future to enhance the chair.

These funds will be used to establish the requested chair endowment. Proceeds from the earnings disbursement will be used by TTUHSC’s Office of the Senior Vice

President for Research and Innovation for the recruitment and retention of a preeminence faculty member whose primary effort assignment is in research. Once the chair is filled, it will support research efforts to further TTUHSC's mission of research innovation and collaboration.

Regent Griffin moved that the Consent Agenda be approved and that the Board acknowledge its review of the Information Agenda. The motion was seconded by Regent Kerrick Davis and passed unanimously.

Regent Griffin stated that consideration of items by the Committee of the Whole was concluded.

- X.C. SCHEDULE FOR BOARD MEETINGS.—Mr. McWhinney presented the following schedule for future board meetings: November 17-18, 2022, Lubbock; February 23-24, 2023, Odessa; May 4-5, 2023, Lubbock; August 10-11, 2023, Lubbock; November 16-17, 2023, Lubbock.
- X.D. STUDENT GOVERNMENT ASSOCIATION REPORTS.—At 10:22 am, SGA reports were presented.
- X.D.1. REPORT BY STUDENT GOVERNMENT ASSOCIATION, ASU—Chairman Lewis called on Ryleigh McKinney, parliamentarian, Student Government Association, ASU, who presented a report from the Student Government Association. (NOTE: This report can be viewed in its entirety at the Board of Regents webpage under video archives.)
- X.D.2. REPORT BY STUDENT GOVERNMENT ASSOCIATION, MSU—Chairman Lewis called on Gabi Pettijohn, president, Student Government Association, MSU, who presented a report from the Student Government Association. (NOTE: This report can be viewed in its entirety at the Board of Regents webpage under video archives.)
- X.D.3. REPORT BY STUDENT GOVERNMENT ASSOCIATION, TTU—Chairman Lewis called for the video report to be presented for Austin Phillips, president, Student Government Association, TTU, who was unable to attend the meeting in person. (NOTE: This report can be viewed in its entirety at the Board of Regents webpage under video archives.)
- X.D.4. REPORT BY STUDENT GOVERNMENT ASSOCIATION, TTUHSC—Chairman Lewis called on Brianna Mendoza, president, Student Government Association, TTUHSC, who presented a report from the Student Government Association. (NOTE: This

report can be viewed in its entirety at the Board of Regents webpage under video archives.)

X.D.5. REPORT BY STUDENT GOVERNMENT ASSOCIATION, TTUHSC El Paso.—Chairman Lewis called on Georgia Blackwell, president, Student Government Association, TTUHSC El Paso, who presented a report from the Student Government Association. (NOTE: This report can be viewed in its entirety at the Board of Regents webpage under video archives.)

XI. EXECUTIVE SESSION.—At 10:40 am, the Board recessed and convened into Executive Session as authorized by Sections 551.071, 551.072, 551.073, 551.074 and 551.076 of the *Texas Government Code* in UC 206, Second Floor, Houston Harte University Center, 1910 Rosemont.

XII. OPEN SESSION.—At 11:29 am, the Board reconvened in open session in the C.J. Davidson Conference Center (UC 100), First Floor, Houston Harte University Center, 1910 Rosemont, to consider items as a Committee of the Whole and Meeting of the Board.

XII.A. REPORT OF EXECUTIVE SESSION.—Chairman Lewis called on Vice Chairman Griffin to present motions regarding items discussed in Executive Session.

Vice Chairman Griffin announced there were six motions resulting from Executive Session.

XII.A.1. Vice Chairman Griffin moved (1) that the Texas Tech University System Board of Regents authorize President Schovanec to finalize and enter a ground lease with the Red Raider Facilities Foundation for the financing, design, redevelopment, construction and equipping of the South End Zone at Jones AT&T Stadium and a new Football Training Facility, and to execute all ancillary agreements and to take all further actions deemed necessary to effect this authorization, on the terms deemed most beneficial to Texas Tech University; and (2) that the Board finds that the execution of the ground lease supports the public mission of, and will serve a public purpose appropriate to the function of Texas Tech University, and the transaction will result in adequate consideration and benefits to Texas Tech University and the State of Texas ... all in keeping with the terms and conditions discussed in Executive Session. The motion was seconded by Regent Acosta and unanimously approved by the Board.

XII.A.2. Vice Chairman Griffin moved that the Board authorize President Schovanec, or his designee, to execute a contract extension with Krista Gerlich to continue as the head coach for Women's

Basketball for Texas Tech University ... under the terms and conditions set forth in Executive Session. The motion was seconded by Regent Kerrick Davis and unanimously approved by the Board.

- XII.A.3. Having determined that a revised employment agreement with the director of Athletics for Texas Tech University is in the best interest of the institution, and due to the exemplary performance and confidence the Board of Regents has in his leadership, Vice Chairman Griffin moved that the Board authorize President Schovanec, or his designee, to execute a contract extension with Kirby Hocutt to continue as the Director of Athletics for Texas Tech University ... under the terms and conditions set forth in Executive Session. The motion was seconded by Regent Acosta and unanimously approved by the Board.
- XII.A.4. Vice Chairman Griffin moved that the Board authorize President Lange to conclude the negotiations and execute the necessary documents for the acquisition of real property in El Paso as identified in Executive Session ... under the terms and conditions set forth in Executive Session. The motion was seconded by Regent Kerrick Davis and unanimously approved by the Board.
- XII.A.5. Vice Chairman Griffin moved that the Board authorize President Lange to execute the necessary documents, actions, and legal and regulatory measures for creating and establishing a separate police department for Texas Tech University Health Sciences Center at El Paso ... under the terms and conditions set forth in Executive Session. The motion was seconded by Regent Acosta and unanimously approved by the Board.
- XII.A.6. Having determined that revised employment agreements with the presidents of Texas Tech University Health Sciences Center and Angelo State University are in the best interest of the institutions, and due to the exemplary performance and confidence the Board of Regents has in their leadership, Vice Chairman Griffin moved that the chancellor be authorized to conclude the negotiations and execute revised employment agreements with contract extension for Dr. Lori Rice-Spearman and Mr. Ronnie Hawkins, Jr.... under the terms and conditions set forth in Executive Session. The motion was seconded by Regent Gordon and unanimously approved by the Board.

No action was taken on any other matters that were posted for discussion in Executive Session, which included:

Consultation with Attorney Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers (Tex. Govt. Code § 551.071)

including: Pre-litigation and litigation update; and Other pending legal matters, potential legal claims updates, settlement offer updates, and discussion and advice from general counsel on pending legal issues.

Deliberation Regarding Prospective Gifts or Donations (Tex. Govt. Code § 551.073).

Deliberation Regarding Individual Personnel Matters Relating to the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Officers or Employees of the TTU System and its Component Institutions. (Tex. Govt. Code § 551.074) including: Discussion of Chancellor duties, assignments, expectations, and contract provisions; Discussion of President evaluations; and Discussion of other personnel matters including the duties, performance and evaluation of Texas Tech University System or component institution officers and employees.

Deliberation Regarding Security Devices or Security Audits. (Section 551.076).

XII.B. CHAIRMAN'S ANNOUNCEMENTS.—There were no announcements.

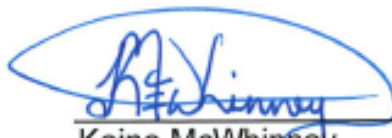
XIII. ADJOURNMENT.—Chairman Lewis adjourned the meeting at 11:33 am.

## INDEX OF ATTACHMENTS

Attachment 1	ASU Authorize expenditures of the Carr Hall Renovation project for Design-Build Stage I and Pre-construction services PowerPoint
Attachment 2	ASU Approve renewal of lease agreement with the Department of the Army Lease DACW63-1-22-0581 at O.C. Fisher Lake, Texas PowerPoint
Attachment 3	TTU Approve naming of School of Law, Classroom 109 (Robert Don Collier Classroom) PowerPoint
Attachment 4	TTU Approve total project budget for the National Ranching Heritage Center's The Cash Family Ranch Life Learning Center project and accept CMAR's GMP PowerPoint
Attachment 5	TTUHSC Approve additional project scope and budget increase to the Renovation of the Southwest Professional Building project and accept CMAR's amended GMP
Attachment 6	TTUS Report on Facilities Planning and Construction projects (project data as of 07/20/2022) PowerPoint
Attachment 7	TTUS Facilities Planning and Construction Capital Projects Budget Analysis FY 2016-2022 Report (Revised 06-28-2022)
Attachment 8	TTUS FY 2023 Operating Budget PowerPoint
Attachment 9	TTUS Chapter 06 – Institutional Advancement (Regents' Rules) with proposed revisions
Attachment 10	TTUS Investment Performance Update
Attachment 11	TTUS Annual Audit Plan for the year ending August 31, 2023
Attachment 12	ASU Student Handbook 2022-23 with proposed revisions
Attachment 13	ASU OP 06.19, Regulations for Performance Evaluation of Tenured Faculty, with proposed revisions
Attachment 14	ASU OP 06.28, Annual Performance Evaluation for Tenured and Tenure Eligible Faculty with proposed revisions
Attachment 15	MSU Student Handbook 2022-2023 with proposed revisions
Attachment 16	TTUHSC El Paso Student Handbook: Code of Professional and Academic Conduct 2022-2023 with proposed revisions
Attachment 17	TTU School of Veterinary Medicine Five-Year Capital Projects Plan
Attachment 18	TTUHSC El Paso Five-Year Capital Projects Plan

I, Keino McWhinney, the duly appointed and qualified Secretary of the Board of Regents, hereby certify that the above and foregoing is a true and correct copy of the Minutes of the Texas Tech University System Board of Regents meeting on August 11-12, 2022.



  
Keino McWhinney  
Secretary

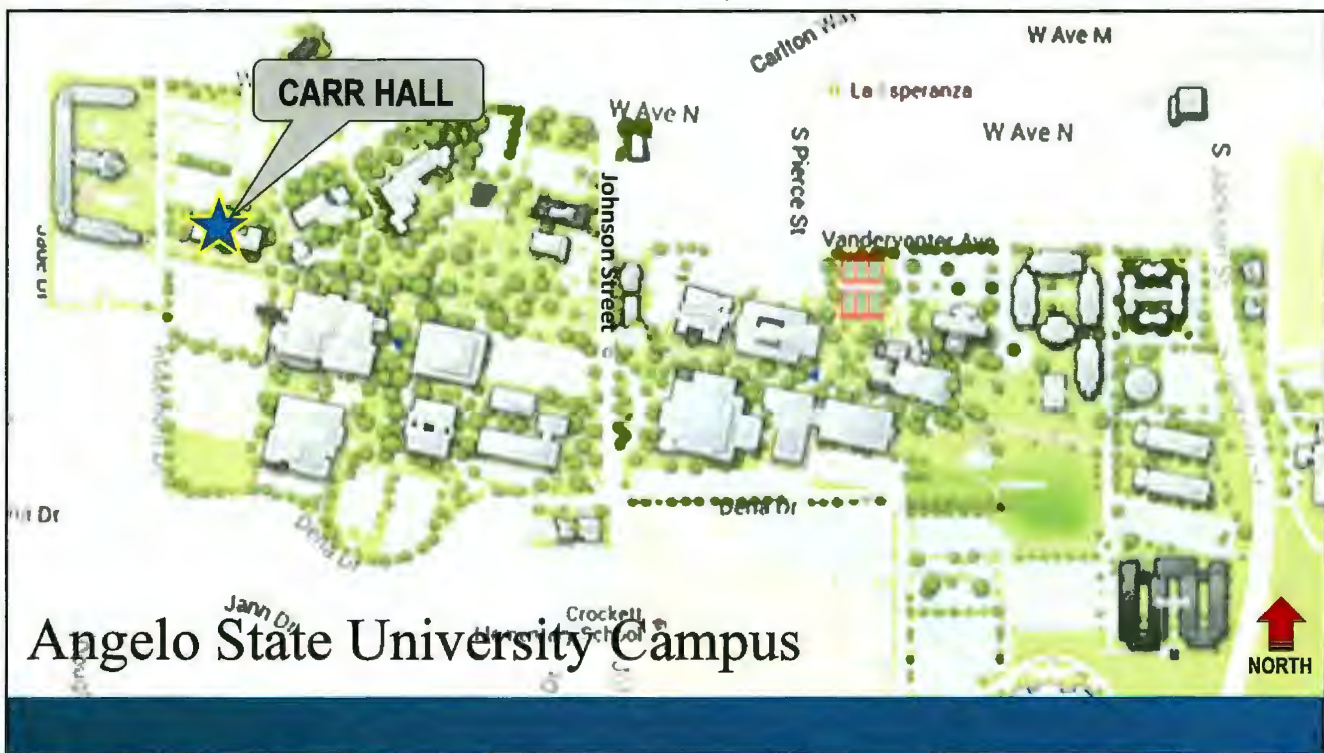
SEAL

Angelo State University

Item 1

# Authorize expenditures of the Carr Hall Renovation project for Design-Build Stage I and Pre-construction services

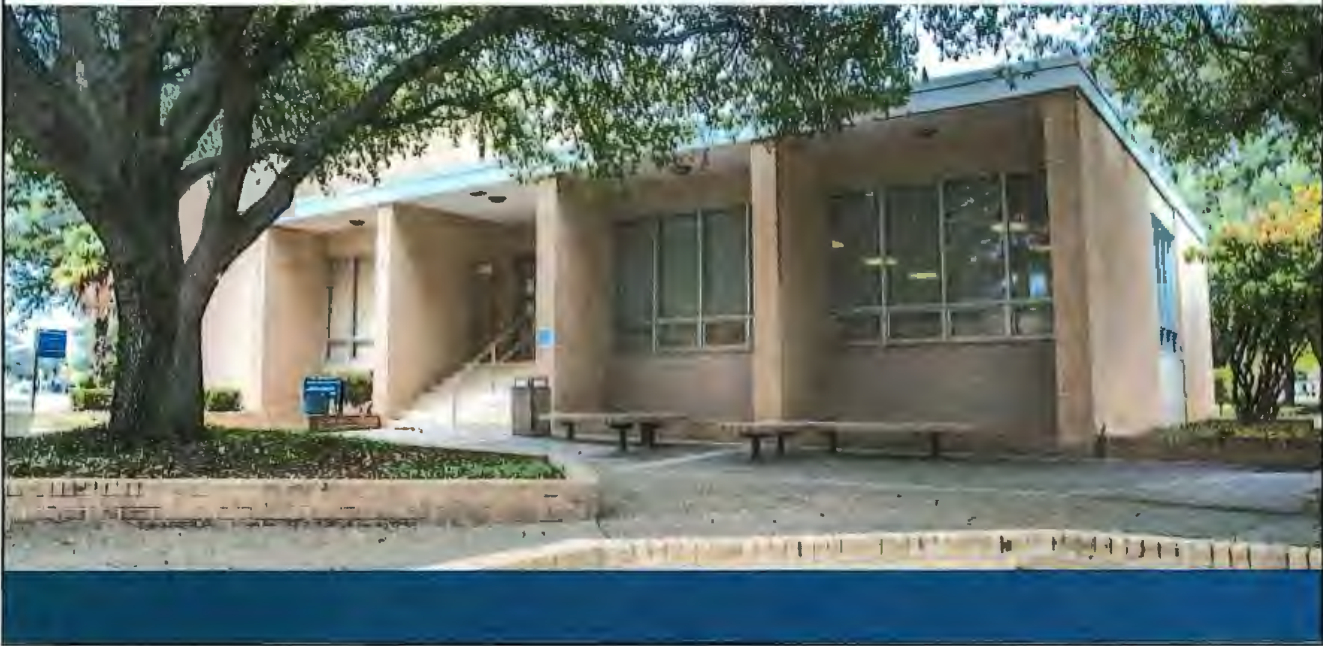
*Billy Breedlove*





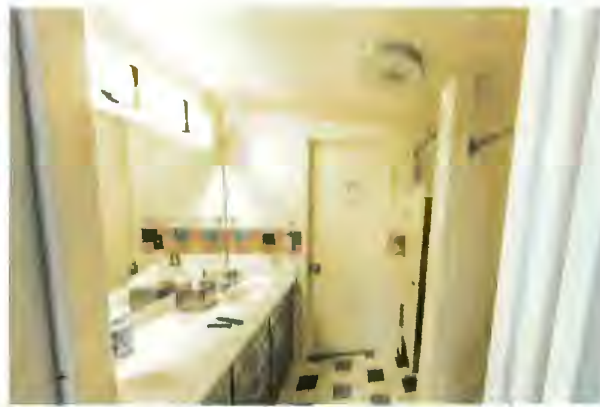
Carr Hall

Item 1



Carr Hall – Interior Photos

Item 1





## Scope of Services

Item 1

- **Execute Design-Build Agreement and authorize Stage I services and Pre-construction services.**
- **Stage 1 services include:**
  - Programming and Schematic Design phases;
  - Statement of Probable Cost; and Project Schedule.
- **Pre-construction services include:**
  - Project evaluation and site analysis;
  - Constructability review;
  - Cost control; value engineering;
  - Scheduling; and
  - Development of a Guaranteed Maximum Price ("GMP").

## Project Overview

Item 1

- **Complete interior renovation of Carr Hall, which is an 18,014 GSF, two-story structure built in 1959. The project will modernize the campus residential facility with an anticipated 94-bed count.**
- **The renovation will include:**
  - Existing residence hall rooms to meet the current housing trends;
  - Lobby, office, and common spaces;
  - New HVAC distribution system and controls;
  - New plumbing distribution and fixtures;
  - New electrical distribution and switchgear, along with network cabling and technology upgrades;
  - Life safety systems: fire alarm, fire suppression; and
  - Furniture, fixtures, and equipment.

Project Budget

Item 1

	Budget
	<b>\$ 167,194</b>
Construction	\$ 40,000
Professional Services	\$ 86,000
FF&E	\$ 0
Administrative Cost	\$ 29,500
BOR Directed Fees* (2.4% FP&C Fee)	\$ 3,919
Contingency	\$ 7,775

\* Fees for 1% Landscape Enhancements and 1% Public Art – Waiver Requested

Recommendation

Item 1

- Approve (i) expenditures of \$167,194 in order to provide planning and design services for the Carr Hall Renovation project, with an anticipated project budget of \$6,800,00; (ii) waive the use of a Construction Manager Agent (“CMA”); (iii) waive the board directed fees for landscape enhancements; (iv) waive the board directed fees for public art; (v) award a Design-Build Agreement; and (vi) authorize Stage I design services and pre-construction services.
- The expenditures will be funded with cash.



Angelo State University

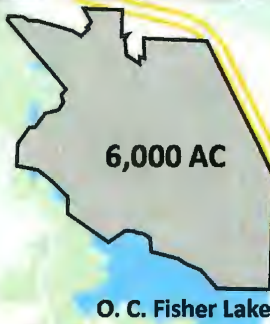
Item 2

Approve renewal of lease agreement with the  
Department of the Army Lease DACW63-1-22-0581  
at O.C. Fisher Lake, Texas

*Dr. Donald R. Topliff*



Item 2



ASU  
Campus



San Angelo, TX





## Purpose of the Lease

Item 2

- Management, research, and instructional purposes related to animals, plants, wildlife, conservation, restricted agriculture, grazing and recreation in connection with the Angelo State University's Management, Instruction and Research Center.
- All monies received by ASU from operations conducted on the premises may be utilized for the administration, maintenance, operation and development of the premises.
- Payment of direct expenses is authorized for planning and development of optimum wildlife habitat including planting of wildlife food plots, necessary timber clearing, erosion control or habitat improvements such as shelter, restocking of fish and wildlife, and protection of endangered species.

## Recommendation

Item 2

- Approve the renewal of the Department of the Army Lease Number DACW63-1-22-0581 authorizing Angelo State University the use and occupancy of 6,000 acres of Government-owned land at O.C. Fisher Lake, Texas.
- Lease period September 1, 2022, ending August 31, 2047.



Texas Tech University

Item 3

## Approve naming of School of Law, Classroom 109 (Robert Don Collier Classroom)

*Patrick Kramer*



### Overview

Item 3

- Robert "Bob" Don Collier was a two-time graduate of Texas Tech University, earning a bachelor's in agricultural engineering and a Doctor of Jurisprudence from the School of Law.
- He served as Managing Partner at Meadows, Collier, Reed, Cousins, Crouch and Ungerman, L.L.P, where he developed a successful tax and business practice.
- He was a member of the Law School Foundation Board.
- He passed away on April 9, 2020. Through his Estate, he made a generous bequest gift of over \$11.4 million to support the School of Law in multiple areas.
- His bequest gift made him the largest donor in the School of Law's history.



### Recommendation

Item 3

- Approve naming the School of Law, Classroom 109, to honor and recognize his generous contribution, the "Robert Don Collier Classroom."
- Signage for the space will reflect the approved name.





Texas Tech University

Item 4

# Approve total project budget for the National Ranching Heritage Center's The Cash Family Ranch Life Learning Center project and accept CMAR's GMP

*Billy Breedlove*



# The Cash Family Ranch Life Learning Center

Item 4



## Site Plan

Item 4



**RANCH LIFE LEARNING CENTER**  
AT THE NATIONAL RANCHING HERITAGE CENTER

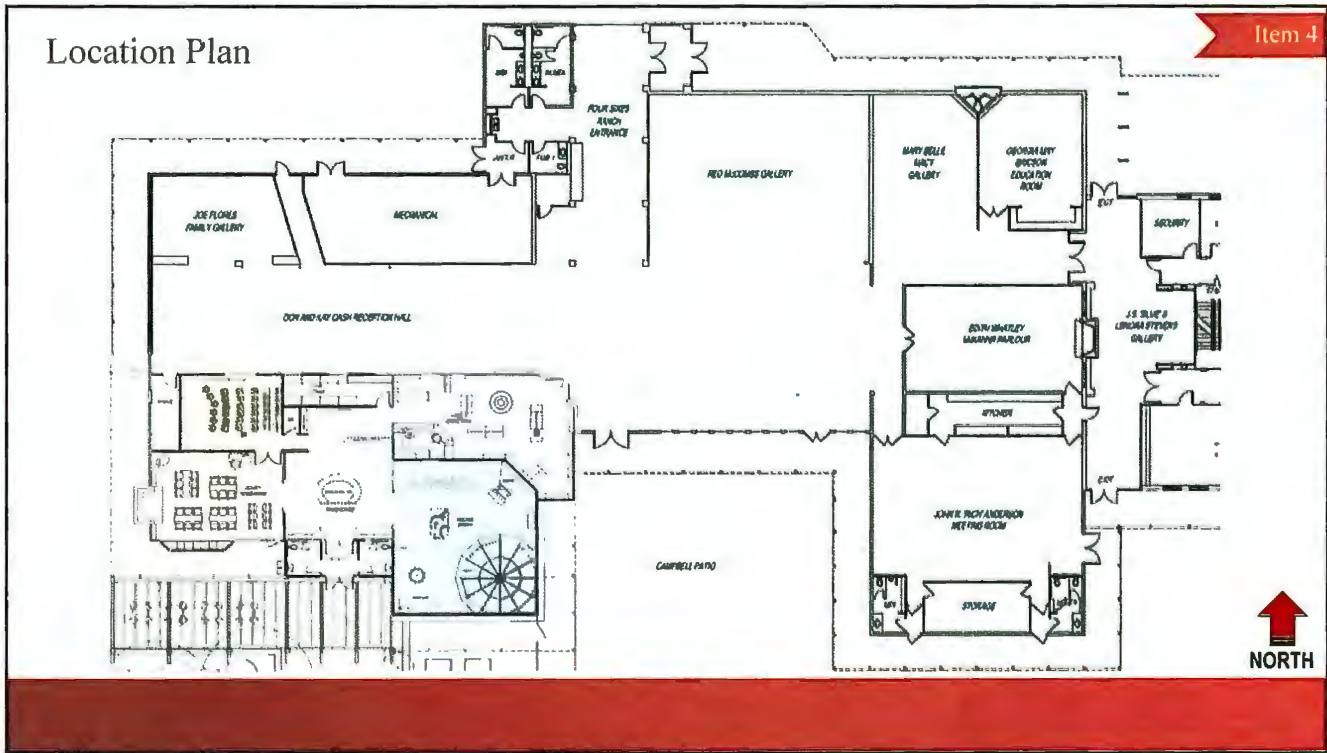
### EXTERIOR FACILITIES PROGRAM

#### EXHIBITS

- A - Water Resources
- B - Wildlife
- C - Livestock Nutrition Case House and Pasture
- D - Machine Shed / Horse Barn
- E - Ranch House







## Project Overview

Item 4

- The project will include 3,500 SF within the Mallet Ranch museum building to contain the following spaces:
  - Orientation Theater;
  - Ranching Exhibits and Instructional Spaces;
  - Security Headquarters;
  - Reconfigured Cogdell's General Store;
  - Prairie Ecology Exhibits;
  - Addition of public spaces; and
  - A covered porch.

## Project Overview (cont.)

Item 4

- Exterior site improvements of 19,897 SF will include:
  - Water Resources Exhibit;
  - Wildlife Exhibit;
  - Ranch House, Machine Shed, and Cake House;
  - Amphitheater;
  - Footbridge;
  - Cowboy Workstation;
  - Windmill Feature; and
  - Hardscaping and landscaping.

Item 4

Project Budget

	BOR Approved May 2022	Additional Request	Revised Budget
	\$ 940,678	\$ 7,259,322	\$ 8,200,000
Construction	\$ 25,000	\$ 6,605,300	\$ 6,630,300
Professional Services	\$ 855,436	\$ 42,000	\$ 897,436
FF&E	\$ 0	\$ 173,500	\$ 173,500
Administrative Cost	\$ 8,250	\$ 25,475	\$ 33,725
BOR Directed Fees* (1% Public Art / 2.4% FP&C Fee)	\$ 3,000	\$ 249,140	\$ 252,140
Contingency	\$ 48,992	\$ 163,907	\$ 212,899

\* Fee for 1% Landscape Enhancements - Waived

Item 4

Recommendation

- Approval to (i) accept the Guaranteed Maximum Price ("GMP") for construction of the National Ranching Heritage Center's The Cash Family Ranch Life Learning Center project; (ii) increase the budget by \$7,259,322 for a total project budget of \$8,200,000; (iii) waive the use of a Construction Manger Agent ("CMA"); (iv) report the project to the Texas Higher Education Coordinating Board ("THECB"); and (v) amend the Construction Manager At Risk ("CMAR") Agreement.
- The expenditures will be funded through the Revenue Finance System ("RFS") repaid with gifts.
- The current total of expenditures includes the previously board authorized expenditures from gifts (\$940,678).





Texas Tech University Health Sciences Center

Item 5

Approve additional project scope and budget increase to the Renovation of the Southwest Professional Building project and accept CMAR's amended GMP

*Billy Breedlove*



Southwest Professional Building



Item 5



Item 5





Seventh Floor – Interior Finishes

Item 5



Sixth Floor – Ready for Renovation/Build-Out

Item 5



Project Overview

Item 5

- Upon tenant move-out of the sixth floor, the current GMP provided:
  - Interior demolition of the complete floor;
  - Replacement of the exterior windows; and
  - Continuation of the building's façade work.
- Additional scope of work provides for the complete renovation/build-out of the sixth floor, which includes:
  - Simulation space for both the School of Pharmacy and School of Nursing;
  - Faculty and staff offices;
  - Student study space;
  - Suite for the Laura Bush Institute for Women's Health; and
  - Space for program growth.

Project Budget

Item 5

	BOR Approved October 2020 \$ 15,500,000	Additional Request \$ 6,781,070	Revised Budget \$ 22,281,070
Construction	\$ 12,408,267	\$ 4,563,761	\$ 16,972,028
Professional Services	\$ 1,322,000	\$ 74,500	\$ 1,396,500
FF&E	\$ 1,336,800	\$ 1,775,000	\$ 3,111,800
Administrative Cost	\$ 69,652	\$ 16,000	\$ 85,652
BOR Directed Fees* (2.4% FP&C)	\$ 363,281	\$ 158,931	\$ 522,212
Contingency	\$ 0	\$ 192,878	\$ 192,878

\* Fees for 1% Landscape Enhancements and 1% Public Art - Waived

Recommendation

Item 5

- Authorization to (i) approve the additional project scope to renovate/build-out the sixth floor of the Southwest Professional Building; (ii) accept the amended Guaranteed Maximum Price (“GMP”) for the renovation of the Southwest Professional Building project; (iii) increase the budget by \$6,781,070 for a total project budget of \$22,281,070; (iv) report the project to the Texas Higher Education Coordinating Board (“THECB”); and (v) amend the Construction Manager At Risk (“CMAR”) Agreement.
- The total project budget will be funded with Higher Education Funds (“HEF” - cash) and gifts.





Texas Tech University System

Item 6

## Report on Facilities Planning and Construction projects (project data as of 07/20/2022)

*Billy Breedlove*



### TTU – Academic Sciences Building

Item 6

**Current Budget:** \$112,500,000

**Gross Square Feet:** 129,650 GSF

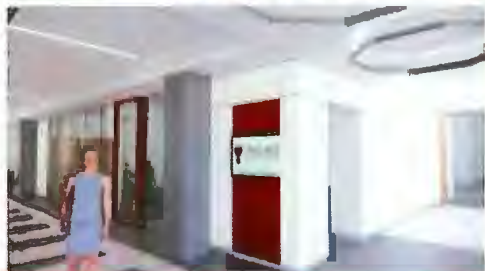
**Team / Status:**

- Design Professional:  
Barnes Gromatzky Kosarek  
Architects, Inc. @ 74%
- Construction Manager At Risk (CMAR):  
Western Builders of Amarillo, Inc. @ 3%
- Construction Manager Agent (CMA):  
Waived
- Landscape Enhancement: Waived
- Public Art: Waived

**Substantial Completion Date:**

Original Date – February 2024

Actual Date – TBD



### TTU – Academic Sciences Building

Item 6



### TTU – Academic Sciences Building

Item 6





## TTU – Academic Sciences Building

Item 6

Construction Delivery: CMAR

BUDGET	BOR Appr (GMP - Bid Pkg 1) 2/2022 Bid Package 1A - Direct Bury Utilities	Previous Budget As Of 5/2022   129,254 GSF Final GMP	Current Budget As Of 7/20/2022   129,650 GSF	+ / (-) Change D-C	NOTES
	B	C	D		
<b>BUDGET</b>	\$ 15,488,645	\$ 112,500,000	\$ 112,500,000	\$ -	
<b>CATEGORY</b>					
Construction	\$ 5,656,968	\$ 93,406,886	\$ 93,406,886	\$ -	
Professional Services	\$ 7,983,188	\$ 7,857,451	\$ 7,857,451	\$ -	
FF&E	\$ -	\$ 5,035,632	\$ 5,035,632	\$ -	
Administrative	\$ 98,817	\$ 375,078	\$ 375,078	\$ -	
Project Contingency	\$ 1,375,057	\$ 3,188,234	\$ 3,188,234	\$ -	
Regents' Rules	\$ 374,615	\$ 2,636,719	\$ 2,636,719	\$ -	
<b>TOTAL</b>	\$ 15,488,645	\$ 112,500,000	\$ 112,500,000	\$ -	

**PARTNERS**

Construction Manager Western Builders of Amarillo, Inc.  
 Design Professional Barnes Gromatzky Kosarek Architects, Inc.  
 CM Agent Waived  
 Tier 2 Auditor CBIZ

## TTU – J.T. & Margaret Talkington College of Visual and Performing Arts Theatre & Dance Complex Phase II

Item 6

**Current Budget:** \$ 21,075,337

**Gross Square Feet:** 11,328 GSF New  
 24,200 GSF Reno

**Team / Status:**

- Design Professional: Holzman Moss Bottino Architecture, LLP @ 90%
- Construction Manager At Risk (CMAR): Lee Lewis Construction, Inc. @ 66%
- Construction Manager Agent (CMA): N/A
- Landscape Enhancement: Waived
- Public Art: Waived

**Substantial Completion Date:**

Original Date – October 2022  
 Actual Date – TBD



Item 6

## TTU – J.T. & Margaret Talkington College of Visual and Performing Arts Theatre & Dance Complex Phase II

Construction Delivery: CMAR

BUDGET	BOR Appr (Full)	Previous Budget As Of	Current Budget As Of	+ / (-) Change D-C	NOTES
	10/2020   11,328 GSF New   24,200 GSF Reno B	04/2022   11,328 GSF New   24,200 GSF Reno C	7/20/2022   11,328 GSF New   24,200 GSF Reno D		
	\$ 20,000,000	\$ 21,075,337	\$ 21,075,337	\$ -	
<b>CATEGORY</b>					
Construction	\$ 15,711,254	\$ 16,443,772	\$ 16,443,772	\$ -	
Professional Services	\$ 2,152,415	\$ 2,095,681	\$ 2,095,681	\$ -	
FF&E	\$ 997,750	\$ 1,419,419	\$ 1,419,419	\$ -	
Administrative	\$ 135,158	\$ 139,963	\$ 139,963	\$ -	
Project Contingency	\$ 521,958	\$ 494,037	\$ 494,037	\$ -	
Regents' Rules	\$ 481,465	\$ 482,465	\$ 482,465	\$ -	
<b>TOTAL</b>	<b>\$ 20,000,000</b>	<b>\$ 21,075,337</b>	<b>\$ 21,075,337</b>	<b>\$ -</b>	

**PARTNERS**

Construction Manager Lee Lewis Construction, Inc.  
 Design Professional Holzman Moss Bottino Architecture, LLP  
 CM Agent N/A  
 Tier 2 Auditor Townsend

Item 6

## TTU – Rip Griffin Park Expansion & Renovation

**Current Budget:** \$14,465,342

**Gross Square Feet:**  
 10,800 GSF Renovation  
 14,342 GSF Addition

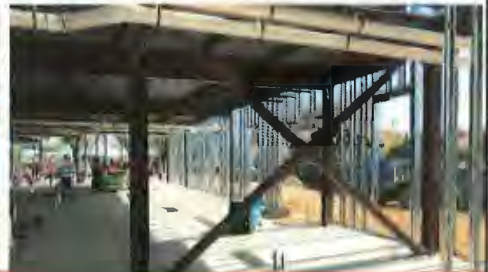
**Team / Status:**

- Design Professional: Populus, Inc. @ 70%
- Construction Manager At Risk (CMAR): Teinert Construction, Inc. @ 28%
- Construction Manager Agent (CMA): Waived
- Landscape Enhancement: Waived
- Public Art: Waived

**Substantial Completion Date:**

Addition – February 2023  
 Renovation – October 2023

Actual Date – TBD





Item 6

## TTU – Rip Griffin Park Expansion & Renovation

Construction Delivery: CMAR

BUDGET	BOR Appr (Full)	Previous Budget As Of	Current Budget As Of	+ / (-) Change D-C	NOTES
	11/2021   14,342 GSF New 10,800 GSF Reno B	04/2022   14,342 GSF New 10,800 GSF Reno C	7/20/2022   14,342 GSF New 10,800 GSF Reno D		
	\$ 14,465,342	\$ 14,465,342	\$ 14,465,342	\$ -	
<b>CATEGORY</b>					
Construction	\$ 10,645,405	\$ 10,653,612	\$ 10,853,612	\$ 200,000	Reallocate funds to amend Teinert's contract for additional changes.
Professional Services	\$ 1,262,957	\$ 1,262,957	\$ 1,262,957	\$ -	
FF&E	\$ 1,769,040	\$ 1,769,040	\$ 1,769,040	\$ -	
Administrative	\$ 37,460	\$ 37,460	\$ 37,460	\$ -	
Project Contingency	\$ 411,446	\$ 403,239	\$ 203,239	\$ (200,000)	
Regents' Rules	\$ 339,034	\$ 339,034	\$ 339,034	\$ -	
<b>TOTAL</b>	\$ 14,465,342	\$ 14,465,342	\$ 14,465,342	\$ -	

**PARTNERS**

Construction Manager    Teinert Construction, Inc.  
 Design Professional    Populous, Inc.  
 CM Agent                    Waived  
 Tier 2 Auditor              Waived

Item 6

## TTU – Dr. Robert Neff and Louise Willson Arnold Wing

**Current Budget:** \$ 12,000,000

**Gross Square Feet:** 18,700 GSF

**Team / Status:**

- Design Professional: MWM Architects, Inc. @ 89%
- Construction Manager At Risk (CMAR): Western Builders of Amarillo, Inc. @ 44%
- Construction Manager Agent (CMA): N/A
- Landscape Enhancement: Waived
- Public Art: Waived

**Substantial Completion Date:**

Original Date – August 2022

Actual Date – TBD



## TTU – Dr. Robert Neff and Louise Willson Arnold Wing

Item 6

**Construction Delivery: CMAR**

	BOR Appr (Full) 05/2021   18,700 GSF B	Previous Budget As Of 04/2022   18,700 GSF C	Current Budget As Of 7/20/2022   18,700 GSF D	+(-) Change D-C	NOTES
<b>BUDGET</b>	\$ 12,000,000	\$ 12,000,000	\$ 12,000,000	\$ -	
<b>CATEGORY</b>					
Construction	\$ 9,621,500	\$ 9,621,500	\$ 9,621,500	\$ -	
Professional Services	\$ 1,191,120	\$ 1,191,120	\$ 1,191,120	\$ -	
FF&E	\$ 574,240	\$ 574,240	\$ 754,240	\$ 180,000	Reallocate funds for the purpose of procuring Gallery Display cases.
Administrative	\$ 60,600	\$ 60,600	\$ 60,600	\$ -	
Project Contingency	\$ 271,290	\$ 271,290	\$ 91,290	\$ (180,000)	
Regents' Rules	\$ 281,250	\$ 281,250	\$ 281,250	\$ -	
<b>TOTAL</b>	\$ 12,000,000	\$ 12,000,000	\$ 12,000,000	\$ -	

**PARTNERS**

Construction Manager: Western Builders of Amarillo, Inc.  
 Design Professional: MWM Architects, Inc.  
 CM Agent: N/A  
 Tier 2 Auditor: Waived

## TTUHSC – Dallas Southwest Professional Building Renovation

Item 6

**Current Budget:** \$ 15,500,000

**Gross Square Feet:** 63,000 Building  
 17,700 Renovation

**Team / Status:**

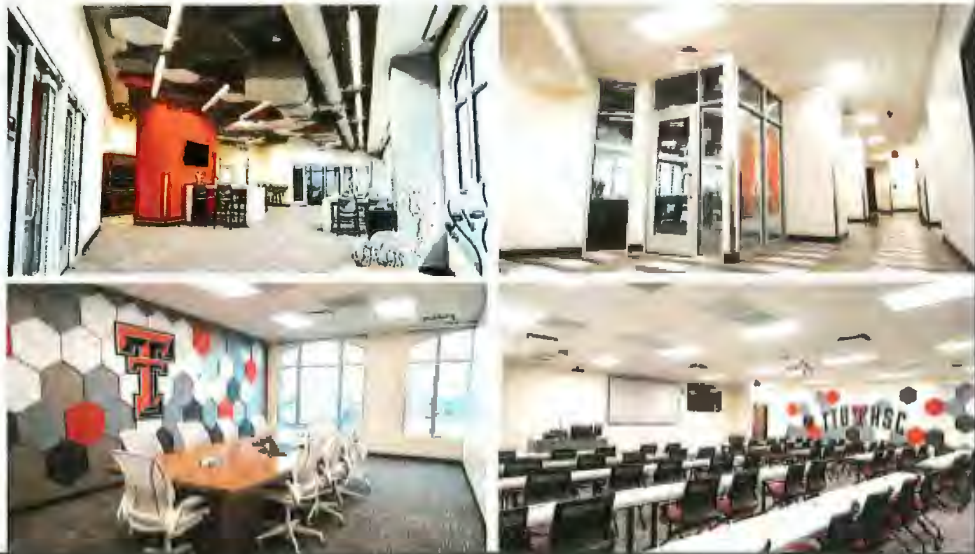
- Design Professional: Parkhill Smith and Cooper, Inc. @ 93%
- Construction Manager At Risk (CMAR): Hill & Wilkinson General Contractors @ 68%
- Construction Manager Agent (CMA): Waived
- Landscape Enhancement: Waived
- Public Art: Waived

**Substantial Completion Date:**

Original Date – October 2022

7<sup>th</sup> Floor Renovation – 11/30/2021

Actual Date – TBD





## TTUHSC – Dallas Southwest Professional Building Renovation

Item 6

### Construction Delivery: CMAR

BUDGET	BOR Appr (Full)	Previous Budget As Of	Current Budget As Of	+(-) Change D-C	NOTES
	10/2020   17,700 GSF B	04/2022   17,700 GSF C	7/20/2022   17,700 GSF D		
	\$ 15,500,000	\$ 15,500,000	\$ 15,500,000	\$ -	
<b>CATEGORY</b>					
Construction	\$ 12,038,500	\$ 12,058,500	\$ 12,408,267	\$ 349,767	
Professional Services	\$ 1,322,000	\$ 1,322,000	\$ 1,322,000	\$ -	
FF&E	\$ 1,361,800	\$ 1,361,800	\$ 1,336,800	\$ (25,000)	
Administrative	\$ 59,652	\$ 69,652	\$ 69,652	\$ -	
Project Contingency	\$ 354,767	\$ 324,767	\$ -	\$ (324,767)	
Regents' Rules	\$ 363,281	\$ 363,281	\$ 363,281	\$ -	
<b>TOTAL</b>	\$ 15,500,000	\$ 15,500,000	\$ 15,500,000	\$ -	Reallocate funds to Owner's contingency to amend Hill & Wilkinson's GMP.

### PARTNERS

Construction Manager	Hill & Wilkinson General Contractors
Design Professional	Parkhill Smith and Cooper, Inc.
CM Agent	Waived
Tier 2 Auditor	Townsend

## MSU – Bridwell Activities Center Project

Item 6

**Current Budget:** \$ 5,570,000

**Gross Square Feet:** 29,520 GSF

### Team / Status:

- Design Professional:  
Bundy, Young, Sims & Potter, Inc. @ 95%
- Construction Manager At Risk (CMAR):  
Anthony Inman Construction, Inc. @ 70%
- Construction Manager Agent (CMA):  
N/A
- Landscape Enhancement: N/A
- Public Art: N/A

### Substantial Completion Date:

Original Date – August 2021

Current Date – August 17, 2022

Actual Date – TBD



Texas Tech University System

Item 6

## Projects – In Design

### TTU – NRHC Ranch Life Learning Center

Item 6

**Status:** Stage II Design / Pre-Con

**Current Budget:** \$ 940,678

**Projected Budget:** \$ 7,000,000

**Gross Square Feet:** 19,897 GSF Exterior  
3,500 GSF Interior

**Team / Status:**

- Design Professional:  
Condray Design Group
- Construction Manager At Risk (CMAR):  
Teinert Construction, Inc.
- Construction Manager Agent (CMA):  
N/A
- Landscape Enhancement: Waived
- Public Art: TBD

**Substantial Completion Date:**

Original Date – TBD

Actual Date – TBD





## TTU – NRHC Ranch Life Learning Center

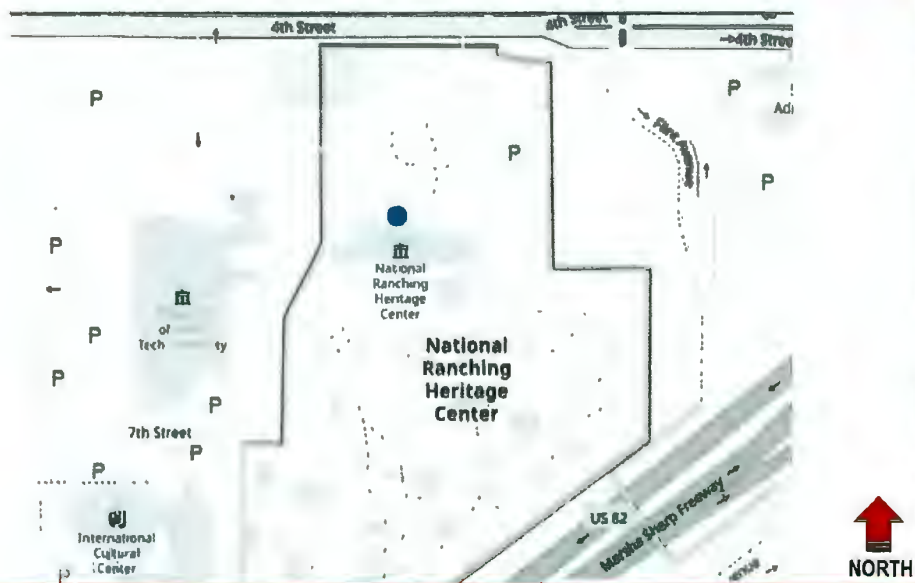
Item 6



## TTU – NRHC Master Plan

Item 6

- Status:** Stage I Design
- Current Budget:** \$ 50,000
- Team / Status:**
  - NRHC & FP&C



FACILITIES PLANNING AND CONSTRUCTION  
 Capital Projects  
 Fiscal Year 2024-2025

Project Name	Project Number	Project Type	Project Status	Project Manager	Project Description	Project Start	Project End	BUDGET		ADJUSTED BUDGET		TOTAL	VARIANCE A		VARIANCE B	
								Original Budget	Current Budget	Original Budget	Current Budget		Original Budget	Current Budget	Original Budget	Current Budget
Project 1: [Project Name]	1000000	Construction	Completed	[Manager]	[Description]	2020	2021	1000000	1000000	1000000	1000000	0	0	0	0	
Project 2: [Project Name]	2000000	Construction	In Progress	[Manager]	[Description]	2022	2024	2000000	2000000	2000000	2000000	0	0	0	0	
Project 3: [Project Name]	3000000	Construction	Planned	[Manager]	[Description]	2024	2026	3000000	3000000	3000000	3000000	0	0	0	0	
<b>TOTAL</b>								<b>6000000</b>	<b>6000000</b>	<b>6000000</b>	<b>6000000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	







# Texas Tech University System FY 2023 Operating Budget

Penny Harkey  
Interim Vice Chancellor and Chief Financial Officer

August 2022



# Texas Tech University System – Combined/Consolidated



## Sources

- State Appropriations
  - Second year of the biennium
  - Retirement of Tuition Revenue Bonds
  - One-time appropriations
- Tuition and Fees
  - Continue existing rates
  - Enrollment changes
- Health-Related Income
  - Hospital contract negotiations
  - Patient care/clinic visits

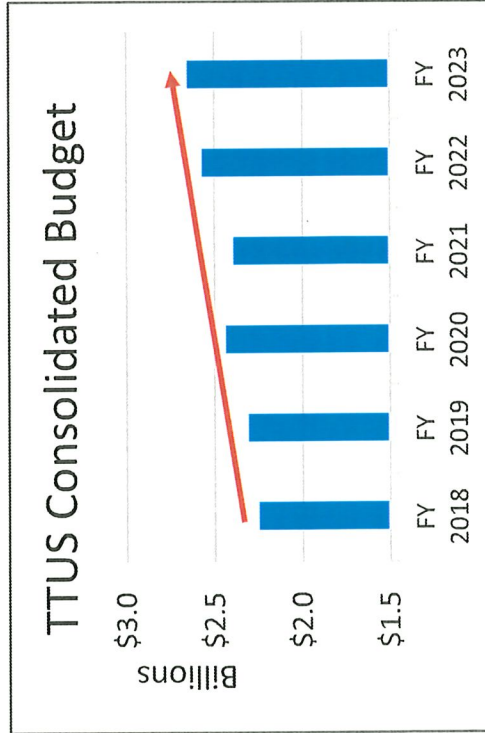
## Priorities

- Employee compensation
- Student engagement and success
- Mental health initiatives
- Inflation/utility costs





# Texas Tech University System – Combined/Consolidated Growth



**Budget: Average Annual Growth 3.61%**

Driver	2018 Actual through 2023 Budget
Enrollment	2.16%
Clinic Visits	1.88%
Research Expenditures	2.97%

Budget reflects personnel (faculty and staff), facilities, and equipment needed to support growth in Enrollment, Clinic Visits, Research and Inflation.



# Texas Tech University System – Combined/Consolidated Budget by Component Institution

COMPONENT INSTITUTION	Restated FY 2022 Estimated Expenditures	% of Total	FY 2023 Estimated Expenditures	% of Total	Annual Change (\$)	Annual Change (%)
TEXAS TECH UNIVERSITY LESS SYSTEM FUNDING	\$ 1,171,255,740 (4,375,203)	45.5%	\$ 1,170,004,449 (5,106,591)	43.9%	(1,251,291)	-0.11%
ANGELO STATE UNIVERSITY LESS SYSTEM FUNDING	132,047,012 (503,631)	5.1%	137,063,877 (578,892)	5.1%	5,016,865	3.80%
MIDWESTERN STATE UNIVERSITY	123,925,288	4.8%	123,997,581	4.7%	72,293	0.06%
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER LESS SYSTEM FUNDING	789,051,000 (3,093,715)	30.6%	862,738,297 (3,449,009)	32.4%	73,687,297	9.34%
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO LESS SYSTEM FUNDING	332,208,724 (1,228,253)	12.9%	337,640,283 (1,372,406)	12.7%	5,431,559	1.63%
TEXAS TECH UNIVERSITY SYSTEM ADMINISTRATION LESS RESTATED	27,095,816 (511,509)	1.0%	29,759,004 -	1.1%	2,663,188	9.83%
<b>TOTAL</b>	<b>\$ 2,565,871,269</b>	<b>100.0%</b>	<b>\$ 2,650,696,593</b>	<b>100.0%</b>	<b>\$ 84,825,324</b>	<b>3.31%</b>



# Texas Tech University System – Combined/Consolidated Budget by Fund

	Restated FY 2022 Estimated Expenditures	FY 2023 Estimated Expenditures	Annual Change (\$)	Annual Change (%)
EDUCATIONAL & GENERAL	\$ 798,259,908	\$ 777,327,882	\$ (20,932,026)	-2.62%
DESIGNATED	1,083,337,934	1,165,356,490	82,018,556	7.57%
AUXILIARY	242,621,203	243,319,141	697,938	0.29%
CURRENT RESTRICTED	441,652,224	464,693,080	23,040,856	5.22%
<b>TOTAL</b>	<b>\$ 2,565,871,269</b>	<b>\$ 2,650,696,593</b>	<b>\$ 84,825,324</b>	<b>3.31%</b>

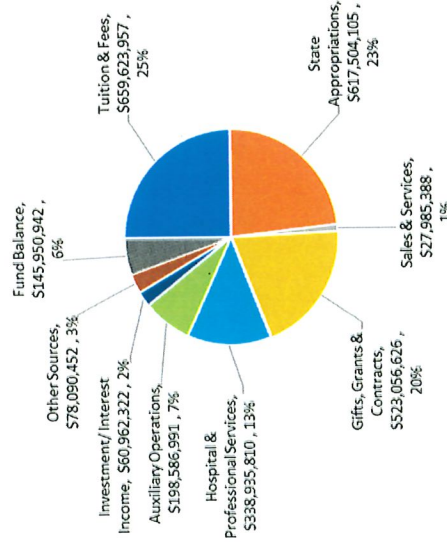




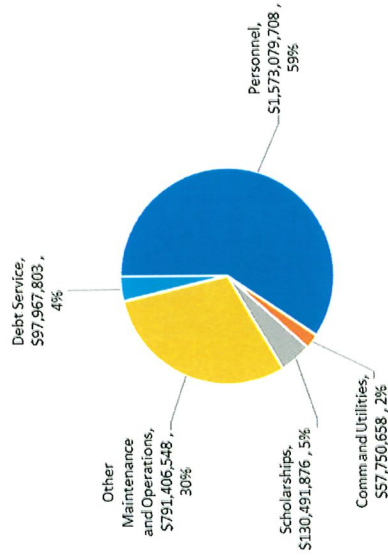
# Texas Tech University System – Combined/Consolidated FY 2023 Budget Graphs

**FY23 Budget: \$2.65 billion**

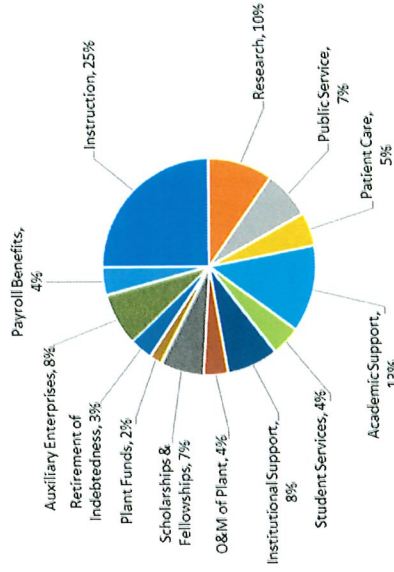
## FY23 Budget Revenue



## FY23 Budget Expenses



## FY23 Budget Expenses by NACUBO Function





# Texas Tech University System – Combined/Consolidated Budget Revenues and Expenses

	Restated FY 2022 Budget	% of Total	FY 2023 Budget	% of Total	Dollar Change	Percent Change
<b>Revenues</b>						
Tuition & Fees	\$ 638,579,637	24.9%	\$ 659,623,957	24.9%	\$ 21,044,320	3.30%
State Appropriations	684,501,481	26.7%	617,504,105	23.3%	(66,997,376)	-9.79%
Sales & Services	25,552,012	1.0%	27,985,388	1.1%	2,433,376	9.52%
Gifts, Grants & Contracts	480,142,254	18.7%	523,056,626	19.7%	42,914,372	8.94%
Hospital & Professional Services	326,368,283	12.7%	338,935,810	12.8%	12,567,527	3.85%
Auxiliary Operations	200,084,771	7.8%	198,586,991	7.5%	(1,497,780)	-0.75%
Investment/Interest Income	60,339,106	2.4%	60,962,322	2.3%	623,216	1.03%
Other Sources	43,994,087	1.7%	78,090,452	2.9%	34,096,365	77.50%
<b>Total Current Revenues</b>	<b>\$ 2,459,561,631</b>	<b>95.9%</b>	<b>\$ 2,504,745,651</b>	<b>94.5%</b>	<b>\$ 45,184,020</b>	<b>1.84%</b>
Planned Utilization of Fund Balance	106,309,638	4.1%	145,950,942	5.5%	39,641,304	37.29%
<b>Total Revenues</b>	<b>\$ 2,565,871,269</b>	<b>100.0%</b>	<b>\$ 2,650,696,593</b>	<b>100.0%</b>	<b>\$ 84,825,324</b>	<b>3.31%</b>
<b>Expenses</b>						
Salaries & Wages	\$ 1,192,990,230	46.5%	\$ 1,236,912,966	46.7%	\$ 43,922,736	3.68%
Benefits	328,833,163	12.8%	336,166,742	12.7%	7,333,579	2.23%
<b>Personnel</b>	<b>\$ 1,521,823,393</b>	<b>59.3%</b>	<b>\$ 1,573,079,708</b>	<b>59.3%</b>	<b>\$ 51,256,315</b>	<b>3.37%</b>
Communications and Utilities	56,309,613	2.2%	57,750,658	2.2%	1,441,045	2.56%
Scholarships, net	128,913,661	5.0%	130,491,876	4.9%	1,578,215	1.22%
Other Maintenance and Operations	756,397,085	29.5%	791,406,548	29.9%	35,009,463	4.63%
Debt Service	102,427,517	4.0%	97,967,803	3.7%	(4,459,714)	-4.35%
<b>Total Expenses</b>	<b>\$ 2,565,871,269</b>	<b>100.0%</b>	<b>\$ 2,650,696,593</b>	<b>100.0%</b>	<b>\$ 84,825,324</b>	<b>3.31%</b>





# Texas Tech University System – Combined/Consolidated Budget Expenses by NACUBO Function

	RESTATE FY 2022 Budget	% of Total	FY 2023 Budget	% of Total	Dollar Change	Percent Change
<b>NACUBO Function Expenses</b>						
Instruction	\$ 639,691,067	24.9%	\$ 661,164,035	24.9%	\$ 21,472,968	3.36%
Research	\$ 263,933,480	10.3%	\$ 258,581,024	9.8%	\$ (5,352,456)	-2.03%
Public Service	\$ 176,663,389	6.9%	\$ 193,273,106	7.3%	\$ 16,609,717	9.40%
Patient Care	\$ 122,859,658	4.8%	\$ 132,522,530	5.0%	\$ 9,662,872	7.86%
Academic Support	\$ 315,447,034	12.3%	\$ 346,502,087	13.1%	\$ 31,055,053	9.84%
Student Services	\$ 115,185,382	4.5%	\$ 118,563,433	4.5%	\$ 3,378,051	2.93%
Institutional Support	\$ 198,530,901	7.7%	\$ 203,839,182	7.7%	\$ 5,308,281	2.67%
O&M of Plant	\$ 94,723,827	3.7%	\$ 98,619,019	3.7%	\$ 3,895,192	4.11%
Scholarships & Fellowships	\$ 174,063,462	6.8%	\$ 176,011,990	6.6%	\$ 1,948,528	1.12%
Plant Funds	\$ 48,936,416	1.9%	\$ 50,346,610	1.9%	\$ 1,410,194	2.88%
Retirement of Indebtedness	\$ 95,698,881	3.7%	\$ 91,413,280	3.4%	\$ (4,285,601)	-4.48%
Auxiliary Enterprises	\$ 209,450,953	8.2%	\$ 208,900,353	7.9%	\$ (550,600)	-0.26%
Payroll Benefits	\$ 110,686,820	4.3%	\$ 110,959,944	4.2%	\$ 273,124	0.25%
<b>Total NACUBO Function Expenses</b>	<b>\$ 2,565,871,269</b>	<b>100.0%</b>	<b>\$ 2,650,696,593</b>	<b>100.0%</b>	<b>\$ 84,825,324</b>	<b>3.31%</b>



# TEXAS TECH UNIVERSITY SYSTEM™



## Chapter 06 -- Institutional Advancement

*Date last revised: ~~09-01-2021~~08-12-2022 [pending approval of the Board of Regents]*  
*[see last page for list of amendments adopted]*

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### ~~06.01~~ ~~Gift and grant acceptance~~

~~06.00~~ ~~06.01.1~~ ~~Definitions. For purposes of this chapter, unless another definition is clearly delineated below, the definitions outlined in Chapter 00, Regents' Rules are assigned.~~

#### 06.00.1 Definitions relating to Institutional Advancement.

- a. "Affiliated entity" shall mean those separately incorporated, nonprofit organizations with federal tax-exempt status, which, pursuant to their governing documents, exist with the primary purpose to support the TTU system or one or more of its component institutions, including, but not limited to: (i) Texas Tech Foundation, Inc.; (ii) Angelo State University Foundation; (iii) Midwestern State University Foundation, Inc.; (iv) university alumni associations; and (v) any other nonprofit organization whose governing document(s) define the organization(s)' existence to primarily support the TTU system or one or more of its component institutions. Notwithstanding anything to the contrary herein, this Chapter 06 shall apply to any affiliated entity whether in existence at the time of the effective date of these Regents' Rules or at a future date.
- b. "Component institution" shall have the same meaning as Section 00.01.4.c, Regents' Rules.
- c. "TTUS IA" shall mean the Texas Tech University System Office of Institutional Advancement.
- d. "Gift," shall include the terms "gift", "charitable contribution", and/or "philanthropic grant", and shall be defined as the voluntary transfer of a thing of value, including, but not limited to, cash, checks or securities, including pledges, or an item of



tangible personal or real property, made by a private donor (i.e., an individual, private foundation, corporation, or other private entity) to the TTU system, one of its component institutions, or to an affiliated entity for the benefit thereof.

e. "Gift-in-kind" shall include a gift of real or tangible personal property, including, but not limited to, gifts of art, gifts of land, and gifts of cryptocurrency.

f. "Restricted gift" shall be defined as a gift directly to the TTU system and/or one or more of its component institutions, where the donor has placed parameters for the specific purpose and use of the gift beyond identifying the component institution for which the gift is intended to benefit.

g. "Unrestricted gift" shall be defined as a gift directly to the TTU system and/or one or more of its component institutions where the donor imposes no parameters on the specific purpose and use of the gift beyond designating the component institution for which the gift is intended to benefit.

#### 06.01 Roles and responsibilities.

~~Procedures. It is the responsibility of the chancellor, or the designee of the chancellor, and the vice chancellor for institutional advancement to establish and administer procedures for the proper acceptance and acknowledgment of all gifts and grants, and preparation of accurate and timely reports of all gifts and grants received.~~

#### ~~06.01.2 Gift evaluation and acceptance.~~

~~a. Evaluation of proposed gifts and grants. Certain gifts and grants offered may be inconsistent with institutional needs or require additional support for which the system's resources are too limited to permit proper administration of the gift. It, therefore, shall be the responsibility of the chancellor or the designee of the chancellor to evaluate promptly any gift or grant tendered and make a recommendation to the board for gifts and grants that require the approval of the board.~~

06.01.1 The board and gifts.~~b. Board approval of proposed gifts and grants.~~ In accordance with Sections 109.001(d), 109.104, 109A.001, 110.08, and 110.38, *Texas Education Code*, and any other applicable laws, the board is authorized ~~by law~~ to accept “gifts, grants, or donations of any kind, from any source to the extent not prohibited by state or federal law, for use by the system or any of the component institutions of the system.” The board has reserved the right to approve certain gift-related namings, as outlined in Chapter 13, Regents’ Rules.

06.01.2 Role of the chancellor. The board delegates responsibility to the chancellor and the vice chancellor for institutional advancement, in cooperation and coordination with component institution presidents, to establish and administer the policies and procedures for properly accepting and managing gifts. The chancellor shall fund-raise for the TTU system administration and be available to support the fundraising efforts of the component institutions.

06.01.3 Role of the component institution presidents. The board delegates authority to the component institution presidents to establish and pursue the fundraising initiatives of their respective component institutions, in cooperation and coordination with the chancellor and the vice chancellor for institutional advancement. Consistent with the delegated authority of the board and applicable accreditation standards, the president of each component institution is responsible for the fundraising activities of the component institution, including those activities that increase the component institution’s endowment and address the needs of all the component institution’s schools, colleges, departments, institutes, centers and other programs, in accordance with policies and procedures established by the chancellor, system regulations and the Regents’ Rules.

06.02 Management and coordination of activities.

06.02.1 Institutional advancement at the TTU system. The TTU System Office of Institutional Advancement (“TTUS IA”) partners with the component institutions through innovative solutions to elevate philanthropy and promote lifelong engagement for the advancement of the TTU system community and donors. TTUS IA supports the fundraising activities of the TTU system and its component institutions, or one or more affiliated entities, including but not limited to,



providing centralized services and resources supportive to the component institutions in the areas of accounting and compliance, research and database management, nonprofit foundation and affiliated entity compliance, legal support for TTU system affiliated entities, and specific philanthropic endeavors.

06.02.2 University advancement activities. Each component institution shall have lead advancement officers and divisions in support of the delegated authority and responsibility of fundraising activities to the component institution president. University advancement activities include but are not limited to, executing the philanthropic initiatives of the president, including those activities that increase the component institution's endowment and address the needs of all the component institution's schools, colleges, departments, institutes, centers and other programs through philanthropy, in coordination with TTUS IA and in accordance with policies and procedures established by the institution, chancellor, system regulations and the Regents' Rules.

06.03 Gift acceptance and administration.

06.03.1 Procedures. In collaboration with component institution presidents or their designee(s), it is the responsibility of the chancellor and the vice chancellor for institutional advancement to establish and administer procedures for coordinated solicitation, proper acceptance, acknowledgment, and receipt of gifts, and preparation of accurate and timely reports of gifts received.

a. Processes and procedures shall, as necessary and appropriate, be outlined in Chapter 04 of the TTU system regulations or delegated to the component institutions for inclusion in their operating policies and procedures.

06.03.2 Evaluation and acceptance of gifts to TTU system and/or its component institutions.

a. Evaluation of proposed gifts. Certain gifts offered may be inconsistent with institutional needs or require additional support for which resources are too limited to permit proper administration of the gift. It, therefore, shall be the responsibility of the benefitting component institution president or the designee



thereof, to evaluate promptly any gift tendered and make a recommendation to the board for gifts that require the acceptance of the board, in consultation with the chancellor and the vice chancellor of institutional advancement.

b. Board acceptance of gifts. At its next meeting and before public announcement, the board shall ~~accept~~ formally accept gifts made directly to the TTU system or one or more of its component institutions (and not an affiliated entity), as outlined below:

(1) unrestricted gifts and grants over \$1,000,000, and .00;

(2) restricted gifts and grants over \$250,000, including .00;

(3) gifts-in-kind— made directly to the TTU system or one or more of its component institutions.

(a) Gifts-in-kind valued in excess of \$250,000.00 to any one or more of the component institutions shall require board acceptance.

(a)(b) Acceptance of all gifts of real property, regardless of value, type, location or designated use of the funds to be derived ~~there from~~therefrom, must be formally approved and accepted by the board.

~~e. Chancellor approval of proposed gifts and grants. The chancellor, or the chancellor's designee, shall approve the acceptance of gifts and grants for which the approval of the board is not required.~~

d. — The board delegates authority to the component institution presidents to formally accept all gifts made directly to their respective component institutions, unless otherwise specifically reserved in this Chapter 06 or Chapter 13, Regents' Rules.

a.d. 06.01.3 — Employee involvement. — Notification to the donor. If approved for acceptance, the gift ~~or grant~~ shall be formally accepted formally, and the donor appropriately notified. Gift receipts acknowledging the donation shall, generally, originate in TTUS IA, in accordance with TTU system employees

~~may not be involved in any financial transactions of gift funds that are for the benefit of the TTU system unless: regulations.~~

~~a. such funds are handled within the TTU system's accounting structure; or~~

~~b. such funds are handled within accounts for agencies and organizations that have a written contract with the TTU system that:~~

~~(1) defines the method of handling such funds; and~~

~~(2) reports gift amount and the condition to the chancellor or his designee; or~~

~~e. written approval is given by the chancellor.~~

~~06.01.4 Disciplinary action. Any employee violating this policy shall be subject to disciplinary action, which may include termination of employment.~~

~~06.01.5 Prohibition on gifts designated for use as salary supplementation. Due to possible conflicts of interest, the TTU system shall not accept gifts, grants, donations, or other forms of consideration designated by the donor to be used for the sole purpose of salary supplementation for a designated employee, person, or position within the TTU system.~~



~~06.02~~ **Restricted use.**

~~06.03.3~~ ~~06.02.1~~ Minimums for endowed academic positions. In coordination with TTUS IA, each component institution shall be responsible for establishing minimum funding levels to support chairs, professorships, deanships, and any other academic position(s) the component institution currently utilizes or otherwise desires to establish.

~~06.03.4~~ Exigent Circumstances. When an emergency or exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, approval may be given for the acceptance of a gift submitted by the chancellor and vice chancellor for institutional advancement, or their designees, by verbal approval of the chair and vice chair of the board. The board, as a whole, will be made aware of the acceptance or rejection of the gift at the time the decision is made and, if accepted, the gift shall be presented to the board as an information item at the next board meeting.

~~06.04~~ **Restrictions.**

~~06.00~~~~106.04.1~~ Adherence to donor-identified purpose(s). Those gifts that are earmarked by the donor or donors for a specific purpose must be used for that purpose only. No official or employee of the TTU system or component institution may divert such a gift, whether principal or income generated from the fund, for any other purpose unless authorized by law. In the event a modification to the donor-identified purpose becomes necessary, TTUS IA shall work with the necessary parties, including the benefitting TTU system component institution, affiliated entity, donor, and Attorney General for the State of Texas, if necessary, to modify the terms of the gift as may be appropriate and in accordance with Texas law.

~~06.02.2~~ Exceptions to a donor-identified purpose. Due to changes in law, to changes in the TTU system's goals, mission, or educational programs, or to circumstances not reasonably foreseeable at the time a gift is made, it may not be possible or practical for the TTU system to meet the terms of a gift. In such a situation, the TTU system may modify the terms of the gift: with the consent of the donor; or absent such consent, as allowed by Texas law.

~~06.03 — Private sector support~~

~~06.03.1 — Gifts and grants. Private sector gifts and grants are an indispensable element in the TTU system's growth and development and as such represent a vast resource for the future of the institutions.~~

~~06.03.2 — Coordination of service. It is the intent of the board to have a coordinated service that will ensure maximum effectiveness of all programs and activities relating to the development of private sector support for the TTU system. Within this framework, each chief executive officer of a TTU system component institution (institutional CEO) will have a development director who reports directly to the institutional CEO. The institutional CEO and institutional development director shall collaborate with the chancellor and the vice chancellor for institutional advancement to administer fundraising activities for the component institution.~~

~~06.03.3 — Fundraising activities approval. Authority for the final approval of all programs, activities, and procedures that originate at or are conducted on behalf of a component institution by any person, group, or organization associated with the TTU system or by any person, group, or organization acting in the name of the TTU system for purposes of raising funds shall reside with the chancellor or the chancellor's designee and the institutional CEO or the institutional CEO's designee.~~

~~06.03.4 — The Office of Institutional Advancement. The Office of Institutional Advancement shall assist in the coordination of the programs and activities of all groups and organizations affiliated with the TTU system for purposes of developing private sector support.~~

~~06.04 — Endowment funds. The board establishes the number one development priority to be that of building the TTU system endowment funds.~~

~~06.05 — Endowed academic positions. Specific minimum endowment levels for TTU system academic positions are established by the board as follows:~~

~~06.05.1 — Endowed Chair. The minimum endowment level for an endowed chair will vary by unit and type of research. The dean will consult with the provost or executive vice president and the vice~~



~~chancellor for institutional advancement before determining the amount requested for a chair in various programs. Recruitment and retention of top faculty engaged in intensive laboratory research require higher levels of support. Minimum endowment levels are:~~

~~a. —\$1,500,000 for selected chairs.~~

~~b. —\$1,000,000 for other chairs.~~

~~06.05.2 — Endowed Professorship. The minimum endowment level for an endowed professorship will vary by unit and type of research. The dean will consult with the provost or executive vice president and the vice chancellor for institutional advancement before determining the amount requested for a professorship in various programs. Recruitment and retention of top faculty engaged in intensive laboratory research require higher levels of support. Minimum endowment levels are:~~

~~a. —\$1,000,000 for selected professorships.~~

~~b. —\$500,000 for other professorships.~~

~~06.05.3 — Endowed Lectureship. Endowed lectureships are to support honoraria, publicity, and other expenses incurred in bringing distinguished leaders to lecture on campus. The minimum level is \$250,000.~~

~~06.05.4 — Research Endowment: Endowed research positions are to support research in particular areas or topics specified by the donor and agreed upon by the dean and chief academic officer. Minimum endowment levels are:~~

~~a. \$500,000 for TTUHSC.~~

~~b. \$500,000 for TTUHSC El Paso.~~

~~c. \$200,000 for TTU.~~

~~d. \$100,000 for ASU.~~

~~e. \$100,000 for MSU.~~

~~06.04.2      06.05.5 Chancellor's Graduate Fellowship. The chancellor's endowed graduate fellowships are to provide stipends to outstanding students. The minimum endowment level is \$100,000. Prohibition on fundraising for gifts designated as salary supplementation. No employee of the TTU system, its component institutions, or an affiliated organization may fundraise for or otherwise accept gifts, donations or other forms of consideration designated by a donor to be used for the sole purpose of supplementing that employee's salary or the employee's position's salary within the TTU system or a component institution; provided, however, this shall not be deemed to restrict or usurp the ability of the component institution president to approve exceptions to salary expenditures for endowed academic positions as allowable under a component institution's operating policies.~~

~~06.04.3      Prohibition on illegal or unlawful use. Under no circumstances shall the TTU system or a component institution knowingly accept a gift subject to donor restrictions that are considered unlawful or illegal pursuant to applicable federal or state law.~~

~~06.05      Affiliated entities.~~



06.05.1 The board and TTU system recognize the importance of legally incorporated non-profit organizations (affiliated entities) whose primary purpose is to benefit the TTU system and/or one or more of its component institutions. While separate legal organizations, affiliated entities have shared objectives and obligations with the board and TTU system in upholding fiduciary responsibilities and the public's trust. In accordance with this shared responsibility, all gifts raised through an affiliated entity for the benefit of the TTU system or one or more of its component institutions shall be supported and/or coordinated by TTUS IA and the benefitting component institution(s). Affiliated entities are the preferred depositories for gifts and philanthropic grants benefitting

- a. The Texas Tech Foundation, Inc. ("TTFI") is a Texas nonprofit corporation qualified under section 501(c)(3) of the Internal Revenue Code of 1983, as amended, organized and operated exclusively to support and promote all component institutions of the TTU system through philanthropic support. TTFI is the preferred depository for all gifts and philanthropic grants benefitting the TTU system and all component institutions.
- b. The Angelo State University Foundation, Inc. ("ASUF") is a Texas nonprofit corporation qualified under section 501(c)(3) of the Internal Revenue Code of 1983, as amended, organized and operated exclusively for the support of Angelo State University, a member of the TTU system. ASUF is the preferred depository for all gifts and philanthropic grants benefitting Angelo State University.
- c. The Midwestern State University Foundation, Inc. ("MSUF") is a Texas nonprofit corporation qualified under section 501(c)(3) of the Internal Revenue Code of 1983, as amended, organized and operated exclusively for the support of Midwestern State University, a member of the TTU system. MSUF is the preferred depository for all gifts and philanthropic grants benefitting Midwestern State University.
- d. In addition to the nonprofit corporations listed above, there are numerous other affiliated entities established solely for the benefit of the TTU system or one or more of its component



institutions. All gifts raised through an affiliated entity for the benefit of the TTU system or one or more of its component institutions shall be supported and/or coordinated by TTUS IA. A more inclusive, though not exhaustive list of Affiliated Entities shall be maintained in Chapter 4 of the Texas Tech University System Regulations.

06.05.2 Memoranda of understanding. The TTU system and its component institutions shall engage affiliated entities to develop, execute and review Memoranda of Understanding ("MOU"), or the equivalent thereof, to ensure existence, alignment of missions and operations of all such organizations are in compliance with federal, state, and local laws and are consistent with the board's policies and objectives for the TTU system. The process shall involve the benefitting component institution(s) and the affiliated entity, including the component institution president, the affiliated entity's chief executive officer, or the equivalent thereof, and the chair of the affiliated entity. Representatives of the component institution's office of advancement, TTU system's offices of the chancellor, institutional advancement, and general counsel, should be engaged as necessary throughout the process.

06.05.3 Periodic assessment. The TTU system and its component institutions shall engage affiliated entities to periodically assess the role and effectiveness of the affiliated entity and its relationship with its supported component institution(s) by reviewing the MOU every three (3) years following execution. The renewal period and process

-- System cleanup legislation revisions..... 10-09-2015	• to §06.01.2.b
-- Amendments ..... 08-05-2021	• to deleted §06.06 related to namings
-- Amendment ..... 09-01-2021	• added §06.05.4.e
<u>-- Comprehensive review of chapter ..... 08-12-2022</u>	• amendments throughout [pending board approval]

See also the document entitled "Comprehensive Reviews and Updates" for a more complete explanation of the amendments listed above.



TEXAS TECH UNIVERSITY SYSTEM

# TTUS Investment Performance Update

Penny Harkey, *TTUS Interim Vice Chancellor and CFO*  
 August 11, 2022

## Asset Class Performance vs Benchmark May 31, 2022



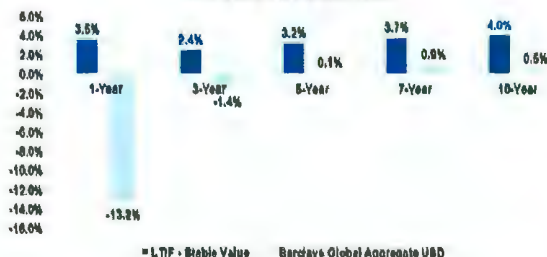
LTIF Weight vs Target



LTIF Growth vs Benchmark



LTIF Stable Value vs Benchmark

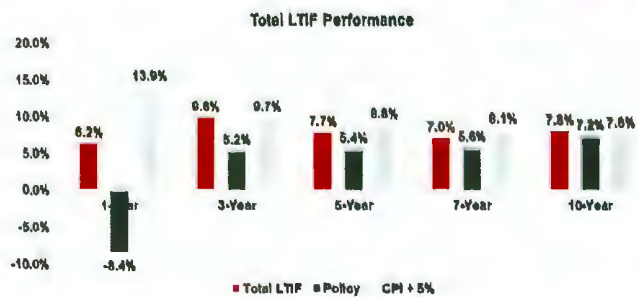


# Long Term Investment Fund (LTIF)

as of May 31, 2022



Portfolio Holdings & Performance Overview – May 2022				Reported NAV Monthly 93%, Quarterly 0%, Total 61%						
Portfolio Composition	Balance	LTIF Weight	Target	QTD	YTD	1-Year	3-Year	5-Year	7-Year	10-Year
Total LTIF	1,889,068,093.17	100.00%	100.00%	-3.75%	-8.34%	6.21%	6.75%	7.71%	6.98%	7.85%
LTIF Policy Composite CPI + 5%				-8.07%	-11.71%	-8.37%	8.23%	8.44%	8.01%	7.19%
				2.13%	6.17%	13.00%	6.72%	6.76%	8.14%	7.67%
LTIF - Growth MSCI ACWI TR Net USD	932,566,395.27	59.89%	60.00%	-8.86%	-9.74%	7.65%	10.31%	12.27%	10.47%	11.28%
				-7.90%	-12.63%	-6.78%	11.71%	9.00%	7.97%	10.28%
LTIF - Stable Value Barclays Global Aggregate USD	956,501,697.90	41.31%	40.00%	-0.57%	-0.28%	3.53%	2.44%	3.17%	3.70%	4.00%
				-8.22%	-11.00%	-13.21%	-1.44%	0.08%	0.91%	0.48%



# Long Term Investment Fund (LTIF)

as of May 31, 2022



Portfolio Composition – May 2022										
Portfolio Composition	Balance	Weight	QTD	YTD	1-Year	3-Year	5-Year	7-Year	10-Year	
Total	1,889,068,093.17	100.00%	-3.75%	-8.34%	6.21%	6.75%	7.71%	6.98%	7.85%	
LTIF Policy Composite CPI + 5%			-8.07%	-11.71%	-8.37%	8.23%	8.44%	8.01%	7.19%	
			2.13%	6.17%	13.00%	6.72%	6.76%	8.14%	7.67%	
LTIF - Growth MSCI ACWI TR Net USD	932,566,395.27	59.89%	-8.86%	-9.74%	7.65%	10.31%	12.27%	10.47%	11.28%	
			-7.90%	-12.63%	-6.78%	11.71%	9.00%	7.97%	10.28%	
LTIF - Public Equity	484,620,133.38	31.12%	-10.14%	-17.16%	-10.07%	14.78%	11.53%	9.95%	11.87%	
Public Equity - Synthetic - with Alpha Pool P&L	305,808,889.00	19.20%	-10.07%	-17.07%	-10.01%	16.28%	11.46%	9.76%	11.20%	
Public Equity - Active	162,472,389.04	9.89%	-10.76%	-16.31%	-10.97%	8.37%	9.84%	7.72%	10.30%	
Public Equity - Passive	36,865,170.74	2.32%	-7.88%	-6.74%	-1.76%					
Public Equity - Equity Distributions	143,704.00	0.01%	-88.86%	-88.00%	-86.17%					
LTIF - Private Equity	378,980,660.81	23.47%	-0.61%	0.03%	34.79%	24.87%	15.88%	12.01%	11.88%	
LTIF - Private Diversifying	65,047,911.09	4.09%	0.00%	10.99%	43.86%	3.53%	4.65%	7.19%	7.54%	
LTIF - Stable Value	686,521,697.90	41.31%	-0.97%	-0.28%	3.53%	2.44%	3.17%	3.70%	4.00%	
Doomberg Global Aggregate USD			-5.22%	-11.00%	-13.21%	-1.44%	0.08%	0.91%	0.48%	
LTIF - Public Diversifying Assets	262,678,941.83	16.77%	-0.66%	-2.86%	-0.88%			2.48%	3.54%	
Public Diversifying Assets	181,815,764.18	7.89%	1.05%	1.22%	3.84%	1.11%	3.02%	0.84%	0.48%	
LTIF - Public Diversifying Assets - Absolute Return	118,877,934.79	7.48%	-2.21%	-8.06%	-8.93%	6.33%	7.37%	6.32%	6.77%	
Public Diversifying Assets - Stable Value	10,108,918.78	0.64%	0.19%	1.88%	1.88%					
LTIF - Private Debt	173,178,926.75	10.90%	-3.32%	-0.13%	0.14%	0.79%	7.12%	0.87%	7.31%	
LTIF - Public Debt	142,473,226.41	8.97%	-1.36%	1.29%	4.22%	1.96%	1.64%	3.56%	4.41%	
LTIF Cash	42,718,133.69	2.99%	0.02%	0.02%	-0.16%					
LTIF - Cash Collateral Net	39,933,899.63	2.81%	-0.08%	-0.89%	-0.83%	0.29%	0.99%	0.47%	0.43%	
LTIF Liquidating Funds	7,738,910.00	0.49%	2.60%	46.45%	63.37%	8.92%	10.99%	16.00%	11.68%	



# Long Term Investment Fund (LTIF)

Benchmark Comparisons, as of May 31, 2022



LTIF vs Benchmarks Cumulative Returns



The portfolio since inception in 1996 has met the primary objective of covering the spending (Distribution) rate of 4.5%, while simultaneously growing the endowment.

**LTIF Policy Benchmarks:**  
 60% Equity Global (MSCI ACWI with USA net)  
 40% Debt Global Bonds (Barclays Global Agg)

Returns are since inception of the LTIF (9/1/1996)

Fund	Total Return	Annualized Return	Annualized Volatility
LTIF	530.20%	7.41%	9.16%
LTIF Policy Composite	521.26%	7.35%	9.22%
Global 60/40 + 1%	470.92%	7.00%	10.21%
CPI + 5	549.66%	7.64%	1.02%

# Comprehensive Cash Pool (CCP)

as of May 31, 2022



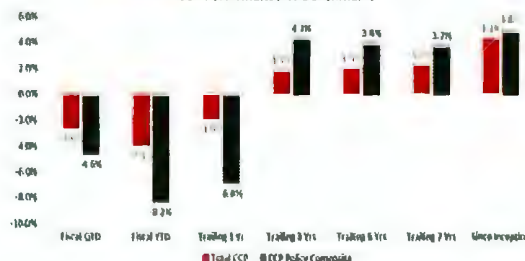
Portfolio Holdings & Performance Overview – May 2022

Portfolio Composition	Balance	Weight	Target	Fiscal QTD	Fiscal YTD	Trailing 1 Yr	Trailing 3 Yrs	Trailing 5 Yrs	Trailing 7 Yrs	Since Inception	Inception Date
<b>Total Comprehensive Cash Pool</b>	<b>\$ 1,764,766,981</b>	<b>100.0%</b>	<b>100.0%</b>	<b>-2.63%</b>	<b>-3.94%</b>	<b>-1.66%</b>	<b>1.72%</b>	<b>1.69%</b>	<b>2.16%</b>	<b>4.14%</b>	<b>12/31/2008</b>
60% Global 60/40, 40% Bloomberg 1-3 Yr Gov Compo				-4.66%	-8.25%	-6.76%	4.23%	3.65%	3.66%	4.83%	
<b>Cash and Contingency Segment</b>	<b>746,268,760</b>	<b>41.8%</b>	<b>40.0%</b>	<b>-1.92%</b>	<b>-3.01%</b>	<b>-2.37%</b>	<b>0.38%</b>	<b>0.65%</b>	<b>0.61%</b>	<b>0.30%</b>	<b>01/31/2012</b>
Cash & Contingency Policy Composite				-0.67%	-2.06%	2.05%	0.76%	0.66%	0.76%	0.76%	
Cash Segment	196,307,759	11.2%	10.0%	0.11%	0.21%	0.27%	0.61%	0.62%	0.65%	0.43%	11/30/2010
Contingency Segment	549,961,000	30.7%	30.0%	-1.05%	-4.16%	-3.36%	0.31%	0.63%	0.65%	0.54%	02/26/2012
<b>Noncurrent Segment</b>	<b>1,038,477,221</b>	<b>58.2%</b>	<b>60.0%</b>	<b>-3.36%</b>	<b>-4.93%</b>	<b>-1.60%</b>	<b>3.97%</b>	<b>3.00%</b>	<b>2.99%</b>	<b>4.86%</b>	<b>12/31/2008</b>
Global 60/40				-6.76%	-11.71%	-6.25%	6.36%	5.61%	5.33%	7.05%	
ITIF Legacy	468,768,787	26.3%		-0.90%	1.65%	3.66%	2.69%	2.36%	2.44%	2.77%	08/31/2012
NCB-Only	569,711,464	31.9%		-6.66%	-6.48%	-5.63%				-6.53%	08/31/2021

CCP Weight vs Target



CCP Performance vs Benchmarks





TEXAS TECH UNIVERSITY SYSTEM





## Definition of Internal Auditing

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.



## IIA Code of Ethics

### **Integrity**

The integrity of internal auditors establishes trust and thus provides the basis for reliance on their judgment.

### **Objectivity**

Internal auditors exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors make a balanced assessment of all the relevant circumstances and are not unduly influenced by their own interests or by others in forming judgments.

### **Confidentiality**

Internal auditors respect the value and ownership of information they receive and do not disclose information without appropriate authority unless there is a legal or professional obligation to do so.

### **Competency**

Internal auditors apply the knowledge, skills, and experience needed in the performance of internal audit services.




## Risk Based Planning

The mission of the Office of Audit Services is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.


### **IIA Standard 2010—Planning**

The chief audit executive must establish a risk-based plan to determine the priorities of the internal audit activity, consistent with the organization's goals.



## 2023 Audit Plan Overview

Type of Service	Total	% of Total	Description
<b>Risk Based Engagements</b>			
Assurance	10,055	50%	Audits of operations and processes to address identified risks
Management Advisory & Consulting	1,825	9%	Consulting engagements requested or identified
Follow-Up	900	5%	Follow-up on management actions plans from prior audits
<b>Required Engagements</b>	<b>970</b>	<b>5%</b>	<b>Engagements required by statute, external entities, policies, etc.</b>
<b>Investigations</b>	<b>2,500</b>	<b>12%</b>	<b>Hours reserved for investigations, hotline complaints, and special projects</b>
<b>Other Value-Added Work</b>			
Service to Institutions	1,200	6%	Institutional committees, conducting campus training, data analytics, etc.
Service to the Profession	650	3%	Service in professional organizations and on peer review teams
OAS Operations & Staff Development	2,100	10%	Annual audit plan and report, quality assurance and improvement program, continuing professional education, strategic initiatives
	<b>20,200</b>	<b>100%</b>	



## 2023 Areas of Focus

<p><b>Financial Resources</b></p> <ul style="list-style-type: none"> <li>• ALL – Construction Project Audits; Foundation financial statement audits</li> <li>• ASU, MSU, TTUHSC EP – SACS Financial Statement Review</li> <li>• TTU, TTUHSC, TTUHSC EP – CPRIT Grant Funds</li> <li>• TTU – College of Arts &amp; Sciences; Whitacre College of Engineering; Texas Tech Public Media Financial Statements</li> <li>• TTUHSC – Texas Child Mental Health Care Consortium Funding; Mathews School of Population &amp; Public Health; Permian Basin Campus Departments; THECB Residency Grants</li> <li>• TTUHSC EP – Dental Clinic Financial Processes; Training &amp; Education Center for Healthcare Simulation; THECB Residency Grants</li> <li>• MSU – London Study Abroad Program Cash Controls; Federal Stimulus Funds</li> </ul> <p><b>Information Technology</b></p> <ul style="list-style-type: none"> <li>• TTU – Controlled Unclassified Information Processes</li> <li>• TTUHSC – Health Related Data Flows &amp; Processes</li> <li>• TTUHSC EP – PremiSys Application Security and Controls</li> <li>• ASU – Maxient Application Security &amp; Controls</li> <li>• MSU – IT General Controls Review</li> </ul>	<p><b>Operational and Compliance</b></p> <ul style="list-style-type: none"> <li>• ALL – Foreign Influence Mitigation Program; Contracting and Procurement Processes</li> <li>• ASU, MSU, TTUHSC EP – Student Financial Aid Program</li> <li>• TTUHSC, TTUHSC EP, ASU, MSU – Institutional Reporting Processes</li> <li>• TTU – Athletics; Visiting Scholar Processes; Licensing and Trademark Processes</li> <li>• TTUHSC – Social Media Processes; Correctional Managed Health Care Contract</li> <li>• TTUHSC EP – Grant Administration</li> <li>• ASU – Faculty Onboarding Processes; Scholarship Selection and Awarding Processes</li> </ul> <p><b>Management Advisory</b></p> <ul style="list-style-type: none"> <li>• TTU – College Business Officer Academy; Energy Related Programs</li> <li>• ASU – Commercial Aviation Program; Faculty Load and Compensation</li> <li>• MSU – President’s Office</li> </ul>
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# 2023 Annual Audit Plan

We respectfully request your approval.



TEXAS TECH UNIVERSITY SYSTEM





ANGELO STATE UNIVERSITY

# STUDENT HANDBOOK

2021-22



VERSION DATE: ~~July 2022~~ August 9,

# ANGELO STATE UNIVERSITY

## Student Handbook ~~2022 - 2023~~ 2021-2022

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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 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.



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## Mission, Vision and Values

### Mission

Angelo State University provides highly competitive graduates to the global marketplace by delivering quality programs in a values-focused and student-centered teaching and learning environment.

### Vision

By the end of this decade, ASU will be known as an innovative leader in driving educational cultural, and economic initiatives to meet the needs, face the challenges, and grasp the opportunities for our region, state, and the global community.

### Values

- Integrity | Integridad
- Diversity & Inclusion | Diversidad & Inclusión
- Significance | Impacto
- Community | Comunidad
- Commitment | Compromiso

Each member of the Ram Family is part of our journey as we continue to build a [values-based culture](#) at Angelo State. NOTE: The Angelo State University Mission, Vision and Core Values will be added once they are approved by the Texas Tech University Board of Regents in the ~~May 13~~ [August 11, 2021-2022](#) meeting.

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## PART I: CODE OF STUDENT CONDUCT

### SECTION A: MISSION AND POLICIES FROM THE OFFICE OF STUDENT CONDUCT AND THE OFFICE OF TITLE IX COMPLIANCE

As a values-based community, Angelo State University believes our core values of Integrity, Diversity & Inclusion, Significance, Commitment, and Community are the success to achieving our vision and mission. The Ram Fam experience is founded on these values, and for our Rams and Rambelles to be successful at ASU, we embrace and promote the core values as a symbol of membership in our community. The quality of our Ram Fam experience, personal development, and a thriving campus community depend on our students' responsibility to uphold these values. The five values help to guide and inform our individual and organizational behaviors, interactions, and decisions in the Ram Fam.

New, continuing, and returning undergraduate, graduate, and professional students must uphold their responsibilities as a member of the Ram Fam and, as such, will be afforded all the rights and responsibilities as an ASU community member.

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 processes outlined in *Code of Student Conduct* are not criminal or civil court proceedings. 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 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 student's cumulative history from both the Office of Student Conduct and Office of Title IX Compliance.

The processes outlined in *Code of Student Conduct* exist 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

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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 processes outlined in *Code of Student Conduct* 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 is the principal agency for the administration of student conduct and non-Title IX cases.

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The Executive Director of Student Affairs, the Director of Title IX Compliance/Title IX Coordinator (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 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 cases unrelated to Sexual Misconduct or Title IX that are heard through the Administrative Hearing process or completed via an Informal Conference, the Student Conduct Officer/Investigator may render findings and issue sanctions.

Investigators are assigned to cases by the ~~Executive Director of Student Affairs~~ ~~Dean of Students~~, the Title IX Coordinator, the Assistant Director of Student Conduct, or designee. Investigators are trained University full-time employees.

**b. Administrative Hearing Officer**

An Administrative Hearing Officer is a trained University staff member whose role is to make a decision of responsibility and assign sanctions, as appropriate in an Administrative Hearing. The Administrative Hearing Officer may be the Student Conduct Officer/Investigator who completed the Investigation/Investigation Report or an Administrative Hearing Officer assigned by the ~~Executive Director of Student Affairs~~ ~~Dean of Students~~ 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 are ASU faculty and staff members specifically trained about Title IX and Sexual Misconduct policies, offenses, investigation procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and other state and federal laws that related to Title IX and Sexual Misconduct. Members of the team may serve as Investigators or Hearing Panel Members in cases related to Title IX or Sexual Misconduct



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In Hearings involving Title IX Sexual Misconduct, the Title IX Hearing Officer will be one of the four members of the Hearing Panel and will serve as the Hearing Panel's chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing.

The determination regarding responsibility will be made by a majority vote of the Hearing Panel. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory.

**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 Title IX Coordinator will be responsible for assembling and training the hearing panel annually. The Hearing panel will consist of full-time members of the University community. The Office of Student Conduct and Title IX and Sexual Misconduct Response Team. 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, 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 of Student Affairs, Title IX Coordinator, or designee. Typically, the Hearing Panel will be comprised of

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one student, one faculty member, and one staff member. Availability may determine a different composition for the Panel. Typically, 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 Students 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.

For a hearing involving Sexual Misconduct, See Section D,

4. *Removal of Hearing Panel Member*  
The Executive Director of Student Affairs, 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 Complainant or Respondent may request the removal of a Panel Member whose ability to be impartial is in question. The Executive Director of Student Affairs, Title IX Coordinator, or designee will review and approve or deny student requests for removal of a Panel Member.
5. *Resource Person*  
The Executive Director of Student Affairs, 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, Title IX Coordinator, or designee will establish hearing dates and times during which cases will be heard.
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, 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

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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 Title IX Coordinator, or designee. Members are encouraged to attend additional trainings throughout their service on the Hearing Panel.

***e. 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 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 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 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 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 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.

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5. *Committee Quorum*

A quorum for the committee is five (5) members.

6. *Additional Committee Members*

The Vice President for Student Affairs or designee may appoint additional members of the *Code of Student Conduct* Review Committee to expedite the review process of the Code.

**2. Jurisdiction**

Students at the University are provided an electronic copy of the *Code of Student Conduct* annually in the form of a link on the Student Affairs website: (<https://www.angelo.edu/current-students/student-handbook/>). 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, the Executive Director of Student Affairs, 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



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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.

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. While the University does not typically search for this activity, it may be brought to the University's attention. 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.

### 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 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_office/registrar_forms.php).

### 4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be reported as soon as possible after the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information

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and evidence regarding the incidents. The Office of the Executive Director of Student Affairs 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.

The Grievance Process utilized for Sexual Misconduct will be concluded within a reasonably prompt timeframe of one hundred and twenty days (120) days. There may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, written notice will be provided to the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one hundred and twenty days (120) days, shall be reviewed by the University, and justification for the extended or delayed investigation must be documented. The Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.

#### **5. Standard 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 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 Title IX Coordinator located in the Mayer Administration Building, Room 210. The Executive Director of Student ~~Affairs~~ Affairs, 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.

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As it relates to Student Organizations, 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 Complainant, 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 the Complainant, the Respondent, 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. A law enforcement officer as necessary to conduct a criminal investigation of the report;
  - iii. A health care provider in an emergency, as determined necessary by the University;
  - iv. The Respondent, to the extent required by other law or regulation and



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- 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.

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 Title IX Coordinator or designee 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 Counseling Center. All Complainant Parties may also make confidential reports to local rape crisis centers, or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, 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.

#### **8. Anonymity**

Angelo State University understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of the Complainant'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 the Complainant 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 Complainant whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:



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- a. The seriousness of the alleged incident;
- b. Whether the University has received other reports of Sexual Harassment, 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](http://www.angelo.edu/ferpa)).

#### **10. Student Organizations**

Information gathered during an investigation of student organization misconduct, as well as any conduct findings and decisions, may be shared with the 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.

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## 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

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.
  - 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 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 I, section B.1.b. (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 of Student Affairs, Title IX Coordinator, or designee.

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### 13. Withdrawal

The Complainant or Respondent 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 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 Complainant and Respondent'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 the Complainant'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 Complainant or the Complainant is not available, the Student Conduct Officer/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

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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 Complainant ~~[[is]]~~ 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**

### **a. 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. Cheating**

- a. Copying from another student's academic work, test, quiz, or other assignment.
- b. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
- 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.
- 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.
- e. Possession, at any time, of current or previous course materials without the instructor's permission.
- 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.
- 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.
- 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.
- 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.



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- j. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- k. Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.

2. *Plagiarism*

- 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.
- b. 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. *Collusion*

Any unauthorized collaboration or attempted collaboration with another individual to complete academic work, test, quiz, or other assignment that results in similarities in the work, including but not limited to, providing unauthorized assistance to another student and/or allowing another student access to completed academic work.

4. *Falsifying Academic Records*

- a. Altering or assisting in the altering of any official record of the University and/or submitting false information.
- b. Omitting requested information that is required for, or related to, any official record of the University.

5. *Misrepresenting Facts*

- a. Providing false grades, falsifying information on a resume, or falsifying other academic information.
- b. Providing false or misleading information in an effort to injure another student academically or financially.
- 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. *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.*

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7. *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 above.

**b. *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:

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.

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:

3. *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 harmful.

4. *Threats*

Any act or communication (written, oral, or otherwise) a reasonable person would interpret as a serious expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s).

5. *Intimidation*

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

6. *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*.

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 Affairs.

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NOTE: Information related to the freedom of expression policy is available in Part II, Section G.

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:

- 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- 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.

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**NOTE:** Discrimination, Discriminatory Harassment, and ~~Retalitory~~ Retaliatory Discriminatory Harassment will be addressed by the Special Assistant to the President and Title IX Coordinator in conjunction with the Chief Diversity and Inclusion Officer. The process of resolving complaints is outlined in [ASU Operating Policy 16.02 Non-Discrimination and Ant-Harassment Policy and Complaint Procedure](#).

9. *Discrimination*

Conduct directed toward and ~~invidual~~ individual that subjects the individual to treatment that adversely affects their employment or education because of their race, color, religion, national origin, sex (including pregnancy), age, disability, protected veteran status, genetic information, sexual orientation, gender identity, or gender expression.

10. *Discriminatory Harassment*

Conduct based on a student's race, color, religion, national origin, sex (including pregnancy), age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics, when such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an individual's education or creating an intimidating, hostile, abusive, or offensive educational environment. Examples of inappropriate behavior include, but are not limited to, the following, if related to an individual's protected category, class or characteristic:

- a. Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on, about, or because of a protected category, class, or characteristic;
- b. Display of explicit or offensive posters, pictures, drawings, cartoons, calendars, correspondence, digital or broadcast content (including images, videos, or audio), or any other physical, digital, or multimedia materials in any form that reflect disparagingly upon a category, class, or characteristic of persons or a particular person in a protected category or class;
- c. Loud or angry outbursts or obscenities in the workplace directed toward a member of the University Community;
- d. Disparate treatment without a legitimate business reason; or
- e. other threats, discrimination, hazing, bullying, stalking, or violence.

11. *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.

12. *Complicity or Knowingly Present*



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- 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*.
- b. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members.
- 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).*

**c. Alcoholic Beverages**

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

**d. Narcotics or Drugs**

1. 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.
2. Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.
3. 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.

**e. 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 \(OP 34.23 Smoke/Tobacco-Free Environment\)](#).*

**f. 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.*

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***g. Flammable Materials/Arson***

1. 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.
2. 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.

***h. Theft, Damage, Littering, or Unauthorized Use***

1. Attempted or actual theft of property or services of the University or of another.
2. Possession of property known to be stolen or belonging to another person without the owner's permission.
3. 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. 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. 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. Alteration, forgery, or misrepresentation of any form of identification.
7. Possession or use of any form of false identification, not belonging to the student or used for the purpose originally issued.
8. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including but not limited to, issuing payment to the student's financial account from accounts with insufficient funds.
9. 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.

***i. 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.

***j. False Alarms, Emergency Equipment, and/or Terroristic Threats***

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

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- 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.

**k. Unauthorized Entry, Possession, or Use**

1. Unauthorized entry into or use of University premises or equipment including another student's room.
2. 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.
3. 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. 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.

**l. Failure to Comply**

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

**m. 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:

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.
2. Use of University information systems for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual



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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).

3. Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).
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.
5. Attempted or actual use of the Angelo State University information systems for unauthorized political or commercial purposes, or for personal gain.
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.
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.
8. Attempted or actual use of Angelo State University information systems to interfere with the normal operation of the University.
9. 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.

***n. 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.

***o. Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation***

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

***NOTE: Refer to University Parking Services regulations at:***

***[http://www.angelo.edu/services/parking\\_services/](http://www.angelo.edu/services/parking_services/)***



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**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.

**q. *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 the following:

1. [University Parking Services](#)
2. [Housing and Residential Programs](#)
3. [Student Life](#)
4. [Multicultural and Student Activities Programs](#)
5. [University Recreation](#)
6. [ASU Student-Athlete Handbook](#)
7. [Texas Tech University System Board of Regents' Rules](#)
8. [Angelo State University Operating Policies and Procedures](#)
9. [Community Policies of the Student Handbook \(Part II\)](#)

**r. *Violation of Federal, State, and/or Local Laws***

Misconduct which may constitute a violation of federal, state, and/or local laws may be considered a violation of University policy and may be investigated and adjudicated through the University conduct system. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in or resolve a University conduct proceeding.

**s. *Abuse of the Discipline System***

- ~~1. Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.~~
- ~~2.1.~~ Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- ~~3.2.~~ Disruption or interference with the orderly conduct of a disciplinary proceeding.
- ~~4.3.~~ Filing an allegation known to be without merit or cause.
- ~~5.4.~~ Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- ~~6.5.~~ 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.
- ~~7.6.~~ Influencing or attempting to influence another person to commit an abuse of the discipline system.

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### 3. Remedies and Resources

The University will take immediate action to eliminate hostile environments, prevent recurrence, and address any effects on the Complainant and community prior to the initiation of conduct procedures. These 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, modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

#### a. Resources

Angelo State University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to, assistance in reporting criminal behavior to the University Police Department or the San Angelo Police Department, counseling services, medical assistance, academic support referrals, and other support services 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.

#### b. 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 Respondent. 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, Respondent, and/or other members of the University Community. Interim action is preliminary in nature; it is in effect only until the conduct process

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has been completed. However, violations of interim administrative action may result in additional allegations of the *Code of Student Conduct*.

1. *No Contact Order*

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Executive Director of Student Affairs 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.

2. *Immediate Temporary Suspension – Students*

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Executive Director of Student Affairs 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;



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- 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.

In the event an Immediate Temporary Suspension is issued, a student may request a review of the Immediate Temporary Suspension by the Executive Director of Student Affairs or designee. At the discretion of the Executive Director of Student Affairs or designee, modifications can be made that impacts off-campus courses and/or activities on a case-by-case basis.

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 Interim Action is issued, a student may request a review of the Interim Action by the Executive Director of Student Affairs or designee. At the discretion of the Executive Director of Student Affairs or designee, modifications can be made 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 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 of 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). NOTE: Students of Angelo State University may be held responsible for actions of their guests.

5. *Withdrawal of Consent*

1. Grounds for Removal

The Student Conduct Officer/Investigator or another University agent acting



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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.

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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.

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](#)

**c. 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.

**d. 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 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.

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***e. The Conduct Process***

***1. 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.

***2. 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 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 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;

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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 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.

- c. 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.*

- d. The opportunity to provide information and evidence in support of their 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 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:



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- a. Be responsive to all correspondence 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. Review the *Code of Student Conduct* in order to fully understand all aspects of the student conduct process.
3. *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, Complainant Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Student Conduct Officer/Investigator may compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Student Conduct Officer/Investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations. A student will have access to review the completed Investigation Report and/or investigative materials relevant to the investigation after the Investigative process has concluded.

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

#### 4. *Informal Conference*

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 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 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.e.7.h. Additional sanctions in Part I, Section B.3.e. 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 Complainant) and/or a violation of Part I, Section B.1.b. (Actions Against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Student Conduct 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 will be provided to the student and appropriate University Administrators within five (5) University business days of the effectuation of the Informal Conference. 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](#).

#### 5. *Pre-Hearing Process*

In cases involving an Administrative Hearing, the Pre-Hearing Process will be followed. Once the investigative process is complete, the Complainant and Respondent 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 Respondent's allegations, Panel composition, and Hearing Script.

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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, Complainant 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



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for clarification of procedural processes and may remand to investigation or adjudication if deemed necessary.

6. *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 Complainant) and/or a violation of Part I, Section B.1.b. (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the 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 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 Conduct Officer/Investigator.

a. *Administrative Hearing*

An Administrative Hearing is the process of adjudicating allegations of violations of the *Code of Student Conduct* by an Administrative Hearing Officer. The Administrative Hearing Officer in an Administrative Hearing may be the Student Conduct Officer/Investigator that completed the Investigation Report or Administrative Hearing Officer assigned by the Executive Director of Student Affairs, 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



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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.e.8.

b. 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. 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 Respondent, 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 Complainant and Respondent 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, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Student Conduct 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 (Complainant, Respondent, or witnesses), the alleged

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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 Complainant, and/or the Respondent, 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.e.8.

c. **Sanction Only Hearing**

If the student accepts responsibility for the allegations issued in the Investigation Report, the student may request a Sanction Only Hearing, by either a Hearing officer or a Hearing Panel. During a Sanction Only Hearing, the Investigation Report and finding are presented to the Hearing Panel by the Investigator. During presentation of the Investigation Report and finding, the Complainant and Respondent are not allowed to dispute the facts or details of the case. Both the Complainant and Respondent may be present and both the Complainant and Respondent 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 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.e.8. 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. **Sanctions**

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or Hearing Panel may impose sanctions as a result of an Informal Conference, Administrative Hearing, or Hearing Panel, when a student is found responsible. The potential sanctions are listed in the *Code of Student Conduct* grid in Appendix B. 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.

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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 Conference Process are final upon effectuation of the Informal 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 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 Conference, Administrative Hearing, Hearing Panel, Sanction Only Hearing, and/or Disciplinary Appeal Procedures in Part I, Section B.3.e.8. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the *Code of Student Conduct*, sanctions may be imposed and can include, but are not limited to, the following:

- a. **Disciplinary Reprimand**  
The Disciplinary Reprimand is an official written notification using the notice procedures outlined in Part I, Section A.3. (Notice) to the student that the action in question was misconduct.
- b. **Disciplinary Probation**  
Disciplinary Probation is a period of time which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional conditions, restrictions, and/or sanctions.
- c. **Deferred Disciplinary Suspension**  
Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.
- d. **Time-Limited Disciplinary Suspension**  
Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, 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



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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.

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 Executive Director of Students or designee determines that good causes 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.

f. Conditions

A condition is an educational or personal element that is assigned by Student Conduct Officer/Investigator, Administrative Hearing Officer, or Hearing Panel. Costs associated with conditions may be the responsibility of the student and will be billed to the student’s account. Some examples of conditions include, but are not limited to:

- Personal and/or academic 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.



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- 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/>.

g. Restrictions

A restriction is an additional component of a disciplinary sanction. A restriction is usually an educational component that is to occur in conjunction with the sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:

- Revocation of parking privileges.
- Denial of eligibility for holding office in registered student organizations.
- Denial of participation in extracurricular activities.
- Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community.
- Loss of privileges on a temporary or permanent basis.

h. Academic Penalties

In cases involving violations of Part I, Section B.1.a. (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; and/or
- Removal of fellowship or assistantship support.

i. Parental Notification

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

8. *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

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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 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. (Actions against Members of the University Community and Others), either the Complainant or Respondent 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;

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- Remand the case to a new Hearing Panel.

The Office of the Vice President for Student Affairs , 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.

9. *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 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 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 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

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Complainant'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 Complainant is identified but is reluctant to participate in the investigation process or student conduct process, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing the conduct process, the University will proceed to the extent of the information available.

**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 Complainant Parties/Responding Parties**

- a. The University will take immediate action 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 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, 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 Complainant in order to help them understand the options available to them when making a report, to determine what resolution the Complainant is seeking, to identify university and community resources to support the Complainant, 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.



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#### **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 Complainant, Respondent, 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

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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

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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.



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- 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



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- 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 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 Informal 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 Informal Conference or a formal Hearing.
- 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 Conference**

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- 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 Conference 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 conference. To participate in the Informal Conference 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 conferences. Once completed, the Informal Conference 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 Respondent'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 Complainant and Respondent will have the opportunity to question the statements and evidence presented by the

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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~~ Dean of Students 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 Complainant) and/or a violation of Part I, Section B.1.b. (Actions Against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and Respondent have the right to be present at the formal hearing; however, they do not



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have the right to be present during deliberations. Arrangements will be made so that the Complainant and Respondent do not physically have to be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Affairs or designee.

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, 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 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.b. (Actions Against Members of the University



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Community and Others) or other sensitive issues, the 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, 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 Respondent, 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 Complainant and Respondent 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, Complainant, Respondent, and any witnesses. The Complainant and Respondent may not question each other or witnesses directly, but may pose questions through the Student Conduct 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 (Complainant, Respondent, or

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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 Complainant, and/or the Respondent, 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 Complainant and Respondent are not allowed to dispute the facts or details of the case. Both the Complainant and Respondent 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.15. 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 Conference, Administrative Hearing, or Panel Hearing, when a student organization is found responsible. The potential sanctions are listed in the Sanctioning Grid in the Student Handbook, Appendix B. The grid is provided only as a guideline for administering sanctions by the Student

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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 Conference Process are final upon effectuation of the Informal 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 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

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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, the Executive Director of Student Affairs or designee 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***



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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 14<sup>th</sup> 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:

- 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:
    - The incident;
    - The violations of the institution's *Code of Student Conduct*;
    - The findings of the institution;
    - Any sanctions imposed by the institution on the organization;
  - E. The date on which the institution's disciplinary process was resolved;
- ii. The report must be updated to include information regarding each disciplinary process not later than the 30<sup>th</sup> day after the date on which the disciplinary process is resolved; and
- iii. The report may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

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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 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.b. (Actions Against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Hearing Panel. In such cases, the Office of the Vice President for Student Affairs 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.

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- 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, 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 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 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**

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This section provides information regarding the University's policies on sex discrimination, sexual harassment, sexual exploitation, public indecency, Sexual Misconduct, interpersonal violence, and stalking.

### **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. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation and gender identity, gender expression, 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 Angelo State's **Operating Policy 16.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure** and in [TTU System Regulation 07.06 Sexual Misconduct](#).

These policies apply 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 campus. The University will take all reasonable steps to respond to complaints of Sexual Misconduct and restore or preserve equal access to the University's Education Programs or Activities, as appropriate.

The University expects all members of the University Community to comply with applicable laws and University policies. Members of the University Community who violate these policies and related 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 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 Part II, Section C.

The Title IX Coordinator or designee will assume responsibility for determining which policy should be utilized to address a report of Sexual Misconduct and will coordinate the appropriate processes. The following [flowchart](#) will be utilized to assist the Title IX Coordinator determining what policy will apply to the alleged misconduct.



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All investigations and procedures will be conducted in a prompt timeframe and in an equitable and impartial manner. Investigations conducted under these policies are not criminal investigations. For all complaints related to Sexual Misconduct, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

**a. The Office of Title IX Compliance**

The University has an Office of Title IX Compliance which includes the Title IX Coordinator who oversees the University's compliance with Title IX and other state and federal laws related to Sexual Misconduct 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 Title IX Coordinator

CONTACT	PHONE	ADDRESS	EMAIL
ASU Title IX Coordinator  Michelle Miller	325-486-6357	Mayer Administration Building, 210  Office of Title IX Compliance  ASU Station #11044  San Angelo, TX 76909	michelle.miller@angelo.edu
ASU Title IX Deputy Coordinator for Employees  Kurtis Neal	325-942-2168	Hardeman Student Services Center, Room 202  ASU Station #11009 San Angelo, TX 76909	kurtis.neal@angelo.edu

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Director of Human Resources			
<i>Texas Tech University System</i> Title IX Deputy Coordinator for Employees  Dawn Payne  Assistant Vice Chancellor and Director, Office of Equal Opportunity	806-742-3627	Office of Equal Opportunity (OEO) TTUS Administration Building, 1508 Knoxville Ave., Suite 309 Box 41073 Lubbock, TX 79409	<a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>
ASU Title IX Deputy Coordinator, Athletic Equity  Scottie Moler  Assistant Athletic Director of Compliance	325-486-6072	Junell Center/Stephens Arena, Room 250  Angelo State University  2235 S. Jackson Street  San Angelo, TX 76904	<a href="mailto:scottie.moler@angelo.edu">scottie.moler@angelo.edu</a>

**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 Title IX and Sexual Misconduct policies, offenses, investigation procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and other state and federal laws that relate to Title IX and Sexual Misconduct. Members of the team may serve as Investigators or Hearing Panel Members in cases related to Title IX or Sexual Misconduct.

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1. *Sexual Misconduct and Title IX Investigators (Investigators)*: Two members of the Title IX and Sexual Misconduct Response Team may be designated to conduct a thorough, reliable, and equitable investigation of the reported Sexual Misconduct or Title IX allegation and compile the information gathered into an Investigative Report.
2. *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 during Hearings involving charges of Sexual Misconduct or Title IX violations. Hearing Panel Members are responsible for objectively evaluating all relevant evidence and rendering a determination regarding responsibility after a hearing is held. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses to aid in obtaining relative evidence both inculpatory and exculpatory. If a responsible finding is rendered, the Hearing Panel will determine sanctions.

## 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***
  1. *Actual Knowledge*: Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or Deputy Coordinator.
  2. *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.

In a case involving Title IX Sexual Misconduct, each Complainant and Respondent shall have an advisor present at the hearing. Each party must inform the Title IX Coordinator of their intention to select and bring an advisor of their choice to the hearing at least ten (10) days prior to the hearing. Each party may select an advisor of their choice however, if a party does not have an Advisor the University will provide one of the University's choice without fee or charge to the party. The advisors' only permissible role at the live hearing are to advise the party and to conduct cross examination on behalf of their party.

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3. *Complainant* – A person who is the subject of an alleged violation to these policies.
4. *Consent* – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.
5. 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. *See Appendix B for a more expansive definition of consent.*
6. *Education Program or Activity* – Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. *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 furtherance of the University’s interest.
8. *Formal Complaint* – Document filed by a Complainant or signed by the University’s Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct. Provided, however, where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this regulation.
9. *Grievance Process* - The process of addressing Formal Complaints of Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent.
10. *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.
11. *Informal Resolution* – An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties.
12. *Investigative Report* - A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.



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13. *Reporting Party* – A person or entity (in the case of the University) other than the Complainant who reports an alleged violation of this policy.
  14. *Respondent* – Generally, the Respondent is the person or organization that is alleged to be responsible for the prohibited conduct alleged in a formal complaint.
  15. *Responsible Employee* - All Employees, except as provided in Section 10.e, below, are Responsible Employees who must report allegations of Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator.
  16. *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.
  17. *Supportive Measures* - Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.
  18. *University Community* – All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.
- b. ***Title IX Sexual Misconduct***
1. *Title IX Sexual Misconduct* – Conduct that allegedly occurred against a person in the United States, in University’s Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
    - a. *Quid Pro Quo*. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
    - b. *Severe, Pervasive, and Objectively Offensive Conduct*. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity. The following incidents are deemed to meet the Severe, Pervasive, and Objectively Offensive standard:
      1. *Sexual Assault*- An offense classified as a forcible or nonforcible sex offense.
        - a. *Forcible sex offense*- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including Rape, Sodomy (oral or anal sexual intercourse), Sexual Assault with an Object, and Fondling

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- b. Nonforcible sex offense- Unlawful, nonforcible sexual intercourse including incest and statutory rape.
  - c. .(For complete definitions of forcible and nonforcible sex offenses, please see [System Regulation 07.06.A](#))
2. Dating Violence- Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relations, and the frequency of interaction between the persons involved in the relationship.
  3. Domestic Violence- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitation with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the laws of the jurisdiction, 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 jurisdiction.
  4. Stalking- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

c. ***Non- Title IX Sexual Misconduct***

1. *Interpersonal Violence* – For the purposes of this policy, Interpersonal Violence is:
  - a. *Dating Violence* – Physical, sexual, or verbal abuse 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 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 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.
  - b. *Domestic Violence or Family Violence* – Physical, sexual, or verbal abuse, or threat of abuse or violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person with whom the Complainant is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant 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.

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2. *Public Indecency* – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:

- a. Exposing one’s genitals or private areas;
- b. Public urination;
- c. Public defecation; and/or
- d. Public sex acts.

3. *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:

a. *Non-Consensual Sexual Contact* – Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes:

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

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

The following offenses are examples of sexual assault: rape, 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 Complainant.
- *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 Complainant, including instances where the Complainant 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.

4. *Sex Discrimination* – An act that deprives a member of the University Community

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of their right 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.

5. *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:
  - a. Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
  - b. Sexual voyeurism;
  - c. Inducing another to expose one's genitals or private areas;
  - d. Prostituting another; or
  - e. Knowingly exposing someone to or transmitting a sexually transmitted disease without the person's full knowledge and consent.
  
- 6.. *Sexual Harassment* – Means unwelcome sex-based verbal or physical conduct that:
  - a. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
  - b. 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 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;



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- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

7. *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. “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 to the Title IX Coordinator

a. *How to Submit a Report*

Students and third parties are strongly encouraged to promptly report Sexual Misconduct to the Title IX Coordinator. Any person may make a report in person, by mail, by phone, by email or by utilizing the online reporting form, or by any other means that results in the Title IX Coordinator receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by utilizing the contact information below or via the online reporting form: <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.

Reports may be made in person to:

CONTACT	PHONE	ADDRESS	EMAIL
ASU Title IX Coordinator  Michelle Miller	325-486-6357	Mayer Administration Building, 210  Office of Title IX Compliance	michelle.miller@angelo.edu

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		ASU Station #11044  San Angelo, TX 76909	
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*b. After Submitting a Report*

After receiving an inquiry or report, the Office of Title IX Compliance will contact the Complainant to discuss how the report will be responded to and/or addressed. Supportive Measures will be provided as deemed necessary. The Reporting Party will be contacted only if additional information is needed.

*c. Employee's Obligation to Report*

University Employees (including student Employees) that, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes Sexual Misconduct must promptly report such incident and information to the University Title IX Coordinator or System Office of Equal Opportunity in accordance with Texas law.

*d. Separate Reporting to Law Enforcement*

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

*e. Victims Encouraged to seek Medical Care*

An individual who experiences 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 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.

*f. Preservation of Evidence*

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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.

g. *Amnesty for Good Faith Actors*

If a student enrolled at the University makes a report or Formal Complaint of sexual misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's student conduct policy occurring at or near the time of the incident. This subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under these policies.

h. *Non-Disclosure of Private Information to Medical Providers*

Absent consent from the Complainant, 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 Complainants 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.

i. *Deadline for Reporting*

While employees must promptly fulfill their mandatory reporting obligations, for other individuals, there is no deadline for reporting incidents of Sexual Misconduct. However, to promote prompt and equitable review, the University encourages individuals with reports of Sexual Misconduct to come forward as soon as possible. Delays in reporting limit the ability to respond to Sexual Misconduct, collect evidence, and take effective action against persons accused of violating this regulation.

*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. Reporting Allegations of Sexual Misconduct or Title IX Violations to Confidential Resources**

Students may make confidential reports to the University Counseling Center or to any of the resources outlined below.

Information may be shared by the clinical and/or medical provider only with the Complainant's or Respondent's consent.

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The following Confidential Resources are available to Angelo State Students:

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

### 5. Confidentiality

Angelo State University is committed to ensuring confidentiality during all stages of the Grievance Process. Confidentiality protections provided in this section apply to:

- The Complainant;
- The Reporting Party;
- An individual who sought guidance from the University concerning an incident;
- An individual who participated in the University's investigation of an incident; or
- The Respondent, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.

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:
  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;



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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 Respondent, to the extent required by other law or regulation; and
5. potential witnesses to the incident as necessary to investigate 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 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.

Absent consent from the Complainant, 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 the Complainant, with information and guidance regarding University reporting options and available resources.

## **6. Student Rights and Responsibilities**

Prior to a formal investigation 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 Grievance Process. Information gathered during the course of the investigation and hearing 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. Rights and Responsibilities of a Complainant or Respondent*

*b. Rights and Responsibilities of a Witness*

*c. Amnesty*

The University may provide educational options in lieu of conduct proceedings in certain situations.

Examples of the amnesty provision include, but are not limited to:

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1. Complainants, Reporting Parties, and/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 matter of Sexual Misconduct, 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 experiencing or witnessing 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 Grievance 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 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 AffairsDean of Students, Title IX Coordinator, or designee.

#### *d. Non-Retaliation*

Retaliation against a person who reports a potential violation under these policies, assists someone with a report of a violation, or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other resolution of a complaint made under these policies is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. In addition, charges against an individual for the *Code of Student Conduct* violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual

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Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this regulation.

The University will take appropriate steps to ensure that a person who, in good faith, reports, complains about, participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to these policies 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. False Information*

An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to an including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.

**7. Interim and Supportive Actions**

The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University's Education Program or Activity.

Additionally, the University may pursue emergency removal, altering the University status of the Respondent. Other Supportive Measures may be implemented and will be evaluated on a case- by-case basis. Supportive Measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Supportive Measures can be implemented regardless of whether or not the Complainant pursues a Formal Complaint or criminal action. The Office of Title IX Compliance is available to help students understand the Grievance Process and identify resources.

Remedies may be implemented after a determination of responsibility in Grievance Proceedings to restore and preserve equal educational opportunities to the Complainant.

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The University will maintain confidentiality of any Supportive Measures provided to the parties to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures.

*a. Resources and General Supportive Measures*

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, referrals to the University Counseling Center, medical assistance, assistance in changing or modifying work situations, accessing campus escort services, increased monitoring of certain areas on campus, and other support services based on the individual student's needs. The Office of Title IX Compliance is 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. Academic Supportive Measures*

The Office of Title IX Compliance can assist the Complainant or Respondent in modifying their academic situation including permissive withdrawal from or retake of a class without penalty; extensions of deadlines or other course related adjustments. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.

*c. No Contact Orders*

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the 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 Title IX Coordinator or designee. This notice may also come with a Notice of Formal Complaint 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 Emergency Removal 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.



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*d. 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, 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. Interim action is not a sanction and is preliminary in nature utilized in an effort to protect the University Community. Interim action is in effect only until the investigation and resolution of a complaint is complete. Students will be notified of interim actions through the official notice procedures outlined in Part I, Section A.3. in the *Code of Student Conduct*. However, a violation of an interim action may result in additional allegations of the *Code of Student Conduct*.

*e. Emergency Removal*

Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall conduct an individualized safety and risk analysis to determine if an individual poses such an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal. The University shall provide the Respondent with notice utilizing the official notice procedures outlined in Part I, Section A.3. in the *Code of Student Conduct*. Respondents will be given an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal. Regardless of the status of the student's removal, the University may proceed with the Grievance Process.

Conduct, on or off-campus, that may result in Emergency Removal include:

- 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 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;

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- Violation of a No Contact Order;
- Retaliatory harm, discrimination, or harassment.

An Emergency Removal may prohibit the student from one or more of the following: attending class(es), using University services and/or resources, and/ or not being allowed on campus until the Grievance Process has concluded. At the discretion of the Title IX Coordinator 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 Respondent. .

*f. Non-Student Supportive Measures*

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

*g. Withdraw*

Subject to Federal Law the Complainant or Respondent who are working with the Office of Title IX Compliance to address an allegation of Sexual Misconduct 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 University's *Code of Student 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 Complainant's and Respondent's interest in a speedy resolution.
3. 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.

**8. Options in Addressing Reports of Title IX and Non-Title IX Sexual Misconduct**

After receiving a report, the Office of Title IX Compliance will reach out to the individual deemed the Complainant via their official Angelo State email to request that the student

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schedule an appointment with the Office of Title IX Compliance to further discuss the report received. This meeting will allow the Office of Title IX Compliance to discuss the student's options in addressing the report and discuss the availability and implementation of Supportive Measures. 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 in an attempt to connect with the student.

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

If the Complainant requests only Supportive Measures, the Office of Title IX Compliance will contact the appropriate campus parties to address the student's needs. If a Complainant wishes to make a statement, file a formal complaint or otherwise utilize a process to address Sexual Misconduct the Office of Title IX Compliance will schedule an intake meeting with the Complainant. At this time the Title IX Coordinator will evaluate the information provided by the student and determine if the report involves Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct.

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

- The seriousness of the incident;
- Whether the University has received other reports of Sexual Misconduct committed by the alleged perpetrator or perpetrators;
- Whether the incident poses a risk of harm to others;
- Whether the allegations involved violence, use of weapons, or other similar factors; and
- Any other factors the University determines relevant.

If the University decides not to investigate an incident of Sexual Misconduct based on the Complainant's request not to investigate, the University shall take any steps the University determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

The University shall inform a Complainant whether the University will conduct an investigation into the incident.

In 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 Student Disability Services to assist students with any particular needs.

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*Note: The Title IX Coordinator or designee may proceed with the Grievance 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.*

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

**a. Referral Meeting**

The Office of Title IX Compliance 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 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 Investigation which may warrant adjudication. This meeting may 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. Formal Complaint (Initiation of Grievance Process)**

A Formal Complaint is a document signed by a Complainant or the Title IX Coordinator alleging Sexual Misconduct against a Respondent requesting that the University investigate the allegation(s) of Sexual Misconduct. While incidents may be reported by any third party, only the Complainant or Title IX Coordinator may initiate the Grievance Process by filing the Formal Complaint. A Formal Complaint is also required for any individuals wishing to pursue an Informal Resolution.

When a Formal Complaint is filed, the Office of Title IX Compliance will provide written notice to the Respondent with sufficient time for the Respondent to prepare a response before an initial interview. The Notice of Formal Complaint includes information about the Grievance Process, the Informal Resolution Process, the allegations and any details known at the time, such as the name of the Complainant, and the location, date and time of the alleged incident(s), and the specific section(s) of the *Code of Student Conduct* the Respondent is alleged to have violated. The Complainant also receives a copy of the Notice of Formal Complaint.

**1. Review of Formal Complaint**

When a Formal Complaint is received, Office of Title IX Compliance will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess



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appropriate Supportive Measures for both parties, evaluate the need for Emergency Removal, and initiate the Grievance Process.

a. Mandatory Dismissal – The Title IX Coordinator shall dismiss a Formal Complaint in the following situations:

1. For Title IX Sexual Misconduct:

- The allegation does not describe conduct that would constitute Title IX Sexual Misconduct as defined, even if proven;
- The Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or
- The Title IX Sexual Misconduct did not occur against a person in the United States.

2. For Non-Title IX Sexual Misconduct

- The allegation does not describe conduct that would constitute Non-Title IX Sexual Misconduct as defined, even if proven.
- The Respondent is not a member of the University Community

b. *Permissive Dismissal* – The Title IX Coordinator may dismiss a Formal Complaint in the following situations:

1. The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint;
2. The Respondent is no longer enrolled in or employed by the University; or
3. Circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations.

c. Application of other Policies Upon Dismissal – If the Title IX Coordinator dismisses a Formal Complaint or any of the allegations in the Complaint, the office must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude utilizing the Grievance Process to address Non-Title IX Sexual Misconduct.

d. Appeal of Dismissal Decision – Any party can appeal the dismissal decision following the criteria and procedures listed below under *Appeals*.

e. Right to Consolidate Complaints – The University may consolidate Formal Complaints as to the allegations of Title IX Sexual Misconduct:

1. Against more than one Respondent;
2. By more than one Complainant against one or more Respondents; or

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3. By one party against another party where the allegations of Title IX Sexual Misconduct arise out of the same facts.
4. If one or more of the consolidated Formal Complaints involve allegations of Title IX Sexual Misconduct, then the consolidated Complaint must proceed under the Title IX Sexual Misconduct Grievance Process.

### ***Formal Investigation***

#### ***c. Options in Resolving Formal Complaint***

##### ***1. Informal Resolution***

After the Complainant and Respondent have been provided written notice of a Formal Complaint, the Office of Title IX Compliance may offer and facilitate the Informal Resolution Process. The procedures utilized in the Informal Resolution process must be agreed upon by obtaining the parties voluntary, written consent, with concurrence from the Title IX Coordinator or designee. The parties must agree in writing to all aspects of any resolution reached through the Informal Resolution process including any restrictions, sanctions, or conditions as may be agreed upon by the parties with concurrence from the Title IX Coordinator or designee, and any such resolution will be binding and final with no opportunity to appeal. Either party may withdraw from the Informal Resolution process at any time prior to the final resolution and resume the Grievance Process with respect to the Formal Complaint. Informal 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.

The University will not require any person to participate in the Informal Resolution Process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.

##### ***2. Informal Conference***

An Informal Conference is a form of Informal Resolution. If after the Investigation, the Respondent 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 process, the Complainant and the Respondent must accept both the finding and the sanctions as recommended by the Office of Title IX Compliance. 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.

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Written notification of the outcomes and sanctions, if applicable, of the 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 Conference.

### 3. *Hearings:*

There are two processes for a formal Hearing, one will be utilized for Title IX Sexual Misconduct the other will be utilized for Non-Title IX Sexual Misconduct. For either type of Hearing, students will first complete the Pre-Hearing Process.

#### *a. Pre-Hearing Process*

In cases involving a Hearing, the Pre-Hearing Process will be followed. Once the investigation process is complete, the Complainant and Respondent will be given notice of a Pre-Hearing Meeting. Should students choose not to participate in the Pre-Hearing, the Grievance Process may continue without their participation, including the completion of a Hearing. During this meeting, students will be given equitable access to review various documents including the Hearing Panel composition, Hearing Script, Opening, Closing, and Impact Statements, and Appeal Procedures. Following the Pre-Hearing, students and their advisors will be notified of a date, time, and location of the Hearing via written Notification of Hearing sent to the student's official assigned Angelo State 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.

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.

If the Respondent voluntarily accepts responsibility for the charges issued in the Investigation Report, the Respondent 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 from the Title IX and Sexual Misconduct Response Team. One member of a

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Hearing for Title IX Sexual Misconduct will be the Title IX Hearing Officer. The Title IX Hearing Officer will oversee and conduct the hearing and chair the Hearing Panel. (See [System Regulation 07.06.A Attachment 2](#) for more information). 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 Title IX Coordinator or designee will schedule the Panel Hearing.

At the discretion of the 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.

The Grievance Process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties. In Title IX Hearings, the Title IX Advisor will conduct cross-examination on behalf of the party. In Non-Title IX Hearings, the student will pose the questions and supplement the Investigation Report via the Investigator.

*Note: Questions that are deemed objectionable, inappropriate, and/or irrelevant may be rejected.*

*b.. Title IX Sexual Misconduct Hearing*

[System Regulation 07.06.A Attachment 2](#) outlines the full Title IX Sexual Misconduct Hearing Procedures.

The University will appoint a four-member Hearing Panel. The Title IX Hearing Officer will be one of the four members and will serve as the Hearing Panel Chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the live hearing. The determination regarding responsibility will be made by a majority vote of the Hearing Panel. The Hearing Panel will not include the Title IX Coordinator or an Investigator involved in the matters considered at the Hearing. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory.

All parties, witnesses, and other participants in a Hearing must be physically or virtually present in a manner where all participants can simultaneously see and hear each other. Statements of a party or witness that is not present and subject to cross-examination at the Hearing will not be relied on in making a



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determination of responsibility.

Each Complainant and Respondent shall have an advisor of their choice present at the Hearing. Each party must notify the Office of Title IX Compliance at least ten (10) days prior to the Hearing whether the party intends to select and bring an advisor of their choice to the Hearing. If a Complainant or Respondent does not have an advisor of their choice present at the Hearing, the University will provide without fee or charge an advisor of the University's choice. The advisors' only permissible roles at the Hearing are to advise the party and to conduct cross-examination on behalf of the party.

The University will adopt rules of order and decorum provided for and enforced by the Title IX Hearing Officer. Such rules will include, but are not limited to, time limits, hearing order, and requirements that participants not badger a witness, and repetition of the same question may be deemed irrelevant by the Hearing Officer; no party be asked questions in an abusive or intimidating manner; and questioning shall be relevant, respectful, and non-abusive. Each Hearing shall be no more than four (4) hours in length, unless the Hearing Officer determines that exceptional circumstances exist justifying a longer Hearing.

The University will create a record of the Hearing and make it available to the parties for inspection and review upon request.

At the direction of the Hearing Officer, Complainants and Respondents will have an opportunity to offer their own opening and closing statement, subject to time limits set by the Hearing Officer.

Each party will have an opportunity to present evidence to the Hearing Panel. The Hearing Officer will be responsible for making determinations regarding evidence, including relevance. Information that will be deemed not relevant includes, without limitation, information protected by a legally recognized privilege; questions or evidence about the Complainant's sexual predisposition or prior sexual behavior (unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent); any party's medical, psychological, or similar records (unless the party has given voluntary, written consent); and party or witness statements that have not been subjected to cross-examination at the Hearing. If a party or witness does not attend or refuses to answer cross-examination, the Hearing

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Panel cannot draw an inference regarding responsibility based solely on that absence or refusal to answer.

Direct Examination may be conducted by the Title IX Hearing Officer or the Hearing Panel. Cross-examination must be conducted directly orally, and in real time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness. Before a participant answers a cross-examination or other question, the Title IX Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

After a determination regarding responsibility and before a decision regarding Sanctions, the Hearing Panel may request, and the parties may provide impact statements for consideration.

After the Hearing, the Hearing Panel will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination regarding responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary Sanctions imposed on the Respondent, and whether Remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University's procedures are permissible bases to for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties following the procedures listed below. The written determination of responsibility becomes final when the time period to file an appeal has expired, or when the appeal decision has been sent to the parties.

*c. Non-Title IX Sexual Misconduct Hearings*

In cases involving Non-Title IX Sexual Misconduct the University may proceed to conduct a Hearing Panel and issue a finding and accompanying sanctions, if applicable.

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 Title IX Coordinator or designee. One additional member of the team will be chosen as an alternate and be prepared to serve if needed.

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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 Title IX Coordinator or designee will appoint a Resource Person to serve as a non-voting participant in the Panel Hearing. The 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 Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Hearing Panel;
- Compile the post-Hearing documentation;
- Deliver notification to the parties.

Hearings are closed to the public. 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 the Complainant and Respondent 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.

During the Hearing, the Investigator(s) presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. Both the Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Hearing Panel may question 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 or Resource Person. 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

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sanctioning phase of the Hearing. In the event the Resource Person removes a student due to misconduct (Complainant, Respondent, 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. After a determination regarding responsibility and before a decision regarding Sanctions, the Hearing Panel may request, and the parties may provide impact statements for consideration. Should the Hearing Panel have any questions for the Investigator, The Office of Title IX Compliance, the Complainant and/or the Respondent, 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 Appeal Procedures outlined below.

#### *d. 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 Complainant and Respondent are not allowed to dispute the facts or details of the case. Both the Complainant and Respondent be present and both the Complainant and Respondent may provide impact statements prior to sanctioning. 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. 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 in Appendix B. The grid 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



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is exhausted. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Upon the judgment of the 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 an Informal 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:

a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification using the notice procedures outlined to the student that the action in question was misconduct.

b. Disciplinary Probation

Disciplinary Probation is a period of time which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional conditions, restrictions, and/or sanctions.

c. *Deferred Disciplinary Suspension*

Deferred Disciplinary Suspension is a period of time where a Disciplinary Suspension may be deferred for a period of observation and review, but in no case will the Deferred Disciplinary Suspension be less than the remainder of the semester. Further instances of misconduct under the *Code of Student Conduct* during this period may result in additional sanctions.

d. *Time-Limited Disciplinary Suspension*

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class, 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

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institution or 2) the 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 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 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.

*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 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 Title IX Coordinator or designee to prevent future registration.

*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/>.

*7. Restrictions*

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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. Appeal Procedures for Sexual Misconduct***

In Sexual Misconduct cases, either the Complainant or Respondent may appeal the finding or the sanction(s) imposed in a Panel Hearing by submitting a written petition to the designated appeal officer, within three (3) University business days after the delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

An appeal may not be filed on behalf of the student by a third party.

Upon the filing of written appeal, the University will give written notice of the appeal to the other party. That party will have three (3) University working days to respond to the appeal.

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, not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included;
- The Title IX Coordinator, Investigator(s), or decision maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

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*NOTE: Lack of participation at any part of the Grievance Process does not constitute new evidence.*

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 Appeal Officer may submit the written appeal and response to the original Hearing Body, and that Body may submit its response in support of the appeal or original decision to the Title IX Coordinator or designee within three (3) University working days.

The 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 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 Office of Title IX Compliance 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 within five (5) University working days from receipt of all responses. If necessary, the 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 Appeal Officer remands the decision to a new Hearing Panel, the decision of that Hearing Panel is final and may not be appealed.

#### **10. Interference with an Investigation**

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



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- 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 Requirements from the Office of Title IX Compliance**

Angelo State's commitment to preventing and raising awareness of the harm resulting from conduct prohibited in these policies include 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 students (including transfer students) at Angelo State University are required to attend an orientation session and take an online training module 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/alcholedu-and-haven.php>.

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Failure to complete these trainings by the due date 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 Coordinator, Title IX Deputy Coordinators, Investigators, Hearing Officers, and Appeal Officers receive annual training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution process, and University policies related to or described in this policy.

Title IX Coordinators, Investigators, Hearing Officers, and Appeal Officers shall receive adequate and unbiased training on the application of the Sexual Misconduct policy, and the Grievance Process, including, where appropriate, how to conduct Hearings, the use of technology, and how to make relevancy *decisions*. All materials used to train these staff members are publicly available on the [Title IX & Sexual Misconduct website](#).

## **12. 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**

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## **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.c. 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 misconduct 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 misconduct violations. Instructions for reporting allegations of academic 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

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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.e.8. (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 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 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



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*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 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), age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, race, color, religion, national origin, status as a protected veteran, or other legally protected characteristics. It is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis.

### 1. Discriminatory Harassment

Conduct based on a student's race, color, religion, national origin, sex (including pregnancy), age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics, when such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an individual's education of creating an intimidating, hostile, abusive, or offensive educational environment. Examples of inappropriate behavior include, but are not limited to, the following, if related to an individual's protected category, class or characteristic:

- a. Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on, about, or because of a protected category, class, or characteristic;
- b. Display of explicit or offensive posters, pictures, drawings, cartoons, calendars, correspondence, digital or broadcast content (including images, videos, or audio), or any other physical, digital, or multimedia materials in any form that reflect disparagingly upon a category, class, or characteristic of persons or a particular person in a protected category or class;
- c. Loud or angry outbursts or obscenities in the workplace directed toward a member of the University Community;
- d. Disparate treatment without a legitimate business reason; or
- e. other threats, discrimination, hazing, bullying, stalking, or violence.

For more information on the University's policy and compliant procedures regarding discriminatory harassment, see **Angelo State University Operating Policy 16.02 [Non-](#)**

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**Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.**

**2. Title IX and 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, or other misconduct based on sex. For more information on this policy and complaint procedures 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](#).

**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>.

**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



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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, Title IX Coordinator, or designee as they go through a written complaint process. The Executive Director of Student Affairs, 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.

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## 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 laws, the University prohibits discrimination based on sex and other types of Sexual Misconduct. The University has established policies and a Grievance Process providing for prompt and equitable and impartial 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 **Angelo State University Operating Policies: [OP 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](#)**.

### 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.](#)**

## 6. Disability-Related Complaints

- a. Complaints related to disabilities are guided by University Operating Policy [10.24 Establishing Reasonable 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 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



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Office of Student Affairs, 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 B. The University conduct procedure for student organizations is outlined in Part I, Section C.

**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.a. (Academic Misconduct).

**11. Parking Citations**

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

**12. Graduate School Requirements**

- a. Graduate student complaints related to academic standing and performance follow processes outlined in University Operating Policy 42.01, [Admission to the College of Graduate Studies and Research](#), University Operating Policy 42.02, [College of Graduate Studies and Research Enrollment Policy](#), University Operating Policy 42.03, [Graduate Students Employed as Teaching Assistants, Graduate Assistants, and Graduate Research Assistants](#), and University Operating Policy 42.04, [Academic](#)

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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.

### **13. Housing Complaints**

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

### **14. Online and Distance Student Complaints**

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

### **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,

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- 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](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 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. 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



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- adjoined by a shared bathroom. 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/](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](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.



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- 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 Office of Student Affairs.
- 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.

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## **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 and impartial 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 Procedure. Set forth procedures for filing, investigating, and resolving complaints of harassment, Sexual Misconduct, and 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](#).

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#### 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 External Affairs 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 or organization mission.
  - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Angelo State University or violates any federal, state and/or local laws and/or University policies.
- c. *In order to solicit in University buildings*, authorization is required via the [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



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- 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 or designee.
  - g. A written appeal describing the objections to the denial addressed to the Vice President for Student Affairs 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 Vice President 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.

## 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:



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- 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.

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- 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

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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.



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## **SECTION M: STUDENT ORGANIZATIONS**

### **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, Boards and Councils, Fraternity and Sorority, Social Organizations, Honor, Sport Clubs, Spiritual Life, Philanthropy, and Pre-Professional.
- c. All student organization registration is administered by the 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 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



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- 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 fraternity or 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 fraternity or 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 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 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: 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. Funds acquired by the club may be 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. 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

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- 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 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 Renewing Student Organization**

- a. New and renewing student groups that 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 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 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 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 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 must receive a complete Student Organization Registration/Renewal form by the deadline. The form will include the names and contact information for the organization officers and the

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- 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



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organizations. State law mandates a training 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 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



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- 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 per the constitution and by-laws it has on file, in addition to applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.
  - e. Solicitation on campus by registered student organizations may not abridge any contractual agreements of Angelo State University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the 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 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 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 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 C, 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/](http://www.angelo.edu/services/student_services/).

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Additionally, the University maintains a consumer information web page with links to data, support services and accreditation information. [https://www.angelo.edu/consumer\\_info/](https://www.angelo.edu/consumer_info/)

## **SECTION O: STUDENT RECORDS**

### **1. General Policy**

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from the disciplinary records. (During the time of disciplinary suspension or expulsion, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Angelo State University Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Angelo State University.

### **2. Address of Record**

Students must maintain an accurate permanent address with the Registrar's Office. The address is used for official notifications including billing and official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. *Students may update their contact information at:* [http://www.angelo.edu/services/registrar\\_office/registrar\\_forms.php](http://www.angelo.edu/services/registrar_office/registrar_forms.php).

### **3. Student Access to Education Records**

- All current and former students of the University have the right to access their educational records as provided by law.
- Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.
- The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
- 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.

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- 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.

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- 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



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- 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 (7) 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

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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

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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



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workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Director of Housing and Residential Programs or designee.

d. *Intercollegiate Athletic Facilities*

The Junell Center/Stephens Arena, LeGrand Stadium at 1<sup>st</sup> Community Credit Union Field and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Director of Business Services or designee. Requests for use of all intercollegiate athletic facilities must be made to the Office of Special Events online at: <http://reservations.angelo.edu>.

e. *Recreational Facilities*

The Ben Kelly Center for Human Performance, intramural fields, tennis courts, racquetball courts and basketball court are intended primarily for student recreational and instructional use on an organized group and individual basis. University Recreation is responsible for scheduling the use of these facilities for University Recreation programs and services. A hammock farm was installed between Robert and Mary Massie Residence Halls and this is the only approved campus location for hammock use. Hammocks are available for check-out in the Ben Kelly Center for Human Performance building. Other University departments, organizations, and off-campus guests may request use of the recreational facilities from the Office of Special Events using an online form located at: <http://reservations.angelo.edu>.

f. *Pavilion*

The Pavilion is designed to meet the recreational needs of students, faculty and staff and to provide programming opportunities for the University and its registered student organizations. Reservation requests may be submitted to the Office of Special Events online at <http://reservations.angelo.edu>. The Pavilion may also be rented according to University policy governing this privilege.

g. *Lake Facility*

The Angelo State University Lake Facility, located at 1925 Beaty Road, is open and operated seasonally by University Recreation for general use by Angelo State University students, faculty and staff. The Lake Facility is also available for University department and registered student organization events as well as private rental events (based on date availability). Reservation requests for the Lake Facility must be submitted to the Office of Special Events online at: <http://reservations.angelo.edu>.

**5. Use of Campus Grounds**

- a. Selected grounds areas (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, staff, and students. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop. Reservation requests must be submitted to the Office of Special Events online at <http://reservations.angelo.edu>.



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- 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.

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## SECTION Q: WITHDRAWALS

### 1. Voluntary Withdrawal from the University

- a. According to the Undergraduate and Graduate Catalog, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Registrar's Office prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13<sup>th</sup> class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Center for International Studies as a part of the withdrawal procedure. Student athletes must receive clearance from the Director of Athletic Academic Services.
- b. Students considering withdrawal for medical reasons may contact the Office of Student Affairs to discuss additional University resources and services.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in Angelo State University student housing, he/she should first contact those offices before applying for the withdrawal.
- d. Refunds  
The Undergraduate and Graduate Catalog indicates that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at: [http://www.angelo.edu/services/registrar/office/withdrawals\\_refunds.php](http://www.angelo.edu/services/registrar/office/withdrawals_refunds.php).
- e. Returning to the University after a Voluntary Withdrawal  
Application materials and deadlines for former Angelo State University students are available at: <https://myfuture.angelo.edu>. Official transcripts from all institutions attended subsequent to Angelo State University reenrollment must be submitted by the application deadline. All returning students must have a minimum of a 2.0 GPA on work taken since leaving Angelo State University.

### 2. Involuntary Withdrawals

- a. Angelo State University seeks to balance the rights of individual students with the rights of the community. In order to maintain the safety of both, some behaviors require consultation among a network of campus professionals to determine the appropriate course of action to address the behavior.
- b. When a student poses a direct threat to the health or safety of others, and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, a student may be involuntarily withdrawn from the University.
- c. Notice regarding students who may be direct threats (both self-reports and third-party reports) should be made to the Executive Director of Student Affairs or designee.
- d. A "direct threat" means:  
There is a high probability (not just a slightly increased, speculative, or remote risk)

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- 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 for Student Affairs 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**



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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



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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 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.

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## 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.

### **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

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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.

### **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 that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted 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**

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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, Executive Director of Student Affairs, Title IX Coordinator, and/or 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).



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## 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 voluntarily, 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

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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 Respondent should have known that the Complainant was incapacitated is objectively based on what a reasonable person, sober and exercising good judgment, would have known about the condition of the Complainant.
- 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.

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## APPENDIX C: SANCTIONING GRID

<b>Violation</b>	<b>Code of Student Conduct Sections</b>	<b>Possible Sanctions Finding</b>
<b>Academic Misconduct</b>	<b>Subsection 1.</b>	
<b><i>Cheating</i></b>		<b>Possible Sanctions</b>
Copying from another student's academic work, test, quiz, or other assignment.	B.1.a.1.a.	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.1.b.	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.1.c.	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.1.d.	Reprimand-Expulsion
Possession, at any time, of current or previous tests materials without the instructor's permission.	B.1.a.1.e.	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.1.f.	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.1.g.	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.1.h.	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.1.i.	Reprimand-Expulsion
Falsifying research data, laboratory reports, and/or other academic work offered for credit.	B.1.a.1.j.	Reprimand-Expulsion
Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment.	B.1.a.1.k.	Reprimand-Expulsion

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<b><i>Plagiarism</i></b>		
The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials.	B.1.a.2.a.	Reprimand-Expulsion
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.	Reprimand-Expulsion
<b><i>Collusion</i></b>		
Any unauthorized collaboration or attempted collaboration with another individual to complete academic work, test, quiz, or other assignment that results in similarities in the work, including but not limited to, providing unauthorized assistance to another student and/or allowing another student access to completed academic work.	B.1.a.3.	Reprimand-Expulsion
<b><i>Falsifying Academic Records</i></b>		
Altering or assisting in the altering of any official record of the University and/or submitting false information.	B.1.a.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.	Reprimand-Expulsion
<b><i>Misrepresenting Facts</i></b>		
Providing false grades, falsifying information on a resumé, or falsifying other academic information.	B.1.a.5.a.	Reprimand-Expulsion
Providing false or misleading information in an effort to injure another student academically or financially.	B.1.a.5.b.	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.	Reprimand-Expulsion
<b><i>Violation of Professional Standards</i></b>		
Any act or attempted act that violates specific Professional Standards or a published Code of Ethics. Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.	B.1.a.6.	Reprimand-Expulsion
<b><i>Unfair Academic Advantage</i></b>		
Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic	B.1.a.7.	Reprimand-Expulsion



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advantage or disadvantage for another student that is not enumerated in items 1-6 above.		
<b>Actions against Members of the University Community and Others</b>	<b>Subsection 2.</b>	<b>Possible Sanctions</b>
Any act, or attempted act, perpetrated against another person or persons including, but not limited to:		
<b><i>Disruptive and/or Obstructive Conduct</i></b>		
Intentional or reckless behavior that disrupts or obstructs the 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.1.b.1.	Reprimand-Expulsion
<b><i>Harmful, Threatening, or Endangering Conduct</i></b>		
Intentional or reckless behavior that harms, threatens, or endangers the physical or emotional health or safety of others, including but not limited to:	B.1.b.2.	Reprimand-Expulsion
<b><i>Assault</i></b>		
Intentionally, recklessly, or knowingly causing physical harm to another individual.	B.1.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 harmful.	B.1.b.3.b.	Reprimand-Expulsion
<b><i>Threats</i></b>		
Any act or communication (written, oral, or otherwise) a reasonable person would interpret as a serious expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s).	B.1.b.4.	Reprimand-Expulsion
<b><i>Intimidation</i></b>		
An implied threat or act that causes a reasonable fear of harm.	B.1.b.5.	Reprimand-Expulsion
<b><i>Bullying/Cyber Bullying</i></b>		
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.	Reprimand-Expulsion
<b><i>Mutual Combat</i></b>		
Any incident between two or more individuals in which violence or the threat of violence is mutual.	B.1.b.7.	Reprimand-Expulsion
<b><i>Hazing</i></b>		
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,	B.1.b.8.	Reprimand-Expulsion

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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:		
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.	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.	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.	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.	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.	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.	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 <del>coerced to consume any</del> of those substances. See <a href="#">Texas Education Code</a> , Sections 37.151-37.155 and <del>Section 51.936</del> .	B.1.b.8.g.	Reprimand-Expulsion
<b><i>Discriminatory Harassment</i></b>		

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Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that is adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.	B.1.b.9.	Reprimand-Expulsion
<b>Retaliatory Discrimination or Harassment</b>		
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.	B.1.b.10.	Reprimand-Expulsion
<b>Complicity or Knowingly Present</b>		
Assisting, via acts or omission, another student, individual, or group in committing or attempting to commit a violation of the <i>Code of Student Conduct</i> , specifically violations that constitute Actions Against Members of the University Community.	B.1.b.11.a.	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.	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.	Reprimand-Expulsion
<b>Alcoholic Beverages</b>		
<b>Subsection 3. Possible Sanctions</b>		
Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Angelo State University policy.	B.1.c.1.	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.	Reprimand-Expulsion
<b>Narcotics or Drugs</b>		
<b>Subsection 4. Possible Sanctions</b>		
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.	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.	Reprimand-Expulsion



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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.	B.1.d.3.	Reprimand-Expulsion
<b>Smoking/Vaping/Tobacco</b>	<b>Subsection 5.</b>	<b>Possible Sanctions</b>
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.	Reprimand-Expulsion
<b>Firearms, Weapons, and Explosives</b>	<b>Subsection 6.</b>	<b>Possible Sanctions</b>
Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, Tasers, or explosive or noxious materials on University premises that would constitute a violation of any federal, state, local law, and/or Angelo State University policy. See <i>RESIDENCE HALL HANDBOOK (Housing and Residential Programs webpage/Living on Campus/Current Students/Documents/Rates)</i> for specific approved devices allowed in the residence halls.	B.1.f.	Reprimand-Expulsion
<b>Flammable Materials/Arson</b>	<b>Subsection 7.</b>	<b>Possible Sanctions</b>
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.	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.	Reprimand-Expulsion
<b>Theft, Damage, Littering, or Unauthorized Use</b>	<b>Subsection 8.</b>	<b>Possible Sanctions</b>
Attempted or actual theft of property or services of the University or of another.	B.1.h.1.	Reprimand-Expulsion
Possession of property known to be stolen or belonging to another person without the owner's permission.	B.1.h.2.	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.	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.	Reprimand-Expulsion



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Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, OneCard account information and/or personal check, or other unauthorized use of personal property or information of another.	B.1.h.5.	Reprimand-Expulsion
Altercation, forgery or misrepresentation of any form of identification.	B.1.h.6.	Reprimand-Expulsion
Possession or use of any form of false identification, not belonging to the student or used for the purposed originally issued.	B.1.h.7.	Reprimand-Expulsion
Failure to meet financial obligations owed to the University, or components owned or operated by the University, including but not limited to, issuing payment to the student's financial account from accounts with insufficient funds.	B.1.h.8.	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.1.h.9.	Reprimand-Expulsion
<b>Gambling, Wagering, Gaming, and /or Bookmaking</b>	<b>Subsection 9.</b>	<b>Possible Sanctions</b>
Gambling, wagering, gaming, and bookmaking as defined by federal, state, local laws, and/or Angelo State University policy are prohibited on University premises involving the use of University equipment or services.	B.1.i.	Reprimand-Expulsion
<b>False Alarms, Emergency Equipment, or Terroristic Threats</b>	<b>Subsection 10.</b>	<b>Possible Sanctions</b>
Intentional sounding of a false alarm, falsely reporting an emergency in any form, and/or filing false police reports.	B.1.j.1.	Reprimand-Expulsion
Destruction or activation of fire sprinklers or improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.	B.1.j.2.	Reprimand-Expulsion
Threats to commit any offense involving violence to any person or property with intent to: <ul style="list-style-type: none"> <li>• Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;</li> <li>• Place any person in fear of imminent serious bodily injury;</li> <li>• Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the University Community has access, place of employment or occupation, University automobile, or other place of use to the University Community;</li> </ul>	B.1.j.3.	Reprimand-Expulsion

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<ul style="list-style-type: none"> <li>• Cause impairment or interruption of University communications, University transportation, or other University service; or</li> <li>• Place the University in fear of serious bodily injury.</li> </ul>		
<b>Unauthorized Entry, Possession, and Use</b>	<b>Subsection 11.</b>	<b>Possible Sanctions</b>
Unauthorized entry into or use of University premises or equipment including another student's room.	B.1.k.1.	Reprimand-Expulsion
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.	B.1.k.2.	Reprimand-Expulsion
Unauthorized use of the University name, logo, registered marks, symbols; however, registered student organizations are permitted to use the complete statement "a registered student organization at Angelo State University."	B.1.k.3.	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.k.4.	Reprimand-Expulsion
<b>Failure to Comply</b>	<b>Subsection 12.</b>	<b>Possible Sanctions</b>
Failure to comply with reasonable directives and/or requests of a University official acting in the performance of his or her duties.	B.1.l.1.	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.l.2.	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.l.3.	Reprimand-Expulsion
<b>Abuse, Misuse, or Theft of University Information Systems</b>	<b>Subsection 13.</b>	<b>Possible Sanctions</b>
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.m.	Reprimand-Expulsion
Unauthorized use of University information systems including, but not limited to, private information and	B.1.m.1.	Reprimand-Expulsion

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passwords, including the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access University information systems.		
Use of University information systems for unauthorized 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).	B.1.m.2.	Reprimand-Expulsion
Using University information systems to violate Part I, Section B.2. (Actions Against Members of the University Community and Others).	B.1.m.3.	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.	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.	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.	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.	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.	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	B.1.m.9.	Reprimand-Expulsion



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personal acquaintance) using Angelo State University information systems.		
<b>Providing False Information or Misuse of Records</b>	<b>Subsection 14.</b>	<b>Possible Sanctions</b>
Knowingly furnishing false information to the University, to a University official in the performance of his or her duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record, or instrument of identification.	B.1.n.	Reprimand-Expulsion
<b>Skateboards, Rollerblades, Scooters, Bicycles, or Similar Modes of Transportation</b>	<b>Subsection 15.</b>	<b>Possible Sanctions</b>
Use of skateboards, rollerblades, scooters, bicycles, or other similar modes of transportation in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property. Refer to University Parking Services regulations at: <a href="http://www.angelo.edu/services/parking_services/">http://www.angelo.edu/services/parking_services/</a>	B.1.o.	Reprimand-Expulsion
<b>Interference with Expressive Activities</b>	<b>Subsection 16.</b>	<b>Possible Sanctions</b>
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 <i>Code of Student Conduct</i> . 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.	B.1.p.	Reprimand-Expulsion
<b>Violation of Published University Policies, Rules, or Regulations</b>	<b>Subsection 17.</b>	<b>Possible Sanctions</b>
Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, violations of the following:	B.1.q.	Reprimand-Expulsion
<a href="#">University Parking Services</a>	B.1.q.1.	Reprimand-Expulsion
<a href="#">Housing and Residential Programs</a>	B.1.q.2.	Reprimand-Expulsion
<a href="#">Student Life</a>	B.1.q.3.	Reprimand-Expulsion
<a href="#">Multicultural and Student Activities Programs</a>	B.1.q.4.	Reprimand-Expulsion
<a href="#">University Recreation</a>	B.1.q.5.	Reprimand-Expulsion
<a href="#">ASU Student-Athlete Handbook</a>	B.1.q.6.	Reprimand-Expulsion
<a href="#">Texas Tech University System Board of Regents' Rules</a>	B.1.q.7.	Reprimand-Expulsion
<a href="#">Angelo State University Operating Policies and Procedures</a>	B.1.q.8.	Reprimand-Expulsion



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<a href="#">Community Policies of the Student Handbook (Part II)</a>	B.1.q.9.	Reprimand-Expulsion
<b>Violation of Federal, State, and/or Local Laws,</b>	<b>Subsection 18.</b>	<b>Possible Sanctions</b>
Misconduct which may constitute a violation of federal, state, and/or local laws may be considered a violation of University policy and may be investigated and adjudicated through the University conduct system. A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in or resolve a University conduct proceeding.	B.1.r.	Reprimand-Expulsion
<b>Abuse of the Discipline System</b>	<b>Subsection 19.</b>	<b>Possible Sanctions</b>
<del>Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.</del>	<del>B.1.s.1.</del>	<del>Reprimand-Expulsion</del>
Falsification, distortion, or misrepresentation of information in disciplinary proceedings.	B.1.s.12.	Reprimand-Expulsion
Disruption or interference with the orderly conduct of a disciplinary proceeding.	B.1.s.23.	Reprimand-Expulsion
Filing an allegation known to be without merit or cause.	B.1.s.34.	Reprimand-Expulsion
Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.	B.1.s.45.	Reprimand-Expulsion
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.	B.1.s.56.	Reprimand-Expulsion
Influencing or attempting to influence another person to commit an abuse of the discipline system.	B.1.s.67.	Reprimand-Expulsion
<b>Sexual Misconduct</b>	<b>Section D</b>	<b>Possible Sanctions</b>
<i>Title IX Sexual Misconduct</i> – Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:  <i>a. Quid Pro Quo.</i> A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;  <i>b. Severe, Pervasive, and Objectively Offensive Conduct.</i> Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. The following incidents are deemed to meet	D.2.b.	Reprimand-Expulsion

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<p>the Severe, Pervasive, and Objectively Offensive standard:</p> <ol style="list-style-type: none"><li>1. Sexual Assault- An offense classified as a forcible or nonforcible sex offense.<ol style="list-style-type: none"><li>a. Forcible sex offense- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including Rape, Sodomy (oral or anal sexual intercourse), Sexual Assault with an Object, and Fondling</li><li>b. Nonforcible sex offense- Unlawful, nonforcible sexual intercourse including incest and statutory rape.</li><li>c. (For complete definitions of <i>forcible and nonforcible sex offenses</i>, please see <a href="#">System Regulation 07.06.A</a>)</li></ol></li><li>2. Dating Violence- Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relations, and the frequency of interaction between the persons involved in the relationship.</li><li>3. Domestic Violence- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitation with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the laws of the jurisdiction, 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 jurisdiction.</li></ol>		
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<p>4. Stalking- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.</p>		
<p><i>Non Title IX Sexual Misconduct</i> 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.</p>	<p>D.2.c.</p>	
<p><b><i>Interpersonal Violence</i></b></p>		
<p>An offense that meets the definition of domestic violence or dating violence:</p>	<p>D.2.c.1.</p>	
<p><b><i>Domestic Violence or Family Violence</i></b></p>		
<p>Physical, sexual, or verbal abuse, or threat of abuse or violence, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person with whom the Complainant is cohabitating (or has cohabitated) with a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant 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.</p>	<p>D. 2.c.1.b.</p>	<p>Probation-Expulsion</p>
<p><b><i>Dating Violence</i></b></p>		
<p>Physical, sexual, or verbal abuse, 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 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 persons involved in the relationship. A casual acquaintanceship or ordinary socialization between two individuals does not</p>	<p>D.2.c.1.a.</p>	<p>Probation-Expulsion</p>

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constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence or family violence.		
<b>Public Indecency</b>		
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.	D.2.c.2.	Probation-Expulsion
<b>Sexual Assault</b>		
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.	D.2.c.3.	
<b>Non-Consensual Sexual Contact</b>		
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.	D.2.c.3.a.	Deferred Suspension-Expulsion
<b>Non-Consensual Sexual Intercourse</b>		
Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.	D.2.c.3.b.	Suspension-Expulsion
<b>Sex Discrimination</b>		
An act that deprives a member of the University Community of their right 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.	D.2.c.4	Reprimand-Expulsion
<b>Sexual Exploitation</b>		
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.2.c.5.	Reprimand-Expulsion



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<p>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.</p>		
<p><b>Sexual Harassment</b></p>		
<p>Unwelcome verbal, written, or physical conduct of a sexual nature when:          a. In the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; or          b. 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 education programs or activities.</p>	<p>B.2.c.6.</p>	<p>Reprimand-Expulsion</p>
<p><b>Stalking</b></p>		
<p>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. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>	<p>B.2.c.7.</p>	<p>Reprimand-Expulsion</p>

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## 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 B306

Department of English and Modern Languages ..... A 010

Department of History ..... A 210

Department of Political Science and Philosophy..... RAS 213

Department of Security Studies and Criminal Justice ..... N 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 Studies ..... RAS 227

Department of Management and Marketing..... RAS 212

### College of Education

Dean of the College of Education ..... CARR 104

Department of Curriculum and Instruction... ..... CARR 154

Department of Teacher Education... ..... CARR 145

College of Graduate Studies and Research.....AD 107

### 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 Nursing ..... HHS 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 Engineering ..... N 175

Department of Agriculture ..... N 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 ..... N 268

Department of Mathematics ..... MCS 220

Department of Physics and Geosciences..... N 114

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**Administrative Staff**

Athletic Director (Academic, Athletic, and Health Records of Student Athletes) .....	Junell Center 222
Chief of University Police (Incident Reports and Police Investigations) .....	Reidy Building
Clinic Director (Medical Records) .....	Jackson St. Clinic
<del>Student Affairs (Discipline and Conduct Records) .....</del>	<del>UC 112</del>
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) .....	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 Risk and Emergency management.....	FM 119
Director of Scholarship Programs (Scholarship Records) .....	HAR 215
Director of Student Disability Services (Student ADA Records) .....	UC 112
Director of Student Life... ..	UC 001
Director of University Recreation... ..	Ben Kelly CHP 113
Executive Director of Enrollment Management.....	HAR 100A
<del>Student Executive Director of Student Affairs (Discipline and Conduct</del>	<del>UC 112</del>
<del>Records).....</del>	<del>UC 112</del>
Senior Executive Assistant to the President and General Counsel.....	AD 213
Title IX Coordinator (Title IX Records) .....	AD 210
Vice President for External Relations .....	AD 102
Vice President for Finance & Administration. ....	AD 103
Vice President for Student Affairs .....	AD 205

Status Pending PolicyStat ID 11772583



Origination	08/2018	Owner	Nicholas Negovetich
Last Approved	N/A	Area	06 Academic Affairs - Faculty
Effective	Upon Approval		
Last Revised	05/2022		
Next Review	3 years after approval		

## Regulations for Performance Evaluation of Tenured Faculty, OP 06.19

### PURPOSE:

The purpose of this Operating Policy/Procedure (OP) is to establish uniform guidelines and procedures for comprehensive performance evaluations of tenured faculty members.

### REVIEW:

This OP will be reviewed in February every three years, or as needed by the Office of the Provost and the Faculty Senate with recommended revisions forwarded through the provost and vice president for academic affairs (PVPAA) to the president. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.

## POLICY/PROCEDURE

### 1. Background

In accord with VTCA, Education Code, Section 51.942 and the Board of Regents Guidelines for comprehensive performance evaluation of tenured faculty, each faculty member who is tenured at Angelo State University, excluding full-time academic administrators having tenure, is subject to a comprehensive performance evaluation. Each tenured faculty member must undergo a comprehensive performance evaluation once every six (6) years following granting of tenure. The dean of the college initiates the evaluation process by notifying the faculty member of the comprehensive performance evaluation no later than September 1, the evaluation to begin no earlier than February 1 and end no later



than May 1, all of the same academic year. The dean of the college simultaneously notifies the PVPAA and the faculty member's department chair.

## 2. Procedures

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

- a. The comprehensive performance evaluation is to be based on the professional responsibilities of the faculty member in teaching, research and creative works, professional service, administration (when applicable), and clinical service for faculty with clinical responsibilities. The evaluation must include peer review of the faculty member.
- b. Annual performance evaluation materials, including the Faculty Activity Report and Evaluation Form as well as the Department Peer Evaluation Form, conducted under the terms of the policy *Annual Performance Evaluation for Tenured and Tenure Eligible Faculty, OP 06.28* for the period since the previous comprehensive performance evaluation will comprise the primary elements in the comprehensive review process. For a tenured faculty member's initial comprehensive evaluation under this policy, annual performance evaluation materials for the past six (6) years will be used, including the Faculty Activity Report and Evaluation Form, the Department Peer Evaluation Form, and any departmental documents that outline faculty progress towards departmental-level performance criteria as specified in *Tenure and Promotion Standards and Procedures, OP 06.23*. The faculty member may submit additional supporting documentation as he or she deems relevant for the comprehensive performance evaluation, such as:
  1. complete vita, including a summary statement of professional accomplishments;
  2. statement of professional goals; and
  3. professional development plan.
- c. The evaluation process will consist of the following steps:
  1. Evaluation by faculty peers at the department level

The department chair initiates the department peer review process after receiving notification of the required review from the dean. The chair convenes a meeting of the tenured faculty, charges them with evaluating the faculty member, and specifies the date by which deliberations must be completed. The department chair will not participate in the discussion or vote. The tenured faculty will elect one (1) of their number to serve as chair of the committee. The tenured faculty members, excluding the department chair, vote by secret ballot. In cases where the department does not have at least three (3) tenured faculty members, the department chair will request evaluation from tenured members from other departments to provide a review committee of at least three (3) people. The peer review committee is responsible for providing a summary rating (Performing Competently; Not Performing Competently) and providing constructive comments in narrative form when a rating of Not Performing Competently is identified. The elected chair will supervise the counting of ballots and fill out two (2) copies of the evaluation form (Link A below). The chair will destroy the ballots and forward one (1) copy of the evaluation to the department chair and simultaneously forward the second copy to the faculty member.



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

2. Evaluation by the department chair

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

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

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

4. Evaluation by dean of the college

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

5. Evaluation by the PVPAA

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

- d. At each level of review, an opportunity is provided for reconciliation of disagreement. In cases when the Department Peer Review Committee disagrees with the faculty member, reconciliation is left to the department chair. When the findings of the Department Peer Review Committee differ from those of the department chair, the dean of the college resolves the conflict. When the dean's report is in conflict with that of the department chair, the PVPAA is responsible for resolving the disagreement. When the direct supervisor for a faculty member's administrative assignment disagrees with the faculty member, reconciliation is left to the dean or PVPAA as appropriate.

### 3. Due Process and Rights to Appeal

The comprehensive performance evaluation process incorporates commonly recognized academic due-process rights, as specified in the ~~Angelo State University Tenure and Promotion Policy~~ [Tenure and Promotion Standards and Procedures, OP 06.23](#). Due-process rights include notice of the timing, manner, and scope of the evaluation and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance evaluation conducted under this policy, notice of specific charges and the right to a ~~hear~~ [hearing](#) on those charges. In all such cases the burden of proof shall be on the university. In the case of a disputed peer review, the faculty member may request that additional reviews in writing be solicited from no more than three [\(3\)](#) external specialists in the faculty member's area of teaching and/or scholarly activity/creative endeavor. These outside reviewers will be selected by mutual agreement between the faculty member and the department chair. The external specialist reviews shall be included with the evaluation materials forwarded to the responsible academic dean, the PVPAA, and the president and shall be considered in any administrative action that results from the comprehensive performance evaluation process.

### 4. Actions

A faculty member may undergo developmental planning as specified in *Annual Performance Evaluation for Tenured and Tenure Eligible Faculty, OP 06.28* or appropriate actions as specified in *Faculty Non-Reappointment and Tenure Revocation, OP 06.29*.

### 5. Application

The annual comprehensive evaluation is not waived for any tenured faculty member but may be deferred for one [\(1\)](#) year in the event that the review coincides with the comprehensive review for promotion or appointment to an endowed position. The PVPAA must approve any request for deferment.

### 6. Notification

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

[Link A: Comprehensive Tenured Faculty Performance Evaluation](#)

[Link B: Comprehensive Administrative Performance Evaluation](#)

### Approval Signatures

Step Description	Approver	Date
Final Administrative Approval	Christena Parks: Office Coordinator	Pending



President Approval	Ronnie Hawkins: President	05/2022
Provost and Vice President for Academic Affairs	Donald Topliff: Provost & Vice President for Academic Affairs	05/2022
Initial Policy Review Representative	Christena Parks: Office Coordinator	05/2022
	Nicholas Negovetich: Associate Professor/Faculty Senate President	05/2022

## History

**Edited by Negovetich, Nicholas: Associate Professor/Faculty Senate President on 5/20/2022, 9:26AM EDT**

Numbers added in parentheses wherever the number was spelled out. In Section 3, the name of the T&P OP was specified, and a spelling change was made to "hearing"

**Last Approved by Negovetich, Nicholas: Associate Professor/Faculty Senate President on 5/20/2022, 9:26AM EDT**

**Draft saved by Parks, Christena: Office Coordinator on 5/20/2022, 9:29AM EDT**

**Sent for re-approval by Parks, Christena: Office Coordinator on 5/20/2022, 9:33AM EDT**

Corrected to Workflow 8 to include the president per policy review statement

**Sent for re-approval by Negovetich, Nicholas: Associate Professor/Faculty Senate President on 5/20/2022, 9:49AM EDT**

Numbers added in parentheses when the number was spelled out. In Section 3, the title of the T&P OP was stated, and a spelling change was made to "hearing".

**Last Approved by Negovetich, Nicholas: Associate Professor/Faculty Senate President on 5/20/2022, 9:49AM EDT**

**Last Approved by Parks, Christena: Office Coordinator on 5/20/2022, 9:51AM EDT**

**Last Approved by Topliff, Donald: Provost & Vice President for Academic Affairs on 5/24/2022, 11:40AM EDT**

**Last Approved by Hawkins, Ronnie: President on 5/24/2022, 2:40PM EDT**



Status Pending PolicyStat ID 11772645



Origination 01/2017  
Last Approved N/A  
Effective Upon Approval  
Last Revised 05/2022  
Next Review 3 years after approval

Owner Nicholas Negovetich  
Area 06 Academic Affairs - Faculty

## Annual Performance Evaluation for Tenured and Tenure Eligible Faculty, OP 06.28

### PURPOSE:

The purpose of this Operating Policy/Procedure (OP) is to establish guidelines and procedures for annual performance evaluation of tenured and tenure-track faculty.

### REVIEW:

This OP will be reviewed on the same schedule as *Tenure and Promotion Standards and Procedures, OP 06.23* by the Provost and Vice President for Academic Affairs in cooperation with Faculty Senate. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.

## POLICY/PROCEDURE

### 1. Description and Purpose

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

This policy does not address University and accreditation requirements for post-tenure review (see *Regulations for Performance Evaluation of Tenured Faculty, OP 06.19*). It also does not address the evaluation and promotion processes for faculty not eligible for tenure.

## 2. Department-Level Performance Criteria

Faculty members shall be evaluated annually for progress toward tenure and promotion criteria as established by each academic department/program. The process by which these criteria are established is located in *Tenure and Promotion Standards and Procedures, OP 06.23, Section 3.*

## 3. Procedures for Evaluation

Because the annual performance evaluation is an integral part of the tenure and promotion process described in *Tenure and Promotion Standards and Procedures, OP 06.23*, the following timelines shall be observed.

- a. Each faculty member shall prepare the following materials for submission to the Department Chair according to the timelines listed in Section 5. All documentation may be submitted on paper and/or in digital form, ~~but the faculty member may not mix formats.~~ The determination is at the discretion of the Dean of the College.
  1. A synopsis of relevant activities pursuant to the department performance criteria, organized according to the three general areas of job performance (teaching, scholarly activity, and professional service) and concluding with a set of specific personal goals for the next academic year. The synopsis shall not exceed (3) double-spaced pages in length, and a current curriculum vitae (CV) should accompany the summary. *It is the responsibility of the faculty member to clearly describe all activities, goals and measures to facilitate review.*
- b. Tenured faculty in the department shall be responsible for participating in the review of evaluation materials. The number of evaluators shall be no less than three (3). The Department Chair may not serve as an evaluator.
  1. If a department has fewer than three (3) tenured faculty members in a given year (excluding the Department Chair), the Department Chair shall invite tenured faculty members from other departments within the College to reach the minimum number in Section 3.b. above.
  2. If a department has more than seven (7) tenured faculty members (excluding the Department Chair), the Department Chair has the option to conduct an election to allow the tenured faculty members to select a seven (7) person committee. It is not permissible to appoint tenured faculty members to serve as peer evaluators.
- c. The Department Chair shall conduct an election to identify one (1) tenured faculty member to act as an *ad hoc* Chairperson for the current year only in order to administer this review process. This person shall ensure that all faculty members have access to necessary information (i.e., current performance criteria, employee materials, etc.) and adequate time to complete reviews. The Chairperson may also request additional information from faculty members to support and provide clarification about the activities listed in their summaries and/or CVs.
- d. Each faculty member shall be rated by each peer evaluator according to the following rubric:
  - "On track to surpass target criteria"



- "On track to meet target criteria"
  - "Improvement needed to meet target criteria"
  - "Unsatisfactory progress toward meeting target criteria"
- e. Faculty member(s) shall be evaluated by comparing the work reported in the submitted documentation against the Department-level criteria currently in force. One rating shall be assigned for each criteria domain only. If a rating of "*Improvement needed to meet target criteria*" or "*Unsatisfactory progress toward meeting target criteria*" is assigned by an individual reviewer, that person must submit a written justification for that rating. In all other cases, raters are encouraged (but not required) to include feedback to colleagues whenever possible to facilitate the Department Chair's role in the evaluation process. Also, evidence of mitigating circumstances that contributed to the lower rating may be considered, but ratings shall not be artificially elevated to account for those circumstances.
1. *EXAMPLE: Scholarly activities may not meet target expectations in a given year if a faculty member is asked to assume an unusual teaching load in the wake of unexpected faculty departures. These factors can be considered by the peer evaluators. In this case, the rating for the "scholarly activity" domain for that year might be "improvement needed to meet target criteria" but with a footnote describing the unusual circumstances.*
- f. The *ad hoc* Chairperson is responsible for collecting, de-identifying, and documenting these justifications, as well as finalizing ratings. The final domain ratings for each faculty member shall be the median rating. If the median rating falls between domains, the higher rating shall be assigned.
- g. The individual and median domain ratings, feedback, and justifications shall be submitted by the *ad hoc* faculty chairperson to the Department Chair.
- h. The Department Chair shall conduct individual meetings with tenure-track faculty members to discuss ratings and future goals. The purpose of these meetings is to provide an annual opportunity for tenure-track faculty members to work with Department Chairs on matters of Department support, resource availability, and other issues that could facilitate the faculty member's pursuit of tenure or promotion.
1. All tenure-track faculty members shall participate in a meeting with the Department Chair, regardless of assigned ratings.
  2. All tenured faculty members shall be exempt from this step of the process unless the Department Chair requests a meeting.
- i. Following these meetings, the Department Chair shall write a brief statement regarding each faculty member's progress toward tenure and/or promotion and include that statement on the evaluation form. All documentation for each faculty member (peer review ratings/comments, Chair statement, faculty summaries and CVs) shall then be forwarded to the College Dean. The Department Chair may not unilaterally alter or change ratings received from the department faculty.
- j. The College Dean shall review the materials submitted for each faculty member and may consult with the Department Chair on those materials to clarify points of confusion, ambiguities in ratings, or other concerns. The College Dean may not unilaterally alter or change



ratings or Department Chair recommendations.

- k. The College Dean shall write a brief independent statement regarding each faculty member's materials, include it with the other documentation, and then submit all documents to the office of the PVPAA. The College Dean shall also provide a recommendation for reappointment.
- l. The PVPAA shall review the materials provided for each faculty member and provide a recommendation to the President for final approval.

## 4. Expected Minimum Ratings for Criteria Domains

- a. Assistant-rank and Associate-rank faculty members shall be generally expected to receive ratings of "*on track to meet target criteria*" (or better) in all three performance domains.
- b. Professor-rank faculty members shall be generally expected to receive a rating of "*on track to meet target criteria*" (or better) in two (2) of the three job performance domains, one of which must be teaching effectiveness.
- c. If received ratings are lower than these expectations in a given year for tenure-track faculty members, developmental planning may occur for that faculty member upon the mutual agreement of the Department Chair and the College Dean. This mechanism is not intended to be a formal disciplinary action, but to assist the faculty member in the achievement of personal and organizational goals for the next academic year.
- d. Demonstrated inability or unwillingness to adhere to department expectations and/or developmental plans may lead to an adverse employment decision for tenure-track faculty members.

## 5. Timelines for Evaluations

- a. A Year One evaluation, defined as the first full year of service to ASU in residence, shall be initiated no later than the first Friday of the Spring semester of the first year of service. It shall be completed in its entirety no later than the sixth Friday of the Spring semester of the first year of service.
- b. All other annual evaluations, including Year Two and Third-Year evaluations but excluding the year in which the faculty member is being evaluated for tenure/promotion, shall follow the same timeline below:
  1. Faculty members shall submit materials to the ad hoc faculty chairperson by the third Friday of the Fall semester.
  2. The faculty chairperson shall submit ratings and materials to the Department Chair by the sixth Friday of the Fall semester.
  3. Department Chairs shall submit materials and personal recommendations to the College Dean by the ninth Friday of the Fall semester.
  4. College Deans shall submit all materials along with their independent recommendations for reappointment by the eleventh Friday of the Fall semester.

Link A: [Faculty Evaluation Form](#) (Tenured and Tenured Track)

Link B: [Department Peer Evaluation](#) (Tenured and Tenured Track)



MIDWESTERN STATE UNIVERSITY  
STUDENT HANDBOOK  
~~2021-22~~ 2022-23

**GENERAL MAILING ADDRESS**

3410 Taft Boulevard

Wichita Falls, TX 76308-2909

Internet Address: <https://www.msutexas.edu>

***This handbook belongs to:***

NAME \_\_\_\_\_

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*NOTE: Pages one through five of the Midwestern State University Student Handbook 2022-23 cite the table of contents, which were omitted from this version of the handbook because some index titles and most page numbering would differ once all proposed edits were approved and finalized.*

## Foreword

The Midwestern State University Student Handbook is a source of valuable information regarding student responsibilities, obligations, and privileges while attending the university. Deriving the ultimate advantages from your enrollment will depend not only on your scholastic effort but also upon wise participation in co-curricular activities and utilization of campus services and resources.

This handbook is available online from the Student Affairs website at <https://msutexas.edu/student-life/> and within the myMSUTexas portal. Copies are available at the Clark Student Center Information Desk and Residence Hall offices. Failure to read this handbook does not excuse students from the requirements and regulations described herein.

As the programs, policies, and statements contained herein are subject to continuous review and evaluation, MSU reserves the right to make changes at any time without notice. This publication is for information only.

No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity sponsored or conducted by Midwestern State University on any basis prohibited by applicable law including, but not limited to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics~~race, gender, gender identity, age, religion, creed, national origin, disability, or sexual orientation.~~

### University Mission

Midwestern State University is a leading public liberal arts university committed to providing students with rigorous undergraduate and graduate education in the liberal arts and the professions. Through an emphasis upon teaching, augmented by the opportunity for students to engage in research and creative activities alongside faculty and to participate in co-curricular and service programs, Midwestern State prepares its graduates to embark upon their careers or pursue advanced study. The university's undergraduate education is based upon a comprehensive arts and sciences core curriculum. The understanding that students gain of themselves, others, and the social and natural world prepares them to contribute constructively to society through their work and through their private lives.

### Our Core Values

- People-Centered
  - Community
  - Integrity
  - Visionary
  - Connections
- ~~Excellence in teaching, learning, scholarship, and artistic production~~
- ~~Social justice~~
- ~~Intellectual curiosity and integrity~~
- ~~Civic service~~

- Critical thinking
- Stewardship of the environment, and of financial and human resources
- Emotional and physical well-being
- A safe, attractive, and well-designed campus
- Mutual respect, civility, and cooperation

### Alma Mater

Hail to Midwestern,  
hail maroon and gold.  
We praise Alma Mater,  
as days of old.  
Here's to the Mustangs,  
long may we stand.  
Onward to victory,  
on hand in hand.

### Fight Song

Here's to Maroon and the Gold,  
long may they wave.  
True spirits out of the west,  
leading the Mustangs brave.  
Rah, Rah, Rah!  
Fight on victorious again,  
spirit always bold.  
Here's to Midwestern Mustangs,  
hurrah for Maroon and the Gold.

### Emergency Contacts

MSU Campus Police	940-397-4239
Wichita Falls Police/Ambulance/First Responder	911
First Step (sexual assault crisis center) 24-hour hotline	1-800-658-2683
United Regional Health Care System (1600 11th Street)	940-764-7000
MSU Counseling Center	940-397-4618
MSU Dean of Students	940-397-7400
MSU Residence Life and Housing	940-397-4217
MSU Vinson Health Center	940-397-4231

Midwestern State University takes great pride in that it treats all students with the dignity and respect they deserve. The aspect of community is paramount and is reflected throughout the entire university community.



## **Student Rights and Responsibilities**

Midwestern State University is an academic community in which all persons share responsibility for its growth and continued well-being. As members of the university community, students can reasonably expect the following:

- A. In all instances of general discipline, the student has the right to due process. Due process, as applied to student-university relationships and the disciplinary process, is equated with fundamental and procedural fairness.
- B. Students have the right to freedom from discrimination on the basis of sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics~~race, color, religion, creed, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.~~
- C. MSU considers freedom of inquiry and discussion essential to a student's intellectual development. Thus, the university recognizes the right of all students to engage in discussion, to exchange thought and opinion, and to speak, write, or print freely on any subject in accordance with the guarantees of federal and state laws and university policies.
- D. The university affirms the right of students as citizens to exercise their freedoms without fear of university interference for such activity.
- E. Students have the opportunity to participate in the formulation of policy directly affecting them through membership on appropriate committees as determined by the President of the University, the Student Government Association, and other registered organizations within the university.
- F. Students shall have ready access to established university policies and procedures.
- F.G. It is imperative that students learn to recognize, understand, and celebrate human differences. Universities can, and indeed must, help students become open to the differences that surround them. Navigating differences such as race, religion, age, gender, gender identity, culture, physical ability, nationality, and lifestyle are learned best in collegiate settings that are rich with diversity, and must be learned if the ideals of human worth and dignity are to be advanced.
- H. Students, as members of the university community, have the responsibility to participate in any of the disciplinary proceedings and to testify as witnesses when reasonably notified. Self-incrimination is not intended or construed.
- G.I. Students are responsible for their own lives and learn responsibility when they bear the consequences of their actions and inactions in an environment marked by caring and support.
- H.J. Students are free to engage in peaceful and orderly protest, demonstration, and picketing which do not disrupt functions of the university.
- H.K. Students are protected from unreasonable searches and seizures.

## **Human Dignity Statement**

Midwestern State University is committed to equitable, civilized, and concerned treatment for all individuals without regard for sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics~~race, color, religion, creed, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, ideology, political views, or~~

~~political affiliation. 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 their membership. These privileges carry with them the obligations of responsible citizenship.~~

~~FREEDOM OF EXPRESSION: Freedom of discussion, inquiry, and expression is fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.~~

~~EACH PERSON HAS WORTH AND DIGNITY: It is imperative that students learn to recognize, understand, and celebrate human differences. Universities can, and indeed must, help students become open to the differences that surround them. DNavigating differences such as race, religion, age, gender, gender identity, culture, physical ability, nationality, and lifestyle are learned best in collegiate settings that are rich with diversity, and they must be learned if the ideals of human worth and dignity are to be advanced.~~

~~RESPONSIBILITY OF STUDENTS: Midwestern State University actively promotes the philosophy that students are responsible for their own lives and learn responsibility when they bear the consequences of their actions and inactions in an environment marked by caring and support.~~

### **Student Honor Creed**

***“As an MSU Student, I pledge not to lie, cheat, steal, or help anyone else do so.”***

As students at MSU, we recognize that any great society must be composed of empowered, responsible citizens. We also recognize universities play an important role in helping mold these responsible citizens. We believe students themselves play an important part in developing responsible citizenship by maintaining a community where integrity and honorable character are the norm, not the exception. Thus, We, the Students of Midwestern State University, resolve to uphold the honor of the university by affirming our commitment to complete academic honesty. We resolve not only to be honest but also to hold our peers accountable for complete honesty in all university matters.

We consider it dishonest to ask for, give, or receive help in examinations or quizzes, to use any unauthorized material in examinations, or to present, as one's own, work or ideas which are not entirely one's own. We recognize that any instructor has the right to expect that all student work is honest, original work. We accept and acknowledge that responsibility for lying, cheating, stealing, plagiarism, and other forms of academic dishonesty fundamentally rests within each individual student.

We expect of ourselves academic integrity, personal professionalism, and ethical character. We appreciate steps taken by university officials to protect the honor of the university against any who would disgrace the MSU student body by violating the spirit of this creed.

*Written and adopted by the 2002-2003 MSU Student Senate.*

### **Traditions & Landmarks**

Traditions are customs that have their roots in the past and are handed down from one generation to the next. University traditions are formed in much the same way. Customs begun by earlier generations of MSU students are still followed on campus today. Some of our most cherished traditions are:

- **COLORS:** Maroon and Gold
- **MASCOT:** Mustangs
- **THE MSU TOWER:** The tower is the landmark of MSU. The Redwine Carillon is housed in the tower and is comprised of 37 bells. The bells play the Westminster chime every quarter-hour and strike the hour on the hour.
- **BOLIN FOUNTAIN AND QUADRANGLE:** The Bolin Fountain, centered in the Quadrangle, just west of the Hardin Administration Building, is a central hub of the university and popular gathering place for the student body. Mr. and Mrs. D. Phil Bolin believed that the beautification of the campus to be of the utmost importance, and funded the construction of the fountain in 1992. Students helped lay the brick walkways to and from the fountain.
- **CYCLING STATUE:** In 1999, the Hotter 'N Hell Hundred (HHH), an annual bike race in Wichita Falls, was celebrating its 18th year and the turn of the millennia. The HHH commissioned Jack Stevens, sculptor of the Sunwatcher statue and the Believers, to create a work of art to celebrate the rich history of cycling in our community. In 2000, a mutual agreement was made between MSU and the HHH to have the statue placed at its current location, southwest of the Hardin Administration Building.
- **DILLARD MUSTANGS:** The mustangs sculpture located on the south side of D.L. Ligon Coliseum, created by Jack Stevens, pays tribute to MSU's mascot, "Mustangs." A stone near the mustangs bears the following inscription: *The Believers – Wisdom, Strength, and Courage.*
- **GATES OF HERCULES:** These three limestone pillars, by artist Sandi Stein, are located on the south lawn of Bolin Hall. They were designed and commissioned by Doug Burns, in honor of his mother, father and wife. They were donated to MSU during the 75th anniversary celebration in 1997.
- **LIBERTY BELL:** An exact replica of the Liberty Bell cast by the Paccard Fonderie des Cloches of Annecy, France, is located in front of the Hardin Administration Building. The markings and inscriptions replicate the Liberty Bell down to the nail that was placed in the crack. The bell is 44 1/2" in diameter, 42 3/16" high (including the yoke and stand), and weighs 2,050 pounds.
- **SIKES HOUSE:** Sikes House, located at 2405 Midwestern Parkway, is the official residence of the university's president. The home was built between July 1939 and November 1940 by Mr. Louis Sikes, an oilman and rancher, and his wife Glenna. The university purchased the property from Mr. and Mrs. Sikes in 1970. In November of 1991, the university officially named the home Sikes House.
- **SPIRIT OF THE MUSTANGS:** This mustangs sculpture by Vic Payne, located in front of Centennial Hall, represents the educational journey. The water feature itself represents the educational process, fluid and changing but a path of lifelong learning. Each horse represents a class rank, beginning with the freshman horse about to take the first step, then the sophomore horse, junior horse, and finally the senior horse leaping out of the water. There are traditions associated with the freshman and senior horses. All of the time in-between, all class ranks are encouraged to come to this place to reflect and be reassured. Legend

has it that petting one of these beautiful horses may just bring a bit of luck for a test or important life event.

- **SUNWATCHER:** This statue of a South Plains Indian by Jack Stevens exemplifies the progressive spirit of the university. It was presented to MSU by the Alumni Association and financed through donations and brick paver sales during the 75th anniversary celebration in October of 1997.
- **FRESHMAN WALK:** At the end of Mustangs Roundup week, the President and Provost, along with faculty and staff, bring all freshmen students to the Spirit of the Mustangs plaza. They will hear the story of the Spirit of the Mustangs, then touch the tail of the freshman horse to signify sending them forward and beginning their educational journey at MSU Texas.
- **WELCOME (STAMPEDE) WEEK:** ~~Welcome Week began in 2004 as a joint endeavor between the Student Government Association and former Office of Student Activities. The This event takes place during the first week of class each fall and spring semester, and features a range of diverse activities from outdoor movies, special entertainers, crafts, novelties, tours and scavenger hunts, day trips, cookouts, and much more for students to make new friends, connect with the campus, and enjoy themselves. Welcome (Stampede) Week is a collaborative effort, jointly implemented by several offices in the Division of Student Affairs, as well as various registered student organizations. In the fall, Welcome Week features Student Convocation as the official entrance ceremony for new students.~~
- **FAMILY DAYWEEKEND:** Family Day Weekend is a tradition when parents, family members, and friends join their MSU student, or students, for a relaxing day weekend of fun. Every year, thousands of MSU's extended family come to celebrate and display their MSU pride by cheering on our Mustangs! Festivities include a variety of games, free food, novelties, home football game, and entertainment for the entire family to enjoy. Attendance at all Family Day Weekend events is free for family members and guests of current MSU students.
- **HOMECOMING:** This traditional event provides for a gathering on the campus of alumni, parents, and friends who join with the faculty and student body to renew old friendships, make new acquaintances, and generally have a good time. The week is filled with many student activities- bonfire, all-school picnic, lip sync competition, boat race, football game, and the crowning of the homecoming king and queen.
- **MSU-BURNS FANTASY OF LIGHTS:** This dazzling holiday display includes 38 brightly lit scenes and 20,000 lights outlining five major buildings on campus. Its purpose is to provide a festive atmosphere on the Midwestern State University campus, to serve as an outreach to the community, and to be a focal point for holiday activities in North Texas. The MSU-Burns Fantasy of Lights is filled with individual displays that showcase themes or characters from well-known children's stories, fairy tales, and holiday icons.
- **FINALS FRENZY:** Occurring the Thursday before final exams during the fall and spring semesters, Finals Frenzy has evolved into one of the most popular and anticipated events at Midwestern State University. Traditionally held in the Clark Student Center from 7-11 p.m., Finals Frenzy features a large range of activities, entertainment, and free food. The event is a great opportunity to relax, de-stress, and have fun prior to the onset of final exams.



- GREEK WEEK: Each year Greek social organizations are recognized at a series of Greek Week activities. During Greek Week, MSU Greeks compete among themselves in various physical and service activities and host social events for the entire campus.
- HONORS RECOGNITION BANQUET: This function is an annual affair in which outstanding students from the freshman, sophomore, junior, senior and graduate classes are recognized. In addition to the naming of MSU's Man and Woman of the Year and Hardin and Clark Scholar, the university recognizes the scholastic and leadership achievements of students.
- SENIOR CAMPUS WALK: This "farewell" walk for graduating seniors gives faculty and staff the opportunity to celebrate the successful completion of their degrees with the graduates. At each academic building, the parade will pause and the graduates of that College will be acknowledged. Faculty and staff stand outside their respective building and cheer for the graduates, then join them on their walk. With each stop, the faculty and staff add to the parade. At the conclusion of the walk, graduates participate in a reception.
- OFFICIAL MSU RING: The ring represents the tradition and history of our school. Each icon has special significance in the lives of our graduates. The date 1922 represents when the school was first established as Wichita Falls Junior College. The Hardin Building is a campus landmark and represents the beauty of our campus and remains a symbol of strength and pride. The Sunwatcher statue represents our history with the Kiowa Tribe.

## **PART I: Code of Student Conduct**

Midwestern State University students are responsible for knowing the information, policies and procedures outlined in this handbook. 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 most current versions of all university policies and procedures.

The *Midwestern State University Code of Student Conduct* is based upon the Model Code of the National Center for Higher Education Risk Management (NCHERM) authored by Brett A. Sokolow, Esq. Rights of use has been granted by NCHERM to Midwestern State University. No other use is permitted without the expressed permission of NCHERM.

### **Section 1: Introduction**

#### Philosophy

The Midwestern State University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study. The student conduct program within the Office of Student Rights and Responsibilities is committed to an educational and developmental process that balances the needs of individual students with the needs of the Midwestern State University community.

A community exists on the basis of shared values and principles. At Midwestern State University, student members of the community are expected to uphold and abide by certain standards of conduct that form

the basis of the *Code of Student Conduct*. These standards are embodied within a set of core values/principles that include integrity, community, social justice, respect, and responsibility. When members of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*. Midwestern State University takes great pride in that it treats all students with the dignity and respect they deserve. The aspect of community is paramount and is reflected throughout the entire university community.

Ultimately, each member of the Midwestern State University community is expected to assume responsibility for his/her conduct and to assume reasonable responsibility for the behavior of others. On occasion, this will involve kind and courteous admonition done when one member observes another in inappropriate conduct. At other times, it will involve cooperation when the authorities are investigating instances of alleged misconduct.

The student conduct process at Midwestern State University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with university policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help bring their behavior into accord with community expectations.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections afforded by the courts. Fair process, within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of university policy without information 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.

## **Section 2: Jurisdiction over Student Conduct**

Students at Midwestern State University are annually given a copy of the *Code of Student Conduct* in the form of a link on the Midwestern State University website; the *Code of Student Conduct* is contained in the Student Handbook, hard copies are available from the Office of Student Rights and Responsibilities, at the Clark Student Center Information Desk, or in the residence hall offices. Students are charged with the responsibility of having read the provisions of the *Code of Student Conduct*. The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and registered student organizations. Because the *Code of Student Conduct* is based on shared values, it sets a range of expectations for Midwestern State University students no matter where or when their conduct may take place; therefore, the *Code of Student Conduct* applies to behaviors that take place on the campus, at university-sponsored events and may also apply off-campus when the administration determines in its discretion that the off-campus conduct affects a substantial university interest.

The *Code of Student Conduct* may be applied to conduct that takes place from the time a person is admitted as a student to Midwestern State University and continues until the student withdraws or graduates, including periods during semester breaks and between semesters. The *Code of Student Conduct* applies to guests of community members whose host(s) may be held accountable for the misconduct of their guests.

Visitors to and guests of Midwestern State University are also protected by the *Code of Student Conduct* and may initiate grievances for violations of the *Code of Student Conduct* committed against them by student members of the Midwestern State University community.

There is no time limit on reporting violations of the *Code of Student Conduct* as long as the offending student remains enrolled at Midwestern State University; however, the longer someone waits to report an offense, the harder it becomes for Midwestern State University officials to obtain information and witness statements and to make a determination regarding alleged violations. Though anonymous complaints are permitted, doing so limits the university's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Rights and Responsibilities and/or Campus Police.

Midwestern State University email is the university's primary means of communication with students. Students are responsible for all communication delivered to their Midwestern State University email address.

### **Section 3: Violations of the Law**

Alleged violations of federal, state and local laws are incorporated as offenses under the *Code of Student Conduct*. When a student is accused, arrested, charged, or indicted for any crime, the university may elect to take action for violation of the *Code of Student Conduct*.

When an offense occurs over which the university has jurisdiction, the university conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident. The university may pursue investigation and resolution of campus conduct complaints, regardless of whether the student participates, and the university may impose sanctions that need to be satisfied for a student to be considered in good standing.

When it has reasonable cause to separate a student from the community, the university may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the *Code of Student Conduct*. The university reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. The university will permit a student who receives an interim suspension to request a meeting with the Vice President for Student Affairs to show cause as to 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.

When criminal charges are pending, the university may be delayed or prevented from conducting its own investigation and moving forward with a campus hearing. When this happens, the university will delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed.

### **Section 4: Special Provisions**

#### **A. Attempted Violations**

In most instances, Midwestern State University will treat attempts to commit any of the violations listed in the *Code of Student Conduct* as if those attempts had been completed.

B. Misconduct Online

Students are cautioned that behavior conducted online, such as harassment or bullying via email or social media, can subject them to university conduct action. Students must also be aware that entries on sites such as Google+, Facebook, LinkedIn, YouTube, Instagram, Snapchat, ~~and~~ Twitter, Tik Tok and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

C. University as the Reporting Party

Midwestern State University reserves the right to initiate a complaint, to serve as the reporting party and to initiate conduct proceedings without a formal complaint by the victim of the alleged misconduct.

D. False Reports

Midwestern State University will not tolerate intentional false reporting of incidents. It is a violation of the *Code of Student Conduct* to make an intentionally false report of any policy violation and it may also violate state criminal statutes and civil defamation laws.

E. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its members take place at organization-sponsored events, have received the consent or encouragement of the organization or of the organization's leaders or officers, or was known or reasonably should have been known to the membership or its officers. Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

F. Safe Harbor/Amnesty

The Midwestern State University community encourages the reporting of conduct code violations and crimes by victims. Sometimes, victims are hesitant to report to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to university officials. To encourage reporting, Midwestern State University pursues a policy of offering victims of conduct code violations amnesty from minor policy violations related to the incident.

If any Midwestern State University student brings their own use, addiction or dependency to the attention of university officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor/Amnesty program by the student. Failure to follow the action plan can nullify the Safe Harbor / Amnesty protection and campus conduct processes can be initiated.

Per Texas Senate Bill 966, offenses involving the consumption or possession of alcohol by a student under the legal drinking age of 21 do not apply if the student reports a sexual assault of the minor or another person to university officials.

Per Texas Senate Bill 969, amnesty for a violation of the *MSU Code of Student Conduct* will be provided to students who in good faith report an incident of sexual misconduct. MSU will take no disciplinary action against an enrolled student who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, domestic violence, or stalking for a



violation by the student of the *MSU 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 MSU's disciplinary process regarding the incident, if any. Amnesty does not apply to an enrolled student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, domestic violence or stalking.

G. Bystander Intervention

The welfare and safety of students in our community is of paramount importance. At times, students on and off-campus may need assistance. Midwestern State University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others or intervene for fear that they may get themselves in trouble. For example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to University Police. Midwestern State University pursues a policy of amnesty for minor violations when students offer help to others in need.

H. Parental Notification

Midwestern State University reserves the right to notify the parents/guardians of dependent students regarding alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Midwestern State University will attempt to contact the parents/guardians of a student to inform them of situations in which there is a health and/or safety risk. Midwestern State University also reserves the right to designate which university employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

I. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the accused student/responding party and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the university will inform the alleged victim/reporting party in writing of the final results of a hearing regardless of whether the university concludes that a violation was committed. Such release of information may only include the alleged student's/responding party's name, the violation committed and the sanctions assigned (if applicable). In cases of sex offenses, the rationale for the outcome will also be shared with the reporting party.

In cases where the university concludes that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the university may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- a) Arson
- b) Assault offenses
- c) Burglary
- d) Criminal Homicide—manslaughter by negligence
- e) Criminal Homicide—murder and non-negligent manslaughter
- f) Destruction/damage/vandalism of property
- g) Kidnapping/abduction
- h) Robbery
- i) Forcible sex acts

Students who bring any Title IX-related complaints against any member of the campus community will be informed in writing of the outcome of the complaint and any sanctions or responsive actions implemented.

J. Defenses

It is increasingly common for individuals accused of policy violations to defend their actions with explanations such as, but not limited to, prescription drug interactions, self-defense, mental illness and/or disability. The university's policy on defenses is that providing an explanation for a policy defense is equivalent to the admission of engaging in a policy violation. While explanations will not excuse an individual's commission of a policy violation, Midwestern State University will take the legitimacy of an individual's explanation into consideration in the determination of appropriate sanctioning.

## Section 5: Code of Student Conduct: The Rules

### A. Definitions

1. The term "the university" refers to Midwestern State University.
2. The term "student" includes all persons who have accepted admission to, enrolled at, are taking courses at, and/or have a continuing relationship with the university, including those who attend full- or part-time at the undergraduate, graduate, or non-matriculated level.
3. The term "faculty member" refers to any person employed by the university to conduct instructional activities.
4. The term "university official" includes any person employed by the university who is designated as an official or who holds administrative or professional supervisory responsibilities.
5. The term "member of the university community" refers to any person employed by, volunteering for or attending the university as a student, faculty member, administrator, staff member, intern, or volunteer.
6. The term "university property" includes all land, buildings, facilities, and other property in the possession of, owned or controlled, whether leased or rented, by the university.
7. The term "organization" refers to any number of persons who have complied with the formal requirements for university registration, or who are members of university sponsored groups or registered student organizations.
8. The terms "Student Conduct Committee" or "SCC" refers to a body responsible for assisting in the interpretation and implementation of the *Code of Student Conduct*. Members are responsible for hearing complaints and ensuring that students receive the procedural fairness rights granted them.
9. The term "Administrative Hearing Officer" refers to any persons authorized by the Director of Student Rights and Responsibilities or a delegated representative to determine whether a student has violated the *Code of Student Conduct* and to impose sanctions. The Student Conduct Committee constitutes an Administrative Hearing Officer.
10. The term "Appeals Panel" refers to any person or persons authorized by the Dean of Students to consider a review or appeal of the decisions of an Administrative Hearing Officer, the SCC, and the Director of Student Rights and Responsibilities.
11. The term "policy" is defined as the written rules of the university found in, but not limited to: the *Code of Student Conduct*, the Student Handbook, University Catalog, and Residence Life Handbook.
12. The term "working day" refers to a regular university business day. This does not include Saturday, Sunday or holidays established in the academic calendar. In the fall and spring semesters, this would be Monday through Friday and during the summer I and II terms, Monday through Thursday.

### B. ~~Core Values~~Principles and Behavioral Expectations

The university considers the behavior described in the following sections as inappropriate for the Midwestern State University community and in opposition to the ~~core values~~principles set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, or non-

matriculated. The university encourages community members to report to university officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 78: Conduct Procedures.

1. *Integrity*: Midwestern State students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
  - a. Knowingly furnishing false, falsified or forged information such as falsification or misuse of documents, accounts, records, identification or financial instruments;
  - b. Acts of academic dishonesty as outlined in the *Academic Dishonesty Policy* in *Appendix E*;
  - c. Unauthorized possession, duplication or use of means of access to any university building (i.e. keys, cards, etc.);
  - d. Action or inaction by someone in collusion with another or others to violate these rules;
  - e. Violations of positions of trust within the community; or
  - f. Tampering with the election of any registered student organization.
2. *Community*: Midwestern State students honor and value their community. Behavior that violates this value includes, but is not limited to:
  - a. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespassing;
  - b. Misuse or unauthorized use of university or organizational names, logos, or images;
  - c. Knowingly taking possession of stolen property;
  - d. Intentional and unauthorized taking of university property or the personal property of a member of the university community;
  - e. Intentional and unauthorized destruction of, or damage to, university property or to the personal property of a member of the university community;
  - f. Violating the Midwestern State University Computer and Network Services Policy, found in the Student Handbook. Examples of actions which violate these policies include, but are not limited to:
    - Use of computing facilities to send harassing or abusive messages;
    - Use of computing facilities to send anonymous or forged network news articles or email messages;
    - Use of computing facilities to interfere with the work of other community members;
    - Unauthorized access to a file or personal or group account;
    - Use of computing facilities to interfere with normal operation of the university computer system;or
    - Copying or transmitting copyrighted material when you are not legally authorized to do so.
  - g. Unauthorized transfer of a file;
  - h. Unauthorized use of another individual's identification and password;
  - i. Gambling in any form by the use of cards, dominoes, billiards, dice, pool, table tennis, snooker, or any other means specifically defined by state law, shall be prohibited on university grounds or property and in approved student housing;
  - j. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, and pellet guns), or other weapons or objects that could be construed as weapons such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than five and one-half (5 ½) inches;

- k. Use of alarmed doors for entry into or exit from a Midwestern State University building not during an emergency;
  - l. Failing to report a lost Midwestern State University identification card;
  - m. Violation of local, state, federal, or campus fire policies including, but not limited to:
    - Failure to evacuate a university-controlled building during a fire alarm;
    - Improper use of university fire safety equipment; or
    - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a \$4,000 fine in addition to university sanctions;
    - Intentionally or recklessly causing a fire which damages university or personal property or which caused injury to any member of the community.
3. *Social Justice*: Midwestern State students exemplify just and equitable treatment of all members of the community in their dealings and interactions. Behavior that violates this value includes, but is not limited to:
- a. Substantial disruption of university operations including obstruction of teaching, research, administration, other university activities, or other authorized non-university activities which occur on campus;
  - b. Obstruction of freedom of movement by community members or visitors;
  - c. Abuse or interference of, or failure to comply in, university processes including *Code of Student Conduct* investigations and hearings; or
  - d. Abuse of the campus conduct system including but not limited to:
    - Failure to appropriately respond to a letter of notice, or summons letter;
    - Failure to attend meetings scheduled for *Code of Student Conduct* administration purposes;
    - Falsification, distortion, or misrepresentation of information;
    - Failure to provide, destroying, or hiding information during an investigation of an alleged policy violation;
    - Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
    - Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
    - Failure to comply with the sanction(s) imposed by the campus conduct system; or
    - Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
4. *Respect*: Midwestern State students show positive regard for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:
- a. Threatening, or causing, physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person;
  - b. Discrimination, defined as any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived sex, gender expression, gender identity, race, color, age, ~~creed~~, national or ethnic origin, physical or mental disability, genetic information, veteran status, pregnancy status, religion or sexual orientation that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities;
  - c. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;



- d. Discriminatory Harassment, defined as detrimental action based on an individual's actual or perceived sex, gender expression, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, genetic information, veteran status, pregnancy status, religion, sexual orientation, or other protected status that is unwelcome and unreasonably interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities;
  - e. Retaliatory Harassment, defined as any intentional, adverse action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding;
  - f. Bullying, or cyber bullying, defined as repeated and/or severe, pervasive, and objectionably offensive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; or spreading rumors with malicious intent;
  - g. Violations of the University Hazing Policy (see Section 10);
  - h. Violence between those in a continuing relationship of an intimate or romantic nature with one another;
  - i. Violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating or had cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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 jurisdiction;
  - j. Stalking as defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress;
  - k. Sexual misconduct including sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation (See Section 11: Title IX Sexual Misconduct; and Section 12: Sexual Misconduct Policy ~~Non-Title IX Sexual Misconduct~~ for further information);
  - l. Inappropriate conduct which is disorderly, disruptive, obscene, or indecent while on campus or at functions sponsored, or participated in, by the university;
  - m. Failure to comply with the directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
  - n. Smoking or use of tobacco or tobacco-derived products in any area of campus;
  - o. Acts of bias, intolerance, prejudice, or hate on the basis of an individual's identity, ideology or protected class, as defined in Texas Tech University System Regulation 07.10 ~~face, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation~~, when manifested in threatened or actual violent conduct against a person, harassment, or incitement to imminent violation(s) of law (see Section 89: Bias Incident Policy ~~of this document~~ for further information).
5. *Responsibility*: Midwestern State students are given, and accept, a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

- a. Use, possession, or distribution of alcoholic beverages except as expressly permitted by law and the university's Alcohol Policy (See Section 8 of this document for further information);
- b. Use, possession, or distribution of narcotics or other controlled substances or drug paraphernalia, except as expressly permitted by law;
- c. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- d. Assisting in, inciting or condoning the violation of university policies or local, state, or federal laws;
- e. Allegations of violation of local, state, or federal laws which affect the substantial interests of the university community whether the violation occurs on or off-campus;
- f. Intentional failure of any organized group to exercise preventative measures relative to violations of the *Code of Student Conduct* by its members;
- g. Knowingly condoning or remaining in the presence of a clear violation of these rules without:
  - Leaving the area where the violation was occurring; or
  - Intervening or confronting the violation in an effort to stop it; or
  - Contacting the appropriate staff members to address the violation;
- h. Violation of other published university policies or rules, including all Housing policies.

### **Section 6: Student Conduct Authority**

The Vice President for Student Affairs is vested with the authority of chief conduct officer. The chief conduct officer appoints a Director of Student Rights and Responsibilities to oversee and manage the student conduct process. The chief conduct officer, Dean of Students, and Director of Student Rights and Responsibilities may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Director of Student Rights and Responsibilities or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any information will not be forwarded for a hearing.

If a minor allegation can be addressed by mutual consent of the parties involved, on a basis acceptable to the parties involved and the Director of Student Rights and Responsibilities or designated administrative hearing officer, such disposition will be final and there will be no subsequent proceedings.

The Director of Student Rights and Responsibilities has discretion to refer a complaint for mediation. Any unsuccessful mediation can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Director of Student Rights and Responsibilities may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation.

If the complaint cannot be addressed in a manner mutually acceptable, or for incidents that are not minor, the Director of Student Rights and Responsibilities will refer the complaint to the Administrative Hearing Officer or the Student Conduct Committee (SCC). The decision of where to refer the complaint is at the sole

discretion of the Director of Student Rights and Responsibilities, who may take into consideration the preferences of the parties to the complaint.

#### Assembly of the Student Conduct Committee (SCC)

The Director of Student Rights and Responsibilities will be responsible for assembling the SCC according to the following guidelines:

The membership of the Student Conduct Committee is comprised of a pool of students, faculty, and staff/administrative members appointed and trained annually by the Director of Student Rights and Responsibilities.

To serve in the SCC pool, students must:

1. Be in academic good standing at the university and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
2. Be in conduct good standing throughout the term in which they serve. Conduct good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the SCC. A history of misconduct could disqualify a student for service.
  - a) The Vice President for Student Affairs will have final authority to approve all those serving on the SCC.
  - b) The non-voting advisor to the SCC is the Director of Student Rights and Responsibilities with responsibility for training the SCC, conducting preliminary investigations, and ensuring a fair process for the reporting party and accused student/responding party.
  - c) In the event of a resignation from the SCC, the Director of Student Rights and Responsibilities will solicit a replacement from the group from which the representative came.
  - d) Decisions made, and sanctions imposed, by the SCC or an Administrative Hearing Officer will be final and implemented, pending the normal review appeal process. At the discretion of the Director of Student Rights and Responsibilities, implementation of sanctions may be stayed pending review.

For each complaint directed to the SCC, the hearing panel will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may determine a different composition for the hearing panel, and in complaints involving discrimination, sexual misconduct, crimes of violence or other sensitive issues, the Director of Student Rights and Responsibilities will usually use three (3) administrative/staff members or faculty for the hearing panel. One of the staff members or administrators trained as a civil rights investigator serves as the chair of the panel and assures university procedures are followed throughout the hearing.

#### Administrative Hearing Officers

Administrative Hearing Officers are a pool of annually trained administrators or staff members selected by the Director of Student Rights and Responsibilities and approved by the Dean of Students.

#### Appeals Panels

Three-member appeals panels are drawn from the SCC member pool, with the only requirement being that they did not serve on the hearing panel for the initial hearing. Appeals Panels only review appeals submitted by the Director of Student Rights and Responsibilities or Dean of Students.

#### Interpretation and Revision

The Director of Student Rights and Responsibilities will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include notice to the parties involved. The

Director of Student Rights and Responsibilities may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*.

The Director of Student Rights and Responsibilities may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party.

Any question of interpretation of the *Code of Student Conduct* will be referred to the Director of Student Rights and Responsibilities, whose interpretation is final.

The *Code of Student Conduct* will be reviewed and updated annually under the direction of the Dean of Students.

## Section 7: Conduct Procedures

Part of the education process is learning how to live in harmony with community members and within a system of standards established for and by the community. Students are accountable to students and others in the community for these standards through the procedures outlined below. This system is not a legal process but, rather, an administrative hearing system. Principles of fairness govern all such bodies. All students who violate these standards will be held accountable for their behavior through a process that assures the rights of both the reporting party and the accused student/responding party.

Special conduct procedures for complaints or alleged violations related to sexual misconduct of the Non-Title IX Sexual Misconduct Policy or Title IX Sexual Misconduct Policy are detailed in Section 11: Title IX Sexual Misconduct Policy and Section 12: Non-Title IX Sexual Misconduct Policy, respectively.

### A. Complaints

Any member of the university community, visitor or guest may file a complaint against any student for misconduct through the Office of Student Rights and Responsibilities.

Complaints will be presented to the Director of Student Rights and Responsibilities (or designee), Dean of Students (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, these administrators may act on notice of a potential violation whether a formal complaint is made or not. All complaints can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The university has the right to pursue a complaint or notice of misconduct on its own behalf and to serve as reporting party in the subsequent campus conduct process.

The Director of Student Rights and Responsibilities (or designee) and/or Title IX Coordinator, when appropriate, will assume responsibility for the investigation of the alleged violation as described below in the section on investigations.

### B. Notice of Hearing

Once a determination is made that reasonable cause exists for the Director of Student Rights and Responsibilities (or designee) to refer a complaint for a hearing, notice will be given to the accused student/responding party. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice, or summons letter will:

1. Include the alleged violation and notification of where to locate the *Code of Student Conduct* and university procedures for resolution of the complaint; and
2. Direct the accused student/responding party to contact the Director of Student Rights and Responsibilities (or designated administrative hearing officer) within a specified period of time to



respond to the complaint. This time period will, generally, be no less than two (2) business days from the date of delivery of the summons letter.

A meeting with the Director of Student Rights and Responsibilities (or designated administrative hearing officer) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the accused student/responding party may indicate, either verbally or in writing, to the Director of Student Rights and Responsibilities (or designated administrative hearing officer), whether s/he admits to or denies the allegations of the complaint.

C. Interim Suspension

Interim suspension, under the *Code of Student Conduct*, may be imposed by the Vice President for Student Affairs ~~or designee~~ when necessary to protect the health and safety of a student or of the community; preserve university property; pursue an investigation and/or hearing; prevent disruption of, or interference with, the normal operations of the university. Interim suspension will be used for short periods of time, pending a hearing for a *Code of Student Conduct* violation by either the Director of Student Rights and Responsibilities (or designee) or the Student Conduct Committee or completion of a related criminal investigation.

During an interim suspension, a student will be denied access to university housing and/or the university campus/facilities/events. As determined appropriate by the Vice President for Student Affairs (or designee), this restriction includes classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Vice President for Student Affairs (or designee) and with the approval of, and in collaboration with, the appropriate academic college Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student/responding party.

D. Hearing Options & Preparation

The following sections describe Midwestern State University's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Director of Student Rights and Responsibilities (or designee) or administrative hearing officer, no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Director of Student Rights and Responsibilities, administrative hearing officer, or Student Conduct Committee presiding over the hearing.

When the accused student/responding party admits to violating the *Code of Student Conduct*, the Director of Student Rights and Responsibilities or administrative hearing officer may invoke informal resolution procedures to conclude the matter and assign appropriate sanctions without a hearing. A student who accepts responsibility for a violation through informal resolution waives his/her right to appeal.

When the accused student/responding party does not resolve the matter through informal resolution, s/he must select either an informal hearing or formal hearing (if available) as the process through which the complaint will be resolved. An informal hearing is when a complaint will be heard and final determination made by the Director of Student Rights and Responsibilities or administrative hearing officer assigned to the complaint. An informal hearing includes the opportunity for the student to respond to the charges s/he is facing and present relevant evidence. Based on the totality of evidence and testimony, the hearing officer will make a determination of responsibility concerning the charges using a preponderance of the evidence standard and assign any appropriate sanctions. A student waives his/her right to appeal when the informal option is utilized.

When the accused student/responding party chooses not to utilize informal resolution or informal hearing procedures, a formal hearing will be conducted as befits the gravity of the alleged offense and serious

nature of the consequences. The option of selecting a formal hearing is only available when a responding student faces a possible sanction of University suspension or expulsion if found responsible. The process of a formal hearing is known as a Student Conduct Committee (SCC) hearing. The findings and sanctions of a formal hearing are appealable (refer to section G. Final Review (Appeal Procedures) for more information). Students who deny violating the Code of Student Conduct and select or are assigned to a formal hearing will be given a minimum of seven (7) days to prepare for the formal hearing.

Preparation for a formal hearing is summarized in the following guidelines:

Notice of the time, date, and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed, and/or received in-person, such notice will be presumptively delivered.

1. If there is an alleged victim of the conduct in question, the alleged victim may serve as the reporting party or may elect to have the university serve as the reporting party. Where there is no alleged victim, the university will serve as the reporting party.
2. If an accused student/responding party fails to respond to notice from the Director of Student Rights and Responsibilities (or designated administrative hearing officer), the Director of Student Rights and Responsibilities (or designated administrative hearing officer) may initiate a complaint against the student for failure to comply with the directives of a university official and give notice of this additional offense. Unless the student responds to this notice within two (2) business days by answering the original notice, an additional informal or formal hearing may be scheduled and held on the student's behalf and the student may be administratively withdrawn from attending classes or a disciplinary hold placed on the student's university account, deeming them ineligible to register for courses until such time as the student responds to the initial complaint.
3. At least three (3) business days before any scheduled formal hearing, the following will occur:
  - a. The accused student/responding party will deliver to the Director of Student Rights and Responsibilities (or designee) a written response to the charge(s);
  - b. The accused student/responding party and reporting party will deliver to the Director of Student Rights and Responsibilities (or designee) a written list of all witnesses he/she intends to call at the hearing;
  - c. The accused student/responding party and reporting party will deliver to the Director of Student Rights and Responsibilities (or designee) all physical evidence he/she intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known;
  - d. The reporting party and the accused student/responding party will notify the Director of Student Rights and Responsibilities (or designee) of the names of any advisors who may be accompanying the party at the hearing.
4. The Director of Student Rights and Responsibilities (or designee) will ensure that the hearing information and any other available written documentation is shared with the reporting party and the accused student/responding party at least two (2) business days before any scheduled formal hearing. In addition, the parties will be given a list of the names of all the members of SCC or hearing officers for the complaint in advance. Should either party object to any SCC member, he/she must raise all objections, in writing, to the Director of Student Rights and Responsibilities (or designee) immediately. SCC members will only be unseated if the Director of Student Rights and Responsibilities (or designee) concludes their potential for bias precludes an impartial hearing of the

complaint. Additionally, any SCC member who feels he/she cannot make an objective determination of responsibility must recuse him/herself from the proceedings.

#### E. Formal Hearing Procedures

When a student faces potential suspension or expulsion from the university or at the discretion of the Director of Student Rights and Responsibilities, the process (i.e. the conducting of an SCC hearing) afforded is more rigorous and formal as befits the gravity of the alleged offense and the serious nature of the consequences.

The reporting party and the accused student/responding party have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Director of Student Rights and Responsibilities or (designee) no later than three (3) business days prior to the scheduled hearing to arrange for another date, time, and location.

1. Except in cases of grave or unforeseen circumstances, if the accused student/responding party fails to give the requisite minimum three(3) business days' notice, or if the accused student/responding party fails to appear, the hearing will proceed as scheduled. If the reporting party fails to appear, the complaint may be dropped unless the university chooses to pursue the allegation on its own behalf, as determined by the Director of Student Rights and Responsibilities (or designee).

The Student Conduct Committee will conduct SCC hearings according to the following guidelines:

- a. Hearings will be closed to the public.
- b. Admission to the hearing of persons other than the parties involved will be at the discretion of the Student Conduct Committee (SCC) Chair and Director of Student Rights and Responsibilities (or designee).
- c. In hearings involving more than one accused student/responding party, the standard procedure will be to hear the complaints jointly; however, the Director of Student Rights and Responsibilities may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.
- d. The reporting party and accused student/responding party each have the right to an advisor of his/her own choosing. Except in cases of sexual misconduct, sexual harassment, and other forms of discrimination, advisors may be chosen *only* from within the current Midwestern State University community, unless leave is granted in advance by the Director of Student Rights and Responsibilities (or designee) for an advisor from outside the community. In the rare instance where a student party to the complaint is also facing civil or criminal court proceedings, or at the discretion of the Director of Student Rights and Responsibilities (or designee), legal counsel may be permitted to serve as an advisor. An advisor may not make a presentation or represent the reporting party or responding party during the hearing.
- e. The reporting party, the accused student/responding party, the SCC, and the Director of Student Rights and Responsibilities (or designee) will have the privilege of presenting witnesses and questioning all parties (directly or through the SCC Chairperson, at the discretion of the SCC Chairperson). Unduly repetitive witnesses can be limited at the discretion of the SCC Chairperson.
- f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the SCC. Formal rules of evidence are not observed. The SCC Chairperson and Director of Student Rights and Responsibilities (or designee) may limit the number of character witnesses presented or may accept written affidavits of character instead.
- g. All procedural questions are subject to the final decision of the Director of Student Rights and Responsibilities (or designee).

- h. After an SCC hearing, the hearing panel will deliberate and determine, by majority vote, using a preponderance of the evidence standard (i.e. whether it is more likely than not) if the accused student/responding party has violated the Code of Student Conduct. Once a finding is determined, if the finding is that of a policy violation, the SCC will determine and assign any appropriate sanction(s). The Director of Student Rights and Responsibilities (or designee) is responsible for informing the SCC of applicable precedent and any previous conduct violations or other relevant pattern information about the accused student/responding party. Within 2-3 business days, the SCC Chairperson will prepare a written deliberation summary with the finding and rationale for the decision and deliver it to the Director of Student Rights and Responsibilities (or designee). This written deliberation summary should conclude with any assigned sanctions, if applicable. Notification of the outcome will be made to the student/responding party in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- i. There will be a single verbatim record, such as an audio recording, for all SCC hearings. Deliberations will not be recorded. The record will be the property of the university and maintained according to the university's record retention policy.

#### F. Conduct Sanctions

One or more of the following sanctions may be imposed upon any student or student organization for any single violation of the *Code of Student Conduct*:

- 1) *Warning*: A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.
- 2) *Restitution*: Compensation for damage caused to the university or any person's property or injuries to a person as a result of the conduct. This is not a fine but, rather, a repayment for property destroyed, damaged, consumed, or stolen, or personal medical expenses.
- 3) *Fines*: Reasonable fines may be imposed.
- 4) *Community/University Service Requirements*: For a student to complete a specific supervised community or university service.
- 5) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- 6) *Confiscation of Prohibited Property*: Items whose presence is in violation of university policy will be confiscated and will become the property of the university. Prohibited items may be returned to the owner at the discretion of the Director of Student Rights and Responsibilities and/or University Police.
- 7) *Behavioral Requirement*: This includes required activities such as, but not limited to, seeking personal counseling or substance abuse screening, writing a letter of apology, writing a research or reflection essay, etc.
- 8) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 9) *Restriction of Visitation Privileges*: May be levied on residential or non-resident student. The parameters of the restriction will be specified.



- 10) *University Housing Probation*: The student is put on official notice that, should further violations of housing or university policies occur during a specified probationary period, the student may immediately be removed from university housing.
- 11) *University Housing Reassignment*: The student is reassigned to another university housing facility. Housing personnel will decide on the reassignment details.
- 12) *University Housing Suspension*: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing.
- 13) *University Housing Expulsion*: The student's privilege to live in, or visit, any university housing facility is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 14) *Eligibility Restriction*: The student is deemed "not in disciplinary good standing" with the university for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Rights and Responsibilities and terms of this conduct sanction may include, but are not limited to, the following:
  - a. Ineligibility to hold any office in any registered student organization or hold an elected or appointed office at the university; or
  - b. Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event or intercollegiate competition as a participant, player, manager or student coach, etc.
- 15) *University Suspension*: The student is separated from the university for a specified period of time. Upon the satisfaction of any specific conditions, the student is eligible to return. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. This sanction may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Suspension on the student's official academic transcript. Prior to reapplication for university housing, the student must gain permission from the Director of Residence Life and Housing. Prior to reapplication for university admission, the student must contact the Director of Student Rights and Responsibilities.
- 16) *University Expulsion*: The student is permanently separated from the university. The student is barred from being on campus and the student's presence at any university-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Expulsion on the student's official academic transcript.
- 17) *Probation*: The student is placed on an extended warning period, levied for a specified time of which the duration will be determined by the seriousness of the violation. Probation carries a warning such that any further violation of the *Code of Student Conduct* may result in more serious sanctioning should the student be found responsible for a violation occurring during the probationary period.
- 18) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Rights and Responsibilities (or designee).

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- a. One or more of the sanctions listed above, specifically a) through i) and o) through q); and/or
- b. Deactivation, de-recognition, loss of all privileges (including university registration), for a specified period of time.

G. Final Review (Appeal Procedures)

Accused students/responding parties may petition for a review of an SCC's written decision within three (3) business days of issuance of an Administrative Hearing Officer's or SCC's written decision. All requests for review must be in writing and delivered to the appropriate administrator as indicated in the written decision letter. For administrative hearings, petitions will generally be reviewed by the Director of Student Rights and Responsibilities. For SCC hearings, appeals will generally be reviewed by the Dean of Students. Any student who missed his/her SCC initial hearing may not request a review of the initial decision.

If the indicated administrator determines that an appeal may be reviewed, the opportunity will be taken, where possible, to return the appeal to the original administrative hearing officer or hearing panel for reconsideration; however, if this is not possible, the complaint will be reviewed by an Appeals Panel. The original SCC hearing panel or Appeals Panel, depending on where it is referred by the indicated administrator, may support or change a decision. An Appeals Panel will be deferential to the original decision-maker, making changes to the findings only where there is clear error. Appeals will only be considered for one or more of the following purposes:

1. To consider new information which was unavailable at the time of the original hearing that could be outcome determinative;
2. To assess whether a material deviation from written procedures resulted in an unfair outcome of the hearing;
3. To decide if an assigned sanction(s) is substantially disproportionate to the offense committed;
4. To determine if the finding does not accord with the information provided in the hearing; or
5. To assess whether bias on the part of an SCC hearing panel member(s) deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, the review of a SCC hearing will be limited to the verbatim record of the initial hearing and all supporting documents. Review of an administrative hearing will be limited to the written record of the hearing and all supporting documents. The Dean of Students will serve as the SCC or Appeals Panel's non-voting advisor.

H. Failure to Complete Conduct Sanctions

All students, as members of the university community, are expected to comply with conduct sanctions within the time frame specified by the Director of Student Rights and Responsibilities, SCC or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension from the university. In such situations, resident students will be required to vacate university housing within 24 hours of notification by the Director of Student Rights and Responsibilities, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and Housing. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Rights and Responsibilities.

I. Disciplinary Records

All conduct records are maintained by the university for seven (7) years from the time of their creation. Other than university suspension and expulsion, conduct sanctions will not be made a part of the student's permanent academic record, but will become a part of the student's private conduct record. Upon application to, and approval of the Director of Student Rights and Responsibilities, private conduct records may be expunged seven (7) years after final disposition of complaints for which sanctions imposed did not include university housing suspension, university housing expulsion, university suspension, and/or university expulsion.

### **Section 8: Alcohol and Drug Policy**

To ~~comply~~In compliance with the Drug Free Schools and Communities Act of 1989 and subsequent amendments, students and employees of Northwestern State are informed that strictly enforced policies are in place which prohibits the unlawful possession, use, or distribution of any illicit drugs, including alcohol, on university property or as part of any university-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state, and federal law for any offenses involving illicit drugs on University property or at University-sponsored activities.

The university affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased risk of accidents which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students through the Northwestern State University Counseling Center and Vinson Health Center. Other referral resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all which might include a fee.

Students exhibiting signs of excessive alcohol consumption will, at a Northwestern State University Police Officer's discretion, be transported via Emergency Medical Services (EMS) at the student's expense for medical attention. Refusal to cooperate with University Police and/or EMS personnel may result in the student's emergency contact being notified and having to make alternative arrangements for temporary housing, arrest in order to ensure the student's health and safety are not endangered, and/or a conduct charge for failure to comply with the directives of university officers during the performance of their duties.

#### **A. Policy on Parental Notification**

Northern State University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

The Northwestern State University alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale, or distribution of illegal drugs, whether on or off campus, by any student is also prohibited. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Rights and Responsibilities (or designee) reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the Northwestern State University alcohol and drug policy.

## B. Alcohol Policy

Alcoholic beverages are not allowed on campus except under the following conditions:

1. In private residences in Sunwatcher Village and Sundance Court. Consumption is limited to areas inside the residences. (Those residing in university housing should consult the current edition of the *Residence Life Handbook* for specific regulations regarding the use of alcoholic beverages in university housing.)
2. During social functions hosted by the President or the President's spouse.
3. During social functions registered and approved through the Clark Student Center office.

### a. How to Register

Persons seeking permission to bring alcohol on campus must file an application in writing to the Clark Student Center office at least ten (10) days prior to the event.

### b. Criteria for Approval

Approval will be based upon the following criteria: organization planning, frequency of the event, groups served by the activity, activity focus, and the use and distribution of alcohol.

### c. Presence of Security or Police

Depending on the nature of the requested event, a condition for approval may be the presence of uniformed police or security personnel. This will be determined with the requesting persons by the Clark Student Center when reviewing the application.

### *Guidelines for the Use of Alcohol*

1. State Law regarding the use of alcoholic beverages must be observed. Violations of State law include the following:
  - a. Consumption of alcohol by an underage drinker.
  - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
  - c. Public intoxication.
  - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
2. Beverages at approved student organization events must be distributed by a TABC licensed third party vendor. A copy of the vendor's current license must be on file with the Clark Student Center office prior to event approval.
3. All student organizations must observe an alcohol-free academic week. No alcohol will be permitted at registered functions taking place Sunday-Thursday.
4. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking paths, and all other open-air spaces on the campus.
5. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.
6. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.
7. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.



### *Code of Conduct Guidelines*

Students who are 21 years of age or older are permitted to possess and consume alcohol in designated university housing rooms. Students who are of legal drinking age may not share or provide alcohol to any students, employees, or guests who are under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol anywhere on university property or at university-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

### *Examples of Violations of the University Alcohol Policy*

- Purchasing alcohol by a person under the age of 21.
- Selling or providing alcohol to a person under the age of 21.
- Possessing either full or empty alcohol containers by a person under the age of 21.
- Consuming or appearing to have consumed alcohol by a person under the age of 21.
- Showing physical or mental impairment following or resulting from alcohol use.
- Possessing empty alcohol containers for decorative purposes.
- Using or possessing common sources of alcohol including, but not limited to kegs, party balls, wine boxes, etc.
- Participating in or being present during the occurrence of any drinking game.
- Possessing an open container of alcohol in a common area including, but not limited to bathrooms, hallways, lounges, elevators, lobbies or outdoor spaces.

Failure to comply with the directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so is considered unacceptable behavior for a Midwestern State student and a violation of the Midwestern State University *Code of Student Conduct*, which may result in conduct sanctions. An example of such inappropriate behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off-campus.

### C. Illegal Drug Policy

The following information relates to MSU's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off university property or at university-sponsored events in accordance with federal, state, and local laws. Examples of violations include:

- Misusing over-the-counter drugs.
- Misusing or sharing prescription drugs.
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, grinder pipes, bong, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

This policy provides flexibility for the university in addressing drug-related offenses which occur on or off-campus. Moreover, it permits the university to address its fundamental mission of holistic education and

the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the university must address the education and well-being of all its students and employees. In addition to university imposed sanctions, students and employees are subject to all legal sanctions under federal, state, and local law for any offenses involving illegal drugs on university property or at university activities.

## Section 9: Bias Incident Policy

### A. Policy Statement

Midwestern State University (the "University") is committed to an educational environment free from acts of bias, intolerance, prejudice, or hate based on an individual's perceived identity or ideology~~race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation~~. The University is also committed to the principles of free inquiry and expression and is dedicated to creating an environment where the expansion of knowledge and the freedom to exchange ideas is safeguarded. Members of the University community have the right to hold, vigorously defend, and express their ideas and opinions.

Midwestern State University unequivocally condemns and prohibits acts of bias, intolerance, prejudice, and hate when manifested in threatened or actual violent conduct against a person; harassment; or incitement to imminent violation(s) of law. In accordance with federal ~~law~~ and state law, the University prohibits unlawful harassment on the basis of an individual's protected class, as defined in Texas Tech University System Regulation 07.10~~race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation~~.

### B. Reason for Policy

The principles of free inquiry and expression protect controversial ideas and opinions and differing viewpoints; however, these principles do not protect threatened or actual violent conduct against a person, harassment, or incitement to imminent violations of law.

### C. Scope and Audience

Consistent with the *Code of Student Conduct* and its jurisdiction, this policy applies to the behavior of all University students, from the time a student is admitted and continues until the student withdraws or graduates, including periods during semester breaks and between semesters. Such behavior can occur on campus, at university-sponsored events, including functions sponsored by registered student organizations, and off-campus when the University administration determines in its discretion that the off-campus behavior affects a substantial university interest, regardless of the location where the behavior occurs. Further, the policy applies to guests of students, whose host(s) may be held accountable for the misconduct of their guests.

### D. Definitions (specific to this policy)

- 1) Actual Violent Conduct: an act that causes bodily injury to or harmful, aggressive, or unwelcome physical contact with another person.
- 2) Bias: a pre-formed negative opinion or attitude toward a person or group based on their actual or perceived identity, ideology or protected class~~race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation~~.
- 3) Complainant: the person reporting prohibited conduct under this policy, who can be either the subject of the prohibited conduct or a third party.

4) Harassment: Harassment based on a person's protected class under this policy is a form of discrimination. Harassment is unwelcome verbal or physical conduct that is directed toward an individual because of sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics, when such conduct is sufficiently severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or of creating a hostile academic or work environment. Examples of inappropriate behavior that may constitute unlawful Harassment include, but are not limited to, the following, if related to an individual's protected category, class, or characteristic:

~~4) — Harassment: unwelcome verbal or physical conduct directed at an individual or group because of race, color, religion, creed, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation, which is sufficiently severe, persistent or pervasive, and objectively offensive the conduct interferes with an individual or group's ability to participate in or benefit from educational programs or activities at the University, unreasonably interferes with a person's work performance, or creates an intimidating, hostile, or offensive work environment at the University.~~

~~The harassment this policy prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if listeners are offended by the argument or idea.~~

- ~~a. Derogatory, disparaging, or disrespectful remarks, comments, slurs, or jokes about a particular person or protected category, class, or characteristic of persons based on, about, or because of a protected category, class, or characteristic;~~
- ~~b. Display of explicit or offensive posters, pictures, drawings, cartoons, calendars, correspondence, digital or broadcast content (including images, videos, or audio), or any other physical, digital, or multimedia materials in any form that reflect disparagingly upon a category, class, or characteristic of persons or a particular person in a protected category or class;~~
- ~~c. Loud or angry outbursts or obscenities in the workplace directed toward a member of the University Community;~~
- ~~d. Disparate treatment without a legitimate business reason; or v. other threats, discrimination, hazing, bullying, stalking, or violence.~~

The harassment this policy prohibits does not exhaust the category of speech that is unnecessary and inappropriate to vigorous debate in a diverse community of educated people. An essential part of higher education is to learn to separate substantive argument from personal offense, and to express even the deepest disagreements within standards of civility that reflect mutual respect, understanding, and sensitivity among the diverse population within the University and in the larger society. These are community norms, even though they cannot be enforced by disciplinary rules. To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if listeners are offended by the argument or idea.

- 5) Hate Crime: a criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. All hate crimes are bias incidents, but not all bias incidents are hate crimes. Derogatory words or epithets directed against a member of a protected class, if not accompanied by a clear threat of harm with the ability to carry it out, is not a hate crime.
- 6) Incitement to Imminent Violation(s) of Law: conduct, including verbal remarks or the distribution or display of statements, directed against a person or group to incite and/or likely produce the immediate violation of law by others.
- 7) Intolerance: an unwillingness to recognize or accept the beliefs or behavior of someone different on the basis of their actual or perceived identity, ideology or protected class~~race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation.~~
- 8) Prejudice: unsupported judgment(s) in favor of or against a person or group, as compared to another, on the basis of identity, ideology or protected class~~race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation, usually in a way considered to be unfair.~~
- 9) Protected class: groups of people, designated by federal, state, or system regulation, for which discrimination and/or harassment are prohibited. Such classes include actual or perceived identities based on or related to sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics. (See System Regulation 07.10.2.b)
- 9)10) Respondent: the student reported to have engaged in prohibited conduct under this policy.
- 10)11) Threatened Violent Conduct: an act that threatens another with imminent bodily injury or harmful, aggressive or unwelcome physical contact.

#### E. Contacts

Dean of Students  
Clark Student Center 108  
Phone: 940-397-7400  
Website: [msutexas.edu/student-life/dean](https://msutexas.edu/student-life/dean)

MOSAIC Cross Cultural Center  
Clark Student Center 194  
Phone: 940-397-4500  
Website: [msutexas.edu/student-life/mosaic](https://msutexas.edu/student-life/mosaic)

Student Rights and Responsibilities  
Clark Student Center 108  
Phone: 940-397-4525  
Website: [msutexas.edu/student-life/conduct](https://msutexas.edu/student-life/conduct)

Office of Equal Opportunity  
Texas Tech University System  
System Administration Building  
1508 Knoxville Ave. Ste. 309



Box 41073

Lubbock, TX 79409-1073

Phone: 806.742.3627

Webpage: <https://www.texastech.edu/offices/equal-employment/>

#### F. Procedures

A person who believes he or she has been the subject of a violation of this policy committed by a student should report the alleged violation to the MOSAIC Cross Cultural Center, Dean of Students Office, or Office of Student Rights and Responsibilities. Incidents may be reported by completing an online referral webform available through the websites of these contacts. A complainant who has not reported an alleged violation of this policy to the MOSAIC Cross Cultural Center, Dean of Students Office, or Office of Student Rights and Responsibilities has not initiated proceedings for providing remedy to the complaint nor potential disciplinary action against the alleged respondent.

Individuals who would like to consult with a staff member prior to reporting an incident are encouraged to contact the MOSAIC Cross Cultural Center.

When the University receives a report of alleged threatened or actual violent conduct, harassment, and/or incitement to imminent violation(s) of law on the basis of an individual's identity, ideology or protected status~~race, color, religion, national origin, gender, gender identity or gender expression, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, or political affiliation~~, it will respond and investigate the allegation, as appropriate, in a fair, impartial, and timely manner.

Upon receiving a report, the Dean of Students and the Director of the MOSAIC Cross Cultural Center (or their designees) will:

- conduct an initial assessment of the available information;
- initiate additional intake, as needed, to collect information concerning the incident of conduct at issue;
- consider the complainant's immediate and ongoing safety and well-being, including any risk of harm to the parties, other individuals, or the broader campus community;
- Dean of Students will recommend any immediate interim disciplinary action to the Vice President for Student Affairs, as is appropriate to the circumstances, if the continuing presence of the respondent is a potential danger to persons or property or a potential threat of disrupting the academic processes or activities authorized by the University; ~~and,~~
- initiate any interim measures or accommodations on behalf of the complainant, as necessary; ~~and,~~
- initiate any required report to the University Police Department, if required under federal or state law.

At any stage, should a report be determined to be employment related or involve employees (faculty, staff or student employees), a referral will be made to the TTUS Office of Equal Opportunity, in accordance with System Regulation 07.10.

Upon initial assessment and any related intake by the Dean of Students and the Director of the MOSAIC Cross Cultural Center (or their designees), if a report does not support a possible violation of policy, the report will be closed with no further administrative or disciplinary action. The complainant will be notified when this occurs.

Mediation as an Option: in consideration of the interest of the complainant and the complainant's expressed preference for manner of resolution, a report may be addressed through mediation. Mediation is a process where an impartial individual assigned by the University facilitates communication and negotiation between the parties to the complaint and promotes voluntary decision making amongst the

parties. The goals include providing the opportunity for the complainant and respondent to define and clarify issues, understand different perspectives, explore and assess possible solutions, and reach mutually satisfactory agreements, when desired.

Informal Resolution by Respondent's Acceptance of Responsibility: at the onset or during the initial assessment process, it is possible a respondent may accept responsibility for a violation of this policy. Should this occur, the Dean of Students and the Director of the MOSAIC Cross Cultural Center (or their designees) shall determine any appropriate sanction(s). The respondent's acceptance of responsibility shall be conveyed to the complainant in writing (e.g. email or mail).

If the report appears upon initial assessment and/or intake to be a likely violation of policy and is not otherwise resolved through mediation or informal resolution by respondent's acceptance of responsibility, the case will be referred to the Director of Student Rights and Responsibilities (or designee) for investigation and resolution under the procedures set out in the *Code of Student Conduct*.

#### G. Campus Climate Incident Reporting

The University encourages individuals to report campus climate incidents or concerns which create a hostile educational environment or discriminate against members of the University community on the basis of ~~identity, ideology or protected status~~ race, color, religion, national origin, gender, ~~gender identity or gender expression~~, age, disability, citizenship, veteran status, sexual orientation, ideology, political views, ~~or political affiliation~~. For example, individuals may report concerns such as a student organization hosting a party with a racist theme, derogatory graffiti or flyers displayed on campus regarding sexual orientation, malicious social media threats made by a student that intimidate other students because of their religion, or a concern someone has created a harassing classroom environment on the basis of gender identity or gender expression.

Campus climate incidents or concerns should be reported to the MOSAIC Cross Cultural Center or Dean of Students Office. Reports may be submitted using an online webform available through the websites of these contacts.

Upon receipt of a report, the Dean of Students and the Director of the MOSAIC Cross Cultural Center (or their designees) will review the report, collect additional information concerning the report, as needed, assess the available information, and initiate any interim measures or actions, as appropriate. Upon assessment, if the information received/collected suggests a violation of University policy has occurred, the matter will be referred for investigation and resolution under the procedures set out in the Student Handbook or Midwestern State University Operating Policies and Procedures Manual.

### **Section 10: Hazing Policy**

Hazing is defined as "any intentional, knowing, or reckless act occurring on or off the campus of an educational institution, by one person or acting with others, directed against a student, for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization." It is policy violation at MSU and criminal violation in Texas to conduct hazing, encourage hazing, permit hazing, or have knowledge of the planning of a hazing incident and fail to report the information to an appropriate university official.

Knowledge of hazing incidents, or planned incidents, should be promptly reported to the Dean of Students, Director of Student Rights and Responsibilities, or campus police.

In the State of Texas, failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing

resulting in a death is a state jail felony. It is not a defense to hazing charges or prosecution that the person against whom the hazing was directed consented or acquiesced in the hazing activity.

### **Texas Hazing Law**

The following Hazing Law was enacted by the State of Texas regarding offenses related to hazing at or in connection with an educational institution.

1. "Educational institution" includes a public or private:
  - a. High school; or
  - b. College, university, or other postsecondary educational establishment.
2. "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization.
3. "Pledging" means any action or activity related to becoming a member of an organization.
4. "Student" means any person who:
  - a. is registered in or in attendance at an educational institution;
  - b. has been accepted for admission at the educational institution where the hazing incident occurs;  
or
  - c. intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
5. "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, or student government, a band or musical group, or an academic, athletic, cheerleading or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or service, social, or a similar group, whose members are primarily students at an educational institution.
6. "Hazing" means any intentional knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are students at an educational institution, if the act is:
  - 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;
  - b. involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk or harm or that adversely affects the mental or physical health or safety of the student;
  - c. involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by paragraph e, that subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student;
  - d. is any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code, Sec. 4.52; or
  - e. involves coercing, as defined by Section 1.07, Penal Code, the student to consume a drug or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

#### Personal Hazing Offense

1. A person commits an offense if the person:
  - a. engages in hazing;

- b. solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.
  - c. intentionally, knowingly, or recklessly permits hazing to occur; or
  - d. has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Dean of Students or other appropriate official of the institution.
2. The offense of failing to report is a misdemeanor punishable by a fine not to exceed \$1,000, confinement in county jail for not more than 180 days, or both such fine and confinement.
  3. Any other offense under this section which does not cause serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, confinement in county jail for not less than 90 days nor more than 180 days, or both such fine and confinement.
  4. Any other offense under this section which causes serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$5,000, confinement in county jail for not less than 180 days nor more than one year, or both such fine and confinement.
  5. Any other offense under this section which causes the death of another is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, confinement in county jail for not less than one year nor more than two (2) years, or both such fine and confinement.
  6. Except when an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person convicted to perform community service, subject to the same conditions imposed on community service probationers by Subdivision (1), Subsection (e), and subsections (c), (d), (g), (h) of section 10A. Article 42.12 of the Texas Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu or a part of the time the person is sentenced to confinement in county jail.

#### Organization Hazing Offense

1. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
2. An offense under this section is a misdemeanor punishable by:
  - a. a fine of not less than \$5,000 nor more than \$10,000, or
  - b. if a court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount loss or expenses incurred because of such injury, damage, or loss.

#### Immunity from Prosecution or Civil Liability Available

In a criminal or civil hazing, case, the court may grant immunity from prosecution for the offense to each person who is subpoenaed and testifies for the prosecution and does testify for the prosecution. Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution is immune from liability, civil, or criminal charges that might otherwise be incurred or imposed as a result of the reported hazing incident. Eligibility for immunity requires the person report the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident, and cooperate in good faith throughout the institution's process regarding the incident. Immunity extends to participation in



any judicial proceeding resulting from the report. A person is not immune if the person reports the person's own act of hazing or reports an incident of hazing in bad faith or with malice.

#### Offenses in Addition to Other Penal Provisions

This subchapter does not affect or repeal any penal law of this state. Nothing in this subchapter shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

#### Reporting by Medical Authorities

Treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials. The doctor or medical practitioner so reporting shall be immune from civil suit or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

### **Section 11: Title IX Sexual Misconduct Policy and Procedures**

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from Title IX Sexual Misconduct of any kind. Any student who is the victim of sexual misconduct should contact the Title IX Office or file an electronic report, which can be accessed on the MSU homepage or the MSU Safety app.

This section provides information regarding the University's prevention and education efforts related to Title IX Sexual Misconduct, as defined in Section 1.q, below. This policy, in conjunction with MSU Operating Policy 16.02 and Texas Tech University System Regulation 07.06.A, provides students and employees with their rights and options and also explains how the University will proceed once it has Actual Knowledge, as defined in Section 1.a, below, of allegations of prohibited Title IX Sexual Misconduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

The University will take reasonable steps to respond to complaints of Title IX Sexual Misconduct and to restore or preserve equal access to the University's Education Programs or Activities, as appropriate. All investigations and procedures will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted under this regulation are not criminal investigations. For all complaints under this regulation, 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 applicable law and University policies. Members of the University Community who violate this regulation and related laws may be subject to disciplinary action or sanctions as provided in Section 9 of this regulation, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with controlling applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.

For complaints relating to any form of sexual misconduct other than Title IX Sexual Misconduct (as defined in Section 1.g, below), please see Section 12: Non-Title IX Sexual Misconduct. For complaints relating to any form of discrimination not covered by this Section 11: Title IX Sexual Misconduct or Section 12: Non-Title IX Sexual Misconduct, or for acts of gender or sex discrimination, that are not sexual in nature and do not constitute Title IX Sexual Misconduct as defined in this policy or Sexual Misconduct as defined in Section 12: Non-Title IX Sexual Misconduct, please see Section 9: Bias Incident Policy. The University reserves sole discretion to consolidate complaints arising out of the same facts or circumstances, involving more than one Complainant or more than one Respondent, or that amount to counter-complaints by one party against the other. Additionally, if at any time during a Title IX Sexual Misconduct Grievance Process it is determined that the alleged conduct does not constitute Title IX Sexual Misconduct, the University may proceed under System Regulation 07.06.B or any other applicable policy and procedure.

#### 1. Definitions

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If an individual would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.

- a. Actual Knowledge. Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or Deputy Coordinator.
- b. Complainant. An individual, who must be participating or attempting to participate in the University's Education Program or Activity, who is alleged to be the victim of conduct that could constitute Title IX Sexual Misconduct.
- c. Consent. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) 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.
- d. Education Program or Activity. Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- e. Employee. An individual 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 furtherance of the University's interest.
- f. Formal Complaint. Document filed by a Complainant or signed by the University's Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation(s) of Title IX Sexual Misconduct. Provided, however, where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this policy.
- g. Grievance Process. The process of addressing Formal Complaints of Title IX Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent. The Grievance Process is described in Section 5 of this policy.
- h. Hearing Panel. A four-member panel that will be the decision-maker and render a determination regarding responsibility, in accordance with the procedures set forth in Attachment 2 to this policy.

- i. 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, an individual being asleep or unconscious, or because of an intellectual or other disability.
  - j. Informal Resolution. An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties. The Informal Resolution process is described in Section 5.k of this policy.
  - k. Investigative Report. A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.
  - l. Investigator. A trained University staff member whose role is to conduct a thorough, reliable, and equitable investigation and compile the information gathered into an Investigative Report.
  - m. Reporting Party. An individual or entity (in the case of the University), other than the Complainant, who reports an alleged violation of this policy.
  - n. Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct.
  - o. Responsible Employee. All Employees, except as provided in Section 7.e, below, are Responsible Employees who must report allegations of Title IX Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 7, below.
  - p. Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. See Section 4, below.
  - g. Title IX Sexual Misconduct. Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
    - i. Quid Pro Quo. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
    - ii. Severe, Pervasive, and Objectively Offensive Conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity. Without limiting the foregoing, the following types of conduct are deemed to meet this severe, pervasive, and objectively offensive standard:
      1. "Sexual Assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v);
      2. "Dating Violence" as defined in 34 U.S.C. § 12291(a)(10);
      3. "Domestic Violence" as defined in 34 U.S.C. § 12291(a)(8); or
      4. "Stalking" as defined in 34 U.S.C. § 12291(a)(30).
  - r. University Community. All University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.
2. Contact Information for University Title IX Coordinator and the System Office of Equal Opportunity University Title IX Coordinators (Students). Each University in the Texas Tech University System has a Title IX Coordinator who oversees the University's compliance with Title IX. Students seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the appropriate University Title IX Coordinator:

<u>TITLE IX COORDINATOR EMAIL &amp; PHONE</u>	<u>OFFICE ADDRESS</u>	<u>TITLE IX WEBSITE &amp; REPORTING LINK</u>
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<b><u>Midwestern State University</u></b>	Vinson Health Center	<u>Title IX Website:</u>
<u>Laura Hetrick</u>	Room H-136	<a href="https://msutexas.edu/titleix/">https://msutexas.edu/titleix/</a>
<u>940.397.4213</u>	<u>3410 Taft Blvd.</u>	
<u>laura.hetrick@msutexas.edu</u>	<u>Wichita Falls, TX 76308</u>	<u>Reporting Link:</u>
		<a href="https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6">https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6</a>

~~— System Office of Equal Opportunity (Employees). Each University has designated a Deputy Title IX Coordinator in the System Office of Equal Opportunity to oversee the University's compliance with Title IX relating to employees. Employees seeking information regarding Title IX, to report sexual misconduct, or to file a Formal Complaint of Title IX Sexual Misconduct, should contact the Deputy Title IX Coordinator for Employees in the System Office of Equal Opportunity:~~

<b><u>DEPUTY COORDINATOR EMAIL &amp; PHONE</u></b>	<b><u>OFFICE ADDRESS</u></b>	<b><u>WEBSITE &amp; REPORTING LINK</u></b>
<b><u>Texas Tech University</u></b> <b><u>System:</u></b> <u>Dawn R.</u> <u>Payne</u> <u>806.742.3627</u> <b>Error! Hyperlink reference not valid.</b>  <u>Deputy Title IX Coordinator for Employees (all Universities and System Administration)</u>	<u>Office of Equal Opportunity</u> <u>System Administration</u> <u>Building 1508 Knoxville Ave.</u> <u>Suite 309</u> <u>Lubbock, TX 79409</u>	<u>Office of Equal Opportunity</u> <u>Website:</u> <b>Error! Hyperlink reference not valid.</b>  <u>Reporting Link:</u> <b>Error! Hyperlink reference not valid.</b>

3. Reporting Title IX Sexual Misconduct

- a. Generally. Any individual may inquire or make a report or complaint of sexual misconduct of any kind. Contact information for these offices is set forth in Section 2, above. For inquiries, reports, or complaints regarding students, individuals are encouraged to contact the University's Title IX Coordinator. For students making inquiries, reports, or complaints regarding Employees, individuals are encouraged to contact the System Office of Equal Opportunity and the Office of Title IX.
- b. How to Submit a Report. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth above in Section 2, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address listed above. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating this policy.
- c. After Submitting a Report. After receiving an inquiry or report, the Title IX Coordinator or System Office of Equal Opportunity will respond or address the report of sexual misconduct. Supportive Measures will be provided as necessary, as described in Section 4 below, and the Complainant will have an opportunity to file a Formal Complaint.



- d. Employee Obligation to Report. University Employees (including student Employees) that, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the Employee reasonably believes constitutes sexual misconduct must promptly report such incident and information to the University Title IX Coordinator or System Office of Equal Opportunity in accordance with Texas law. This mandatory reporting obligation is further described in Section 7, below.
- e. Reporting by Students and Third Parties Encouraged. Students and third parties are strongly encouraged to promptly report any incidents of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to the University Title IX Coordinator or System Office of Equal Opportunity.
- f. Separate Reporting to Law Enforcement Agencies. All students, Employees, and third parties may also report incidents of sexual misconduct to law enforcement, including University and local police. Complainants may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator or the System Office of Equal Opportunity in contacting these authorities if the individual wishes. Complainants may also decline to notify law enforcement of incidents of sexual misconduct.
- g. Victims Encouraged to Seek Medical Care. An individual who experiences 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 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.
- h. Preservation of Evidence. 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.
- i. Good Faith Actors. The University may not discipline or otherwise discriminate against an student who in good faith: (i) makes a report as required under this policy or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this policy. Further, if a student enrolled at the University makes a report or Formal Complaint of Title IX Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's student conduct policy occurring at or near the time of the incident in accordance with the amnesty provisions set forth in the University's Student Handbook or similar policy. This subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this policy.
- j. Non-Disclosure of Private Information to Medical Providers. Absent consent from the Complainant, 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 Complainants 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 policy under which they maintain their licensure.

- k. Request of Complainant Not to Investigate. If the Complainant of an alleged incident of "Sexual Harassment," "Sexual Assault," "Dating Violence," or "Stalking," as such terms are defined in Section 12: Non-Title IX Sexual Misconduct, reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complainant whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:
- i. The seriousness of the alleged incident;
  - ii. Whether the University has received other reports of "Sexual Harassment", "Sexual Assault", "Dating Violence", or "Stalking", as such terms are defined in Section 12: Non-Title IX Sexual Misconduct, committed by the alleged perpetrator or perpetrators;
  - iii. Whether the alleged incident poses a risk of harm to others;
  - iv. Whether the allegations involved violence, use of weapons, or other similar factors; and
  - v. Any other factors the University determines relevant.

If the University decides not to investigate an alleged incident described in this subsection based on the Complainant's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

- i. Deadline for Reporting. There is no deadline for reporting incidents of sexual misconduct. However, to promote prompt and equitable review, the University encourages individuals with reports of sexual misconduct to come forward as soon as possible. Delays in reporting limit the ability to respond to sexual misconduct, collect evidence, and take effective action against persons accused of violating this policy.

#### 4. Supportive Measures

- a. Provided by University. The University will offer Supportive Measures to the parties in order to maintain an environment free from harassment, discrimination, or retaliation; protect the safety and well-being of the parties and the University Community; or restore or preserve equal access to the University's Education Program or Activity. These Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a Formal Complaint of Title IX Sexual Misconduct.
- b. Available Measures. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.
- c. Confidentiality. The University will maintain the confidentiality of any Supportive Measures provided to the parties to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.
- d. Implementation. The Title IX Coordinator or System Office of Equal Opportunity is responsible for coordinating the effective implementation of any remedies, including Supportive Measures, and must consider a Complainant's wishes with respect to Supportive Measures.

5. Grievance Process for Title IX Sexual Misconduct

a. Formal Complaint Required to Initiate Grievance Process. The Grievance Process begins upon the filing of a written Formal Complaint.

i. How to File a Formal Complaint. Individuals seeking to file a Formal Complaint should begin by reporting the alleged sexual misconduct (as described in Section 3.a and 3.b, above) or by contacting the University Title IX Coordinator or System Office of Equal Opportunity (as described in Section 2, above). Upon receiving such report, or when the University has Actual Knowledge of alleged Title IX Sexual Misconduct, the Title IX Coordinator or System Office of Equal Opportunity will promptly contact the Complainant to: (1) discuss the availability of Supportive Measures (as described in Section 4, above), which are available with or without the filing of a Formal Complaint, and (2) explain to the Complainant the process of filing a Formal Complaint.

ii. Requirement for Filing. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's Education Program or Activity. The University Title IX Coordinator or System Office of Equal Opportunity will assess whether this requirement is satisfied and assist Complainant in determining whether this Title IX Sexual Misconduct policy, or another policy and complaint procedure applies to the alleged conduct.

iii. University Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, the University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive Measures for both parties, (4) evaluate the need for Emergency Removal, and (5) initiate the Grievance Process.

iv. Initial Review of Formal Complaint.

1. Mandatory Dismissal. The University shall dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX Sexual Misconduct, as defined, even if proven; (b) the Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or (c) the Title IX Sexual Misconduct did not occur against a person in the United States.

2. Permissive Dismissal. The University may dismiss a Formal Complaint in the following situations: (a) the Complainant notifies the Title IX Coordinator or System Office of Equal Opportunity in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (b) the Respondent is no longer enrolled in or employed by the University; or (c) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.

3. Application of Other Policies Upon Dismissal of Formal Complaint. This policy applies exclusively to Title IX Sexual Misconduct, as defined in Section 1.q, above. Any other form of sexual misconduct is governed by Section 12: Non-Title IX Sexual Misconduct. Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including but not limited to those in System Regulation 07.06B Non-Title IX Sexual Misconduct and the applicable Student Handbook or other faculty, staff, or employee policies.

4. Written Notice of Dismissal. If the University dismisses a Formal Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties.

5. Appeal of Dismissal Decision. Any party can appeal the dismissal decision in the manner provided in Section 5.i, below.

b. General Requirements of the Grievance Process.

i. Equitable Treatment of Parties. The University shall treat Complainants and Respondents equitably by: (1) offering Supportive Measures, (2) providing remedies to a Complainant where a determination regarding responsibility for Title IX Sexual Misconduct has been made against the Respondent, (3) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

ii. No Conflicts of Interest. The Grievance Process requires the Title IX Coordinator, Investigator, Hearing Panel members, appeal officers, and facilitators of an Informal Resolution process be free of conflicts of interest or bias against a party.

iii. Presumption of Non-Responsibility; Standard of Evidence. There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.

iv. Objectivity. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory.

v. Privileged Information. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the University has obtained that party's voluntary, written consent to do so for the Grievance Process under this policy. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

c. Timeframe. The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of 90 business days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds one hundred twenty (120) business days, shall be reviewed by the University, and justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by the University will be provided an update on the progress of the Grievance Process after the review.



d. Notices. University will provide notices as required, including but not limited to:

Initial Notice to Parties. The University shall provide written notice to Complainant and Respondent upon receipt of a Formal Complaint with sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Misconduct, and the date and location of the alleged incident, if known. Such notice shall also include notice of the following: (1) this Grievance Process, including the University's Informal Resolution process; (2) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process; (3) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) that the parties may inspect and review evidence; and (5) any applicable provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.

Supplemental Notice to Parties. If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.

Notice to All Parties of Hearings, Interviews, or Meetings. The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Written Notice Via University Email. Any person entitled to written notice under this policy will receive such notice to their University email address. In the event a person is entitled to notice who does not have a University email address, written notice will instead be provided to an email address provided by such person.

e. Emergency Removal.

The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists.

The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the University's Title IX Coordinator or the System Office of Equal Opportunity immediately following the emergency removal.

f. Prehearing Investigation. The University shall investigate allegations made in a Formal Complaint in accordance with this Grievance Process.

i. Gather Evidence.

1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall be on the University and not on the parties.
2. The University, Complainant, Respondent, Title IX Coordinator, Investigator, Hearing Panel members, or facilitators of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process.

under this policy. Such privileged documents include, among other things, documents that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

3. The University shall provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.
4. The University shall not restrict either party from discussing the allegations or from gathering evidence.

ii. *Inspection and Review of Relevant Evidence.*

1. Prior to the completion of an Investigative Report, the University shall provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Formal Complaint.
2. The University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
3. The parties shall have at least ten (10) days to submit a written response, which the Investigator will consider prior to the completion of an Investigative Report.

iii. *Investigative Report.* Upon completion of the investigation, the University shall create an Investigative Report that fairly summarizes the relevant evidence. The University shall send to each party and the party's advisor, if any, the Investigative Report in an electronic format or hard copy, for their review and written response, at least ten (10) days prior to the hearing, if a hearing is required under this policy or otherwise provided.

g. *Hearing.* If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint shall proceed to a live hearing. The hearing will be conducted in accordance with the procedure set forth in Attachment 1.

h. *Written Determination Regarding Responsibility.*

- i. After a hearing, the Hearing Panel will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination regarding responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this policy and information on how to file such appeal.
- ii. The University will provide the written determination to the parties simultaneously. The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.

- i. Impact Statements. After a determination regarding responsibility, and before a decision regarding sanctions, the Hearing Panel may request, and the parties may provide, impact statements for consideration.
- j. Appeal.
  - i. Grounds for Appeal. The parties may appeal a determination regarding responsibility or the University's dismissal of a Formal Complaint or any allegations therein on the following grounds:
    1. A procedural irregularity that affected the outcome of the matter;
    2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
    3. The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
    4. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
  - ii. Process for Appeal.
    1. Filing by Appealing Party. The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.
    2. Response of Non-Appealing Party. Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.
    3. Appeal Officer. The University will designate a decision-maker for the appeal (the "appeal officer"). The appeal officer shall not be the same person as any of the Hearing Panel members that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.
    4. Response of Hearing Panel. The appeal officer may submit the written appeal and non-appealing party's response to the Hearing Panel, and the Hearing Panel may submit its response in support of the appeal or original decision to the appeal officer.
    5. Review of Appeal. The 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 these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.
    6. Written Decision and Notice. Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.

k. Informal Resolution Process.

i. The Informal Resolution Process presents an alternative to the Grievance Process.

After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process (which may include, but is not limited to, a mediation process). At any time prior to reaching a determination regarding responsibility, the University may begin the Informal Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process will not be offered to resolve allegations that a University Employee engaged in conduct against a student that would constitute Title IX Sexual Misconduct.

ii. The University will not require any person to participate in the Informal Resolution Process and will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.

6. Sanctions and Remedies

a. Potential Ranges of Sanctions. The ranges of possible disciplinary sanctions and remedies following a determination regarding responsibility under the Grievance Process are set forth in this Section. The ranges and examples set forth here do not reflect the probability that any particular outcome will occur.

b. Sanctions and Remedies Against Students. Possible sanctions or remedies that may be imposed on student Respondents can include, but are not limited to: disciplinary reprimand; educational training; scheduling adjustment; housing reassignment; disciplinary probation; withholding of grades, official transcript, and/or degree; bar against readmission, bar against enrollment, and/or withdrawal from the University; suspension of privileges, including but not limited to participation in athletic or extracurricular activities; denial or revocation of degree; time-limited disciplinary suspension; disciplinary expulsion; or any other sanctions or remedies as deemed appropriate by the University given the circumstances.

7. Mandatory Reporting by Employees

a. Mandated by Texas Law. This Section addresses mandatory Employee reporting of Title IX Sexual Misconduct as required by Texas law. A report made under this Section does not constitute a Formal Complaint, which is required by federal regulation to initiate a Title IX Sexual Misconduct Grievance Process.

b. Employees Required to Report Sexual Misconduct. Texas law requires Employees to report certain types of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to appropriate University personnel. All 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 either Title IX Sexual Misconduct, or "Sexual Misconduct" as defined in System Regulation 07.06.B, and is alleged to have been committed by or against an individual who was a student enrolled at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, or the System Office of Equal Opportunity (OEO). Failure to report "Sexual Harassment," "Sexual Assault," "Dating Violence," or "Stalking," as such terms are defined in System Regulation 07.06.B, is a violation of state law that shall result in termination of employment and may result in criminal penalties. In addition, a knowingly false report under this policy made with the intent to harm or deceive is also a



violation of Texas law that shall result in termination of employment and may result in criminal penalties.

- c. Contents of Report. Except as provided by Section 7.d, below, the report required by Subsection 7.b must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party must also state whether the Complainant has expressed a desire for confidentiality.
- d. Contents of Report by Employee with Confidential Relationship. An Employee designated by the University as an individual with whom University students may speak confidentially concerning sexual misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this policy, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the Employee's duty to report an incident under any other law.
- e. Limited Exception to Mandatory Employee Reporting. Notwithstanding Section 3.b, above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of sexual misconduct, including but not limited to Title IX Sexual Misconduct; or (ii) an incident of which the Employee received information due to a disclosure made at a sexual misconduct public awareness event sponsored by or affiliated with the University.
- f. How to Submit a Report. Employees may fulfill their reporting obligations by submitting a report through the applicable University's electronic reporting form, available at links set forth in

#### 8. Non-Retaliation

- a. Non-Retaliation. Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation or participates or refuses to participate in any manner in an investigation, proceeding, hearing, or other 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, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. In addition, charges against an individual for University code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this policy.
- b. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution 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.
- c. 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 the University premises and events.
- d. False Information. An individual found to have knowingly and in bad faith provided materially false information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination regarding responsibility alone is not sufficient to conclude that any party or witness made a materially false statement in bad faith.

## 9. Confidentiality

- a. The protections provided by this Section apply to:
  - i. Complainant;
  - ii. Reporting Party;
  - iii. An individual who sought guidance from the University concerning an incident;
  - iv. An individual who participated in the University's investigation of an incident; or
  - v. Respondent, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
- b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
  - i. Is confidential and not subject to disclosure under Chapter 552, Government Code; and
  - ii. May be disclosed by the University or University Employees 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) Texas Tech University System or University Employees for purposes of complying with applicable law, including for preparation and reconciliation of statistical reporting required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended; (3) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (4) a health care provider in an emergency, as determined necessary by the University; (5) the Respondent, to the extent required by other law or regulation; and (6) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.
- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of Supportive Measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.
- d. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by the University. All Complaining Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, 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. Cooperation and Non-Interference with the Grievance Process

*Non-Interference.* Any individual who knowingly and intentionally interferes with a Grievance Process conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to: (i) attempting to coerce, compel, influence, control, or prevent an individual's participation in an investigation or Grievance Process; (ii) removing, destroying, or altering documentation relevant to the investigation; or (iii) encouraging others provide false or misleading information.

## 11. Training and Education

- a. The University'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 required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) 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, the University Employees and administrators responsible for implementing this policy, including the University Title IX Coordinators, Title IX Deputy Coordinators, System Office of Equal Opportunity employees, Investigators, Hearing Panel members, and appeal officers, receive training about offenses, investigatory procedures, due process requirements, impartiality, conflicts of interest, informal resolution processes, and University policies related to or described in this policy.

- b. Notwithstanding the foregoing, Title IX Coordinators, Investigators, Hearing Panel members, and facilitators of an Informal Resolution process shall receive adequate and unbiased training on:
  - i. The application of this Title IX Sexual Misconduct policy, and; ~~The Title IX Sexual Misconduct investigation, including any determination regarding responsibility, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant;~~
  - ii. The Grievance Process, including, where appropriate, how to conduct hearings, the use of technology, and how to make relevancy determinations. ~~Any appeal and the result therefrom;~~
    - Informal Resolution, if any; and
    - All materials used to train Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process with regard to Title IX Sexual Misconduct.
- c. All materials used to train University Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process are publicly available on the University's Title IX websites set forth in Section 2, above.

## 12. Recordkeeping

- a. The University will create, make available to the Complainant and Respondent, and maintain for a period of at least seven (7) years from the date of creation of the last record pertaining to the case, the following records:
  - i. The Title IX Sexual Misconduct investigation, including any determination regarding responsibility, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant;
  - ii. Any appeal and the result therefrom;
  - iii. Informal Resolution, if any; and
  - iv. All materials used to train Title IX Coordinators, Investigators, Hearing Panel members, and any person who facilitates an informal resolution process with regard to Title IX Sexual Misconduct.
- b. The University will also create and maintain for a period of seven (7) years records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Title IX Sexual Misconduct. In each instance, the University will document the basis for its conclusion that its response was not clearly unreasonable, and document that it has taken measures designed to restore or preserve access to the University's Education Program or Activity.

~~— Websites and Other Resources~~

~~— University and System Title IX Websites. The University and System Office of Equal Opportunity maintain websites, set forth above in Section 2, that provide relevant information about this policy as implemented at the University, including resources, supportive measures, local support services, and illustrative examples of definitions contained herein.~~

~~— Additional Resources. In addition to the websites set forth in Section 2, the following additional online resources are available to members of the University Community:~~



Midwestern State University  
Section 11: Title IX Sexual Misconduct  
Attachment 1

1. General Requirements

- a. *Hearing.* A live hearing may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, the live hearing may occur with the parties located in separate rooms; however, technology enabling the Hearing Panel, Hearing Officer, parties, and witnesses to simultaneously see and hear the party or the witness answering questions must be used.
- b. *Hearing Panel.* The University will appoint a four-member Hearing Panel ("Hearing Panel"). The Title IX Hearing Officer will be one of the four members of the Hearing Panel and will serve as the Hearing Panel's chair. The Hearing Panel will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the hearing. The determination regarding responsibility will be made by a majority vote of the Hearing Panel. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory.
- c. *Title IX Hearing Officer.* The University will appoint an independent Title IX Hearing Officer to oversee and conduct the hearing and chair the Hearing Panel ("Hearing Officer"). When the independent Hearing Officer is a licensed attorney, the Hearing Officer will provide confidential legal advice to the Hearing Panel when the panel is deliberating the determination regarding responsibility and drafting the written determination regarding responsibility.
- d. *Parties and Witnesses at Hearing.* All parties, witnesses, and other participants in a hearing must be physically or virtually present in a manner where all participants can simultaneously see and hear each other.
- e. *Advisors.* Each Complainant and Respondent shall have an advisor present at the hearing, and each is entitled to select an advisor of their choice. Each party must inform the University at least ten (10) days prior to the hearing whether the party intends to select and bring an advisor of their choice to the hearing. If a Complainant or Respondent does not have an advisor of their choice present at the hearing, the University will provide without fee or charge to that party, an advisor of the University's choice. The advisor may be, but is not required to be, an attorney; provided, all advisors appointed or provided by the University shall act only in a capacity as an advisor for the Title IX Grievance Process and not in a capacity as legal counsel for any party. The advisors' only permissible roles at the hearing are to advise the party and to conduct cross-examination on behalf of that party.
- f. *Rules of Order and Decorum.* The University will adopt rules of order and decorum provided for and enforced by the Hearing Officer. Such rules will include, without limitation, time limits, hearing order, and requirements that participants not badger a witness, and repetition of the same question may be deemed irrelevant by the Hearing Officer; no party be asked questions in an abusive or intimidating manner; and questioning shall be relevant, respectful, and non-abusive.

## 2. Hearing Procedure

- a. *Title IX Hearing Officer to Direct Hearing.* The Hearing Officer will set the Rules of Order and Decorum and agenda for the hearing and will direct and oversee the hearing in accordance with this regulation and the Rules of Order and Decorum. The hearing shall be no more than four (4) hours in length, unless the Hearing Officer determines that exceptional circumstances exist justifying a longer hearing.
- b. *Record of Hearing.* The University will create a record of the live hearing and make it available to the parties for inspection and review upon request. The Hearing Panel's deliberations are not part of the live hearing and therefore will not be part of the record.
- c. *Evidence Not Included in the Investigative Report.* Only evidence (including but not limited to documents, media, witnesses, and other tangible evidence) provided by the parties to the Investigator during the pre-hearing investigation, and/or identified or included in the Investigative Report may be presented, introduced, or used at the hearing. Any new evidence identified after completion of the Investigative Report that a party intends to present, introduce, or use at the hearing must be provided to the Title IX Coordinator at least five (5) days prior to the hearing and to the other party at least three (3) days prior to the hearing. Failure to comply with this provision will result in the new evidence being excluded from consideration during the hearing and decision-making process.
- d. *Opening and Closing Statements.* At the direction of the Hearing Officer, Complainants and Respondents will have an opportunity to offer their own opening and closing statements, subject to time limits set by the Hearing Officer.
- e. *Presentation of Evidence.* Each party will have an opportunity to introduce evidence to the Hearing Panel.
  - i. *Rules of Evidence; Relevance.* The Hearing Officer will be responsible for making determinations regarding evidence, including relevance. Information that will be deemed not relevant includes, without limitation, information protected by a legal recognized privilege; questions or evidence about Complainant's sexual predisposition or prior sexual behavior (unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent); and any party's medical, psychological, and similar records (unless the party has given voluntary written consent).
- f. *Examination of Witnesses*
  - i. *Direct Examination.* Direct examination may be conducted by the Hearing Officer or the Hearing Panel.
  - ii. *Cross-Examination.* All cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness. Before a participant answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Any student who is the victim of sexual misconduct should contact the Title IX Office or file an electronic report, which can be accessed on the MSU homepage or the MSU Safety app.

1. ~~Applicability~~

- a. ~~This policy applies exclusively to Title IX Sexual Misconduct (as defined in Section 4.p, below), where:~~
  - i. ~~Respondent has an enrollment relationship with the University, and~~
  - ii. ~~The conduct allegedly occurred in an Education Program or Activity (as defined in Section 4.d, below).~~
- b. ~~Any other form of sexual misconduct is governed by Section 12: Non-Title IX Sexual Misconduct Policy and Procedures. Attachment 1 to this policy visually depicts the applicability of Section 11: Title IX Sexual Misconduct Policy and Section 12: Non-Title IX Sexual Misconduct Policy and Procedures and summarizes their differing procedures. In the event of any conflict between the attachment and these policies, the text of the policies shall control.~~

2. ~~Purpose~~

- a. ~~This policy provides information regarding Midwestern State University's (referred to herein as "University") prevention and education efforts related to Title IX Sexual Misconduct, as defined in Section 4.p, below. This policy provides students with their rights and options and also explains how the University will proceed once it has Actual Knowledge, as defined in Section 4.a, below, of allegations of prohibited Title IX Sexual Misconduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.~~

3. ~~Policy~~

- a. ~~The University is committed to providing and strengthening an educational, working, and living environment where students are free from Title IX Sexual Misconduct of any kind.~~
- b. ~~The University will take all reasonable steps to respond to and prevent recurrence of any Title IX Sexual Misconduct and restore and preserve access to the Complainant and others, if appropriate.~~
- c. ~~All investigations and procedures will be conducted in a reasonably prompt timeframe and in an 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.~~
- d. ~~The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this policy and related laws may be subject to disciplinary action or sanctions as provided in Section 11 of this policy, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.~~
- e. ~~For complaints relating to any form of sexual misconduct other than Title IX Sexual Misconduct (as defined in Section 4.p, below), please see Section 12: Non-Title IX Sexual Misconduct Policy and Procedures. For complaints relating to any form of discrimination not covered by Section 11: Title IX~~

~~Sexual Misconduct Policy or Section 12: Non-Title IX Sexual Misconduct Policy and Procedures, or for acts of gender/sex discrimination that are not sexual in nature and do not constitute Title IX Sexual Misconduct as defined in this policy or Sexual Misconduct as defined in Section 12: Non-Title IX Sexual Misconduct Policy and Procedures, please see MSU Policy 4.131 (Equal Opportunity and Affirmative Action Statement) and MSU Policy 4.171 (Racial Harassment Policy). The University reserves sole discretion to consolidate complaints arising out of the same facts or circumstances, involve more than one complainant or more than one respondent, or amount to counter-complaints by one party against the other. Additionally, if at any time during a Title IX Sexual Misconduct Grievance Process it is determined that the alleged conduct does not constitute Title IX Sexual Misconduct, the University may proceed under Section 12: Non-Title IX Sexual Misconduct Policy and Procedures or any other applicable policy and procedure.~~

#### ~~4. Definitions~~

~~For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If an individual would like to file criminal charges for any alleged violations of criminal law, the definitions as set forth in state law may apply.~~

- ~~a. Actual Knowledge. Notice of Title IX Sexual Misconduct or allegations thereof to the University's Title IX Coordinator or any University official with the authority to institute corrective measures on the University's behalf.~~
- ~~b. Complainant. An individual, who must be participating or attempting to participate in the University's Education Program or Activity, who is alleged to be the victim of conduct that could constitute Title IX Sexual Misconduct. Without limiting the foregoing, generally, the Complainant is an individual who was allegedly subjected to a violation of this policy.~~
- ~~c. Consent. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) 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.~~
- ~~d. Education Program or Activity. Includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct allegedly occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.~~
- ~~e. Employee. An individual 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 furtherance of the University's interest.~~
- ~~f. Formal Complaint. Document filed<sup>1</sup> by a Complainant or signed by the University's Title IX Coordinator alleging Title IX Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Title IX Sexual Misconduct.~~
- ~~g. Grievance Process. The process of addressing Formal Complaints of Title IX Sexual Misconduct before the imposition of any disciplinary or other actions against a Respondent. The Grievance Process is described in Section 10 of this policy.~~

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~~<sup>1</sup> A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or by any additional method designated by the University. Contact information for University Title IX Coordinators is set forth in Section 5 of this policy.~~



- h. 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, an individual being asleep or unconscious, or because of an intellectual or other disability.
- i. Informal Resolution. An alternative to the Grievance Process that may be offered and facilitated by the University following the filing of a Formal Complaint and upon the voluntary, written consent of the parties. The Informal Resolution Process is described in Section 10.h of this policy.
- j. Investigative Report. A report that summarizes the relevant evidence based upon the completion of a prehearing investigation conducted under the Grievance Process.
- k. Reporting Party. An individual or entity (in the case of the University), other than the Complainant, who reports an alleged violation of this policy.
- l. Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Misconduct. Without modifying the foregoing, generally, the Respondent is the individual that is alleged to be responsible for the prohibited conduct alleged in a complaint.
- m. Responsible Employee. All Employees, except as provided in Section 6 below, are Responsible Employees who must report allegations of Title IX Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 6, below.
- n. Student. All persons who have accepted admission to, enrolled at, are taking courses at, and/or have a continuing relationship with the university, including those who attend full or part time at the undergraduate, graduate, or non-matriculated level.
- o. Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.
- p. Title IX Sexual Misconduct. Conduct that allegedly occurred against a person in the United States, in University's Education Program or Activity, on the basis of sex, and that satisfies one or more of the following:
  - i. Quid Pro Quo. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
  - ii. Severe, Pervasive, and Objectively Offensive Conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. Without limiting the foregoing, the following types of conduct are deemed to meet this severe, pervasive, and objectively offensive standard:

1. "Sexual Assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v);<sup>2</sup>

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<sup>2</sup>-Sexual Assault. 20 U.S.C. 1092(f)(6)(A)(v) currently defines Sexual Assault as "an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI)" (20 U.S.C. 1092(f)(6)(A)(v)), which is presently described by the FBI's Uniform Crime Reporting Program (UCR) National Incident Based Reporting System (NIBRS) to include Forcible Sex Offense. Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- i. Rape (Except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2. ~~“Dating Violence” as defined in 34 U.S.C. 12291(a)(10);<sup>3</sup>~~

3. ~~“Domestic Violence” as defined in 34 U.S.C. 12291(a)(8);<sup>4</sup> or~~

4. ~~“Stalking” as defined in 34 U.S.C. 12291(a)(30).<sup>5</sup>~~

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

5. ~~University Title IX Coordinators and the Midwestern State University Office of Equal Opportunity (OEO)~~

a. ~~By or Between Students. The University has a Title IX Coordinator who oversees the University’s compliance with Title IX, including investigating complaints of Title IX Sexual Misconduct by or between students:~~

ii. ~~Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.~~

iii. ~~Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.~~

iv. ~~Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.~~

b. ~~Non-forcible Sex Offense. Unlawful, non-forcible sexual intercourse:~~

i. ~~Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.~~

ii. ~~Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.~~

<sup>3</sup>~~Dating Violence. 34 U.S.C. 12291(a)(10) currently provides “the term ‘Dating Violence’ means violence committed by a person~~

a. ~~Who is or has been in a social relationship of a romantic or intimate nature with the victim; and~~

b. ~~Where the existence of such a relationship shall be determined based on a consideration of the following factors:~~

i. ~~The length of the relationship.~~

ii. ~~The type of relationship.~~

iii. ~~The frequency of interaction between the persons involved in the relationship.”~~

<sup>4</sup>~~Domestic Violence. 34 U.S.C. 12291(a)(10) currently provides “the term ‘Domestic Violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 jurisdiction.”~~

<sup>5</sup>~~Stalking. 34 U.S.C. 12291(a)(10) currently provides “the term ‘Stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:~~

a. ~~Fear for his or her safety or the safety of others; or~~

b. ~~Suffer substantial emotional distress.”~~

CONTACT	PHONE	ADDRESS	EMAIL AND WEBSITE
Laura Hetrick Director of Title IX Compliance/ Title IX Coordinator	940.397.4213	Vinson Health Center Midwestern State University 3410 Taft Blvd., Suite H136 Wichita Falls, TX 76308	Error! Hyperlink reference not valid.  Error! Hyperlink reference not valid.
Kristi Schulte Deputy Title IX Coordinator for Students	940.397.4217	Sunwatcher Village 121 Midwestern State University 3410 Taft Blvd. Wichita Falls, TX 76308	Error! Hyperlink reference not valid.  Error! Hyperlink reference not valid.

b. ~~By or Between Employees.~~ The University Title IX Coordinator will investigate complaints of Title IX Sexual Misconduct by or between Employees of the University (provided, in certain instances, such complaints may be investigate in coordination with the University Title IX and human resources office):

CONTACT	PHONE	ADDRESS	EMAIL AND WEBSITE
Laura Hetrick Director of Title IX Compliance/ Title IX Coordinator	940.397.4213	Vinson Health Center Midwestern State University 3410 Taft Blvd., Suite H136 Wichita Falls, TX 76308	Error! Hyperlink reference not valid.  Error! Hyperlink reference not valid.
Dawn Fisher Deputy Title IX Coordinator for Employees	940.397.4224	Hardin Administration Building 210 Midwestern State University 3410 Taft Blvd. Wichita Falls, TX 76308	Error! Hyperlink reference not valid.-Error! Hyperlink reference not valid.

## 6. Reporting Sexual Misconduct

- a. ~~Distinction between Reports and Formal Complaints.~~ This Section addresses employee reporting of the Title IX Sexual Misconduct as required by Texas law. A report made under this Section does not constitute a Formal Complaint, which is required by federal regulation to initiate a Title IX Sexual Misconduct Grievance Process. Formal Complaints by or against students should be made in accordance with Section 7 of this policy. Formal Complaints regarding Employees (including student employees) should be made in accordance with Section 8 of this policy. The Grievance Process is described in Section 10 of this policy.
- b. ~~Mandatory Reporting to University by Employees.~~ Texas law requires Employees to report certain types of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to appropriate University personnel. All 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 either Title IX Sexual Misconduct or "Sexual Misconduct" (as defined in Section 12: Non-Title IX Sexual Misconduct Policy and Procedures) and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of

the University at the time of the incident shall promptly report the "Dating Violence", or Stalking", as such terms are defined in Section 12: Non-Title IX Sexual Misconduct Policy and Procedures, is a violation of state law that shall result in termination of employment and may result in criminal penalties.

- c. ~~Contents of Report. Except as provided by Section 6.d below, the report required by Subsection 6.a must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.~~
- d. ~~Contents of Report by Employee with Confidential Relationship. An Employee designated by the University as an individual with whom University students may speak confidentially concerning sexual misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this regulation, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the Employee's duty to report an incident under any other law. The following classifications of individuals are Confidential Employees under this University policy: (1) Licensed Professional Counselors who are licensed with the State of Texas whose official University responsibilities include providing mental health counseling to members of the campus community; (2) Registered Nurses/Doctors/Family Nurse Practitioners who are registered with the State of Texas and whose official University responsibilities include providing health services to members of the campus community; and (3) University employees who are also licensed or credentialed Pastors should take care to ensure students and others disclose to them while in their official church role, as disclosures outside of this would constitute notice to the institution (employees are not confidential). If the Pastor employee also advises a student organization, then that employee may have additional responsibilities to report non-identifying aggregate data to the MSU Police Department regarding numerous other types of misconduct, if such misconduct is reported to have occurred on campus owned or controlled by MSU.~~

~~These definitions extend to teaching faculty when performing counseling, therapy, or health service roles in the Counseling Center, the Psychology Clinic, or the Vinson Health Center~~

- e. ~~Reporting by Students and Third Parties to University Encouraged. All students and third parties are strongly encouraged to promptly report any incidents of sexual misconduct, including but not limited to Title IX Sexual Misconduct, to the University Title IX Coordinator or a Title IX Deputy Coordinator.~~
- f. ~~Limited Exception to Mandatory Employee Reporting. Notwithstanding Section 6.a, above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of sexual misconduct, including to Title IX Sexual Misconduct; or (ii) an incident of which the individual received information due to disclosure made at a sexual misconduct public awareness event sponsored by or affiliated with the University.~~
- g. ~~Reporting to Law Enforcement Agencies. All students may also report incidents of Title IX Sexual Misconduct to law enforcement, including University and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator or Title IX Deputy Coordinator in contacting these authorities if the individual wishes. For a list of law enforcement agencies, please see Section 15.c of this regulation. Complaining Parties may also decline to notify law enforcement of incidents of sexual misconduct.~~



- h. ~~Victims Encouraged to Seek Medical Care. An individual who experiences 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 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.~~
  - i. ~~Preservation of Evidence. 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.~~
  - j. ~~Good Faith Actors. The University may not discipline or otherwise discriminate against an individual who in good faith: (i) makes a report as required under this regulation or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this regulation. This Subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this regulation.~~
  - k. ~~Non-Disclosure of Private Information to Medical Providers. Absent consent from the Complainant, 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.~~
  - l. ~~Request of Complainant to Not Investigate. If the Complainant of an alleged incident of "Sexual Harassment", "Sexual Assault", "Dating Violence", or "Stalking", as such terms are defined in Section 12: Non-Title IX Sexual Misconduct Policy and Procedures, reported to the University requests the University not to investigate the alleged incident, the University may investigate the alleged incident in the same manner that an anonymous complaint may be investigated. The University shall inform the Complainant whether the University will conduct an investigation. In determining whether to investigate the alleged incident, the University shall consider:~~
    - i. ~~The seriousness of the alleged incident;~~
    - ii. ~~Whether the University has received other reports of "Sexual Harassment", "Sexual Assault", "Dating Violence", or "Stalking", as such terms are defined in Section 12: Non-Title IX Sexual Misconduct Policy and Procedures, committed by the alleged perpetrator or perpetrators;~~
    - iii. ~~Whether the alleged incident poses a risk of harm to others;~~
    - iv. ~~Whether the allegations involved violence, use of weapons, or other similar factors; and~~
    - v. ~~Any other factors the University determines relevant.~~
- If the University decides not to investigate an alleged incident described in this subsection based on the Complainant's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.
- m. ~~How to Submit a Report. Please see below for a link to the University's electronic reporting form:~~

UNIVERSITY	ELECTRONIC REPORTING FORM
Midwestern State University	Error! Hyperlink reference not valid.

n. ~~False or Malicious Claims. An individual found to have knowingly submitted a false or malicious claim may be subject to disciplinary action.~~

7. ~~Complaints by or Against Students~~

a. ~~Purpose of Formal Complaint. A Formal Complaint is required to initiate a Title IX Sexual Misconduct Grievance Process. In addition to the requirements of this Section, see Section 10, Grievance Process.~~

b. ~~Types and Locations for Filing Formal Complaints.~~

i. ~~Student Complaint against a Student. If a student wishes to file a Formal Complaint of Title IX Sexual Misconduct by another student, the student should contact and file the Formal Complaint with the University's Title IX Coordinator or the Deputy Title IX Coordinator for Students (contact information set forth in Section 5.a of this policy).~~

ii. ~~Student Complaint against Employee. If a student wishes to file a Formal Complaint of Title IX Sexual Misconduct by a University Employee, the student should contact and file a Formal Complaint with the University's Title IX Coordinator or a Deputy Title IX Coordinator (contact information set forth in Section 5.a and b of this policy). Student complaints of Title IX Sexual Misconduct by an Employee may be investigated jointly by the University's Title IX Office and the Human Resources Office.~~

iii. ~~Student Employee Complaint against Employee. If a student Employee has a complaint of Title IX Sexual Misconduct against an Employee that occurred during the course and scope of student's employment with the University, the student should follow the procedure set forth for Employees in Section 8 of this policy.~~

iv. ~~Employee Complaint against Student. If an Employee has a complaint of Title IX Sexual Misconduct against a student, the Employee should contact and file a Formal Complaint with the University's Title IX Office and/or file an incident report form, found at the University's Title IX website (contact information and website are set forth in Section 5.a of this policy).~~

c. ~~Required Contents of Formal Complaint. A Formal Complaint must be in writing and be submitted to the office described in Section 7.b. The University may provide a specific form for Complainant to complete.~~

d. ~~Amnesty for Good Faith. If a student enrolled at the University makes a report or Formal Complaint of Title IX Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's applicable student conduct policy in accordance with the amnesty provisions set forth in the respective University's Student Handbook or similar policy.~~

e. ~~The Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.~~

f. ~~If a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated this policy and the University's code of conduct by committing Title IX Sexual Misconduct, the University:~~

i. ~~May dismiss the Formal Complaint and proceed under Section 12: Non-Title IX Sexual Misconduct Policy and Procedures, but pursuant to Texas law may not end the disciplinary process or issue a transcript to the student until the University makes a final determination regarding responsibility;~~

ii. ~~Shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a reasonably prompt resolution, which may include~~

~~dismissal of the Formal Complaint and process under Section 12: Non-Title IX Sexual Misconduct Policy and Procedures; and~~

- ~~iii.—On request by another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated this regulation and the University's code of conduct by committing Title IX Sexual Misconduct.~~

~~8.—Employee Complaint Procedures, Including Student Employees~~

- ~~a.—Purpose of Formal Complaint. A Formal Complaint is required to initiate a Title IX Sexual Misconduct Grievance Process. In addition to the requirements of this Section, see Section 10, Grievance Process.~~
- ~~b.—Type and Location for Filing a Formal Complaint. If an Employee wishes to file a Formal Complaint of Title IX Sexual Misconduct against another Employee, the Employee should contact and file the Formal Complaint with the Title IX Coordinator (contact information set forth in Section 5 of this policy).~~
- ~~c.—In addition, in complaints of Title IX Sexual Misconduct, the following provisions shall control.
  - ~~i.—While there is no deadline to file a complaint, to promote prompt and equitable review, the University encourages individuals who believe they have experienced Title IX Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Title IX Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.~~
  - ~~ii.—Individuals wishing to remain anonymous may file a report in any manner, including by telephone or written communication, with the University Title IX Coordinator or Title IX Deputy Coordinator. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.~~~~

~~9.—Complaints Involving Non-University Individuals~~

- ~~a.—Complaints against University Students or Employees. To file a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's Education Program or Activity at the time the Formal Complaint is filed; however, if another individual has a complaint of any sexual misconduct by a University student or a University Employee acting in the scope of their employment, the individual involved may file a report with the University's Title IX Office, and the University may investigate and take steps to address the situation.~~
- ~~b.—Complaints by University Students or Employees. If a University Employee or a University student has a complaint of sexual misconduct by a non-University party that affects the Employee's work environment or student's participation or attempt to participate in the University's Education Program or Activity, the Employee or student may make a report to the University Title IX Coordinator or Title IX Deputy Coordinator. University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, responses may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the ability to take direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the Employee or student and, where appropriate, the broader University Community.~~

~~10. Grievance Process for Formal Complaints of Title IX Sexual Misconduct~~

- ~~a.—Formal Complaint Required to Initiate Grievance Process. The Grievance Process begins upon the filing of a Formal Complaint (as described in Sections 7, 8, and 9 of this policy or as otherwise~~

- permitted by applicable law). At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's Education Program or Activity.
- i. ~~Assistance from Title IX Coordinator. When the University has Actual Knowledge of alleged Title IX Sexual Misconduct, the Title IX Coordinator shall promptly contact the Complainant to: (1) discuss the availability of Supportive Measures, (2) inform Complainant of the availability of Supportive Measures (with or without the filing of a Formal Complaint), and (3) explain to the Complainant the process of filing a Formal Complaint.~~
  - ii. ~~University Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive Measures for both parties, (4) evaluate the need for Emergency Removal or administrative leave, and (5) initiate the Grievance Process.~~
  - iii. ~~Initial Review of Formal Complaint.~~
    - 1. ~~Mandatory Dismissal. The University shall dismiss a Formal Complaint in the following situations: (a) the allegation does not describe conduct that would constitute Title IX Sexual Misconduct, as defined, even if proven; (b) the Title IX Sexual Misconduct did not occur in the University's Education Program or Activity; or (c) the Title IX Sexual Misconduct did not occur against a person in the United States.~~
    - 2. ~~Permissive Dismissal. The University may dismiss a Formal Complaint in the following situations: (1) the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (2) the Respondent is no longer enrolled in or employed by the University; or (3) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.~~
    - 3. ~~Application of Other Policies upon Dismissal of Formal Complaint. This policy applies exclusively to Title IX Sexual Misconduct, as defined in Section 4.p, above. Any other form of sexual misconduct is governed by Section 12: Non-Title IX Sexual Misconduct Policy and Procedures. If the University dismisses a Formal Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties. Dismissal of a Title IX Sexual Misconduct Formal Complaint does not preclude action pursuant to other applicable disciplinary policies, including but not limited to those in Section 12: Non-Title IX Sexual Misconduct and the applicable Student Handbook or other faculty, staff, or employee policies.~~
    - 4. ~~Appeal of Dismissal Decision. Any party can appeal the dismissal decision.~~
  - iv. ~~Right to Consolidate Complaints. University may consolidate Formal Complaints as to allegations of Title IX Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Title IX Sexual Misconduct arise out of the same facts or circumstances.~~
- b. ~~General Requirements of the Grievance Process.~~
- i. ~~Equitable Treatment of Parties. The University shall treat Complainants and Respondents equitably by: (1) offering Supportive Measures to a Complainant, (2) providing remedies to a Complaint where a determination of responsibility for Title IX Sexual Misconduct has been made against the Respondent, (3) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to~~



- have others present during any proceeding under the Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.<sup>6</sup>
- ii. ~~No Conflicts of Interest. The Grievance Process requires the Title IX Coordinator, investigator, decision-maker, and facilitator of an Informal Resolution process be free of conflicts of interest or bias against a party.~~
  - iii. ~~Presumption of Non-Responsibility; Standard of Evidence. There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.~~
  - iv. ~~Objectivity. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory. University, Complainant, Respondent, Title IX Coordinator, investigator, decision-maker, or facilitator of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process under this policy.~~
  - e. ~~Timeframe. The process for addressing a Formal Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of ninety (90) days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds ninety (90) days shall be reviewed by University. Justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by University will be provided an update on the progress of the Grievance Process after the review. The running of the ninety (90) day timeframe described in this subsection shall be tolled for any period in which the parties attempt to reach an agreement under the Informal Resolution Process under Section 10.h, below.~~
  - d. ~~Notices. University will provide notices as required, including but not limited to:~~
    - i. ~~Initial Notice to Respondent. University shall provide written notice to Respondent upon receipt of a Formal Complaint with sufficient time for the Respondent to prepare a response before any initial interview. Such notice shall include notice of this Grievance Process, including University's Informal Resolution process, and the allegations, the conduct allegedly constituting Title IX Sexual Misconduct, and any sufficient details<sup>7</sup> known at the time.~~
    - ii. ~~Supplemental Notice to Respondent. If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.~~
    - iii. ~~Notice to All Parties. University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings,~~

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<sup>6</sup> University may not limit the choice or presence of advisor for either the Complainant or the Respondent; however, University may establish restrictions equally to both parties regarding the extent to which advisors may participate in the proceedings.

<sup>7</sup> Details may include, for example, the identity of the parties involved in the incident (if known), and the date and location of the alleged incident (if known).

investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- e. ~~Supportive Measures. University shall offer Supportive Measures as defined in Section 4.o. Supportive measures may include changes in class schedule, housing, work location, or transportation options if requested and reasonably available.~~
- f. ~~Prehearing Investigation. University shall investigate allegations made in a Formal Complaint in accordance with this Grievance Process.~~
  - i. ~~Gather Evidence.~~
    - 1. ~~The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall be on the University and not on the parties.~~
    - 2. ~~University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written waiver in the form of written consent.~~
    - 3. ~~University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent.~~
    - 4. ~~University shall provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.~~
    - 5. ~~University shall not restrict either party from discussing the allegations or from gathering evidence.~~
  - ii. ~~Inspection and Review of Relevant Evidence.~~
    - 1. ~~Prior to the completion of an Investigative Report, University shall provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Formal Complaint.~~
    - 2. ~~University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have at least 10 days to submit a written response, which the investigator will consider prior to the completion of an Investigative Report.~~
  - iii. ~~Investigative Report. Upon completion of the investigation, University shall create an Investigative Report that fairly summarizes the relevant evidence. University shall send to each party and the party's advisor, if any, the Investigative Report in an electronic format or hard copy, for their review and written response, at least 10 days prior to the hearing, if a hearing is required under this policy or otherwise provided.~~
- g. ~~Emergency Removal.~~
  - i. ~~The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Misconduct that justifies removal.~~
  - ii. ~~Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the~~

conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists.<sup>8</sup>

- iii. ~~The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the emergency removal.~~
- h. ~~Informal Resolution Process.~~
  - i. ~~The Informal Resolution Process presents an alternative to the Grievance Process. After the parties have been provided written notice of a Formal Complaint, the University may offer and facilitate the Informal Resolution Process, which may include, but is not limited to, arbitration, mediation, and restorative justice. At any time prior to reaching a determination regarding responsibility, the University may begin the Informal Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process must never be offered to resolve allegations that a University Employee sexually harassed a student.~~
  - ii. ~~The University may never require any person to participate in the Informal Resolution Process and may never condition enrollment or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Formal Complaint.~~
- i. ~~Live Hearing. If the Formal Complaint is not dismissed or resolved by Informal Resolution, then the Formal Complaint shall proceed to a live hearing. The live hearing will be conducted in accordance with the procedure set forth in Attachment 2.~~
- j. ~~Written Determination Regarding Responsibility.~~
  - i. ~~After a live hearing, the hearing panel, with assistance from the hearing officer, will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Title IX Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination of responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this policy and information on how to file such appeal.~~
  - ii. ~~The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.~~
- k. ~~Appeals.~~
  - i. ~~Grounds for Appeal. The parties can appeal a determination regarding responsibility or the University's dismissal of a Formal Complaint or any allegations therein on the following grounds:
    - 1. ~~A procedural irregularity that affected the outcome of the matter;~~~~

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<sup>8</sup>Emergency Removal may also take place in the instance where no Grievance Process is pending.

2. ~~New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or~~
3. ~~The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.~~

ii. ~~Appeal Process.~~

1. ~~Filing by Appealing Party. The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.~~
2. ~~Response of Non-Appealing Party. Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.~~
3. ~~Appeal Officer. The appropriate Vice President or Provost will serve as the appeal officer, so long as they are not the same person as the decision-maker(s). The Vice President (or Provost) serving as the appeal officer will consult with the Vice President for Student Affairs throughout the process, who in their Title IX oversight role will be able to provide consistent guidance on the appeals process.~~
4. ~~Response of Original Decision-Maker. The appeal officer may submit the written appeal and non-appealing party's response to the original decision-maker(s), and such original decision-maker(s) may submit its response in support of the appeal or original decision to the appeal officer.~~
5. ~~Review of Appeal. The 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 these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.~~
6. ~~Written Decision and Notice. Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.~~

11. ~~Sanctions~~

- a. ~~The range of possible disciplinary sanctions and remedies following a determination of responsibility under the Grievance Process are set forth in this Section.~~
- b. ~~Sanctions for students: Students found responsible for non-consensual sexual intercourse face a recommended sanction of university suspension or university expulsion. Refer to the *Code of Student Conduct*, Section 8: Conduct Procedures, for a full list of conduct sanctions available at the University.~~



- i. ~~Sanctions for Employees: Sexual misconduct is a serious offense and such violations are subject to any combination of sanctions, up to and including termination of employment. Refer to the following university policies governing faculty and staff disciplinary procedures:
  - 1. ~~Faculty: University Policy 3.125, Faculty Due Process~~
  - 2. ~~Staff: University Policy 3.228, Staff Employee Disciplinary Procedures~~~~

#### ~~12. Retaliation and False Information~~

- a. ~~Retaliation. Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation or participates or refuses to participate 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, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.~~
- b. ~~Subsection (a) does not apply to an Employee who:
  - i. ~~Reports an incident of Title IX Sexual Misconduct perpetrated by the Employee;~~
  - ii. ~~Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Title IX Sexual Misconduct; or~~
  - iii. ~~Makes a report of Title IX Sexual Misconduct which after investigation is found not to have been made in good faith.~~~~
- c. ~~Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including expulsion from the University, or being barred from the University premises and events.~~
- d. ~~False Information. An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Title IX Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.~~

#### ~~13. Confidentiality~~

- a. ~~The protections provided by this Section apply to:
  - i. ~~Complainant;~~
  - ii. ~~Reporting Party;~~
  - iii. ~~An individual who sought guidance from the University concerning an incident;~~
  - iv. ~~An individual who participated in the University's investigation of an incident; or~~
  - v. ~~Respondent, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.~~~~
- b. ~~Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
  - 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 by individuals described by Subsection (a); (3) a health care provider in an emergency, as determined necessary by the University; (4) the Respondent, 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.~~

- ~~c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of interim measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.~~
- ~~d. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant or Respondent, may affect the integrity of the investigation.~~
- ~~e. Students may make confidential reports to the MSU Counseling Center or Vinson Health Center. All Complainant Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, 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.~~

~~14. Cooperation and Non-Interference with the Grievance Process~~

- ~~a. Cooperation by University Employees. All University Employees who are not Complainant or Respondent are required to comply with the Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator.~~
- ~~b. Non-Interference. Any individual who knowingly and intentionally interferes with a Grievance Process conducted under this policy is subject to disciplinary action up to and including dismissal from the University. Interference with a Grievance Process may include, but is not limited to: (i) attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information; (ii) divulging confidential information; (iii) removing, destroying, or altering documentation relevant to the investigation; (iv) providing false or misleading information to the investigator, or encouraging others to do so; or (v) making a report under this regulation that, after investigation, is found not to have been made in good faith.~~

~~15. Training and Education~~

- ~~a. The University'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 ongoing education to 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 required in orientation materials for new students.~~
- ~~b. Notwithstanding the foregoing, Title IX Coordinators, Grievance Process investigators and decision-makers, and facilitator of an Informal Resolution process shall receive adequate and unbiased training on:
  - ~~i. The application of this policy; and~~
  - ~~ii. The Grievance Process, including, where appropriate, conduction of hearings, use of technology, and making relevancy determinations.~~~~
- ~~c. All materials used to train University Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process are publicly available on the University's Title IX websites:~~

<del>UNIVERSITY</del>	<del>TITLE IX WEBSITE</del>
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*Midwestern State University*

Error! Hyperlink reference not valid.

16. Recordkeeping

- a. ~~The University will create, make available to the Complainant and Respondent, and maintain for a period of seven (7) years the following records:~~
  - i. ~~The Title IX Sexual Misconduct investigation, including any determination regarding responsibility, disciplinary sanctions imposed on the respondent, and remedies provided to the Complainant;~~
  - ii. ~~Any appeal and the result therefrom;~~
  - iii. ~~Informal Resolution, if any; and~~
  - iv. ~~All materials used to train coordinators, investigators, decision-makers with regard to Title IX Sexual Misconduct.~~
- b. ~~The University will also create and maintain for a period of seven (7) years records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Title IX Sexual Misconduct. In each instance, the University will document the basis for its conclusion that its response was not clearly unreasonable, and document that it has taken measures designed to restore or preserve access to the University's Education Program or Activity.~~

~~Title: Midwestern State University; Policy 4-161.A—Attachment 1~~

~~Top of chart begins Q: "Is the alleged conduct severe, pervasive, and objectionably offensive? (see footnote 1)"~~

- ~~1. If "No" to alleged conduct, then "Proceed under MSU Policy 4-161.B (Non-Title IX Sexual Misconduct)"~~
- ~~2. If "Yes" to alleged conduct, then Q: "Did the alleged conduct occur in an education program or activity? (See footnote 2)"~~
  - ~~a. If "No" to education program or activity, then "Proceed under MSU Policy 4-161.B (Non-Title IX Sexual Misconduct)"~~
  - ~~b. If "Yes" to education program or activity, then "Proceed under MSU Policy 4-161.A (Title IX Sexual Misconduct)"~~

~~Footnotes:~~

~~1. Items that are automatically considered to meet this standard include, but are not limited to, the following:~~

- ~~A. Sexual assault, as defined by 20 U.S.C. 1092(f)(6)(A)(v) (Clery Act)~~
- ~~B. Dating violence, domestic violence, or stalking as defined by 34 U.S. Code § 12291 (VAWA); and~~
- ~~C. Quid pro quo, as described in 34 CFR 106.30.~~

~~2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.~~



Midwestern State University  
Section 11: Title IX Sexual Misconduct Policy – Attachment 2

Title IX Sexual Misconduct Live Hearing Procedures

1. ~~General Requirements~~

- a. ~~Live Hearing. A live hearing may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously hear each other. The University, in its discretion, may choose to limit interaction between a Complainant and Respondent, including but not limited to using shielding devices or reviewing questions prior to being asked.~~
- b. ~~Hearing Panel. The Title IX Coordinator will appoint a three-member Hearing Panel which will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the live hearing. The determination regarding responsibility will be made by a majority vote of the Hearing Panel. The Hearing Panel will not include the University Title IX Coordinator or an investigator involved in the matters considered at the live hearing. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory.~~
- c. ~~Hearing Officer. The University will appoint an independent Hearing Officer to oversee and conduct the live hearing. The Hearing Officer will not be a member of the Hearing Panel, though the Hearing Officer may be present for and answer questions from the Hearing Panel when deliberating the determination regarding responsibility, and the Hearing Officer may assist the Hearing Panel in drafting the written determination regarding responsibility.~~
- d. ~~Parties and Witnesses at Hearing. All parties, witnesses, and other participants in a live hearing must be physically or virtually present at the live hearing in a manner where all participants can simultaneously hear each other.~~
- e. ~~Advisors. Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual's choosing at a live hearing. The role of the advisor will be limited to being present and advising the relevant party; advisors are not allowed to actively participate in the process.~~
- f. ~~Rules of Order and Decorum. The University will adopt rules of order and decorum provided for and enforced by the Hearing Officer. Such rules will include, without limitation, time limits, hearing order, and requirements that participants not badger a witness, and repetition of the same question may be deemed irrelevant by the hearing officer; no party be asked questions in an abusive or intimidating manner; and questioning shall be relevant, respectful, and non-abusive.~~

2. ~~Hearing Procedure~~

- a. ~~Hearing Officer to Direct Hearing. The Hearing Officer will set the Rules of Order and Decorum and agenda for the live hearing and will direct and oversee the live hearing in accordance with this regulation and the Rules of Order and Decorum.~~
- b. ~~Recording or Transcript. The University will create a recording, or transcript, of the live hearing and make it available to the parties for inspection and review.~~
- c. ~~Opening and Closing Statements. At the direction of the Hearing Officer, Complainants and Respondents will have an opportunity to offer their own opening and closing statements.~~

- d. ~~Presentation of Evidence. Each party will have an opportunity to introduce evidence to the Hearing Panel.~~
  - i. ~~Rules of Evidence; Relevance. The Hearing Officer will be responsible for making determinations regarding evidence, including relevance. Information that will be deemed not relevant includes, without limitation, information protected by a legal recognized privilege; questions or evidence about Complainant's sexual predisposition or prior sexual behavior (unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant); any party's medical, psychological, and similar records (unless the party has given voluntary written consent); and party or witness statements that have not been subjected to cross-examination at the live hearing.~~
- e. ~~Examination of Witnesses~~
  - i. ~~Direct Examination. Direct examination may be conducted by the Hearing Officer or the Hearing Panel.~~
  - ii. ~~Cross-Examination. All cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a participant answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

## Section 12: Non-Title IX Sexual Misconduct Policy and Procedures

Any student who is the victim of sexual misconduct should contact the Title IX Office or file an electronic report, which can be accessed on the MSU homepage or the MSU Safety app.

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. 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, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating 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, by actions, or electronically displayed or conveyed.

This policy provides information regarding 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, Dating Violence, and Stalking. This policy provides students and employees 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 VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, 34 CFR Part 106, and other applicable laws and regulations.

This policy applies to all University students and University employees, visitors, applicants for admission, as well as University affiliates and others conducting business on University campuses. 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 respond to and 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 applicable law and University policies. Members of the University Community who violate this policy and related laws may be subject to disciplinary action or sanctions, up to and including, expulsion from the University, or being barred from University premises and events.

For complaints relating to Title IX Sexual Misconduct, please see Section 11: Title IX Sexual Misconduct. For complaints relating to any form of discrimination not covered by this policy or Section 11: Title IX

Sexual Misconduct, or for acts of gender/sex discrimination, that are not sexual in nature and do not constitute Sexual Misconduct as defined in this policy or Title IX Sexual Misconduct as defined in Section 11, please see Section 9: Bias Incident Policy. Additionally, if at any time during a Sexual Misconduct grievance process under this policy it is determined that the alleged conduct constitutes Title IX Sexual Misconduct, the University shall proceed under Section 11: Title IX Sexual Misconduct or any other applicable policy and procedure.

1. Definitions

- c. Complaining Party. An individual who was allegedly subjected to a violation of this policy.
- d. Consent. Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) 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.
- e. Employee. An individual 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 furtherance of the University's interest.
- f. 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, an individual being asleep or unconscious, or because of an intellectual or other disability.
- g. Interpersonal Violence. For purposes of this policy, Interpersonal Violence is:
  - i. Dating Violence. Physical, sexual, or verbal abuse or violence, or a 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 individuals 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. Domestic or Family Violence. Physical, sexual, or verbal abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by an individual with whom the Complaining Party shares a child in common, by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by an individual 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 individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence laws of the state of Texas.
- h. 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: (i) exposing one's genitals or private areas; (ii) public urination; (iii) public defecation; and/or (iv) public sex acts.
- i. Reporting Party. An individual or entity (in the case of the University), other than the Complaining Party, who reports an alleged violation of this policy.
- j. Responding Party. Generally, the Responding Party is the individual or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.



- k. Responsible Employee. All Employees, except as provided in Section 6 below, are Responsible Employees who must report allegations of Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 6 below.
- l. Sex Discrimination. An act that deprives a member of the University Community of their right 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 individual's sex.
- m. Sexual Assault. Sexual contact or intercourse with an individual without that individual's consent, including sexual contact or intercourse against an individual's will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual Assault includes:
  - i. 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: (1) intentional contact with the breasts, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily contact in a sexual manner.
  - ii. 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.
  - iii. The following offenses are examples of Sexual Assault:
    - 1. Incest. Sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law;
    - 2. Fondling. The touching of the private body parts of another individual 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 the Complaining Party's age or because of the Complaining Party's temporary or permanent mental incapacity;
    - 3. 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 individual, without the consent of the Complaining Party; and
    - 4. Statutory Rape. Sexual intercourse with an individual who is under the statutory age of consent.
- n. 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: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual's full knowledge or consent; (ii) sexual voyeurism; (iii) inducing another to expose one's genitals or private areas; (iv) prostituting another; and (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual's full knowledge and consent.
- o. Sexual Harassment. Unwelcome, sex-based verbal or physical conduct that:
  - i. In the education 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.
  - ii. Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual looks and

gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);

iii. (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio-taping of sexual activity; (13) exposing one's genitals or inducing another to expose their genitals; (14) Stalking; (15) domestic or Dating Violence; (16) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (17) other gender- based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.

p. 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.

q. Stalking. A course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's safety or the safety of others or would cause that individual to suffer substantial emotional distress. A "course of conduct" means two or more acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual or interferes with an individual'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.

r. Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complaining Party or the Responding Party before or after the filing of a complaint or where no complaint has been filed.

s. Title IX Sexual Misconduct. Certain sexual misconduct as defined in and governed by Section 11: Title IX Sexual Misconduct.

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

**2. Contact Information for University Title IX Coordinator**

a. University Title IX Coordinator (Students). MSU has a Title IX Coordinator who oversees the University's compliance with Title IX. Students seeking information, to report sexual misconduct of any kind (including both Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct), or to file a complaint of Sexual Misconduct, should contact the following:

<b><u>TITLE IX COORDINATOR EMAIL &amp; PHONE</u></b>	<b><u>OFFICE ADDRESS</u></b>	<b><u>TITLE IX WEBSITE &amp; REPORTING LINK</u></b>
<u>Laura Hetrick 940.397.4213 laura.hetrick@msutexas.edu</u>	<u>Vinson Health Center Room H-136 3410 Taft Blvd. Wichita Falls, TX 76308</u>	<u>Title IX Website: <a href="https://msutexas.edu/titleix/">https://msutexas.edu/titleix/</a> Reporting Link: <a href="https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6">https://cm.maxient.com/reportingform.php?MSUTexas&amp;layout_id=6</a></u>

### 3. Reporting Sexual Misconduct

- a. Mandatory Reporting to University by Employees. Texas law requires Employees to report certain types of Sexual Misconduct to appropriate University personnel. All 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 Misconduct and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator, Title IX Deputy Coordinator, 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 under this policy is a violation of state law that shall result in termination of employment and may result in criminal penalties.
- b. Contents of Report. Except as provided by Section 6(c) below, the 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.
- c. Contents of Report by Employee with Confidential Relationship. An Employee designated by the University as an individual with whom University students may speak confidentially concerning Sexual Misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this policy, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This Subsection does not affect the Employee's duty to report an incident under any other law.
- d. d. Reporting by Students and Third Parties Encouraged. All students and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinator, or the OEO.
- e. Reporting to Law Enforcement Agencies. All students, Employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including University and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or the OEO in contacting these authorities if the individual wishes. Complaining Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- f. Victims Encouraged to Seek Medical Care. An individual who experiences 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 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.

- g. Preservation of Evidence. 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.
- h. Good Faith Actors. The University may not discipline or otherwise discriminate against an Employee who in good faith: (i) makes a report as required under this policy or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this policy. This Subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this policy.
- i. Non-Disclosure of Private Information to Medical Providers. 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. 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.
- j. Request of Complaining Party Not to Investigate. If 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 that 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:
  - i. The seriousness of the alleged incident;
  - ii. Whether the University has received other reports of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking committed by the alleged perpetrator or perpetrators;
  - iii. Whether the alleged incident poses a risk of harm to others; and
  - iv. Any other factors the University determines relevant.

If the University decides not to investigate an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking based on the Complaining Party's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.

- k. How to Submit a Report. Employees may fulfill their reporting obligations by submitting a report through the applicable University's electronic reporting form, available at the links set forth in Section 5, above. Reporting Employees should keep a receipt or proof of the submission of the report.
  - l. False or Malicious Claims. An individual found to have knowingly submitted a false or malicious claim may be subject to disciplinary action.
4. Complaints By or Against Students
- a. If a student enrolled at the University reports Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the Code of Student Conduct in accordance with the amnesty provisions set forth in the respective University's Student Handbook.
  - b. Sanctions for violations of this policy or the Code of Student Conduct by students may be found in Section 7: Conduct Procedures.



- c. If a student Employee has a complaint of Sexual Misconduct, which occurs during the course and scope of employment with the University, against an Employee, the student should follow the procedure set forth for Employees in this policy.
  - d. The Complaining or Responding Party who is the subject 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.
  - e. If a student withdraws or graduates from the University pending a disciplinary charge alleging the student violated this policy and the University's code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, the University:
    - i. May not end the disciplinary process or issue a transcript to the student until the University makes a final determination of responsibility;
    - ii. Shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution; and
    - iii. On request by another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated this policy and the University's code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking.
5. Employee Complaint Procedures, Including Student Employees
- f. Type and Location for Filing a Complaint. If an Employee has a complaint of Sexual Misconduct against another Employee, the general provisions relating to Employees and the Employee complaint procedures set forth in System Regulation 07.10 shall apply.
  - g. Required Form of Complaint. To initiate an investigation, an Employee having a complaint under this policy must submit a completed Complaint of Sexual Harassment, Sexual Assault, or Sexual Misconduct form, which is available at:  
[http://www.depts.ttu.edu/hr/documents/TTU\\_Misconduct\\_40.03.pdf](http://www.depts.ttu.edu/hr/documents/TTU_Misconduct_40.03.pdf).
  - h. In addition, in complaints of Sexual Misconduct, the following provisions shall control.
    - i. While there is no deadline to file a complaint, to promote prompt and equitable review, the Texas Tech University System and University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.
    - ii. Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator, a Title IX Deputy Coordinator, or the System Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.
    - iii. Both the Complaining and Responding Parties have the right 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.
    - iv. Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this policy.

- v. After the investigation is complete, the System Office of Equal Opportunity will simultaneously provide notice in writing to the Complaining Party, to the Responding Party, and to the appropriate administrators of the following: (1) determination of the outcome; (2) the finding of the System Office of Equal Opportunity is final and not appealable by either party; (3) in the event a finding of a violation of this policy is made, appropriate disciplinary actions or sanctions will be taken as determined by the appropriate administrator, up to and including termination of employment; and (4) if either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, they may appeal within five business days to the University Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to the University's Tenure Policy.
- vi. The Complaining Party and Responding Party will be simultaneously notified in writing of any changes to the results of an appeal of any disciplinary action that occur prior to the time such results become final and when such results become final.

#### 6. Complaints Involving Non-University Individuals

- a. Complaints Against University Students or Employees. If a non-University individual has a complaint of Sexual Misconduct by a University student, the individual involved may file a report with either the University's Title IX Office or the OEO, and the University may investigate and take steps to address the situation.
- b. Complaints By University Students or Employees. If a University student has a complaint of Sexual Misconduct by a non-University party that affects the student's educational program or activity, the student may make a report to the University Title IX Coordinator, Title IX Deputy Coordinator, or the OEO. University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, responses may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the ability to take direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the Employee or student and, where appropriate, the broader University Community.

#### 7. Retaliation and False Information

- a. Retaliation. Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate 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, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.
- b. Subsection (a) does not apply to an Employee who:
  - i. Reports an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking perpetrated by the Employee;
  - ii. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking; or

- iii. Makes a report of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking which after investigation is found not to have been made in good faith.
  - c. Individuals who are found to have retaliated under this regulation will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from the University premises and events.
  - d. False Information. An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to an including dismissal or separation from the University. A determination that a Responding Party is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Responding Party is responsible for a policy violation does not imply that a Responding Party's statements disclaiming responsibility were false.
8. Interim Measures
- a. The Complaining Parties may request and the University may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate University officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to: (i) separating the Complaining Party's and Responding Party's academic or working situations; (ii) forbidding contact between parties involved in a complaint; and (iii) suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.
  - b. Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Complaining Party pursues a formal University action or criminal action.

9. Confidentiality

- a. The protections provided by this Section apply to:
  - i. Complaining Party;
  - ii. Reporting Party;
  - iii. An individual who sought guidance from the University concerning an incident;
  - iv. An individual who participated in the University's investigation of an incident; or
  - v. Responding Party, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.
- b. Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
  - 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) Texas Tech University System or University Employees for purposes of complying with applicable law, including for preparation and reconciliation of statistical reporting required by the Jeanne Clery Disclosure of Campus Security Policy and Campus

Crime Statistics Act, as amended; (3) a law enforcement officer as necessary to conduct a criminal investigation of the report by individuals described by Subsection (a); (4) a health care provider in an emergency, as determined necessary by the University; (5) the Responding Party, to the extent required by other law or regulation; and (6) potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law or regulation.

- c. For the purposes of this Section, investigation includes the coordination of the incident response, implementation of interim measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or policy.
- d. The willful and unnecessary disclosure of confidential information by anyone, including the Complainant Party or Responding Party, may affect the integrity of the investigation.
- e. Students may make confidential reports to the University Student Counseling Centers, where available, or to other counselors identified by University. Likewise, Employees may make confidential reports through the Employee Assistance Program. All Complainant Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, including medical providers employed by the University. Information may be shared by the clinical and/or medical provider only with the Complainant Party's or Responding Party's consent.

#### 10. Cooperation and Non-Interference with an Investigation or Grievance Process

- a. Cooperation by University Employees. All University Employees who are not a Complainant Party or Responding Party are required to comply with the Interim Measures, Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator or System Office of Equal Opportunity
- b. Non-Interference. Any individual who knowingly and intentionally interferes with an investigation or grievance process conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation or grievance process may include, but is not limited to: (i) attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information; (ii) divulging confidential information; (iii) removing, destroying, or altering documentation relevant to the investigation; (iv) providing false or misleading information to the investigator, or encouraging others to do so; or (v) making a report under this policy that, after investigation, is found not to have been made in good faith.

#### 11. Training and Education

- a. The University'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 required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-



discrimination and sex/gender discrimination training including Sexual Assault, Sexual Harassment, and mandatory reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) 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, the University Employees and administrators responsible for implementing this policy, including the University Title IX Coordinators, Title IX Deputy Coordinators, OEO employees, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and University policies related to or described in this policy.

## 12. Free Expression

- a. This policy encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.

## 13. Websites and Other Resources

- a. University and System Title IX Websites. The University and System Office of Equal Opportunity maintain websites, set forth above in Section 2, that provide relevant information about this policy as implemented at the University, including resources, supportive measures, local support services, and illustrative examples of definitions contained herein.
- b. Additional Resources. In addition to the websites set forth in Section 2, the following additional online resources are available to members of the University Community: <https://msutexas.edu/titleix/index.php>

~~Any student who is the victim of sexual misconduct should contact the Title IX Office or file an electronic report, which can be accessed on the MSU homepage or the MSU Safety app.~~

### ~~1. Applicability~~

- a. ~~This policy applies to all Sexual Misconduct (as defined in Section 4.n, below) except Title IX Sexual Misconduct, which is defined in and governed by Section 11: Title IX Sexual Misconduct Policy.~~
- b. ~~Attachment 1 to this regulation visually depicts and summarizes the applicability of Section 11: Title IX Sexual Misconduct Policy and Section 12: Non-Title IX Sexual Misconduct Policy and Procedures. In the event of any conflict between the attachment and these policies, the text of the policies shall control.~~

### ~~2. Purpose~~

- a. ~~This policy provides information regarding the Midwestern State University (referred to herein collectively as "University") 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, Dating Violence,~~

and Stalking. This policy 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 VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Texas Education Code, and other applicable laws and regulations.

### 3. Policy and Procedure

- a. The University is committed to providing and strengthening an educational, working, and living environment where students are free from sex discrimination of any kind. 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, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating 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, by actions, or electronically displayed or conveyed.
- b. 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 respond to and prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Complaining Party and others, if appropriate.
- c. 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.
- d. The University expects all members of the University Community to comply with applicable law and University policies. Members of the University Community who violate this policy and related laws may be subject to disciplinary action or sanctions, expulsion from the University, or being barred from University premises and events. To the extent there is no conflict with applicable federal or Texas law, termination of tenured faculty will be subject to the procedures outlined in the University's policies regarding revocation of tenure.
- e. For complaints relating to Title IX Sexual Misconduct, please see Section 11: Title IX Sexual Misconduct Policy. For complaints relating to any form of discrimination not covered by Section 12: Non-Title IX Sexual Misconduct Policy and Procedures or Section 11: Title IX Sexual Misconduct Policy, or for acts of gender/sex discrimination, such as denial of employment, wages, or benefits based on gender/sex, that are not sexual in nature and do not constitute Sexual Misconduct as defined in this policy or Title IX Sexual Misconduct as defined in Section 11: Title IX Sexual Misconduct Policy, please see MSU Policy 4.131 (Equal Opportunity and Affirmative Action Statement) and MSU Policy 4.171 (Racial Harassment Policy). Additionally, if at any time during a Sexual Misconduct grievance process under this policy it is determined that the alleged conduct constitutes Title IX Sexual Misconduct, the University shall proceed under Section 11: Title IX Sexual Misconduct Policy or any other applicable policy and procedure.

### 4. Definitions

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If an individual 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. An individual 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 convey permission for a specific activity. Consent is not effective if it results from: (i) the use of physical force, (ii) a threat of physical force, (iii) intimidation, (iv) coercion, (v) incapacitation, or (vi) 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.~~
- c. ~~Employee. An individual 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 furtherance of the University's interest.~~
- d. ~~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, an individual being asleep or unconscious, or because of an intellectual or other disability.~~
- e. ~~Interpersonal Violence. For purposes of this policy, Interpersonal Violence is:~~
  - i. ~~Dating Violence. Physical, sexual, or verbal abuse or violence, or a 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 individuals 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. ~~Domestic or Family Violence. Physical, sexual, or verbal abuse or violence committed by a current or former spouse or intimate partner of the Complaining Party, by an individual with whom the Complaining Party shares a child in common, by an individual with whom the Complaining Party is cohabiting (or has cohabited) with a spouse or intimate partner, by an individual 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 individual against an adult or youth victim who is protected from that individual's acts under the Domestic or Family Violence laws of the state of Texas.~~
- 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: (i) exposing one's genitals or private areas; (ii) public urination; (iii) public defecation; and/or (iv) public sex acts.~~
- g. ~~Reporting Party. An individual or entity (in the case of the University), other than the Complaining Party, who reports an alleged violation of this policy.~~
- h. ~~Responding Party. Generally, the Responding Party is the individual or organization that is alleged to be responsible for the prohibited conduct alleged in a complaint.~~
- i. ~~Responsible Employee. All Employees, except as provided in Section 6 below, are Responsible Employees who must report allegations of Sexual Misconduct, including all known information concerning the incident, to the Title IX Coordinator as provided in Section 6 below.~~
- j. ~~Sex Discrimination. An act that deprives a member of the University Community of their right 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 individual's sex.~~
- k. ~~Sexual Assault. Sexual contact or intercourse with an individual without that individual's consent, including sexual contact or intercourse against an individual's will or in a circumstance in which an individual is incapable of consenting to the contact or intercourse. Sexual Assault includes:~~
  - i. ~~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: (1) intentional~~

contact with the breasts, buttock, groin, or genitals; (2) touching another with any of these body parts; (3) making another touch you or themselves with or on any of these body parts; or (4) any other intentional bodily contact in a sexual manner.

ii. ~~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.~~

iii. ~~The following offenses are examples of Sexual Assault:~~

1. ~~Incest. Sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law;~~

2. ~~Fondling. The touching of the private body parts of another individual 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 the Complaining Party's age or because of the Complaining Party's temporary or permanent mental incapacity;~~

3. ~~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 individual, without the consent of the Complaining Party; and~~

4. ~~Statutory Rape. Sexual intercourse with an individual who is under the statutory age of consent.~~

i. ~~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: (i) purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another individual without that individual's full knowledge or consent; (ii) sexual voyeurism; (iii) inducing another to expose one's genitals or private areas; (iv) prostituting another; and (v) knowingly exposing someone to or transmitting a sexually transmitted disease, without the individual's full knowledge and consent.~~

m. ~~Sexual Harassment. Unwelcome, sex-based verbal or physical conduct that:~~

i. ~~In the employment context, unreasonably 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~~

ii. ~~In the education 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.~~

iii. ~~Examples of inappropriate behavior that may constitute Sexual Harassment include, but are not limited to: (1) sexual teasing, jokes, remarks, or questions; (2) sexual looks and gestures; (3) sexual innuendoes or stories; (4) communicating in a manner with sexual overtones; (5) inappropriate comments about dress or physical appearance; (6) inappropriate discussion of private sexual behavior; (7) gifts, letters, calls, emails, online posts, or materials of a sexual nature; (8) sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials); (9) sexual favoritism; (10) pressure for dates or sexual favors; (11) unwelcome physical contact (touching, patting, stroking, rubbing); (12) nonconsensual video or audio taping of sexual activity; (13) exposing one's genitals or inducing another to expose their genitals; (14) Stalking; (15) domestic or Dating Violence; (16) Nonconsensual Sexual Intercourse, Sexual Assault, or rape; and (17) other gender-based threats, discrimination, intimidation, hazing, bullying, Stalking, or violence.~~

n. ~~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.

- e. ~~Stalking. A course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's safety or the safety of others or would cause that individual to suffer substantial emotional distress. A "course of conduct" means two or more acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual or interferes with an individual'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.~~
- p. ~~Student. All persons who have accepted admission to, enrolled at, are taking courses at, and/or have a continuing relationship with the university, including those who attend full- or part-time at the undergraduate, graduate, or non-matriculated level.~~
- q. ~~Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complaining Party or the Responding Party before or after the filing of a complaint or where no complaint has been filed.~~
- r. ~~Title IX Sexual Misconduct. Certain sexual misconduct as defined in and governed by Section 11: Title IX Sexual Misconduct Policy.~~
- s. ~~University Community. The University faculty, staff, and students of and visitors to any University premises or University-affiliated activity.~~

5. ~~University Title IX Coordinators and the Midwestern State University Office of Equal Opportunity (OEO)~~

- a. ~~By or Between Students. Each University has a Title IX Coordinator who oversee the University's compliance with Title IX, including investigating complaints of Sexual Misconduct by or between students:~~

CONTACT	PHONE	ADDRESS	EMAIL AND WEBSITE
Laura Hetrick Director of Title IX Compliance/ Title IX Coordinator	940.397.4213	Winson Health Center Midwestern State University 3410 Taft Blvd., Suite H136 Wichita Falls, TX 76308	Error! Hyperlink reference not valid.  Error! Hyperlink reference not valid.
Kristi Schulte Deputy Title IX Coordinator for Students	940.397.4217	Sunwatcher Village 121 Midwestern State University 3410 Taft Blvd. Wichita Falls, TX 76308	Error! Hyperlink reference not valid.  Error! Hyperlink reference not valid.

b. ~~By or Between Employees. The University Title IX Coordinator will investigate complaints of Sexual Misconduct by or between Employees of the University (provided, in certain instances, such complaints may be investigated in coordination with the University Title IX and human resources offices):~~

CONTACT	PHONE	ADDRESS	EMAIL AND WEBSITE
Laura Hetrick Director of Title IX Compliance/ Title IX Coordinator	940.397.4213	Vinson Health Center Midwestern State University 3410 Taft Blvd., Suite H136 Wichita Falls, TX 76308	Error! Hyperlink reference not valid.  Error! Hyperlink reference not valid.
Dawn Fisher Deputy Title IX Coordinator for Students	940.397.4224	Hardin Administration Building 210 Midwestern State University 3410 Taft Blvd. Wichita Falls, TX 76308	Error! Hyperlink reference not valid. — Error! Hyperlink reference not valid.

6. ~~Reporting Sexual Misconduct~~

- a. ~~Mandatory Reporting to University by Employees. Texas law requires Employees to report certain types of Sexual Misconduct to appropriate University personnel. All 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 Misconduct and is alleged to have been committed by or against an individual who was a student enrolled at or an Employee of the University at the time of the incident shall promptly report the incident to the University Title IX Coordinator or a Title IX Deputy Coordinator. 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 under this policy is a violation of state law that shall result in termination of employment and may result in criminal penalties.~~
- b. ~~Contents of Report. Except as provided by Section 6.c below, the 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.~~
- c. ~~Contents of Report by Employee with Confidential Relationship. An Employee designated by the University as an individual with whom University students may speak confidentially concerning Sexual Misconduct or who receives information regarding such an incident under circumstances that render the Employee's communications confidential or privileged under other law shall, in making a report under this policy, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This Subsection does not affect the Employee's duty to report an incident under any other law. The following classifications of individuals are Confidential Employees under this University policy: (1) Licensed Professional Counselors who are licensed with the State of Texas whose official University responsibilities include providing mental health counseling to members of the campus community; (2) Registered Nurses/Doctors/Family Nurse Practitioners who are registered with the State of Texas and whose official University responsibilities include providing health services to members of the campus community; and (3)~~

- University employees who are also licensed or credentialed Pastors should take care to ensure students and others disclose to them while in their official church role, as disclosures outside of this would constitute notice to the institution (employees are not confidential). If the Pastor employee also advises a student organization, then that employee may have additional responsibilities to report non-identifying aggregate data to the MSU Police Department regarding numerous other types of misconduct, if such misconduct is reported to have occurred on campus owned or controlled by MSU. These definitions extend to teaching faculty when performing counseling, therapy, or health service roles in the Counseling Center, the Psychology Clinic, or the Vinson Health Center
- d. ~~Reporting by Students and Third Parties Encouraged. All students and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator or Title IX Deputy Coordinator.~~
  - e. ~~Limited Exception to Mandatory Employee Reporting. Notwithstanding Section 6.a above, an Employee is not required to make a report under this Section concerning: (i) an incident in which the Employee was a victim of Sexual Misconduct; or (ii) an incident of which the individual received information due to a disclosure made at a Sexual Misconduct public awareness event sponsored by or affiliated with the University.~~
  - f. ~~Reporting to Law Enforcement Agencies. All students may also report incidents of Sexual Misconduct to law enforcement, including University and local police. Complaining Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator or Title IX Deputy Coordinator in contacting these authorities if the individual wishes. Complaining Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.~~
  - g. ~~Victims Encouraged to Seek Medical Care. An individual who experiences 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 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.~~
  - h. ~~Preservation of Evidence. 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.~~
  - i. ~~Good Faith Actors. The University may not discipline or otherwise discriminate against an individual who in good faith: (i) makes a report as required under this policy or (ii) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the individual as required under this regulation. This Subsection does not apply to an individual who perpetrates or assists in the perpetration of the incident reported under this regulation.~~
  - j. ~~Non-Disclosure of Private Information to Medical Providers. 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. 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.

- k. ~~Request of Complaining Party Not to Investigate. If 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 that 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:~~
  - i. ~~The seriousness of the alleged incident;~~
  - ii. ~~Whether the University has received other reports of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking committed by the alleged perpetrator or perpetrators;~~
  - iii. ~~Whether the alleged incident poses a risk of harm to others; and~~
  - iv. ~~Any other factors the University determines relevant.~~

~~If the University decides not to investigate an alleged incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking based on the Complaining Party's request not to investigate, the University shall take any steps it determines necessary to protect the health and safety of the University Community in relation to the alleged incident.~~

- l. ~~How to Submit a Report. Employees may fulfill their reporting obligations by submitting a report through the applicable University's electronic reporting form. Reporting Employees should keep a receipt or proof of the submission of the report. Please see below for a link to each University's electronic reporting form:~~

UNIVERSITY	ELECTRONIC REPORTING FORM
Midwestern State University	Error! Hyperlink reference not valid.

- m. ~~False or Malicious Claims. An individual found to have knowingly submitted a false or malicious claim may be subject to disciplinary action.~~

## 7. ~~Complaints By or Against Students~~

- a. ~~Types and Locations for Filing Complaints.~~
  - i. ~~Student Complaint against a Student. If a student wishes to file a Complaint of Sexual Misconduct by another student, the student should contact and file the Complaint with the University's Title IX Coordinator or the Deputy Title IX Coordinator for Students (contact information set forth in Section 5.a of this policy).~~
  - ii. ~~Student Complaint against Employee. If a student wishes to file a Complaint of Sexual Misconduct by a University Employee, the student should contact and file a Complaint with the University's Title IX Coordinator or a Deputy Title IX Coordinator (contact information set forth in Section 5.a and b of this policy). Student complaints of Sexual Misconduct by an Employee may be investigated jointly by the University's Title IX Office and the Human Resources Office.~~
  - iii. ~~Student Employee Complaint against Employee. If a Student Employee has a complaint of Sexual Misconduct against an Employee that occurred during the course and scope of student's employment with the University, the student should follow the procedure set forth for Employees in Section 8 of this policy.~~
  - iv. ~~Employee Complaint against Student. If an Employee has a complaint of Sexual Misconduct against a student, the Employee should contact and file a Formal Complaint with the University's~~



~~Title IX Office and/or file an incident report form, found at the University's Title IX website (contact information and website are set forth in Section 5.a of this policy).~~

- ~~b. Amnesty for Good Faith. If a student enrolled at the University makes a Complaint of Sexual Misconduct in good faith, the University may not take disciplinary action against that student for violation(s) of the University's applicable student conduct policy in accordance with the amnesty provisions set forth in the University's Student Handbook or similar policy.~~
- ~~c. The Complainant or Respondent who is the subject of an alleged incident of Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty.~~
- ~~d. If a student withdraws or graduates from the University pending a Complaint alleging the student violated this policy and the University's code of conduct by committing Sexual Misconduct, the University:
  - ~~i. May not end the disciplinary process or issue a transcript to the student until the University makes a final determination regarding responsibility, pursuant to Texas law;~~
  - ~~ii. Shall expedite the University's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a reasonably prompt resolution; and~~
  - ~~iii. On request by another institution, the University shall provide to the requesting institution information relating to a determination that a student enrolled violated this regulation and the University's code of conduct by committing Sexual Misconduct.~~~~
- ~~e. In addition, in complaints of Sexual Misconduct, the following provisions shall control.
  - ~~i. While there is no deadline to file a complaint, to promote prompt and equitable review, the University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.~~
  - ~~ii. Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator or Title IX Deputy Coordinator. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.~~
  - ~~iii. Both the Complaining and Responding Parties have the right 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.~~
  - ~~iv. Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this policy.~~~~
- ~~f. Sanctions for violations of this policy or the Code of Student Conduct by students may be found in the Code of Student Conduct, Section 7: Conduct Procedures.~~

#### ~~8. Employee Complaint Procedures, Including Student Employees~~

- ~~a. Purpose of Complaint. A Complaint is required to initiate a Sexual Misconduct Grievance Process. In addition to the requirements of this Section, see Section 10, Grievance Process.~~
- ~~b. Type and Location for Filing a Complaint. If an Employee wishes to file a Complaint Sexual Misconduct against another Employee, the Employee should contact and file the Complaint with the Title IX Coordinator or Deputy Title IX Coordinator for Employees (contact information set forth in Section 5.b of this policy).~~
- ~~c. In addition, in complaints of Sexual Misconduct, the following provisions shall control.~~

- i.—While there is no deadline to file a complaint, to promote prompt and equitable review, the University encourages individuals who believe they have experienced Sexual Misconduct to come forward as soon as possible with their complaint and to seek assistance. Delays in reporting greatly limit the ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.
- ii.—Individuals wishing to remain anonymous may file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator or Title IX Deputy Coordinator. However, electing to remain anonymous may greatly limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.
- iii.—Both the Complaining and Responding Parties have the right 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.
- iv.—Upon the agreement of all involved parties, voluntary or informal resolution may be used to resolve complaints as defined in this policy.

#### 9. ~~Complaints Involving Non-University Individuals~~

- a. ~~Complaints Against University Students or Employees.~~ If a non-University individual has a complaint of Sexual Misconduct by a University student or a University Employee acting in the scope of their employment, the individual involved may file a report with the University's Title IX Office, and the University may investigate and take steps to address the situation.
- b. ~~Complaints by University Students or Employees.~~ If a University Employee or a University student has a complaint of Sexual Misconduct by a non-University party that affects the Employee's work environment or student's educational program or activity, the Employee or student may make a report to the University Title IX Coordinator or Title IX Deputy Coordinator. The University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, responses may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the ability to take direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the Employee or student and, where appropriate, the broader University Community.

#### 10. ~~Grievance Process for Complaints of Sexual Misconduct~~

- a. ~~Complaint Required to Initiate Grievance Process.~~ The Grievance Process begins upon the filing of a Complaint (as described in Sections 7, 8, and 9 of this policy or as otherwise permitted by applicable law). The Complaint may be from a Complainant or may be from the University acting upon information from a Reporting Party. At the time of reporting a Complaint, the Complainant must be participating in or attempting to participate in the University's Education Program or Activity.
  - i.—~~Assistance from Title IX Coordinator.~~ When the University has Actual Knowledge of alleged Sexual Misconduct, the Title IX Coordinator shall promptly contact the Complainant to: (1) discuss the availability of Supportive Measures, (2) inform Complainant of the availability of Supportive Measures (with or without the filing of a Complaint), and (3) explain to the Complainant the process of filing a Complaint.
  - ii.—~~University Response to Receipt of Formal Complaint.~~ Upon receipt of a Complaint, University shall: (1) complete the actions required upon receiving notice, (2) evaluate jurisdiction and mandatory and discretionary dismissal as described below, (3) assess appropriate Supportive

Measures for both parties, (4) evaluate the need for Emergency Removal or administrative leave, and (5) initiate the Grievance Process.

iii. ~~Initial Review of Formal Complaint.~~

1. ~~Permissive Dismissal.~~ The University may, but is not required to, dismiss a Formal Complaint in the following situations: (1) the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (2) the Respondent is no longer enrolled in or employed by the University; or (3) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein.
2. ~~Application of Other Policies upon Dismissal of Formal Complaint.~~ This policy applies exclusively to the various forms of Sexual Misconduct, as defined in Section 4 above. If the University dismisses a Complaint, or allegations therein, it must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties. Dismissal of a Sexual Misconduct Complaint does not preclude action pursuant to other applicable disciplinary policies, including applicable Student Handbook
3. ~~Appeal of Dismissal Decision.~~ Any party can appeal the dismissal decision.

iv. ~~Right to Consolidate Complaints.~~ University may consolidate Formal Complaints as to allegations of Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

b. ~~General Requirements of the Grievance Process.~~

- i. ~~Equitable Treatment of Parties.~~ The University shall treat Complainants and Respondents equitably by: (1) offering Supportive Measures to a Complainant, (2) providing remedies to a Complaint where a determination of responsibility for Sexual Misconduct has been made against the Respondent, (3) executing the Grievance Process in compliance with this Section before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against the Respondent; and (4) providing the parties with the same opportunities to have advisors present during any proceeding under the Grievance Process, as described in 7.e.iii and 8.c.iii of this policy.
- ii. ~~No Conflicts of Interest.~~ The Grievance Process requires the Title IX Coordinator, investigator, decision maker, and facilitator of an Informal Resolution process be free of conflicts of interest or bias against a party.
- iii. ~~Presumption of Non-Responsibility; Standard of Evidence.~~ There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process. The standard of evidence under the Grievance Process shall be a preponderance of the evidence.
- iv. ~~Objectivity.~~ Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. University shall require an objective evaluation of all relevant evidence, both inculpatory and exculpatory. University, Complainant, Respondent, Title IX Coordinator, investigator, decision maker, or facilitator of an Informal Resolution process cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege and the Recipient has obtained that party's voluntary, written consent to do so for the Grievance Process under this policy.

- c. ~~Timeframe. The process for addressing a Complaint under the Grievance Process will be concluded within the reasonably prompt timeframe of ninety (90) days. Notwithstanding the foregoing, there may be certain circumstances that allow for limited extensions of this timeframe for good cause. For such extensions of time or delays, there must be written notice to both the Complainant and Respondent of the delay or extension and the reasons for the action. A Grievance Process that exceeds ninety (90) days, shall be reviewed by University. Justification for the extended or delayed investigation must be documented. Complainant, Respondent, and other persons deemed appropriate by University will be provided an update on the progress of the Grievance Process after the review. The running of the ninety (90) day timeframe described in this subsection shall be tolled for any period in which the parties attempt to reach an agreement under the Informal Resolution Process under Section 10.h, below.~~
- d. ~~Notices. University will provide notices as required, including but not limited to:~~
  - i. ~~Initial Notice to Respondent. University shall provide written notice to Respondent upon receipt of a Complaint with sufficient time for the Respondent to prepare a response before any initial interview. Such notice shall include notice of this Grievance Process, including University's Informal Resolution process, and the allegations, the conduct allegedly constituting Sexual Misconduct, and any sufficient details<sup>4</sup> known at the time.~~
  - ii. ~~Supplemental Notice to Respondent. If additional allegations are later included within the scope of the investigation under this Grievance Process, supplemental notice of such allegations shall be provided at that time.~~
  - iii. ~~Notice to All Parties. University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.~~
- e. ~~Supportive Measures. University shall offer Supportive Measures as defined in Section 4.p. Supportive measures may include changes in class schedule, housing, work location, or transportation options if requested and reasonably available.~~
- f. ~~Prehearing Investigation. University shall investigate allegations made in a Complaint in accordance with this Grievance Process.~~
  - i. ~~Gather Evidence.~~
    - 1. ~~The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall be on the University and not on the parties.~~
    - 2. ~~University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written waiver in the form of written consent.~~
    - 3. ~~University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent.~~

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<sup>4</sup>Details may include, for example, the identity of the parties involved in the incident (if known), and the date and location of the alleged incident (if known).



4. ~~University shall provide an equal opportunity for the parties to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the prehearing investigation.~~
- ii. ~~Inspection and Review of Relevant Evidence.~~
  1. ~~Prior to the completion of an Investigative Report, University shall provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is directly related to the allegations raised in a Complaint.~~
  2. ~~University shall send to each party the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have at least 10 days to submit a written response, which the investigator will consider prior to the completion of an Investigative Report.~~
- iii. ~~Investigative Report. Upon completion of the investigation, University shall create an Investigative Report that fairly summarizes the relevant evidence. University shall send to each party the Investigative Report in an electronic format or hard copy, for their review and written response, at least 10 days prior to the hearing, if a hearing is required under this policy or otherwise provided.~~
- g. ~~Emergency Removal.~~
  - i. ~~The University shall conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal.~~
  - ii. ~~Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists<sup>2</sup>.~~
  - iii. ~~The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the emergency removal.~~
- h. ~~Informal Resolution Process.~~
  - i. ~~The Informal Resolution Process presents an alternative to the Grievance Process. After the parties have been provided written notice of a Complaint, the University may offer and facilitate the Informal Resolution Process, which may include, but is not limited to, arbitration, mediation, and restorative justice. At any time prior to reaching a determination regarding responsibility, the University may begin the Informal Resolution Process by obtaining the parties' voluntary, written consent to use this Informal Resolution Process. Notwithstanding the foregoing, the Informal Resolution Process must never be offered to resolve allegations of Sexual Misconduct by a University Employee against a Student, or in cases alleging Sexual Assault.~~
  - ii. ~~The University may never require any person to participate in the Informal Resolution Process and may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to the Informal Resolution Process. Any party may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Grievance Process with respect to the Complaint.~~
  - i. ~~Live Hearing. If the Complaint is not dismissed or resolved by Informal Resolution, then the Complaint shall proceed to a live hearing. The live hearing will be conducted in accordance with the procedure set forth in Attachment 2.~~

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<sup>2</sup> Emergency Removal may also take place in the instance where no Grievance Process is pending.

j. ~~Written Determination Regarding Responsibility.~~

- i. ~~After a live hearing, the hearing panel, with assistance from the hearing officer, will issue a written determination regarding responsibility that will include: (1) identification of the allegations potentially constituting Sexual Misconduct; (2) a description of the procedural steps taken throughout the Grievance Process; (3) findings of fact supporting the determination of responsibility; (4) conclusions regarding the application of the University's applicable conduct policy to the facts of the alleged conduct; (5) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided by the University to the Complainant; (6) a statement that the University's procedures are permissible bases for the Complainant and Respondent to appeal; and (7) a statement that the determination may be appealed by the parties pursuant to this policy and information on how to file such appeal.~~
- ii. ~~The written determination regarding responsibility becomes final when the time period to file an appeal has expired or when the written appeal decision has been sent to the parties.~~

k. ~~Appeals.~~

- i. ~~Grounds for Appeal. The parties can appeal a determination regarding responsibility or the University's dismissal of a Complaint or any allegations therein on the following grounds:~~
  1. ~~A procedural irregularity that affected the outcome of the matter;~~
  2. ~~New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or~~
  3. ~~The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.~~
- ii. ~~Appeal Process.~~
  1. ~~Filing by Appealing Party. The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.~~
  2. ~~Response of Non-Appealing Party. Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.~~
  3. ~~Appeal Officer. The appropriate Vice President or Provost will serve as the appeal officer, so long as they are not the same person as the decision-maker(s). The Vice President (or Provost) serving as the appeal officer will consult with the Vice President for Student Affairs throughout the process, who in their Title IX oversight role will be able to provide consistent guidance on the appeals process.~~
  4. ~~Response of Original Decision-Maker. The appeal officer may submit the written appeal and non-appealing party's response to the original decision-maker(s), and such original decision-maker(s) may submit its response in support of the appeal or original decision to the appeal officer.~~

5. ~~Review of Appeal.~~ The 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 these preliminary requirements are met, the appeal officer will then review the substance of the appeal and make a final determination.

i. ~~Written Decision and Notice.~~ Within five (5) University business days of the non-appealing party's deadline to submit a response to the filed appeal, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal officer will provide the written decision simultaneously to both parties. The written decision of the appeal officer is final and may not be appealed.

#### 11. ~~Sanctions~~

a. ~~The range of possible disciplinary sanctions and remedies following a determination of responsibility under the Grievance Process are set forth in this Section.~~

b. ~~Sanctions for students: Students found responsible for non-consensual sexual intercourse face a recommended sanction of university suspension or university expulsion. Refer to the *Code of Student Conduct*, Section 7: Conduct Procedures, for a full list of conduct sanctions available at the University.~~

i. ~~Faculty: University Policy 3.125, Faculty Due Process~~

ii. ~~Staff: University Policy 3.228, Staff Employee Disciplinary Procedures~~

#### 12. ~~Retaliation and False Information~~

a. ~~Retaliation.~~ Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate 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, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate in an investigation, proceeding, hearing, or other resolution pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

b. ~~Subsection (a) does not apply to an Employee who:~~

i. ~~Reports an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking perpetrated by the Employee;~~

ii. ~~Reports an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking perpetrated by the Employee;~~

iii. ~~Reports an incident of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking perpetrated by the Employee;~~

c. ~~Individuals who are found to have retaliated under this policy will be subject to disciplinary action, expulsion from the University, or being barred from the University premises and events.~~

d. ~~False Information.~~ An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Responding Party is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a

Responding Party is responsible for a policy violation does not imply that a Responding Party's statements disclaiming responsibility were false.

#### 13. Interim Measures

- a. ~~The Complaining Parties may request and the University may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate University officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to: (i) separating the Complaining Party's and Responding Party's academic or working situations; (ii) forbidding contact between parties involved in a complaint; and (iii) suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.~~
- b. ~~Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Complaining Party pursues a formal University action or criminal action.~~

#### 14. Confidentiality

- a. ~~The protections provided by this Section apply to:
  - i. ~~Complaining Party;~~
  - ii. ~~Reporting Party;~~
  - iii. ~~An individual who sought guidance from the University concerning an incident;~~
  - iv. ~~An individual who participated in the University's investigation of an incident; or~~
  - v. ~~Responding Party, if after completing an investigation, the University determines the report to be unsubstantiated or without merit.~~~~
- b. ~~Unless waived in writing by the individual, the identity of an individual described by Subsection (a):
  - 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 by individuals described by Subsection (a); (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.~~~~
- c. ~~For the purposes of this Section, investigation includes the coordination of the incident response, implementation of interim measures, adjudication of the report, disciplinary action or administrative response to the report, and disclosure by the University as required under state or federal law or regulation.~~
- d. ~~The willful and unnecessary disclosure of confidential information by anyone, including the Complaining Party or Responding Party, may affect the integrity of the investigation.~~
- e. ~~Students may make confidential reports to the University Student Counseling Center or to other counselors identified by the University. All Complaining Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services, 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.

~~15. Cooperation and Non-Interference with an Investigation or Grievance Process~~

- ~~a. Cooperation by University Employees. All University Employees who are not Complaining Party or Responding Party are required to comply with the Interim Measures, Supportive Measures or information requests, as directed or requested by the University Title IX Coordinator.~~
- ~~b. Non-Interference. Any individual who knowingly and intentionally interferes with an investigation or grievance process conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation or grievance process may include, but is not limited to: (i) attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information; (ii) divulging confidential information; (iii) removing, destroying, or altering documentation relevant to the investigation; (iv) providing false or misleading information to the investigator, or encouraging others to do so; or (v) making a report under this policy that, after investigation, is found not to have been made in good faith.~~

~~16. Training and Education~~

- ~~a. The University'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 required in orientation materials for new students, faculty, and staff. All Employees must attend equal employment opportunity non-discrimination and sex/gender discrimination training including Sexual Assault, Sexual Harassment, and campus crime mandated reporter training within the first thirty (30) days of employment and receive supplemental training every two (2) 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, the University Employees and administrators responsible for implementing this policy, including the University Title IX Coordinators, Title IX Deputy Coordinators, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and University policies related to or described in this policy.~~

~~17. Free Expression~~

- ~~a. This policy encourages and respects the right of free speech and expression guaranteed by the First Amendment of the Constitution and academic freedom. Constitutionally protected expression is not considered harassment under this policy; however, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment which is a violation of this policy.~~

Yes

Title: ~~Midwestern State University; Section 12 – Attachment 4~~

~~Top of chart begins Q: "Is the alleged conduct severe, pervasive, and objectionably offensive? (see footnote 1)"~~

~~1. If "No" to alleged conduct, then "Proceed under MSU Policy 4-161.B (Non-Title IX Sexual Misconduct)"~~

~~2. If "Yes" to alleged conduct, then Q: "Did the alleged conduct occur in an education program or activity? (See footnote 2)"~~

~~e. If "No" to education program or activity, then "Proceed under MSU Policy 4-161.B (Non-Title IX Sexual Misconduct)"~~

~~d. If "Yes" to education program or activity, then "Proceed under MSU Policy 4-161.A (Title IX Sexual Misconduct)"~~

Footnotes:

~~1. Items that are automatically considered to meet this standard include, but are not limited to, the following:~~

~~A. Sexual assault, as defined by 20 U.S.C. 1092(f)(6)(A)(v) (Clery Act)~~

~~B. Dating violence, domestic violence, or stalking as defined by 34 U.S. Code § 12291 (VAWA); and~~

~~C. Quid pro quo, as described in 34 CFR 106.30.~~

~~2. "Education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University. See 34 CFR 106.44.~~

## Midwestern State University Section 12—Attachment 2

### Sexual Misconduct Live Hearing Procedures

#### 1. General Requirements

- a. ~~Live Hearing. A live hearing may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously hear each other. The University, in its discretion, may choose to limit interaction between a Complainant and Respondent, including but not limited to using shielding devices or reviewing questions prior to being asked.~~
- b. ~~Hearing Panel. The Title IX Coordinator will appoint a three-member Hearing Panel which will be the decision-maker that objectively evaluates all relevant evidence and renders a determination regarding responsibility after the live hearing. The determination regarding responsibility will be made by a majority vote of the Hearing Panel. The Hearing Panel will not include the University Title IX Coordinator or an investigator involved in the matters considered at the live hearing. The Hearing Panel has the right and responsibility to ask questions and elicit information from parties and witnesses on its own initiative to aid in obtaining relevant evidence both inculpatory and exculpatory.~~
- c. ~~Hearing Officer. The University will appoint an independent Hearing Officer to oversee and conduct the live hearing. The Hearing Officer will not be a member of the Hearing Panel, though the Hearing Officer may be present for and answer questions from the Hearing Panel when deliberating the determination regarding responsibility, and the Hearing Officer may assist the Hearing Panel in drafting the written determination regarding responsibility.~~
- d. ~~Parties and Witnesses at Hearing. All parties, witnesses, and other participants in a live hearing must be physically or virtually present at the live hearing in a manner where all participants can simultaneously hear each other.~~
- e. ~~Advisors. Both the Complaining and Responding Parties have the right to be accompanied by an advisor of the individual's choosing at a live hearing. The role of the advisor will be limited to being present and advising the relevant party; advisors are not allowed to actively participate in the process.~~
- f. ~~Rules of Order and Decorum. The University will adopt rules of order and decorum provided for and enforced by the Hearing Officer. Such rules will include, without limitation, time limits, hearing order, and requirements that participants not badger a witness, and repetition of the same question may be deemed irrelevant by the hearing officer; no party be asked questions in an abusive or intimidating manner; and questioning shall be relevant, respectful, and non-abusive.~~

#### 2. Hearing Procedure

- a. ~~Hearing Officer to Direct Hearing. The Hearing Officer will set the Rules of Order and Decorum and agenda for the live hearing and will direct and oversee the live hearing in accordance with this regulation and the Rules of Order and Decorum.~~
- b. ~~Recording or Transcript. The University will create a recording, or transcript, of the live hearing and make it available to the parties for inspection and review.~~
- c. ~~Opening and Closing Statements. At the direction of the Hearing Officer, Complainants and Respondents will have an opportunity to offer their own opening and closing statements.~~

- d. ~~Presentation of Evidence. Each party will have an opportunity to introduce evidence to the Hearing Panel.~~
- i. ~~Rules of Evidence; Relevance. The Hearing Officer will be responsible for making determinations regarding evidence, including relevance. Information that will be deemed not relevant includes, without limitation, information protected by a legal recognized privilege; questions or evidence about Complainant's sexual predisposition or prior sexual behavior (unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant); any party's medical, psychological, and similar records (unless the party has given voluntary written consent); and party or witness statements that have not been subjected to cross-examination at the live hearing.~~
- e. ~~Examination of Witnesses~~
- i. ~~Direct Examination. Direct examination may be conducted by the Hearing Officer or the Hearing Panel.~~

## **PART II: University Policies and Procedures**

### **Academic Dishonesty Policy & Procedures**

Academic Dishonesty: Cheating, collusion, and plagiarism (the act of using source material of other persons, either published or unpublished, without following the accepted techniques of crediting, or the submission for credit of work not the individual's to whom credit is given). Additional guidelines on procedures in these matters may be found in the Office of Student Rights and Responsibilities.

- a. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition without permissions, of tests or other academic material belonging to a member of the university, faculty, or staff.
- b. The term "plagiarism" includes, but is not limited to, the use by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- c. The term "collusion" means collaboration with another person in preparing work offered for credit if that collaboration is not authorized by the faculty member in charge.

#### Academic Dishonesty Procedure

- I. After an alleged incident of Academic Dishonesty occurs, the instructor does the following:
  - a. Informs the student of the academic sanction to be imposed;
  - b. Informs the student of his/her right to appeal the sanction;
  - c. Notifies the department chair of the incident and the sanction imposed.
- II. The department chair then reports the incident and the sanction to the following parties:
  - a. Dean of the College
  - b. Director of Student Rights and Responsibilities
  - c. Dean of Graduate Studies (if the incident occurred in a graduate course)



- d. Registrar (if the sanction is a course grade of F).

Note: if the faculty member is a department chair, the dean assumes the role of the department chair in addition to the role of dean. If the faculty member is a dean, the Provost assumes the role of the dean.

- III. The student accepts the academic sanction or appeals the sanction to the department chair in writing no later than five (5) working days after being notified of the sanction.
- IV. If the student appeals the sanction imposed by the instructor, the department chair investigates the incident and consults with the instructor and student. If the chair and instructor do not agree on the disposition, the appeal proceeds directly to the dean. If the chair and instructor agree on the disposition of the appeal, the chair notifies the following parties of any change in the sanction:
  - a. Student
  - b. Instructor
  - c. Dean of the College
  - d. Director of Student Rights and Responsibilities
  - e. Dean of Graduate Studies (if the incident occurred in a graduate course)
  - f. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).
- V. The student accepts the academic sanction imposed by the instructor and department chair or appeals the sanction to the dean of the college in writing no later than five (5) working days after being notified of the department chair's decision.
- VI. If the student appeals the decision of the instructor and department chair, or if the chair and the instructor did not agree on an academic sanction, the dean of the college investigates the incident, consults with all parties, decides the disposition of the sanction, and informs the following parties of the decision:
  - a. Student
  - b. Instructor
  - c. Department Chair
  - d. Director of Student Rights and Responsibilities
  - e. Dean of Graduate Studies (if the incident occurred in a graduate course)
  - f. Provost
  - g. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).
- VII. The student accepts the academic sanction imposed by the dean of the college or appeals the decision of the dean of the college to the Academic Appeals Committee in writing no later than five (5) working days after being notified of the dean of the college's decision.
- VIII. If the student appeals the decision of the dean of the college, the Academic Appeals Committee investigates the incident and holds a hearing. The Academic Appeals Committee may remove the sanction, confirm the sanction, or impose a different academic sanction, and may refer the case to the Student Conduct Committee with a recommendation for a conduct sanction in addition to the academic penalty. The chair of the Academic Appeals Committee informs the following parties of the decision:
  - a. Student
  - b. Instructor
  - c. Department Chair
  - d. Dean of the College
  - e. Director of Student Rights and Responsibilities

- f. Dean of Graduate Studies (if the incident occurred in a graduate course)
  - g. Provost
  - h. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).
- IX. The Student Conduct Committee considers exclusively whether to add disciplinary sanctions to the academic sanction imposed beforehand and selects and imposes the sanction(s). The Director of Student Rights and Responsibilities informs the following parties of the decision:
- a. Student
  - b. Instructor
  - c. Department Chair
  - d. Dean of the College
  - e. Dean of Graduate Studies (if the incident occurred in a graduate course)
  - f. Provost.

### **Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus (AIDS/HIV) Infection**

Midwestern State University recognizes Human Immunodeficiency Virus (HIV) as a serious public health threat and is committed to encouraging an informed and educated response to questions raised by students. Guidelines have been developed to address the medical, educational, legal, administrative, and ethical issues involved. Information related to the Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus policy is available in the Midwestern State University Operating Policy 34.06, Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infection.

~~The Vinson Health Center offers testing and/or referral for students requesting confidential HIV tests. All testing conducted by the university will include counseling before and after the test. Unless otherwise authorized or required by law, no HIV test will be performed without informed consent of the person to be tested. HIV test results will be reported in compliance with all applicable statutory requirements, including the Communicable Disease Prevention and Control Act, Texas Health and Safety Code, 81.001.~~

~~The complete guidelines, which comply with The Human Immunodeficiency Virus Service Act, Senate Bill No. 959, 71st Legislature, are available at [Error! Hyperlink reference not valid.](#)~~

### **Building Hours and Keys**

Classroom buildings will generally be open Monday through Friday from 7:00 a.m. to 6:00 p.m., when classes are in session. Buildings in which evening classes are taught will close at the conclusion of the final class period. Classroom buildings will be closed Saturdays, Sundays, and holidays unless otherwise noted. Clark Student Center, Moffett Library, and the Student Wellness Center will be open daily unless otherwise noted.

#### *Entry to Closed Buildings and Student Use of Authorized Building Keys*

Authorized Entry of Closed Buildings and Facilities – Only students issued an outside door key or students accompanied by faculty or staff members *for the duration of their stay* may enter closed buildings or facilities.

When buildings are closed to general use, ~~varsity-student~~ athletes working out on athletic equipment or practicing on indoor courts must be accompanied by coaches or by teaching-graduate assistants who have been issued authorized outside door keys. Coaches and teaching-graduate assistants *must remain with the athletes for the duration of their stay in the building*. When ~~varsity-student~~ athletes are accompanied by teaching-graduate assistants, no extraneous persons may be in attendance or participate in the activities, and both the student athletes and the teaching assistants must be in possession of their student I.D. cards.

#### *Restrictions upon Students Holding Authorized Outside Door Keys*

- I. Students issued an authorized outside door key will be prohibited from using *recreational facilities*, such as basketball courts and exercise equipment, *or computer labs or meeting rooms for their own private purposes* or that of their friends and acquaintances *when buildings are closed to general use*.
- II. Students issued authorized outside door keys for academic buildings are prohibited from working in laboratories and studios *unless accompanied by an MSU faculty-member/staff for the duration of their stay in the building*.

*Disciplinary Action* – The following will be cause for disciplinary action:

1. Students in possession of unauthorized building keys.
2. Students lending their authorized building keys to *unauthorized persons*.
3. Students leaving doors ajar or otherwise enabling unauthorized persons to enter buildings or facilities closed to general use.
4. Unauthorized entry or occupation of university buildings.

### **Campus Crime Reporting**

All criminal incidents as well as all traffic accidents should be reported to the University Police Department immediately.

Midwestern State University is committed to assisting all members of the community in providing for their own safety and security. The Annual Security and Fire Safety Report is available here: <https://msutexas.edu/police/assets/files/clery-report.pdf>. The report contains information regarding campus security and personal safety including topics such as crime prevention; public safety authority; crime reporting policies; fire safety; programs to prevent dating violence, domestic violence, sexual assault, and stalking; the procedures the University will follow when one of these crimes is reported; and other matters of importance related to security on campus. The report also contains information about fire statistics in MSU Texas Residential Facilities and crime statistics for the three most recent calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by the University or a recognized student organization; and on public property within, or immediately adjacent to and accessible from the campus. This information is required by law and is provided by the Midwestern State University Police Department.

If you would like to receive a hard copy of the Annual Security and Fire Safety Report which contains this information, you can stop by the Midwestern State University Police Department at 6 Eureka Circle, Wichita Falls, TX or you can request that a copy be mailed to you by calling (940) 397-4239. Midwestern State University's Annual Security and Fire Safety Report includes statistics for the previous three (3)-years concerning reported crimes that occurred on campus; in certain off-campus buildings or property

~~owned or controlled by Midwestern State University; and on public property within, or immediately adjacent to and accessible from, the campus. The police department also maintains a daily log of criminal activity. The Annual Security and Fire Safety Report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. You can obtain a copy of this report by contacting University Police or by accessing the following website at <https://msutexas.edu/police/assets/files/clery-report.pdf>.~~

#### *Notification of Penalty for False Alarm or Report*

It is an offense under the Texas Penal Code, Sec 42.06, to make, initiate, communicate, or circulate a report about a present, past, or future bombing, fire, offense or other emergency knowing that it is false or baseless and the report would ordinarily:

1. cause action by an official or volunteer agency organized to deal with emergencies, or
2. place a person in fear of imminent serious bodily injury, or
3. prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

Offenses under this section are considered a Class A misdemeanor. However, when a false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service, the offense is considered a state jail felony.

### **Carrying Concealed Handguns on Campus Policy**

- I. Policy Statement  
Midwestern State University (MSU) is committed to providing a safe and secure learning, working and living environment for students, faculty, staff, and visitors, and to respecting the right of individuals who are licensed to carry a handgun where permitted by law. Individuals who are licensed to carry may do so on MSU's campus premises except in locations and at activities prohibited by law or by this policy. The carrying of any handgun by an unlicensed person or the open carry of a handgun is not permitted in any place on MSU's campus premises.
- II. Reasons for Policy  
The necessity for this policy is occasioned by the 84<sup>th</sup> Texas Legislature's enactment of Senate Bill No. 11 (S.B. 11 – commonly known as the “campus carry” law) which added Section 411.2013 to the Texas Government Code authorizing the concealed carry of handguns on the premises of MSU that takes effect on August 1, 2016. In accordance with S.B. 11, this policy memorializes the rules and regulations enacted by the President of MSU in consultation with students, faculty, and staff and approved by the Board of Regents.
- III. Application of Policy  
This policy applies to all faculty, staff, students, guests, visitors, and individuals and organizations doing business on or on behalf of MSU. This policy does not apply to commissioned peace officers as defined in article 2.12 of the Texas Code of Criminal Procedures.
- IV. Definitions (specific to this policy)
  - A. Activities: all functions, events, and programs on the MSU campus premises.
  - B. Equipment that is incompatible with metallic objects: means, for example, magnetic resonance imaging and nuclear magnetic resonance machines.



- C. Extremely dangerous chemicals, biologic agents, or explosive agents: means biological hazards including a biological substance used in research or experimentation that poses a threat to the health of a living organism, primarily that of a human, and is classified as biosafety level (BSL) 3 or 4 by the Centers for Disease Control and Prevention (biological hazards can include medical waste or samples of microorganisms); or any chemical(s) with a National Fire Protection Association (NFPA) label that lists a particular chemical(s) as a 3 or higher in any category of flammability, instability, or health hazard, or is listed as radioactive in the special hazard category.
- D. Campus Premises: all land, buildings, and portions of buildings owned or leased by the University.
- E. Campus Housing: a residential facility owned or leased and operated by the University and located on the campus premises.
- F. Collegiate Sports: intercollegiate, club, and intramural athletic activities occurring on the campus premises.
- G. Concealed Handgun: a handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.
- H. Days: means business days.
- ~~I. Employee: an individual at any component of MSU, who is hired in a full-time, part-time, or temporary capacity in a faculty or staff position or in a position where the individual is required to be a student as a condition of employment.~~
- ~~J.I. Employee: an individual at any component of MSU, who is hired in a full-time, part-time, or temporary capacity in a faculty or staff position or in a position where the individual is required to be a student as a condition of employment.~~
- ~~K. Firearms: The possession of firearms on the MSU Texas Main Campus is prohibited by all persons other than those who possess a valid License to Carry (LTC). Violation of this prohibition may subject an individual to criminal penalties under Texas Penal Code Section 30.05—Criminal Trespass, as well as to campus administrative sanctions.~~
- ~~L.J. Handgun: any firearm that is designed, made, or adapted to be fired with one hand.~~
- ~~M.K. Interscholastic Event: a function or program involving elementary or secondary schools.~~
- N.L. License Holder: a person issued a License to Carry a Handgun (formerly called a "Concealed Handgun License") by the Texas Department of Public Safety under Chapter 411 of the Texas Government Code.
- O.M. Reviewing Official: the University official designated by the President to review a decision to temporarily restrict the carrying of concealed handguns on the campus premises.
- P.N. Secure Gun Storage: a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means (18 U.S.C. §921(a)(34)(c)).
- Q.O. Store: to take steps that a reasonable person would take to prevent the access to a firearm, including but not limited to placing a firearm in a locked container (secure gun storage); for purposes of this policy, a firearm that is temporarily rendered inoperable by use of a trigger lock or other means is not stored.
- R.P. Work Area: the place(s) an individual performs assigned duties as an employee of MSU.

V. Rules and Regulations

- A. Open Carry Prohibited. All persons, including License Holders, are prohibited from openly carrying a handgun on the campus premises, including on any public driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area on the campus premises.
- B. Carrying of Concealed Handgun by a License Holder Right to Carry. A license holder may carry a concealed handgun while on the campus premises (including public driveways, streets, sidewalks or walkways, parking lots, parking garages, and other parking areas) and in MSU passenger transportation vehicles, unless prohibited by state or federal law, or by this policy. License holders are responsible for knowing areas where carrying a concealed handgun is prohibited where notice is not required to be posted.
1. Intoxication. A license holder may not carry a concealed handgun while intoxicated.
  2. Display of Concealed Handgun. A license holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person, even if holstered, on the campus premises, including public driveways, streets, sidewalks or walkways, parking lots, parking garages, or other parking areas on the premises of MSU.
  3. Requirement to Display License. A license holder must display his or her license to carry when directed by a law enforcement officer in accordance with section 411.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he or she is a license holder in order to participate in any program or service offered by MSU, except as required by law.
- C. Carrying of Concealed Handgun by Employees. An employee who lawfully holds a license to carry may carry a concealed handgun into his or her work area, unless prohibited under this policy, but is not authorized to use the weapon in the course and scope of performing his or her duties. An employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable for the injury or damage, and is not entitled to immunity under section 411.208 of the Texas Government Code or any other immunity to which the individual may be otherwise entitled as a University employee.
- D. Locations and Activities where Concealed Handguns are prohibited. A license holder is prohibited from carrying a concealed handgun onto the campus premises where prohibited by law and where prohibited by this policy based on the nature of the student population, specific safety concerns, uniqueness of the campus environment, and special or unique uses.
1. Concealed handguns are prohibited:
    - a. at a location where a high school, collegiate, or professional sporting event or interscholastic event is taking place as prohibited under section 46.035(b)(2) of the Texas Penal Code, or where a sports club or intramural athletic competition is taking place;
    - b. at a location used as a church, synagogue, or other established place of religious worship as prohibited under section 46.035(b)(6) of the Texas Penal Code;
    - c. at a location designated as a polling place on the day of a federal, state, or local election, including while early voting is in progress as set out in section 46.03(a)(2) of the Texas Penal Code;
    - d. at a location where the campus premises is used by a court unless the handgun is carried pursuant to written regulation or written authorization of the court in accordance with section 46.03(a)(3) of the Texas Penal Code;

- e. in a nonpublic, secure portion of the MSU Police Department used to conduct official business as prohibited under section 411.207(b) of the Texas Government Code;
  - f. in any laboratory, room, or storage area with extremely dangerous chemicals, biologic agents, or explosive agents, and areas with equipment that is incompatible with metallic objects, as defined by this policy;
  - g. where state or federal law or contract, at the sole discretion of the state or federal government or organization with whom the contract is entered, requires exclusion of a handgun in a specific location, including the MSU Testing Center, and the exclusion does not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus premises;
  - h. at a location where medical, health, or clinical services are provided, specifically Vinson Health Center, Gaines Dental Hygiene Clinic, MSU Counseling Center, West College of Education Counseling Center, and MSU Psychology Clinic, including offices within each of these clinics or centers;
  - i. at a location where services (e.g., activities/camps) to minors are provided, specifically locations used for Pre-K through Grade 12 activities/camps on the MSU Campus, including residence halls and other buildings used for summer camps and other scheduled activities where school-age children are on the MSU campus, SAT and ACT testing on the MSU campus, and University Interscholastic League (UIL) events held on the MSU campus;
  - j. at a location where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically the D. L. Ligon Coliseum, MSU Softball, Soccer and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events;
  - k. at a location where any meeting, hearing, or other occurrence that involves formal grievances, discipline, dismissal, or remediation of students, faculty, or staff; and
  - l. in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.
2. Concealed handguns are prohibited at the following Activities: where intercollegiate, club, intramural, and sporting and athletic activities and events occur on the campus premises, specifically D. L. Ligon Coliseum, MSU Softball, Soccer, and Tennis Centers, and Redwine Wellness Center, and fields or other areas on campus premises utilized for such events.
- E. **Obligation to Provide Notice Where Concealed Handguns are Prohibited.** The University shall provide notice at all locations and activities where concealed handguns are prohibited under this policy and may post notice where handguns are expressly prohibited but where notice is not required to be posted by law. The language of the notice, which is set out in section 30.06 of the Texas Penal Code, shall not be altered in any way unless revised by state law. Any individual who without authorization, tampers with, defaces, modifies, or removes a notice provided pursuant to this policy is subject to disciplinary action, including trespass from campus, suspension, termination of employment or a business relationship, and is subject to criminal prosecution.
1. Notice required under this policy must read:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

2. Notice must be provided in writing and on a card or other document in both English and Spanish. When notice is posted at a location, the sign must appear in contrasting colors with block letters at least one (1) inch in height, displayed in a conspicuous manner that is clearly visible to the public, and at a sufficient distance from the location or activity to inform a license holder that entry on the property or presence at the activity with a concealed handgun is prohibited.
3. The University's General Counsel and the MSU Police Department shall be responsible for developing and implementing procedures to ensure campus compliance with the notice requirements provided by this policy.
4. The University shall publish this policy annually in the policy manual and student handbook, and on a webpage dedicated to the carrying of concealed handguns on campus premises.
5. Contracts for use of the campus premises shall include pertinent provisions of this policy.

F. Campus Housing. A concealed handgun may be carried or stored in campus housing as set out in this policy. Any time a handgun in a campus housing facility is not in the immediate care, custody, or control of the owner, that handgun must be stored within secure gun storage. No gun storage will be provided by MSU; however, secure gun storage safes may be rented through the Office of Residence Life and Housing for use in campus housing.

1. Residents

A license holder who resides in campus housing may carry a concealed handgun into campus housing and may store the weapon in his or her assigned residential room except during periods between the spring and fall semesters when the facility hosts summer camps attended by minors.

- a. A resident who brings a concealed handgun into campus housing pursuant to this policy must carry the weapon on his or her person at all times or store it in his or her assigned room within secure gun storage.
- b. A handgun may be stored only in a residential room, and in a locked container rented from or approved by the University.
- c. A resident may not intentionally or knowingly display a handgun in plain view of another person in campus housing except as necessary to properly store the weapon in his or her assigned residential room.
- d. A student who is assigned to a residential room in campus housing where a firearm is stored and is concerned about his or her wellbeing may request a transfer to another residential room through the regular University housing process.

2. Non-Residents

- a. A license holder who does not reside in campus housing may carry a concealed handgun into campus housing except during periods between the spring and fall semesters when the facility hosts summer camps attended by minors.
- b. The handgun must be carried on the non-resident's person at all times and may not be stored in a campus housing room.



3. Responsible for Personal Injury or Damage. A resident or non-resident whose possession, use, or storage of a handgun results in personal injury or property damage is personally liable for the injury or damage.
- G. Temporarily Prohibiting Concealed Handguns on Campus Premises
1. The President or President's designee may prohibit the carrying of concealed handguns for up to seven (7) days in order to promote safety on the campus premises:
    - a. when the activity has a history for violence;
    - b. where a large-scale activity, due to the presence of alcohol, uniqueness of the campus environment, specific threat of violence, or other safety considerations presents a reasonable threat to health or safety; or
    - c. upon request of the University Chief of Police when it reasonably appears there is threat of injury to human life, destruction to University property, or a threat of willful disruption of orderly operation of the University as defined in section 51.231 of the Education Code, or upon receipt of credible information of imminent injury to human life or destruction to University property.
  2. Review of Decision to Temporarily Restrict Carrying of Concealed Handgun
    - a. A license holder may request review of the decision to temporarily prohibit the carrying of a concealed handgun.
    - b. The request must be submitted in writing to the reviewing official and describe why allowing concealed handguns at the location or activity does not present a safety concern.
    - c. The reviewing official may request additional information and must notify the license holder of the decision no later than two (2) days after receiving the request for review. The notice must provide the reason(s) for the decision.
    - d. The decision of the reviewing official is final.
- H. Sanctions for Violating this Policy. Any individual who violates this policy is subject to disciplinary action which may include trespass from campus, suspension, or termination of employment or a business relationship, and is subject to criminal prosecution.
- I. Training. The MSU Police Department will establish Safe Campus training that will be made available to the University community.
- J. Report to Legislature. MSU's President, or her/his designee, shall prepare a report for the Texas Legislature describing the campus rules adopted to regulate the carrying of concealed handguns on campus and the reasons for the rules not later than September 1, 2016 and every even-numbered year thereafter. This report will be submitted to the University's Board of Regents prior to submission to the Legislature.
- K. Amending Policy. As provided for by law, the President may, at her/his discretion, amend the provisions of this policy as necessary for campus safety, which shall take effect as determined by the President unless subsequently amended by the Board of Regents.

### **Class Attendance Policy**

Students are expected to attend all meetings of the classes in which they are enrolled. Although in general, students are graded on intellectual effort and performance rather than attendance, absences may lower the student's grade where class attendance and class participation are deemed essential by the faculty member. In those classes where attendance is considered as part of the grade, the instructor should so

inform students of the specifics in writing at the beginning of the semester in a syllabus or separate attendance policy statement. An instructor who has an attendance policy must keep records on a daily basis. The instructor must give the student a verbal or written warning prior to being dropped from the class. Instructor records will stand as evidence of absences. A student with excessive absences may be dropped from a course by the instructor. Any individual faculty member or college has the authority to establish an attendance policy, providing the policy is in accordance with the General University Policies.

#### *Authorized Absences*

Absences due to required participation in university-sponsored activities must be approved by the college dean or Athletic Director and the Provost. Students with written approval must present a signed letter or memo to each instructor at least two (2) class days prior to the date of the absence. Only prior notification can guarantee lack of penalty for these absences. It is the responsibility of the student to arrange with the instructor to make up all work missed during an authorized absence.

Academically-related activities (class field trips, attendance at conferences, etc.) which result in absences require the cooperation of individual faculty members. Even though such activities are educational in nature, they do not qualify as university-sponsored activities. Faculty members who organize such activities should assist their students in contacting and informing relevant faculty of the planned activity. Excused absences for such activities may be given at the discretion of the faculty member whose class is missed.

#### *Procedures for Authorized Absences*

The Provost will approve one copy of a request which includes the names of all students involved. The faculty sponsor or coach upon receipt of the approval, will make copies for each student.

1. Faculty sponsors or coaches should draft a memorandum or letter to the Provost. This memorandum should include information concerning the nature of the event, the date(s) on which students would be absent from class, and the names and identification numbers of the students involved.
2. Upon approval of the Provost, a copy of the memorandum should be given to each student listed.
3. Students should be directed to communicate with their instructor(s) at least two (2) class days prior to the date of the planned absence. Make-up assignments will occur at the convenience of the professor.

#### *Excused Absences Defined by State Regulations*

1. Religious Holy Days: In accordance with Section 51.911 of the Texas Education Code, Midwestern State University shall excuse a student from attending classes or engaging in other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. It is the responsibility of a student who intends to observe a religious holy day to make that intention known in writing to the instructor as far in advance of the absence as possible so that arrangements can be made to complete an assignment or take an examination within a reasonable period after the absence. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. If a student and instructor disagree about the nature of the absence being for the observance of a religious holy day, or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the college dean. The student and instructor shall abide by the decision of the college dean. If the college dean serves as the instructor for the course in question, the Provost and Vice President for Academic Affairs shall determine the ruling. A "religious holy day" is defined under Section 11.20

(Religious Organizations) of the Texas Tax Code as a holy day observed by a religion whose places of worship are exempt from property taxation. The University does not maintain a list of religious holy days.

2. **Required Military Service:** In accordance with Section 51.9111 of the Texas Education Code, Midwestern State University shall excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in required military service of a reasonably brief duration to which the student is called, including travel associated with the service. Required military service includes required military service performed by a member of the Texas National Guard, Texas State Guard, or United States Military. The maximum time for which the student may be excused has been defined by the Texas Higher Education Coordinating Board (THECB) as "no more than 25 percent of the total number of class meetings or the contact hour equivalent (not including the final examination period) for the specific course or courses in which the student is currently enrolled at the beginning of the period of required military service." A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. If a student and instructor disagree about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the college dean. The student and instructor shall abide by the decision of the college dean. If the college dean serves as the instructor for the course in question, the Provost and Vice President for Academic Affairs shall determine the ruling.

Assistance with notification of professors with regard to absences are available from the following. Note - excused absences may be given at the discretion of the faculty member whose class is missed:

1. **Office of Student Rights and Responsibilities** - For personal emergencies such as hospitalization or family emergency, or a prolonged absence, a student should notify the Office of Student Rights and Responsibilities.
2. **Vinson Health Center** - When a student's illness warrants verification, the student may seek medical treatment through the Vinson Health Center, after which the Office of Student Rights and Responsibilities and/or faculty members will be notified by the Vinson Health Center.

### **Computer and Network Services**

Midwestern State University recognizes that Information Technology (IT) is critical for the University and must be managed in compliance with state and federal laws. Information regarding computer and network services is available in the Midwestern State University Operating Policy 44.10, Information Technology Operations.

~~This policy applies to all users of the university's telecommunications, computer and network services. The university provides telephone, computer and network resources for use by students, faculty, staff and other persons affiliated with the university. Access to and proper use of information resources are essential to the pursuit and achievement of excellence at Midwestern State University. The university encourages appropriate use of technology to enhance productivity through the efficient exchange of information in the furtherance of education, research, and public service. [This policy has been edited for~~

this publication and only the information relating to students is included. For the complete text of this policy, see *Midwestern State University Operating Policies and Procedures Manual*, policy number 4.184.]

#### *Electronic Network Access*

Users of the university electronic network facilities and services will indemnify and hold harmless the university against any and all actions or claims of infringement of intellectual property rights arising from the use of a network based service or facility provided by the university. Network access is provided by password control. All passwords are managed and controlled by Information Systems. The following policies are established for network access:

1. Use of facilities and services in such a way as could be deemed foul, threatening, inappropriate, harassing, or abusive including but not limited to racial and sexual slurs, is prohibited.
2. All accounts are for the sole use of the student, faculty or staff of the university. Information Systems will not release account information to any other individual.
3. Network access shall not be used for any non-university related activity. Use of network access should be consistent with the instructional, research, public service and administrative purposes and goals of the university.
4. A network access account may be requested by a currently enrolled student, employed faculty/staff member or emeriti faculty/administrator.
5. Student access will be deactivated upon the student's withdrawal from the university or non-enrollment.
6. Faculty and staff network access accounts will be deactivated upon termination of employment.
7. Unauthorized access to the network is strictly prohibited and could result in disciplinary action up to and including legal criminal action. Network account information is for the sole use of the original requester.
8. Electronic mail is subject to search at any time, with or without notice, as the university administration deems necessary.
9. Use of university electronic mail accounts to send unsolicited commercial mail is prohibited.

#### *Copyright and Computer Software*

Midwestern State University and its students, faculty, and staff must maintain legal and ethical standards regarding the use of computer software. The unauthorized duplication of computer software, data or computer manuals, unless appropriate written consent is obtained, is grounds for disciplinary action and referral to the appropriate law enforcement or investigative agency.

1. In strict compliance with Public Law 96-517, Section 10(b), which, in amending Section 117 of Title 17 U.S. Code to allow for the making of computer software back-up copies, states in part "...it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
  - a. "That such a new copy or adaptation is created as an essential step in utilization of the computer program in conjunction with a machine and that it is used in no other manner;" or,
  - b. "That such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful."
  - c. Where appropriate written consent (from the holder of such copyright) is obtained.
  - d. Where the software is in the public domain and that can be proven.
2. Under PL 101-650, phonograph records, computer programs, tapes, CDs or videos may not be rented, leased, or lent for direct or indirect commercial advantage. However, the nonprofit lease or lending of



computer software (bearing the warning notice prescribed by the Register of Copyrights) to this institution's staff, faculty and students for their nonprofit use is exempt from these restrictions.

3. Also exempt (from PL 101-650's restrictions) is the lawful transfer of possession of a lawfully made copy of a computer program between nonprofit educational institutions and between such institutions and the individuals comprising their staff, faculties, and student bodies.
4. Illegal copies of software may not be used on this university's computers.
5. Determination made under section 2 and 3 above are to be made by Midwestern State University and not the individual. Any indication of a violation of Section 4 will be promptly and thoroughly investigated.
6. Unauthorized distribution of copyrighted material, including peer-to-peer file sharing, is prohibited under this policy. This includes illegally downloading and/or sharing music and video files.
  - a. Violations will result in disciplinary proceedings against the student. Sanctions given will be commensurate with the violation, and may include termination of computer privileges.
  - b. Individuals violating this policy may face legal action, which could include fines and/or imprisonment.

#### *Computer Security and Privacy*

All faculty and staff employees and students shall be responsible for complying with the Computer Security and Privacy policies. These policies are as follows:

1. The university president shall appoint an administrator responsible for developing and maintaining university regulations and procedures regarding security and privacy of computer data, software, and hardware.
2. Any student's or faculty/staff employee's use of university computing facilities is a privilege that shall be revoked for violation of this policy, regardless of the need for computer use in performing assigned duties or class work. Specific causes for revocations are as follows:
  - a. Student, faculty or staff who intentionally gain access to a computer or file that is protected from general access by the public.
  - b. Gaining unauthorized access to privacy protected information that may reside on the university mainframe.
  - c. Purposely placing or injecting a virus into the university computer systems or networks.
  - d. Removing university computer assets from campus without prior approval.
  - e. Connecting personally owned computers to the wired campus network or installing personally owned software on campus owned systems.
  - f. Public domain (shareware) will not be downloaded from public access bulletin board systems to any user computer connected to the campus network. All software loaded on university computers will first be approved by Information Systems and certified virus free.
  - g. User departments will identify to Information Systems computer workstations used to store confidential or sensitive information or to run critical applications. All campus systems must run campus standard virus protection software.
3. Some jobs or activities of the university involve access to resources critical to computer security and privacy. The university may require faculty/staff employees or students involved in these jobs or activities to disclose personal histories, participate in special training, and/or sign special agreements concerning computer use.
4. All students and faculty/staff employees shall cooperate with official state and federal law enforcement authorities in aiding the investigation and prosecution of any suspected infraction of security and privacy involving either university personnel or university computing facilities.

## Disability Grievance Procedures

It is the policy of Midwestern State University that no otherwise qualified person, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program, activity, or employment of the university. Any student/employee seeking accommodations on the basis of disability must register with the Office of Disability Support Services and must provide all required documentation of disability.

### 1. Informal Resolution

Individuals with grievances related to discrimination or lack of accommodation on the basis of a disability are encouraged to resolve the problem directly with the area involved. Students should contact the Office of Disability Support Services for advice and/or assistance. If no resolution is forthcoming if direct confrontation is deemed inappropriate, the student may report the requested accommodation or the alleged discrimination to the area's immediate supervisor or the appropriate department head. The supervisor or department head should attempt to resolve the complaint and to maintain the student's anonymity, if requested. If resolution is not satisfactory, the student may request assistance from the appropriate vice president in attempting to reach an informal resolution on the matter.

### 2. Formal Grievance

If the student is not satisfied with the informal resolution, he/she may file a grievance. The student must notify the ADA Coordinator (Director of Disability Support Services) in writing of the complaint. The notice should state the nature and date of the alleged discrimination, the name(s) of the individual(s) involved, the names of any other witnesses or participants, and the remedy the student seeks. The request must be signed by the student and filed within thirty (30) days of the alleged incident.

### 3. Hearing

A grievance hearing will be held within fifteen (15) working days following receipt of the written request. The case shall be heard by complaint. The committee, by majority vote, shall determine whether or not a remedy is appropriate.

### 4. Findings

The Committee will transmit its findings and determinations to the Vice President for Student Affairs within five (5) working days following the grievance hearing. The Vice President shall then notify the complaint in writing of the decision of the committee.

#### Appeal

An appeal to the president of the university on the record only may be made by the complaint in writing within fifteen (15) working days following receipt of the grievance committee's decision. Unless the president acts within ten (10) working days following receipt of the written appeal, the grievance committee's decision is upheld. The president's decision shall be final.

### A. Direct Informal Resolution

Any student or employee with a grievance related to discrimination or lack of reasonable accommodation on the basis of a disability is encouraged to resolve the problem directly with the individual involved in the area where the problem exists. This process is intended to promote dialogue and understanding, as well

as personal development through self-advocacy and open communication. If the matter remains unresolved, an informal grievance may be initiated through the Office of Disability Support Services.

*B. Informal Grievance Procedure*

The Informal Grievance Procedure should be initiated within a reasonable time following an alleged incident of discrimination on the basis of disability. Generally, a reporting party should submit an informal grievance through the Office of Disability Support Services within ninety (90) days following an incident. However, it is important to understand the longer an individual waits to submit a grievance, the harder it can become for the ADA Coordinator or other university officials to obtain information, conduct a thorough investigation, make a determination, and address any reasonable resolutions or remedies in response to the alleged discrimination.

A student or employee initiates the Informal Grievance Procedure by contacting the ADA Coordinator in the Office of Disability Support Services. If the ADA Coordinator is the subject of the grievance, the reporting party initiates the Informal Grievance Procedure by contacting the Vice President for Student Affairs, who will assign a university official to investigate the complaint in lieu of the ADA Coordinator. A reporting party is not required to submit a grievance in writing when initiating an Informal Grievance, but the ADA Coordinator may ask the individual to do so or submit other written evidence, if necessary, to help facilitate the process of neutral fact-finding relevant to the grievance.

The ADA Coordinator will attempt to facilitate a satisfactory resolution to the informal grievance in a reasonable amount of time, with the goal of both the reporting and responding parties receiving written notification of outcome and any resolution(s) within ten (10) university working days after notice of the informal grievance was provided to the ADA Coordinator by the reporting party. If the grievance is effectively resolved through the Informal Grievance Procedure, the process ends.

*C. Formal Grievance Procedure*

If the reporting student or employee is not satisfied with the result of the Informal Grievance Procedure, he or she may appeal the decision by filing a formal notice of grievance, in writing, to the ADA Coordinator. The formal notice of grievance should state the nature of the discrimination, by whom and on what date(s); the name(s) of any other witnesses or participants, why the outcome of the Informal Grievance Procedure is believed to be inadequate, the remedy or resolution the reporting student or employee seeks, and any other information directly relevant to the grievance. The notice must be signed by the reporting student or employee, and submitted to the ADA Coordinator within thirty (30) days after distribution of the written notification of outcome following the Informal Grievance Procedure (above).

A formal grievance hearing will be scheduled within fifteen (15) university working days following receipt of the formal notice of grievance. The case shall be heard by the MSU 504/ADA Grievance Committee. The responsibility of presenting the grievance rests with the student or employee who submitted the formal notice of grievance.

The Committee, by majority vote, shall determine using a preponderance of the evidence standard, whether or not an incident of discrimination or lack of reasonable accommodation on the basis of disability, has occurred.

1. If the determination is that an incident of discrimination has not occurred, the ADA Coordinator will notify, in writing, the reporting and responding parties of the Committee's decision and rationale within five (5) university working days.
2. If the determination is that an incident of discrimination has occurred, the 504/ADA Grievance Committee shall determine, in consultation with the ADA Coordinator, appropriate remedy or resolution to the discrimination. The ADA Coordinator will notify, in writing, the reporting

~~and responding parties of the Committee's decision, rationale, and resulting remedies or resolution(s) within five (5) university working days.~~

~~The decision of the 504/ADA Grievance Committee is final.~~

The availability and use of this grievance procedures does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights.

ADA Coordinator  
Debra Higginbotham  
Director, Disability Support Services  
Clark Student Center, Room 168  
(940) 397-4140

<https://msutexas.edu/student-life/disability/index.php>

### Disaster Policy

The purpose of these regulations is to acquaint all employees and students with the university's policies associated with disasters and related traumatic events.

- A. TORNADO: A tornado is a violent local storm with whirling winds of tremendous speed. It appears as a rotating funnel-shaped cloud which extends toward the ground from the base of a thundercloud. The peak time for tornadoes is from March through June, but they can occur any time of the year.
1. TORNADO WATCH: Means that weather conditions are favorable for tornadoes to develop. Go about normal daily activities, but be alert to the weather.
  2. TORNADO WARNING: Means a tornado has actually been sighted or indicated on radar. Take refuge in a place of safety immediately. The National Weather Service issues weather warnings to the public over radio and television stations. The city of Wichita Falls will sound warning sirens. Procedures to be followed at Midwestern State University if a tornado warning is sounded are as follows:
    - a. Under no circumstances should students, faculty, or staff attempt to leave campus while the warning is in effect.
    - b. Faculty should not dismiss classes. Students should be directed to an interior hallway on the lowest floor of the building. Persons should lie on the floor as close to the wall as possible. Auditoriums, gymnasiums, or other free-span rooms should be avoided.
    - c. If the building in which you are located is not steel-framed or reinforced concrete construction, and time permits, you should move as quickly as possible to the nearest reinforced structure. Otherwise, move to a small room in the interior part of the building and, if possible, seek shelter under heavy furniture. Stay away from windows. Unreinforced buildings on campus are classrooms – Music, Music Education, Instrumental Music (Band Hall), McGaha Hall, and McCullough Hall; staff buildings – Vinson Health Center, Welding Shop, and Paint Shop; residence halls – Sunwatcher Village.
    - ~~e-d. Because of the possibility of a power failure, elevators should not be used.~~
    - ~~d.e. Because there is the danger that high pressure steam lines may burst, university basements and utility tunnels (including those labeled fallout shelters) should be avoided.~~



e.f. Tornado drill procedures and tornado warning procedures for university housing are outlined in the current *Residence Life Handbook*.

### 3. Special Functions

Because large groups of people frequently gather for special functions on campus, the following plan is developed for Ligon Hall, Fain Fine Arts Building, Akin Auditorium, Bolin Hall, and Clark Student Center.

#### a. D.L. Ligon Hall

Persons in attendance should be directed to locker rooms, varsity and visitor dressing rooms, interior classrooms and offices, and the weight room via the east hallway. Persons on the floor area should be moved into the teams' dressing rooms. Persons on the east side of the upper deck should be moved to the men's locker room via the east hallway. Persons on the west side of the upper decks should be moved to the weight room and women's locker room.

#### b. Fain Fine Arts Center

Persons should be directed to hallways adjacent to the auditorium on all three levels either ends of the foyer, and the restrooms. Persons in the production backstage should take cover in small classrooms and hallways adjacent to the stage area.

#### c. Akin Auditorium

Persons should be directed to hallways in Hardin Hall.

#### d. Bolin Hall, Rooms 100 and 127

Persons should be directed to inner hallways.

#### e. Clark Student Center

Persons should be directed to inner hallways and inner offices.

f.

B. FIRE: In case of fire, notify the fire department first, then call the University Police Department, and sound alarm for the building to begin evacuation. Procedures to be followed at Midwestern State University in case of fire are as follows:

1. The person discovering the fire will notify the Wichita Falls Fire Department (phone number 911) and then call the University Police Department (extension 4239).
2. The person discovering a fire will immediately give a vocal alarm in the building and make an attempt to extinguish the fire before it spreads.
3. The building in which the fire is located will be evacuated under the supervision of the first faculty or staff member on the scene, and personnel will be moved a minimum of 300 feet from the location of the fire.
4. Fire drill procedures and fire evacuation procedures for university housing are outlined in the current *Residence Life Handbook*.
5. When a fire alarm is sounded in a building, all persons will leave the building until it is determined to be safe to re-enter.

C. Bomb Threats: Compared with other university emergencies, the covert and criminal nature of bombing incidents makes detection and disarming of explosive devices a highly dangerous problem. A high percentage of all bomb threats are hoaxes; however, the chance remains the threat may be authentic and appropriate action should be taken in each case to provide for the safety of people and property. When a report of a bomb threat or explosion occurs, an immediate report should be made to the University Police Department.

4.

## **Expressive Activities on Campus**

I. Policy Statement

Midwestern State University ("MSU" or "University") recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. It is the policy of the State of Texas and MSU, as it pertains to as an institution of higher education, to protect the expressive rights of persons guaranteed by the constitutions of the United States and the State of Texas by: (1) recognizing freedom of speech and assembly as central to the mission of the University; and (2) ensuring that all persons may assemble peaceably on University campuses for expressive activities, including to listen to or observe the expressive activities of others.

For purposes of this policy, expressive activities do not include commercial speech. As such, commercial activities are prohibited on University grounds without a prior written agreement with the University.

II. Reason for Policy

The purpose of this policy is to comply with the provisions of Section 51.9315 of the Texas Education Code as enacted by Senate Bill 18 by the 86th Texas Legislature (Regular Session) in 2019, and ensure the fundamental right of freedom of speech and expression on the MSU campus.

III. Application of Policy

This policy is applicable to MSU students, faculty, staff, and others who wish to engage in expressive activities on MSU campuses.

This policy applies to all expressive activities of any person in the University's common outdoor areas. This policy does not apply to the activities of the University itself. Individuals may engage in expressive activities without prior reservation, registration, or approval, provided such activities are conducted pursuant to applicable law as well as University policy.

IV. Definitions

Benefit – Includes:

- (1) recognition by or registration with an institution of higher education;
- (2) the use of an institution of higher education's facilities for meetings or speaking purposes;
- (3) the use of channels of communication controlled by an institution of higher education; and
- (4) funding sources made generally available to student organizations at an institution of higher education.

Common Outdoor Area – Means outdoor space that is operated and either owned or leased by the University and not used for dedicated University business or an event, an educational function, or a research function on a permanent or semi-permanent basis. It does not include University structures or the surfaces associated with or connected to University buildings.

Event – Means something that occurs in a certain place during a particular interval of time; events include but are not limited to human speakers, performances, exhibits, tables, distribution of literature, signs, and public assemblies.

Expressive Activities – Means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

Institution of Higher Education – Has the meaning assigned by Section 61.003 of the Texas Education Code. MSU is an institution of higher education.

Student Organization – Includes any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

V. Procedures and Responsibilities

A. Common Outdoor Areas

1. The University's common outdoor areas are deemed traditional public forums.
  2. Any person is permitted to freely engage in expressive activities in the common outdoor areas of the University's campus as long as the person's conduct:
    - a. is not unlawful; or
    - b. does not materially and substantially disrupt the normal operations of the University's campus.
  3. Notwithstanding Subsection V.A.1 and 2, MSU reserves the right to impose reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the University's campus and those restrictions must:
    - a. be narrowly tailored to serve a significant University interest;
    - b. employ clear, published, content-neutral, and viewpoint-neutral criteria;
    - c. provide for ample alternative means of expression; and
    - d. allow members of the University community to assemble or distribute written material without a permit or other permission from the university.
  4. Groups or individuals engaging in materially and substantially disruptive activities in common outdoor areas, or those failing to comply with applicable laws or University policy, may face immediate removal from University premises and/or other appropriate actions by University officials, including University police.
  5. Groups or individuals are responsible for any damages and harm to persons and property that arise from expressive activities in common outdoor areas.
  6. Expressive activities on the University campus do not imply endorsement by the University.
  7. Subsections V.A.1, 2, and 3 do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom.
- B. Reservation of Common Outdoor Areas.
1. Use of common outdoor areas for expressive activities does not require advance registration or reservation with the University. However, advance registration and reservation is recommended to ensure the availability of common outdoor area(s) of interest to the individual or group seeking to engage in expressive activities. If an area of the University's common outdoor areas has been reserved, the reserving individual or group shall be given priority for use of such area.
    - a. Advance registration and reservation requests for common outdoor areas on the University campus shall be submitted to the Clark Student Center.
    - b. The recommended advance notice for submitting a registration and reservation request is two (2) weeks.
- C. Reasonable Time, Place, and Manner Restrictions
1. The following reasonable time, place, and manner restrictions are applicable to expressive activities in University common outdoor areas:
    - a. Activities that are unlawful or that materially and substantially disrupt the normal operations of the University are prohibited.
    - b. Activities that materially and substantially prevent other individuals or groups from carrying out an expressive activity are prohibited.
    - c. Activities that substantially interfere with vehicular or pedestrian traffic including the ingress or egress of University facilities and offices are prohibited. No person or organization may engage in expressive activity within a ten-foot clearance around points of entry and the exterior perimeter of all University buildings.

- d. Activities that substantially interfere with fire protection, law enforcement, or emergency or medical services are prohibited.
  - e. Activities that threaten or endanger the health or safety of any person on University grounds are prohibited.
  - f. Activities that result in damage or destruction of University property are prohibited. Nothing may be affixed to or written on University property or grounds.
  - g. Activities that inherently lose First Amendment protection are prohibited.
  - h. Activities involving the possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to poles, clubs, swords, shields, rigid signs that can be used as a weapon or shield, or other objects that can be construed as weapons as covered within the MSU Code of Student Conduct, are prohibited unless authorized by federal, state, or local laws.
  - i. Activities characterized by the use of a mask, facial covering, or disguise to conceal the identity of the wearer in a calculated fashion to obstruct the enforcement of the law or University policy, or to intimidate, hinder or interrupt a University official or police officer in the lawful performance of their duties, are prohibited.
  - j. Expressive signage, posters, displays, or structures (herein "displays") must be hand-held, no larger than 3 feet in height by 3 feet in width. Displays, literature, and other items may not be left unattended.
  - k. Any person or organization distributing literature on campus as part of an expressive activity will pick up all copies dropped on the ground in the common outdoor area where the literature was distributed prior to vacating the area.
  - l. Amplified sound devices must be hand-held. 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. "Amplified sound" means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to special rules on amplified sound, but are subject to general rules on disruption.
  - m. No open flames are permitted on the University campus without the express written permission of the University.
  - n. Any activities that are subject to licensing, code, or ordinance requirements/permits must have the proper licenses/permits and satisfy such codes and ordinances (e.g., serving food and beverages).
2. The above list of reasonable time, place, and manner restrictions is not intended to be all-inclusive. The University reserves the right, as necessary, to impose additional reasonable time, place, and manner restrictions as circumstances arise.
  3. The University's decisions will not be based on political, religious, philosophical, ideological, or academic viewpoints.
  4. The University reserves the right to relocate, limit, or prohibit individuals or groups engaged in expressive activities in University common outdoor areas based on reasonable time, place, and manner restrictions.
- D. Students' and Employees' Rights and Responsibilities Regarding Expressive Activities on Campus
1. Any person, subject to Subsection V.C, shall be allowed to engage in expressive activities on campus, including by responding to the expressive activities of others.



2. Student organizations and faculty are allowed to, subject to Subsections V.C and V.F, invite speakers to speak on campus.
  3. Students, student organizations, faculty, or staff who unduly interfere with the expressive activities of others on campus will be subject to the disciplinary policies and procedures outlined in the applicable Student Handbook, catalog, or operating policies and procedures.
  4. Violation of this policy may also constitute a breach of applicable criminal law. In such circumstances, the Penal Code and Code of Criminal Procedure will apply.
  5. Grievances concerning an alleged violation of this policy will be processed in accordance with University policies and procedures.
- E. Prohibited Actions by University against a Student Organization
1. The University may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
- F. Speaker Fees and Approvals
1. University student organizations and faculty have the right to invite speakers to speak on campus. When reviewing and determining whether to approve a speaker to speak on campus, or in determining the amount of a fee to be charged for use of the University's facilities, for purposes of engaging in expressive activities, the University will not consider any anticipated controversy related to the event. The University will consider content-neutral and viewpoint neutral criteria related to the needs of the event including, but not limited to:
    - a. the proposed venue and the expected size of the audience;
    - b. any anticipated needs for security;
    - c. any other necessary accommodations the University deems necessary for the event; and
    - d. any relevant history of compliance or noncompliance with University policies by the speaker and/or the requestor.

## **General Student Complaints**

### *Purpose*

The purpose of this policy is to establish a process by which students may address general issues that do not fall under formal grievance policies. In an effort to expedite resolution to complaints, students will be requested to first follow the Informal Complaint Process. If resolution does not occur via the Informal Complaint Process, the student may follow the Formal Complaint Process.

### *Informal Complaint Process*

The informal complaint process promotes dialogue and understanding, and provides a framework to expedite resolution. It additionally promotes student development through self-advocacy and open communication. Prior to filing a formal complaint, the student must use the following informal procedure.

The Informal Complaint Process is initiated in the Office of Student Rights and Responsibilities.

- The student should discuss with the Director of Student Rights and Responsibilities, or designee, the nature of the complaint in order to determine the most appropriate and expeditious manner of addressing said complaint. The Director of Student Rights and Responsibilities, or designee, and the student determine the

faculty or staff member best equipped to address the complaint. The comfort of the student in addressing the complaint with any member of the faculty or staff is considered.

- The Director of Student Rights and Responsibilities, or designee, will assist the student in contacting the faculty or staff best equipped to handle a complaint. The student should discuss the complaint thoroughly with the determined faculty or staff as soon as practical. Both parties should openly discuss the issue and attempt to explore a mutually satisfactory outcome.
- The Director of Student Rights and Responsibilities maintains a log of Informal Complaints registered with his/her office. This log includes the student's name, contact information, nature of complaint, and complaint referral, if necessary.
- Within five (5) days of logging the complaint, the Director of Student Rights and Responsibilities, or designee, will follow-up with all parties in order to determine the disposition of the complaint. The disposition will be included in the complaint log.
- If the complaint is resolved, the process ends.
- If the complaint is not resolved, the student may initiate a Formal Complaint Process.

#### *Formal Complaint Process*

A formal written complaint may be issued if the Informal Complaint Process does not produce resolution.

The student is encouraged to contact the Office of Student Rights and Responsibilities prior to submitting a formal complaint so that they can be well-informed of the formal complaint process. The student must use the following formal complaint procedure:

- The student must submit in writing to the appropriate Dean, Director, Chair, or Supervisor, as determined in consultation with the Director of Student Rights and Responsibilities, an outline of what occurred, any witnesses to the alleged event, and the desired outcome of the complaint.
- The appropriate Dean, Director, Chair, or Supervisor, with guidance from the Director of Student Rights and Responsibilities, interviews all affected parties and witnesses.
- Within seven (7) business days of receiving the written complaint, the Dean, Director, Chair, or Supervisor issues a written decision regarding the complaint.
- If the complaint is resolved, the process ends.
- If the complaint is not resolved, the affected student may appeal the decision to the appropriate Vice President. The Director of Student Rights and Responsibilities will assist the student in making this determination. The appeal must be in writing, no later than seven (7) business days after receipt of the final disposition of the formal appeal.
- The Vice President will consider the appeal and issue a final decision to the student in writing. A copy of the final resolution will be sent to the student and the Director of Student Rights and Responsibilities.

### **Intellectual Property Rights**

~~Policy 3.139 of the Midwestern State University Policy and Procedures Manual states the following in regard to intellectual property rights:~~

#### ~~A. Introduction~~

~~The public interest is best served by creating an intellectual environment whereby creative efforts and innovations can be encouraged and rewarded, while retaining for the university and its learning communities reasonable access to, and use of, the intellectual property, for the creation of which the~~

university has provided assistance. The university supports the development, production, and dissemination of intellectual property of its faculty.

#### B. Relevant Definitions

##### 1. Copyright

Copyright shall be understood to mean that bundle of rights that protect original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

##### 2. Creators

Creators are defined as faculty, staff, and other persons employed by Northwestern State University, whether full or part-time; visiting faculty and researchers; and any other person, including students, who create or discover applicable intellectual property using University resources.

##### 3. Patent

Patent shall be understood to mean that bundle of rights that protect inventions or discoveries which constitute any new and useful process, machine, manufacture, or composition of living or non-living matter, or any new and useful improvement thereof; new and ornamental designs for any useful article and plant patents being for the asexual reproduction of a distinct variety of plant, including cultivated sprouts, mutants, hybrids, and new found seedlings, other than a tuber propagated plant or plant found in an uncultivated state.

##### 4. Tangible Media

Tangible media include, but are not limited to books, periodicals, manuscripts, phone records, films, tapes, and disks.

##### 5. Technology

Technology includes discoveries, innovations, inventions or trade secrets.

##### 6. University

University shall refer to Northwestern State University.

##### 7. University Resources

University resources are defined as all tangible resources provided by Northwestern State University to Creators, including office, lab and studio space and equipment; computer hardware, software, and support; secretarial service; research; teaching and lab assistants; supplies; utilities; funding for research and teaching activities; travel, and other funding and reimbursement. University resources do not include salary, insurance, or retirement plan contributions paid to, or for the benefit of, Creators.

##### 8. Works of Authorship

Works of authorship (including computer programs) include, but are not limited to the following: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works (photographs, prints, diagrams, models, and technical drawings); motion pictures and other audiovisual works; sound recordings; and architectural works.

#### C. Intellectual Property Ownership

1. Intellectual property, whether technology or works of authorship, created, made or originated by a faculty member shall be the sole and exclusive property of the Creator except as he/she may voluntarily choose to transfer in full, or in part. Although the previous statement applies to the patent and copyright areas, a tradition exists in academe of the arrangement of agreements between faculty inventors and the university which detail a means of sharing income from commercial application of patented inventions.

2. In the instance that the Creator maintains ownership of the technology or work of authorship, the Creator shall be responsible for all costs related to the filing of patents and copyrights.
3. The university shall own copyright in the following three (3) circumstances:
  - a. The university expressly contracts with a Creator to create a specified work. The contract shall state that the university shall own the work.
  - b. The Creator has voluntarily transferred the copyright, in whole or in part, to the university. Such transfer shall be in the form of a written document signed by the Creator.
  - c. The University has contributed to a "joint work" under the Copyright Act. The university can exercise joint ownership under this clause when it has contributed services and facilities to the production of the work that go beyond what is traditionally provided to faculty members generally in the preparation of their course materials. Such arrangement is to be agreed to in writing, in advance, and in full conformance with other provisions of this agreement.
4. In the instance that the university maintains ownership of the technology or work of authorship, the university shall be responsible for all costs related to the filing of patents and copyrights.
5. Disclosure

If a university employed student, staff or faculty member (Creator) conceives or practices any technology or work of authorship using in any part of the conception or practice any university resources, that person must disclose such technology or work of authorship to the Provost as soon as practicable after the date of first conception or discovery. Certain research agreements may require disclosure, and in such a case, a person shall disclose technology in accordance with the agreement. Licensing of this technology or work of authorship shall be the responsibility of the Creator or the university, depending on the ownership of the intellectual property (see above for ownership issues). Disputes regarding licensing shall be referred to the Intellectual Property Policy and Rights Committee (see D).
6. Use of Intellectual Property

Material created for ordinary teaching use in the classroom and in academic programs, such as syllabi, assignments, and tests, shall remain the property of the Creator, but the university shall be permitted to use such material for internal instructional, educational, and administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions. In an agreement transferring copyright for such works to a publisher, Creators should provide rights for the university to use such works for internal instructional, educational, and administrative purposes.
7. Textbook Adoption

Any commercially printed workbook, textbook, or material used by students and authored or co-authored by Midwestern State University faculty members must be approved by the Academic Council. The College Dean will show in writing that the adoption is realistically priced and has been properly evaluated. A review of any adoption will be made by the College Council concerned every three (3) years. All subsequent adoptions of this work will be approved by the Academic Council.
8. License for Use of Material Made Available for the Use of the University
  - a. Many faculty, staff, and students create technology or works of authorship which is/are the subject of intellectual property protection and which they voluntarily make available for the use of the University (during the Creator's tenure at the university) without expectation of further compensation. When the Creator leaves the university, regardless of the reason for the departure, the university should contract with the Creator for continued use of the work if such is desired.
  - b. The university shall retain a non-exclusive, royalty-free license to use such material made available for the use of the university, provided that significant contributions of the Creator(s) are acknowledged. The university shall not exploit the work outside of the university or for profit.



~~9. Licenses for Non-Commercial Research and Teaching within the University~~

~~Many faculty, staff, and students experience costs and practical inconvenience in obtaining permission to use material that is the subject of intellectual property protection for research and teaching. Individuals are therefore encouraged to seek from publishers and other persons to whom Creators assign rights in their intellectual property, a non-exclusive, royalty-free license for their own non-commercial research and teaching and, where possible, for anyone within the university to use that intellectual property for non-commercial research and teaching.~~

~~10. Distribution of Any Funds Generated~~

- ~~a. Funds received by the Creator from the sale of intellectual property, whether technology or works of authorship owned by the Creator, shall be allocated and expended as determined solely by the Creator.~~
- ~~b. Funds received by the university from the sale of intellectual property owned by the university shall be allocated and expended as determined solely by the university.~~
- ~~c. Funds received by the Creator and the University from the sale of intellectual property owned jointly by the Creator and the university shall be allocated and expended in accordance with a specific agreement between said Creator and the university.~~

~~11. Business Participation~~

~~The university does not discourage persons subject to this policy from participating in the commercial development and/or exploitation of intellectual property, whether technology or works of authorship. A person shall not engage in business participation if such participation would violate state or federal law or regulation. If not in violation of regulations involved in the funding of research, the Creator(s) may participate in the equity of a business related to the production and/or distribution of the technology or work of authorship. If not in violation of regulations involved in the funding of research, the Creator(s) may participate in the management of a business related to the development of the Creator's technology or work of authorship.~~

~~D. Resolution of Emerging Issues and Disputes~~

- ~~1. The Intellectual Property Policy and Rights Committee will be composed of six (6) faculty members (each elected by one college) and three (3) administration members (appointed by the President). The Committee members shall elect a chair from among themselves each year. The chair shall be a full-voting member of the Committee. At the time of the initial appointment or election, each member shall be designated as serving a one, two, or three-year term so that the term of two (2) faculty committee members and one (1) administration member's term will expire each year and their replacements elected/appointed each year. After the establishment of the committee, subsequent members shall serve a three-year term, commencing on September 1, and terminating on August 31. Committee members may serve two (2) consecutive three-year terms.~~
- ~~2. The Committee shall monitor and review technological and legislative changes affecting intellectual property rights policy and shall report to relevant faculty and administrative bodies when such changes affect existing policies.~~
- ~~3. The Committee shall serve as a forum for the receipt and discussion of proposals to change existing institutional policy and/or to provide recommendations for contract negotiations.~~
- ~~4. Disputes over ownership, and its attendant rights, of intellectual property will be decided by the Intellectual Property Policy and Rights Committee.~~
- ~~5. The Committee shall make an initial determination of whether the University or any other party has rights to the invention or other creation, and, if so, the basis and extent of those rights. The Committee shall also make a determination on resolving competing faculty claims to ownership when the parties cannot~~

reach an agreement on their own. The Committee will convey their determinations to the President for his/her final disposition.

- ~~6. If the Creators disagree with the determination of the Committee or the President, they may appeal to binding arbitration.~~

#### ~~E. Implementation~~

- ~~1. This policy shall not apply to existing written agreements between the University and/or Creator(s) and any external organization or individual, concerning the development, legal protection, or commercialization of specific intellectual property, and entered into prior to the date on which this Policy is adopted by the Board of Regents.~~
- ~~2. If an existing written agreement is renewed, revised, or amended after the date on which this policy is adopted by the Board of Regents, reasonable attempts shall be made to conform such agreement with the requirements of this policy as of the date on which it is renewed, revised, or amended.~~
- ~~3. The university shall inform all persons subject to this policy of its terms as soon as efficiently possible after its adoption and at regular intervals thereafter.~~

### **Instructor Drop**

An instructor may drop a student any time during the semester for excessive absences, for consistently failing to meet class assignments, for an indifferent attitude, or for disruptive conduct. The instructor must give the student a verbal or written warning prior to dropping the student from the class. An instructor's drop of a student takes precedence over the student initiated course drop of a later date. The instructor will assign a grade of either WF or F through the first 9 weeks of a long semester, the first 4 1/2 weeks of an 8 week part-of-term, the first 6 weeks of a 10 week summer term, or the 12th class day of a 4 or 5 week summer term consisting of 20 days. After these periods the grade will be an F. The date the instructor drop form is received in the Office of the Registrar is the official drop date.

A student dropped from a class by a faculty member for disruptive behavior has the right of appeal to the Student Conduct Committee through the Office of Student Rights and Responsibilities (CSC 108).

### **Official Out-Of-Town University Trips**

When an official out-of-town trip is sponsored by a university college or department, the faculty or administrator involved will be responsible for all arrangements and supervision. When registered student organizations plan an official out-of-town trip, all arrangements must be cleared through the Office of Student Leadership and Involvement.

To ensure that student safety is a priority, this policy for student travel is intended to assist students in safe travel for university-sanctioned trips. This policy pertains to students or registered student organizations that travel over 25 miles to a university-sanctioned event.

#### *Definition of University-Sanctioned Travel*

University-sanctioned travel occurs when travel meets one or more of the following conditions:

1. A university department or registered student organization plans the travel and/or recognizes for professional or educational purposes.
2. The university or registered student organization requires travel.

3. University or registered student organization funds are used.
4. Travel is undertaken in a university-owned or leased vehicle.

#### *Travel Procedures*

The designated advisor(s) (faculty or staff) must accompany each student travel group. Any exception must be approved by the Dean of Students prior to such travel. The following procedures must be followed prior to travel:

1. Access and print a Student/Group Travel Form from the Dean of Students' website or MustangsLink.
2. Complete Student/Group Travel Form and submit to the Dean of Students Office or Office of Student Leadership and Involvement at least 10 days prior to the date of travel.
- ~~3. Submit Travel Form at least 10 days prior to date of travel to the Dean of Students office or Office of Student Leadership and Involvement.~~
- ~~4.3. Receive approval of the travel request.~~

For questions or more information about the Student Travel Policy, please contact the Dean of Students office in room 108 of the Clark Student Center.

### **Posting on University Property**

#### I. Policy Statement

Midwestern State University recognizes freedom of speech and expression as a fundamental right and seeks to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the University as well as other persons. This policy provides a standard for the location of printed matter posted in or on University buildings. This policy does not attempt to establish the type of material that may or may not be posted; rather, it is directed to the location on or within a building where the posting of printed material is permitted.

#### II. Reason for Policy

The purpose of this Operating Policy/Procedure (OP) is to provide space and standards for posting items on campus property.

#### III. Application of Operating Policy

This operating policy applies to all MSU students, faculty, staff, and others who wish to post items on MSU campuses.

#### IV. Definitions

For purposes of this operating policy:

*Benefit* – Includes:

- (1) recognition by or registration with an institution of higher education;
- (2) the use of an institution of higher education's facilities for meetings or speaking purposes;
- (3) the use of channels of communication controlled by an institution of higher education; and
- (4) funding sources made generally available to student organizations at an institution of higher education.

*Student Organization* – Includes any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

*University Property* – Means any building or property owned or controlled by the University.

#### V. Procedures and Responsibilities

The posting of any type of printed matter in the form of University communications, departmental notices, correspondence, posters, signs, banners, announcements, cards, advertisements, etc., must only be on approved University announcement boards (General Use Boards and Community Use Boards). The posting of such material on painted surfaces, doors, glass, tile, trees, or other surfaces not specifically designed or designated for this purpose is prohibited. For information about the location(s) of approved University announcement boards inside of a particular University building, individuals should contact the Clark Student Center office of the college/department office responsible for the building in question.

- A. All material posted by the University affiliated departments or student organizations on General Use Boards must be approved and stamped by the Clark Student Center office, where compliance with size restrictions, sponsorship, and master calendar is verified. Material to be posted on General Use Boards inside of residential facilities must also be approved and stamped by the Office of Residence Life and Housing. Material will not be denied approval on the basis of the content or viewpoint expressed, unless such content represents a violation of local, state, or federal law, or inherently loses First Amendment protection. All material posted advertising a specific event must carry the name and contact information of the respective sponsor (i.e. an academic program, administrative department, or a student organization).
- B. Material posted by University affiliated departments or student organizations on General Use Boards are subject to clearing one (1) week after posting, or otherwise after the event being advertised is completed.
- C. University affiliated departments, student organizations, individual students, and employees may post on designated Community Use Boards in the Clark Student Center without seeking prior approval. Only one (1) copy of each posting may be placed on Community Use Boards. Only non-commercial materials may be posted on Community Use Boards. The University may impose reasonable restrictions on Community Use Boards, to include:
  1. Postings that are unlawful.
  2. Postings that inherently lose First Amendment protection.
  3. Postings that materially and substantially prevent other individuals or groups from carrying out an expressive activity.

For information about the location(s) of Community Use Boards inside of the Clark Student Center, individuals should contact the Clark Student Center office.

- D. Postings on Community Use Boards are subject to clearing one week after posting, or otherwise after the event being advertised is completed.
- E. The placement of special occasion banners or other material in or on certain University buildings such as the Clark Student Center, residence halls, or athletic facilities will be permitted only with the approval of the respective director, department head, dean or building authority of those facilities, and in accordance with University policy.
- F. Damage to University facilities by items posted in prohibited locations will be the responsibility of the department or student organization that posted the items.
- G. Most University buildings have adequate board space available. When additional space is needed, the respective director, department head, dean or building authority of those facilities should initiate action to increase the space.
- H. The posting of signs, placards, barrier tape, and other types of similar warning materials by University entities and/or other entities and/or other entities have jurisdiction is permissible in location other than those noted if there are valid reasons for such postings. The following are examples of such valid reasons:



1. To ensure the health and safety of the building occupants;
2. To secure the building contents; and
3. To identify specific locations and prevent disturbance of materials as part of an ongoing investigation.

The entity responsible for posting the warning materials shall attempt, as much as possible, to minimize the damage caused by such attachment to the interior building finishes. If possible, the warning materials should be adhered to surfaces capable of being cleaned following the posting. Following the termination of the event requiring the notification, the posting entity shall be responsible for the timely removal of the warning materials.

### **Racial Harassment Policy**

~~Midwestern State University has a tradition of providing a caring and nurturing environment in which students and employees can pursue excellence. Politeness and friendliness are virtues which members of the university community seek to demonstrate in their day-to-day interactions. Rude and/or hostile behavior, on the other hand, not only violates the university's tradition of friendliness, but undermines rational discourse and interferes with the educational process.~~

~~Therefore, it is the policy of Midwestern State University that all employees, students, and authorized users of university facilities be able to enjoy a campus environment free from all forms of discrimination, including racial or ethnic harassment.~~

#### *Definition*

~~For the purpose of university policy, the term racial harassment refers to any severe, pervasive, and objectionably offensive behavior, verbal or physical, on the basis of race, or ethnic/national origin, that:~~

- ~~1. Involves a stated or implicit threat to the victim's academic or employment status and/or Has the purpose or result of interfering with an individual's academic or work performance and/or~~
- ~~2. Creates an intimidating or offensive academic, work, or campus environment.~~

~~The university regards such behavior as a violation of the standards of conduct required of all persons associated with the institution. The prohibition against racial harassment applies to all interactions occurring on campus, in university facilities, in conjunction with university-related activities, or within the context of registered student organizations.~~

~~Not every act perceived to be offensive to an individual or a group necessarily will be considered as harassment and/or a violation of the university's standards of conduct. In determining whether an act constitutes racial or ethnic harassment of a severe, pervasive, and objectionably offensive nature, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom, and advocacy.~~

#### *Complaint Procedure*

~~Any university employee, student, or other member of the university community who believes he or she has been a victim of racial or ethnic harassment while working at the university or in class or other campus setting (whether by subordinates, peers, superiors, or other persons) should bring this matter to the~~

immediate attention of any of the following: his or her supervisor, the Director of Human Resources, department head, college dean or the Dean of Students.

Any official receiving a complaint should notify the Equal Employment Opportunity (EEO) Coordinator to make certain that follow-up action is coordinated. The EEO Coordinator will serve as a clearinghouse for all related actions.

If satisfaction is not adequate at initial levels, any affected individual should feel free to bring the matter to the attention of the vice presidents or the president. Confidential assistance also is available through the counseling center.

Action will be taken to examine impartially and resolve promptly any complaint. Complaints that cannot be resolved by informal means, through the help of the officials and services listed above, may be resolved through the university's formal student, staff, or faculty grievance procedures. (See *General Student Complaints* or *Section 9: Bias Incident Policy* for details on how to initiate grievance procedures.)

Upon request to any of the above officials, a special committee or procedure may be established by the President of the University to consider a complaint and possible resolution. Any such committee will consist of no less than three (3) members and no more than five (5) and may include faculty members, administrators, staff members, and students in a mix suitable to deal with the complaint.

Confidentiality of all parties will be respected to the greatest extent possible, and employees, students, and others will not be subjected to retaliation of any kind for reporting incidents of racial harassment.

EEO Coordinator Dawn Fisher  
Director, Human Resources (940) 397-4224

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## Residence Life & Housing

The Residence Life & Housing program is a vital part of the Midwestern campus community. The program is intended to support the educational mission of the university through programs, activities, services, facilities, and personnel that promote an atmosphere in university housing conducive to meeting the academic, social, cultural, and personal/developmental needs of resident students.

### *Residence Life Policy*

The residence life policy is based on the knowledge that living in university housing can provide both educational and social opportunities important to the success of college students. All students enrolling at Midwestern State University are required to live in university housing unless they:

1. Are living in the home of their parents or legal guardian within 60 miles of the campus and commuting to class.
2. Are married and living with their spouse.
3. Have accumulated 45 semester hours of college academic credit as a post-high school student prior to the first day of classes for the housing agreement period. Hours achieved while in high school are not counted (e.g. concurrent or dual credit).

4. Have reached the age of 21 prior to the first day of classes for the housing agreement period.
5. Are part-time students enrolled in 11 hours or less for the fall or spring semester.

#### *Food Service Policy*

All students living in MSU residence halls (except Sundance Court, Sunwatcher Village) during the fall and spring semesters are required to have a residential meal plan. Three (3) meal plans (Platinum All Access; Gold 200; Silver 150) are available for students residing in the residence halls. Each meal plan includes Flex dollars that may be used at any dining facility on campus, as well as a meal exchange program for use at retail dining locations.

#### *Policy Exceptions*

In unusual circumstances, the Director of Residence Life and Housing may grant exceptions to these policies. Regardless of the reason for a request for an exception to the housing requirement, all requests must be made in writing (forms are available in the Office of Residence Life and Housing) and filed with the director by the following dates: FALL SEMESTER: July 1 SPRING SEMESTER: January 1 Students requesting an exception to the required meal plan policy must complete a form (available in the Office of Residence Life and Housing) and, if necessary, provide medical evidence of any special dietary need. During the time that an exception is being reviewed, the student will remain on his or her chosen meal plan.

#### *Withdrawals*

Students living in university housing must move out within 24 hours of withdrawing or being withdrawn from the university.

For more information, contact the Office of Residence Life & Housing, located across the street from Legacy Hall in Sunwatcher Clubhouse (3704 Louis J. Rodriguez Drive), or refer to the *Residence Life Handbook*.

### **Sex/Gender Discrimination Policy**

~~Midwestern State University is committed to complying with all requirements as set forth by Title IX of the Education Amendments of 1972 ("Title IX"). As such, discrimination on the basis of sex or gender will not be tolerated in any of MSU's facilities, education programs or activities. Such discrimination includes, but is not limited to: sexual harassment; sexual violence; sex or gender-based bullying; hazing; stalking; dating violence, domestic violence, and failure to provide equal opportunity in admissions, enrollment, activities, employment or athletics.~~

~~The Midwestern State Title IX Coordinator will be informed of, and oversee, all complaints of sex discrimination and is responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Questions or concerns regarding Midwestern State University and Title IX may be directed to one or more of the following resources:~~

Midwestern State University Title IX  
Coordinator

Name: Laura Hetrick., Director and Coordinator  
of Title IX Contact Info:  
Vinson Health Center, H-136 (940) 397-4213

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~~Midwestern State University Deputy Title IX Coordinator for Students~~  
Name: Kristi Schulte, Director of Residence Life and Housing  
Contact Info:  
Sunwatcher Clubhouse (940) 397-4217  
**Error! Hyperlink reference not valid.**

~~Midwestern State University Deputy Title IX Coordinator for Employees~~  
Name: Dawn Fisher, Director of Human Resources  
Contact Info:  
Hardin 210  
(940) 397-4224  
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~~United States Department of Education Office for Civil Rights~~  
Phone: (800) 421-3481  
Email: **Error! Hyperlink reference not valid.**

~~Midwestern State University will make every effort to successfully complete the grievance process for complaints of sex/gender discrimination in a reasonable time. All parties involved are entitled to request and receive periodic status updates on the progress of a complaint and any subsequent appeals.~~

~~During the investigation and/or grievance process for complaints of sex/gender discrimination, the university may take a number of interim actions in order to ensure the preservation of a reporting party's school experience and the overall university environment. These actions may include, but are not limited to: issuance of university no contact order to the parties of the complaint; residence hall/apartment room change for one or more involved parties; changes in academic schedules or assignments for one or both parties; and/or interim suspension of the accused student/responding party.~~

~~To read more about Title IX of the Education Amendment of 1972, please visit: **Error! Hyperlink reference not valid.**~~

~~To read more about MSU policies, procedures, and resources, please visit **Error! Hyperlink reference not valid.**~~

## Student Event Guidelines

### *Registration*

1. All activities and events of registered student organizations must be registered and approved through MustangsLink. Event registration is available online through each registered student organization's MustangsLink portal.
2. Event registration must occur for all registered student organization activities, whether held on or off campus.
3. By registering events through MustangsLink, events can be added to the University Master Calendar and Student Life calendar. Registering events is not the same as requesting or reserving university facilities. For assistance with requesting University facilities, please contact the Clark Student Center.
4. The deadline for registering a social event is four (4) days prior to the event, except for those activities approved as alcoholic beverage functions and/or requiring the services of a police officer. Those functions must be registered ten (10) days prior to the event.
5. Cancellation of functions and facilities is equally important and should be made through the Clark Student Center. The Clark Student Center reserves the right to change room assignments or setups in order to accommodate the greatest number of customers.



6. Registered student organization events where alcohol will be served, held off campus, open to the public, and/or involving efforts to raise funds require approval of the organization's faculty/staff advisor prior to event registration and approval. Information as to duties and responsibilities of faculty/staff advisors regarding registration of alcohol functions is available in the Clark Student Center office.

#### *Dress and Conduct*

1. Those attending student activities are requested to use good judgment about their dress, exercising good taste at all times.
2. Conduct at student activities shall be the responsibility of the sponsoring individual, group, department, or organization. If property damage should occur during the activity, the person or department/organization responsible for the damage will be assessed for the repair or replacement of the damaged item. When the person or persons responsible for the damage cannot be identified, the sponsoring department/organization will be assessed for the damages.

#### *Raffles*

The Charitable Raffle Enabling Act states that an institution of higher education shall allow the sale of tickets to a raffle by a registered student organization at any facility of the institution, subject to reasonable time, place, and manner restrictions.

#### *Corporate or Business Co-Sponsorship of Activities*

All corporate or business co-sponsors of a university or student organization event must enter into a contract with the university, the terms of which must be set by and/or approved by the university Administrative Council. This policy applies to sponsorship or co-sponsorship only and shall not be interpreted to include paid advertising.

#### *Faculty/Staff Advisors and Campus Police*

1. Faculty/Staff advisors must be listed on the student organization roster which is on file with the Office of Student Leadership and Involvement through MustangsLink. At events where faculty/staff advisors are necessary, it is important that the advisor be present at all times during the social event. Extending an invitation to advisors well in advance of the event is a mark of thoughtfulness and courtesy.
2. Normally the faculty/staff advisor is a faculty member, an administrator, or a full-time staff member at the university; however, in special and unusual circumstances, a graduate assistant at the university can be approved by the Director of Student Leadership and Involvement to serve in this capacity.
3. Faculty/staff advisors are required to attend organization events at which alcohol will be served. A faculty/staff advisor must be present at all times during the entire event.
4. One police officer is required at all programs that have been approved as an alcohol event except when the function is an on-campus, invitation- only function involving one student organization. Exceptions to this requirement can be requested when completing the alcohol registration process by submitting an event safety and security plan, which must address how the behavior of attendees will be monitored and appropriately managed to reflect the values and expectations of the University. The event safety and security plan must be approved by the Dean of Students or designee in order for the event to occur.
5. When MSU officers are required for events, the cost per hour for each officer will be determined by the University Police Department. The University Police Department must be notified at least ten (10) days prior to the function to schedule any officers.

#### *Expenses (Building Use)*

Midwestern State University is allocated funds by the State of Texas for its operations as related to its primary mission of education. Student- sponsored groups and organizations are required to fund the costs, utilities, custodial help, etc., incurred above university educational costs, for activities which the groups or organizations sponsor.

1. Generally, an approved (internal) group or organization will not be charged the utility costs for the use of a facility if it is used within normal hours of operations. Scheduling for any event or activity is required, even though no charges are assessed, through the Clark Student Center office.
2. Normal room custodial support will be provided within regular building hours at no additional cost. Extra costs, i.e., special cleanup, when incurred, will be billed to the using group.
3. For events outside normal hours of operation, internal groups and organizations will be charged for actual costs for each hour or fraction thereof that the facility is required beyond the normal hours. Additional charges will be added whenever additional custodial support is required, i.e., setup or cleanup.
4. Charges to internal groups will be determined by the Clark Student Center office from the approved rates. The chart of charges is on file in the Clark Student Center office. The CSC office will identify the appropriate student group to be billed and provide this information to the University Business Office to initiate billing.

#### *General*

1. Sponsoring organizations are invited to discuss plans for student activities with the staff in the Clark Student Center office or Office of Student Leadership and Involvement.
2. Attendance at events sponsored by Midwestern State University students is restricted to MSU students, faculty, staff, and guests of the sponsoring organization unless other groups are approved by the Clark Student Center office or Dean of Students.

### **Student Financial Responsibility Statement**

When registering for classes, you acknowledge and agree to all terms and conditions set forth by Midwestern State University including liability for all tuition, fees, room, board, and other related charges. Failure to pay your student financial obligation in full by the due date for the semester allows Midwestern State University to exercise its right to pursue other legal action for collection. This includes, but is not limited to, placing your past due account with a collection agency and/or other third party such as an attorney. In addition to paying your past due account, you will be obligated to pay all reasonable costs and expenses of collection, including, without limitation, reasonable court costs and attorneys' fees and/or collection agency fees and charges. Midwestern State University may also disclose to credit bureau organizations that you have defaulted on your student financial obligation to Midwestern State University. Failure to attend classes does not absolve you from financial liability. In all cases, it is your responsibility to drop classes by the published drop/add date or you will be held liable for those classes.

~~Midwestern State University implemented a new Student Financial Responsibility Agreement (SFRA) beginning with Spring 2016 registration. It is mandatory that all registered students agree to the SFRA each semester before registering for classes. Please login to your student portal, select the WebWorld/Banner link, select the Student tab, then click on the Student Financial Responsibility Agreement and follow the prompts. Select the accept button.~~

### **Student Identification**

The Campus Card is the official identification card of Midwestern State University which allows access to numerous campus locations and events. All enrolled students are eligible to receive a Campus Card. Each student will be issued an initial card at no cost. Campus Cards will only be issued after verification of enrollment and with the presentation of a government-issued photo ID (e.g. Driver's License, Military ID, or Passport). A replacement fee of \$20 exists for all lost, stolen, or damaged cards.

In addition to providing all the campus access features of the current MSU Campus Card (e.g. building access, library access, meal plan access, and on-campus event admission).

Campus Cards are issued at the Clark Student Center Information Desk, Room 121.

### **Student Organization Policies**

While all registered student organizations have faculty/staff advisement, general coordination and supervision of Midwestern State University's student organizations are handled through the Office of Student Leadership and Involvement. Information regarding the present status of all groups, their current officers, and membership requirements may be obtained in that office.

#### *General Policies*

In order to be in good standing with the university, student organizations must fulfill the requirements listed as follows:

1. All student organization members must be enrolled students at MSU during the semester(s) in which they plan to participate in their respective organization(s).
2. Once officially approved and registered, student organizations must have a minimum of four (4) members to remain in good standing.
3. Each student organization must complete a MustangsLink student organization profile renewal by October 1 for the fall semester and February 15 for the spring semester.
4. Each student organization must have a campus-related advisor from the faculty or staff. In general, selection of the faculty/staff advisors will be made by the organization in accordance with the national and/or local constitution and in consultation with the Director of Student Leadership and Involvement. Faculty/staff advisors are to counsel the officers and members of the organization with regard to the purposes and activities of the organization. The faculty/staff advisors shall oversee and be responsible for its financial planning and transactions and shall confirm the eligibility of membership and of members to hold office. Faculty/staff advisors should attend as many organization meetings and programs as possible. A faculty/staff advisor is required to attend events where alcohol is served and/or off-campus guests are present.
5. All student organizations must observe an alcohol-free academic week. No alcohol will be permitted at registered functions taking place Sunday- Thursday.
  - A. Alcoholic beverages at approved student organization events must be distributed by a TABC licensed third party vendor which will ensure compliance with state law in regard to consumption, intoxication, drinking age, distribution, sale, etc. A copy of the third party vendor's current license must be submitted with an Alcohol Registration Form to event approval.
6. All activities, whether held on or off campus, must be registered in the student organization's profile on MustangsLink. All activities must conform to university social regulations. The failure of a student organization to conform to university policies will result in disciplinary action and could result in suspension.

7. Each student organization must have a constitution or statement of purpose on file in the Office of Student Leadership and Involvement.
8. No student organization shall initiate efforts to raise funds from private donors or organizations without prior university approval. Requests for approval should be initiated in writing through the Office of Student Leadership and Involvement and should include the following information:
  - A. Name of organization, business, or donor to be contacted.
  - B. Amount or nature of specific items or funds being requested.
  - C. Intended purpose of raising funds and method of distribution of products or use of funds.Upon receipt of the request, the Office of Student Leadership and Involvement will secure approval from the Office of University Development to avoid conflicts with potential donors. This provision will ensure that fundraising efforts are centrally planned and coordinated. Notification of approval or denial will be given to each organization from the Office of Student Leadership and Involvement.
9. Midwestern State University assumes no fiscal responsibility or liability for any student organization including club sport organizations.
10. All club sport teams are required to have a group accident policy, covering the entire membership, each academic year. A copy of the policy is to be submitted to the Office of Student Leadership and Involvement at the beginning of each fall semester. Additionally, members of club sport teams are required to sign a liability waiver before participating in the sport. Each club sport team is responsible for ensuring compliance with this policy.
11. A student organization training must be completed by October 1 of each year. Each organization is required to have one student representative participate in a training, online or in person.
12. A student representative from each student organization must complete a university sponsored or approved risk management training by February 15 of each year.
13. Regulations pertaining to student organizations may be obtained in the Office of Student Leadership and Involvement, CSC 121.

*Additional Policies for Social Fraternities/Sororities*

1. All single-sex fraternities and sororities as recognized by Title IX of the Education Amendments of 1972 criteria, and formed and operating not for professional or honorary purposes, must be members of an appropriate MSU governing council (IFC, CGC, or PHC), as determined by the Director of Student Leadership and Involvement.
2. Each fraternity/sorority must adhere to the MSU Greek Life Standards of Excellence and submit yearly review materials by January 31.
3. Each fraternity/sorority must adhere to the MSU Greek Life policies for Academic Reporting, Expansion/Extension, and Recruitment/Intake. Full policies are available in the Office of Student Leadership and Involvement, CSC 121.
4. Each fraternity/sorority must maintain a 2.50 semester chapter GPA and adhere to the MSU Greek Life Academic Policy. The full policy is available in the Office of Student Leadership and Involvement, CSC 121.

*Procedure for Establishing a New Organization*

1. Students interested in forming a new organization must meet with the Director of Student Leadership and Involvement, or his/her designee. Student organizations may be officially registered when formed for purposes that are consistent with the philosophy and goals of Midwestern State University. The purposes, goals and activities of one organization should not duplicate those of another.
2. The following forms must be submitted to the Director to begin the approval process: the student organization roster (a list of proposed members, officers and faculty-staff advisor) with a minimum of



eight (8) currently enrolled MSU students, an Activity Reservations/Guidelines Agreement, and a constitution or statement of purpose which must include:

- A. The exact title of the organization.
  - B. The purpose of the organization. Is it fostering a broad educational goal? Does it have a social, cultural, or political aim? Why was the group founded? Be precise enough so that a non-member would understand the group's written purpose. Religious organizations must indicate their religious affiliation.
  - C. A statement of the group's willingness to abide by all university policies.
  - D. A statement that membership must be open to all Midwestern State University students, with the exception of single-sex organizations as recognized by Title IX of the Education Amendments of 1972.
  - E. Details on how to become a member. How are voting members identified? What is the deadline for joining to be able to vote? Who keeps the official membership list?
  - F. Membership dues, if applicable.
  - G. Details on how a member may remain in the organization if she/he fails to pay dues.
  - H. A statement on the number of officers. What are their titles and duties? Will the officers constitute an executive committee? Officers must be full-time undergraduate students.
  - I. Details on how officers are elected. What constitutes a quorum? What type of ballot? Who may vote? When are they elected, and for what period? Who is eligible for office? When do officers assume office? How may officers be removed? How will mid-year vacancies be filled? You may wish to clarify the role of the faculty-staff advisor.
3. If the organization has a state, regional, or national affiliation, the organization must also include from its state, regional, or national office the constitution, by-laws, financial support, type of supervisory role held with local chapters, and documentation establishing recognition and support for a student organization at MSU. When this is obtained, final approval of the state, regional, or national organization must be made by the university's Administrative Council.
  4. Final approval for local organizations must be made by a committee comprised of the Vice President for Student Affairs, Associate Vice President & Dean of Students, and the Director of Student Leadership and Involvement.
  5. Prospective MSU student organizations may have a maximum of three (3) organizational meetings on campus prior to final approval. All student organizational meetings must comply with the MSU Activity Reservations/Guidelines Agreement.

#### *Eligibility to Hold Office in a Student Organization*

1. Officers of each organization must have a 2.0 cumulative grade point average preceding election to office and must maintain this average while in office.
2. An officer must not be on University academic or conduct probation.

### **FERPA (Student Records)**

Midwestern State University maintains educational records for each student who is or has been officially enrolled.

Areas in which student records are maintained:

- A. Academic Records - Registrar's Office

- B. Admissions Records - Admissions Office, Dr. Billie Doris McAda Graduate School, and Global Education Office
- C. Financial Aid Records - Financial Aid Office
- D. Graduate Studies Records - Dr. Billie Doris McAda Graduate School
- E. Placement Records - Career Management Center
- F. Progress Records - Faculty Offices and Academic Advising Offices
- G. Disciplinary Records - Office of Student Rights and Responsibilities
- H. Housing Records - Residence Life and Housing
- I. Athletics Records - Athletics Office
- J. Occasional Records - University staff person who maintains minutes of faculty or committee meetings or copies of correspondence

Directory Information-

This is information which may be released to the general public without the written consent of the student. A student may request that the Directory Information be withheld from the public by making a written request to the Office of the Registrar during the first 12 class days of a fall or spring semester or the first 4 class days of a summer term. This request will remain in effect the remainder of the academic year, and the request must be renewed each fall. The following items have been designated as Directory Information:

- A. Name
- B. Date and Place of Birth
- C. Current and Permanent Address
- D. Telephone Listing
- E. Major and Minor Fields of Study
- F. Student Enrollment Status (full-time/part-time)
- G. Classification
- H. Participation in Officially Recognized Activities and Sports
- I. Weight and Height of Members of Athletic Teams
- J. Dates of Attendance
- K. Degrees and Awards Received
- L. All Previous Educational Agencies or Institutions Attended
- M. Photographs

Review of Record-

Students who desire to review their records may do so upon written request of the appropriate record custodian. The Review Request Form must identify as precisely as possible the records to be reviewed.

Challenge to Accuracy of Record-keeping-

Students who desire to challenge the accuracy of their records shall follow the procedure outlined below:

Informal Review-

The procedure outlined for Review of Record shall be followed. The review official will summarize action taken on the Review Request form. This form should be signed and dated by the review official and maintained with the student's record. If the Informal Review does not clarify the accuracy of record-keeping, the student may request a Formal Review.

Formal Review-

The Provost will chair and appoint a committee to hear challenges concerning records of offices reporting to him or her. The Vice President for Student Affairs and the Vice President for Enrollment Management will each chair and appoint a committee to hear challenges concerning records in their respective areas. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

The Provost or the appropriate Vice President will prepare a written decision based solely on the evidence presented at the hearing for their respective areas. The decision will include a summary of the evidence presented and the reasons for the decision. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If MSU discloses the contested portion of the record, it must also disclose the student's statement. If MSU decides that the information is inaccurate, misleading, or in violation of the student's rights of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

Students have a right to consent to disclosures of personally identifiable information (PII) contained in their education records, except to the extent that the Family Educational Rights and Privacy Act (FERPA) authorizes disclosure without consent. The following exceptions permit disclosure without consent:

- a. Disclosure without consent is permitted to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, collection agent, or enrollment or loan and degree verification service); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- b. The Higher Education Amendments of 1998 allow disclosure of the final results of student disciplinary proceedings involving students found to have committed a disciplinary offense that would constitute a "crime of violence" (or a non-forcible sex offense) under federal law, specifically the name of the student found to have committed the offense, the violation committed, and any sanction imposed.
- c. The 1998 FERPA amendments also allow institutions of higher education to disclose to a parent or legal guardian of a student under the age of 21 years information regarding the student's violation of any federal, state, or local law, or any institutional rule or policy related to the use or possession of alcohol or a controlled substance.
- d. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring (seeks or intends to enroll);
  - Specified officials for audit or evaluation purposes;

- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Students have a right to consent to disclosure of personally identifiable information (PII) contained in their education records, except to the extent that FERPA authorizes disclosures without consent. Certain exceptions permit disclosure without consent. As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which a student's education records and personally identifiable information contained in such records may be accessed without the student's consent. Students needing more details regarding these exceptions may contact the Office of the Registrar.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Midwestern State University to comply with the requirements of FERPA.

FERPA allows the Texas Higher Education Coordinating Board (the State of Texas educational governing entity), with student consent, to disclose to higher education institutions the number of credit hours taken previously.

#### Address Changes

Students whose names, home addresses, local college addresses, email addresses, or other pertinent information changes after initial registration at MSU are requested to notify the Office of the Registrar, the MSU Business Office, Financial Aid office, MSU Admissions or Dr. Billie Doris McAda Graduate School, and Moffett Library. Student employees should also notify Human Resources and the Payroll office. The Global Education Office should be notified if an international student has an address change. Students may change their addresses online through the myMSUTexas portal. All notices, information, and official correspondence are addressed to the last mailing address on record with the university or MSU issued student email address. Failure by the student to have the current correct mailing address or email address on record with the university shall not be construed to invalidate any notices or correspondence. Under Texas law, students are responsible for reporting changes in legal residence. This notification is submitted to MSU Admissions or Dr. Billie Doris McAda Graduate School.

#### Release of Information-

Release of Information Forms are used to grant permission for university officials to release specified information from a student's educational record to a third party (i.e. parent, spouse, agency, or sponsor). Federal privacy laws prohibit Midwestern State University from providing non-directory information within a student's educational record to a third party, such as grades, course schedule, financial aid, discipline, housing assignment, and email address. Any student who desires information to be released to a third party must submit an Authorization to Release Student Information Form to the Dean of Students Office. Forms are available on the Dean of Students website, <http://www.msutexas.edu/student-life/dean/assets/files/release-of-information-form.pdf>, and in person through the Dean of Students Office, Clark Student Center, Room 108.

#### Student Email Address



Midwestern State University provides all enrolled students an official "my.msutexas.edu" University email address through Google. The email address is activated once a student is admitted to the University and is accessible through the myMSUTexas Portal under the "Gmail" link in the Quick Launch menu on the left side of the Portal homepage. The email address (and associated Google applications) will stop being available 13 months after a student graduates or disenrolls from Midwestern State University.

The "my.msutexas.edu" email address is the University's primary method of electronic communication with students. Students are responsible for all electronic communications delivered to their Midwestern State University "my.msutexas.edu" email address. Failure to read an electronic communication sent to the "my.msutexas.edu" email address does not excuse a student from the information, expectations, or requirements described therein.

### **Student Right to Know**

In compliance with the Student Right to Know and Campus Security Act of 1990, Midwestern State 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 <https://msutexas.edu/finaid/additional-consumer-resources>.

The Student Right to Know and Campus Security Act of 1990 is a federal mandate which requires all current students and employees be provided with information on policies and procedures involving campus security, the reporting of criminal action or other emergencies, and the enforcement authority of security personnel. This information must also include descriptions of programs for students and employees about campus security and crime prevention, as well as statistics on the occurrence of specific crimes. Notification of the annual report is made by the Midwestern State University Chief of Police and the full report is posted on the university website by October 1 each year. Hard copies are available from the University Police Department on request.

### **Traffic Review Board Appeals**

#### **PURPOSE**

A Traffic Review Board Appeals Committee composed of students and faculty/staff shall be appointed to review appeals from students and faculty/staff who wish to contest a ticket received for violation of the university traffic and vehicle regulations. The board committee shall have the authority to render judgments with reference to the *MSU Traffic and Parking Regulations found within MSU Operating Policy 62.01*. The Traffic Review Board Appeals Committee exists to assist those students and faculty/staff with violations due to unusual or extenuating circumstances. The decision of the board committee is final.

#### **COMPOSITION**

The Traffic Review Board Appeals Committee shall be appointed by the Student Government Association president and approved by the Student Senate. The board shall consist of two (2) co-chairman and seven (7) eight (8) members (three (3) students, two (2) faculty members, and two (2) staff members, and the Student Government Association Vice President). A co-chairman of the board shall be the Student Government Association Vice President. All student members of the board will have a cumulative grade point average of 2.0 or above and will not have a record of previous disciplinary suspension from the university. Three (3) members of the board will be present to constitute a quorum and review a case.

~~The co-chairmen shall have the same voting rights as other members. A staff designee appointed by the Dean of Students shall serve as an ex-officio voting member and advisor to the board.~~

#### PROCEDURE AND DISPOSITION

- A. Request for ~~Review~~Appeal. A student wishing to contest a ticket may appeal using the Rydin online parking management system available through the University Police website. For each violation, an appeal must be submitted within seventeen (17) calendar days after the citation was issued. Should the person charged not pay a violation fee or ~~request a review appeal~~ of the citation within the allotted time period, the ~~review appeal~~ process will be forfeited and a \$15.00 late fee will be assessed.
- B. Conduct of Review. All Traffic ~~Review Board~~Appeal Committee meetings shall be closed to the public. The ~~co-chairman chairperson~~ (or designee) shall preside and conduct the business of the review. The ~~board committee~~ may request further information from the university police officer or the appealing student with regard to the citation in question.
- C. Review Procedure. The ~~Student-Traffic Review Board~~Appeals Committee will meet regularly during the academic year. It shall make the findings and determinations in an executive session (only members of the ~~board committee~~ and advisor present). The ~~board committee~~ shall promptly consider each case on its merits, make its findings and determinations, and submit them to the Dean of Students. Results of the appeal will be communicated to the student electronically using the Rydin system within seven (7) days in a timely manner. If the student is found not in violation, a waiver shall be made of the penalty fee assessed.

Students who amass unpaid citations will be subject to transcript and registration holds on file with the Business Office, and may be referred to the student conduct process. A student with three or more unresolved citation may be subject to their vehicle being impounded in place.

#### **Tobacco Policy**~~Use of Tobacco Products~~

Smoking or other tobacco use, tobacco advertising, tobacco sales, and free distribution of tobacco products are prohibited on the Midwestern State University campus.

Midwestern State University seeks to provide a safe, healthy, pleasant environment for its faculty, staff, and students. To this end, the use of tobacco products, including smoke and smokeless tobacco, and the advertising, sale, free distribution, and discarding of tobacco products shall be prohibited in all indoor and outdoor facilities and in all university vehicles. The policy extends to faculty, staff, students, vendors, guests, and visitors.

#### *Specifications*

1. "Use of tobacco products" shall include
  - a. Possession of a lighted tobacco product;
  - b. Use of smokeless tobacco products; or
  - c. Use of e-cigarettes and other tobacco derived products.
2. "Indoor and outdoor facilities and university vehicles" shall include
  - a. All university-owned or leased vehicles, including cars, pick-up trucks, vans, box trucks, and carts; or
  - b. All private vehicles parked on property owned or leased by Midwestern State University.
3. All buildings and facilities owned or leased by Midwestern State University, including residential homes
  - a. All outdoor areas owned or leased by Midwestern State University, including the grounds of the Main Campus and the South Campus and the grounds of residential homes owned by the university.

4. Exceptions: None

#### *Enforcement*

1. It is the responsibility of all members of the campus community and campus visitors to observe the provisions of this policy.
2. It is the responsibility of all students, faculty, staff, and campus visitors to uphold the honor of the university by affirming its commitment to this policy.
3. Courtesy and consideration will be exercised when informing violators of this policy. No person will be retaliated against for informing others of the policy or asking others to comply with the policy.
4. A complaint against a violator who fails to comply with the policy after being asked by another to do so, may be referred to a provost and vice president for academic affairs, vice president, associate vice president, dean, or director. Appropriate disciplinary action may be applied to a violator against whom multiple complaints have been received.

### **Withdrawals**

Withdrawals are when a student wishes to be unenrolled from all courses at MSU. A withdrawing student must contact the Office of Student Affairs, preferably in person, to begin the withdrawal process and complete an official withdrawal slip. At the time of withdrawal, a student will be informed of any eligible refund for tuition and fees and any academic consequence of the withdrawal given the timing within a particular term. If a student is unable to withdraw him/herself (i.e. due to medical reasons, etc.), he/she may only be withdrawn by someone who has legal power of attorney for the student. Students living in university housing must move out within 24 hours of withdrawing or being withdrawn from the university.

A student who wishes to un-enroll from all courses at MSU must come to the Office of Student Affairs, located in the Clark Student Center, room 108, to fill out a withdrawal slip. The student will need to bring his/her MSU I.D. Card at the time of withdrawal. Distance education students may contact the Student Affairs Office via phone to withdraw. Once the withdrawal slip has been completed and signed by the student, copies are distributed to the Registrar's Office, Business Office, and Financial Aid Office. Students unable to withdraw themselves from MSU (due to medical reasons, etc.) may only be withdrawn by someone who has legal power of attorney for the student.

#### **Refunds**

Only students withdrawing before the official first class of the term will receive a 100% refund of tuition and fees. Starting the first day of classes, the refund rate decreases to 80%.

#### *Refund and Repayment Policy Withdrawal Process*

A withdrawing student who has received a prior student loan(s) will be required to visit with the Financial Aid Office, if possible, to complete an online Exit Interview session. A student who is not able to report to campus may have the withdrawal request processed via phone or email but still will be required to complete an online Exit Interview session with the Financial Aid Office. Upon receipt of the withdrawal form in the Financial Aid Office, the appropriate federal and/or state refund calculation will be performed to determine if the student must repay all or part of the aid awarded, as detailed below. Refer to the information below regarding the FEDERAL "RETURN OF TITLE IV AID" POLICY to determine if you will be required to repay any financial aid monies as a result of withdrawal from the University.

A student who withdraws or is administratively withdrawn from Midwestern State University (MSU) may be eligible to receive a refund to all or a portion of the tuition, fees and room/board charges that were paid to MSU for the semester. HOWEVER, if the student received financial aid (federal/state/institutional grants, loans and/or scholarships), all or a portion of the refund may be returned to the financial aid programs. As described below, two formulas (federal and state) exist in determining the amount of the refund. (Examples of each refund calculation will be made available upon request.)

*Federal "Return of Title IV Aid" Policy*

The federal refund formula is applicable to any student receiving Title IV aid, which includes the Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, TEACH Grant, Federal Perkins Loan, Federal Direct Loan (Subsidized and/or Unsubsidized), and Federal Direct PLUS Loans (parent or graduate); this refund calculation excludes Federal Work-Study. The federal refund formula provides a return of Title IV aid if the student withdraws, is administratively withdrawn, or voluntarily stops attending all classes before completing more than 60% of the semester. If any refund remains after the required return of the Title IV aid, the refund will then be used to repay other state/institutional grants and/or scholarships, as detailed in the State Refund Policy. If any financial aid funds are released to the student prior to the student's withdrawal via a refund check as a result of a credit balance on the student's account, the student may then be required to repay all or a portion of the financial aid funds that had been previously released to the student. A student not receiving Title IV aid will have his/her refund calculated using only the State Refund Policy, as below. Additional details about these refund policies are available at

<http://www.msutexas.edu/finaid/withdrawal-policy>. <https://msutexas.edu/finaid/withdrawal-policy>

*State Refund Policy*

As stated in the current catalog, a student who withdraws from the University will receive a prorated refund of tuition, fees and room/board charges, in accordance with the following schedule:

Fall/Spring Semesters		Summer Term(s)	
1. Prior to 1st class day	100%	1. Prior to 1st class day	100%
2. During the first 5 class days	80%	2. During the 1st, 2nd or 3rd day	80%
3. During the second 5 class days	70%	3. During the 4th, 5th or 6th day	50%
4. During the third 5 class days	50%	4. After the 6th day	0%
5. During the fourth 5 class days	25%		
6. After the fourth 5 class days	0%		

*Petitioning for a Full (100%) Refund*

To petition for a 100% refund after the first day of classes, students must meet the following requirements:

1. The reason for withdrawing was beyond the student's control (medical, family emergency, etc.);
2. Provide a written statement explaining why the student feels he/she deserves a full refund;
3. Provide supporting documentation to validate the reason for withdrawal (i.e. medical records with date of admittance and release.

Once a student has provided the Office of Student Rights and Responsibilities with the above information/documentation, the information will be provided to the Vice President of Administration and Finance to make the final decision on whether or not the refund petition will be approved.

## **Appendix A: Drug and Alcohol Abuse Prevention Program**

The Drug-Free Schools and Communities Act Amendments of 1989 requires an annual distribution, in writing, to each student for which academic credit will be awarded (regardless of the length of the student's program of study) as well as all employees, and must include the following:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;
2. A description of applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of drug or alcohol counseling, treatment, or rehabilitation or re-entry programs available to students or employees; and
5. A statement of the disciplinary sanctions the University will impose on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the applicable standards of conduct.

The following information is provided annually to students and employees of Midwestern State University for their assistance and to comply with provisions of the Act.

### PREVENTION OF ALCOHOL ABUSE AND ILLICIT DRUG USE AT MIDWESTERN STATE UNIVERSITY

Midwestern State University has adopted and implemented a program to prevent unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the campus or as a part of any of its activities. Midwestern State University recognizes the importance of information about drug and alcohol abuse; therefore, this information is designed to provide you with information about university policies and procedures, applicable legal sanctions and health risks associated with alcohol abuse and illicit drug use.

### STANDARDS OF CONDUCT

Midwestern State University prohibits the unlawful possession, use, or distribution of alcohol and illicit drugs by employees and students on University property or as a part of any officially sponsored University activity. Policies and procedures adopted by the Board of Regents and Midwestern State University relating to the standards of conduct expected of its students and employees in the area of illicit drugs and alcohol are provided in the Student Handbook and in the university's operating policies and procedures.

### HEALTH RISKS OF ALCOHOL AND DRUGS

#### Alcohol's Effects on the Body

Drinking too much – on a single occasion or over time – can take a serious toll on a person's health. Below is information about how alcohol can affect the human mind and body.

#### Brain

Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.



#### Heart

Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – stretching and drooping of heart muscle
- Arrhythmias – irregular heart beat
- Stroke
- High blood pressure

#### Immune System

Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

#### Liver

Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

#### Pancreas

Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

#### Cancer

Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen.

The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer:

- Breast cancer. Epidemiologic studies have consistently found an increased risk of breast cancer with increasing alcohol intake. Pooled data from 118 individual studies indicates that light drinkers have a slightly increased (1.04-fold higher) risk of breast cancer, compared with nondrinkers. The risk increase is greater in moderate drinkers (1.23-fold higher) and heavy drinkers (1.6-fold higher). An analysis of prospective data for 88,000 women participating in two US cohort studies concluded that for women who have never smoked, light to moderate drinking was associated with a 1.13-fold increased risk of alcohol-related cancers (mostly breast cancer).
- Colorectal cancer. Moderate to heavy alcohol consumption is associated with 1.2- to 1.5-fold increased risks of cancers of the colon and rectum compared with no alcohol consumption.

- Esophageal cancer. Alcohol consumption at any level is associated with an increased risk of a type of esophageal cancer called esophageal squamous cell carcinoma. The risks, compared with no alcohol consumption, range from 1.3-fold higher for light drinking to nearly 5-fold higher for heavy drinking. In addition, people who inherit a deficiency in an enzyme that metabolizes alcohol have been found to have substantially increased risks of esophageal squamous cell carcinoma if they consume alcohol.
- Head and neck cancer. Moderate to heavy alcohol consumption is associated with higher risks of certain head and neck cancers. Moderate drinkers have 1.8-fold higher risks of oral cavity (excluding the lips) and pharynx (throat) cancers and 1.4-fold higher risks of larynx (voice box) cancers than non-drinkers, and heavy drinkers have 5-fold higher risks of oral cavity and pharynx cancers and 2.6-fold higher risks of larynx cancers. The risks of these cancers are substantially higher among persons who consume this amount of alcohol and also use tobacco.
- Liver cancer. Heavy alcohol consumption is associated with approximately 2-fold increased risks of two types of liver cancer (hepatocellular carcinoma and intrahepatic cholangiocarcinoma).  
Sources: The National Institute on Alcohol Abuse and Alcoholism, National Cancer Institute  
Drugs' Effects on the Body  
All controlled substances have abuse potential or are immediate precursors to substances with abuse potential. Below is information about how drugs can affect the human mind and body.

#### Narcotics (Fentanyl, Heroin, Hydromorphone, Methadone, Morphine, Opium, Oxycodone)

- Effects on the Mind: Besides their medical use, narcotics/opioids produce a general sense of well-being by reducing tension, anxiety, and aggression. These effects are helpful in a therapeutic setting but contribute to the drugs' abuse. Narcotic/opioid use comes with a variety of unwanted effects, including drowsiness, inability to concentrate, and apathy.
- Effects on the Body: Narcotics/opioids are prescribed by doctors to treat pain, suppress cough, cure diarrhea, and put people to sleep. Effects depend heavily on the dose, how it's taken, and previous exposure to the drug. Negative effects include slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing. As the dose is increased, both the pain relief and the harmful effects become more pronounced. Some of these preparations are so potent that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech.

#### Stimulants (Amphetamines, Cocaine, Khat, Methamphetamine)

- Effects on the Mind: When used as drugs of abuse and not under a doctor's supervision, stimulants are frequently taken to produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged period, and "get high." Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur. Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs. In fact, the strongest psychological dependence observed occurs with the more potent stimulants, such as amphetamine, methylphenidate, methamphetamine, cocaine, and methcathinone. Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a "crash."
- Effects on the Body: Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of appetite. These effects are greatly intensified when large doses of stimulants are taken. Taking too large a dose at one time or taking large doses over an extended period of time may

cause such physical side effects as dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.

#### Depressants (Barbiturates, Benzodiazepines, GHB, Rohypnol)

- Effects on the Mind: Depressants used therapeutically do what they are prescribed for: induce sleep, relieve anxiety and muscle spasms, and prevent seizures. They also cause amnesia, leaving no memory of events that occur while under the influence, reduce reaction time, impair mental functioning and judgment, and cause confusion. Long-term use of depressants produces psychological dependence and tolerance.
- Effects on the Body: Some depressants can relax the muscles. Unwanted physical effects include slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

#### Hallucinogens (Ecstasy/MDMA, Ketamine, LSD, Peyote & Mescaline, Psilocybin)

- Effects on the Mind: Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include distortions of thought associated with time and space. Time may appear to stand still, and forms and colors seem to change and take on new significance. Weeks or even months after some hallucinogens have been taken, the user may experience flashbacks — fragmentary recurrences of certain aspects of the drug experience in the absence of actually taking the drug. The occurrence of a flashback is unpredictable, but is more likely to occur during times of stress and seems to occur more frequently in younger individuals. With time, these episodes diminish and become less intense.
- Effects on the Body: Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils.

#### Marijuana/Cannabis

- Effects on the Mind: When marijuana is smoked, the tetrahydrocannabinol (THC) passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cells. Many of these receptors are found in the parts of the brain that influence pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination. The effect of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities). Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence. Clinical studies show that the physiological, psychological, and behavioral effects of marijuana vary among individuals and present a list of common responses to cannabinoids, as described in the scientific literature:
  - Dizziness, nausea, tachycardia, facial flushing, dry mouth, and tremor initially
  - Merriment, happiness, and even exhilaration at high doses
  - Disinhibition, relaxation, increased sociability, and talkativeness
  - Enhanced sensory perception, giving rise to increased appreciation of music, art, and touch
  - Heightened imagination leading to a subjective sense of increased creativity

- Time distortions
- Illusions, delusions, and hallucinations are rare except at high doses
- Impaired judgment, reduced coordination, and ataxia, which can impede driving ability or lead to an increase in risk taking behavior
- Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness, and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose
- Increased appetite and short-term memory impairment are common
- Effects on the Body: Short-term physical effects from marijuana use may include sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea. Withdrawal symptoms also include behavioral signs such as restlessness, irritability, sleep difficulties, and decreased appetite.

#### Steroids

- Effects on the Mind: Case studies and scientific research indicate that high doses of anabolic steroids may cause mood and behavioral effects. In some individuals, steroid use can cause dramatic mood swings, increased feelings of hostility, impaired judgment, and increased levels of aggression (often referred to as “roid rage”). When users stop taking steroids, they may experience depression that may be severe enough to lead one to commit suicide. Anabolic steroid use may also cause psychological dependence and addiction.
- Effects on the Body: A wide range of adverse effects is associated with the use or abuse of anabolic steroids. These effects depend on several factors including age, sex, the anabolic steroid used, amount used, and duration of use. In adolescents, anabolic steroid use can stunt the ultimate height that an individual achieves. In boys, steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer. In both men and women, anabolic steroid use can cause high cholesterol levels, which may increase the risk of coronary artery disease, strokes, and heart attacks. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver. Users who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis B or C, and bacterial infections at the sight of injection. Users may also develop endocarditis, a bacterial infection that causes a potentially fatal inflammation of the heart lining.

#### Inhalants

- Effects on the Mind: Inhalant abuse can cause damage to the parts of the brain that control thinking, moving, seeing, and hearing. Cognitive abnormalities can range from mild impairment to severe dementia.
- Effects on the Body: Inhaled chemicals are rapidly absorbed through the lungs into the bloodstream and quickly distributed to the brain and other organs. Nearly all inhalants produce effects similar to

anesthetics, which slow down the body's function. Depending on the degree of abuse, the user can experience slight stimulation, feeling of less inhibition, or loss of consciousness. Within minutes of inhalation, the user experiences intoxication along with other effects similar to those produced by alcohol. These effects may include slurred speech, an inability to coordinate movements, euphoria, and dizziness. After heavy use of inhalants, users may feel drowsy for several hours and experience a lingering headache. Additional symptoms exhibited by long-term inhalant users include:

- Weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, and damage to the nervous system and other organs
- Some of the damaging effects to the body may be at least partially reversible when inhalant abuse is stopped; however, many of the effects from prolonged abuse are irreversible.
- Prolonged sniffing of the highly concentrated chemicals insolvents or aerosol sprays can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes. There is a common link between inhalant use and problems in school — failing grades, chronic absences, and general apathy.
- Paint or stains on body or clothing; spots or sores around the mouth; red or runny eyes or nose; chemical breath odor; drunk, dazed, or dizzy appearance; nausea; loss of appetite; anxiety; excitability; and irritability

Source: Drugs of Abuse, US Department of Justice Drug Enforcement Administration Resource Guide, 2017 Edition

#### DRUG AND ALCOHOL ABUSE COUNSELING SERVICES

Trained personnel in the MSU Counseling Center are available to counsel university students who voluntarily seek assistance and have not been charged with violation of university policy.

#### DRUG AND ALCOHOL PREVENTION AND EDUCATION PROGRAMS

The university places considerable emphasis on prevention programs, teaching basic behavioral skills, increasing awareness of the dangers of high- risk behavior, and aiming to shift social norms and correct misperceptions about what substance safety risk behaviors students are actually engaging in. Following is a listing of relevant prevention and education initiatives.

##### AlcoholEdu, Office of the Dean of Students

AlcoholEdu is a 1.5 hour online training program required of all incoming MSU Texas undergraduates under the age of 25. Entering undergraduates 25 and older and graduate students are invited to complete the training, but not required. A required student is ineligible to register for the subsequent long semester courses until the training is complete. The training incorporates the latest evidence-based prevention methods to create a highly engaging user experience that inspires students to reflect on and consider changing their drinking habits in addition to providing strategies for staying safe while in college.

##### AlcoholEdu (Sanctions Module), Office of Student Rights and Responsibilities

AlcoholEdu for Sanctions is designed specifically to help students who have violated campus alcohol policies to make safer and healthier choices and to avoid experiencing alcohol related problems again. The course provides a strong educational foundation to support campus judicial programs and is an essential component of a comprehensive alcohol prevention initiative. The course re-emphasizes the skills and topics important for this particular group of students to reconsider, such as standard drink measurements, factors affecting blood alcohol content and how to identify and respond to alcohol poisoning. The goals for



this course are to help educate students to make different drinking choices and reduce their participation in behaviors that will lead to additional sanctions.

#### Campus Safety Program at Orientation, Admissions & Student Leadership and Involvement

New students participating in freshman and transfer orientation programs prior to the semester, including online orientation, early orientation, and Mustangs Roundup, receive information about campus safety. Information includes university policies, reporting options, confidential resources, and educational programs that pertain to alcohol, drugs, and sexual misconduct.

#### College Connections, Tutoring and Academic Support Programs

College Connections is a first-year seminars for new undergraduates. The curriculum includes a unit on wellness discussing the harmful effects of substance abuse. Students also receive a more intimate look at the resources on campus and in our local community relevant to wellness should they ever need to seek help. Instructors also build in reminders to complete the University's Think About It training program to help ensure students complete their modules on alcohol, drug, and sexual misconduct awareness.

#### Community Partners Program, Vinson Health Center

Multiple community resources address various aspects of health problems generated by behavioral issues. Our community partners program systematically coordinates the student health center with the Public Health Department. This has provided coordinated STI testing and tracking, free condom distribution, and on-campus presence of public health for STI screening on HIV/AIDS Awareness Day. We also coordinate education on STI's by providing continuing education credits to addiction professionals, juvenile justice workers, professional counselors, marriage and family counselors, and social workers. We have also established an expedited counseling, testing, and treatment program with the HIV Preventive Services Office, providing onsite, immediate services for patients with a positive HIV screening test.

#### Conduct Referrals, Residence Life and Housing

Residence Life and Housing makes multiple student conduct referrals on the basis of alleged alcohol or drug violations. In addition to following University conduct procedures in these instances, an educational approach helps connect students with supportive campus partners, such as the Counseling Center, as applicable.

#### Internal Awareness and Intervention Program, Vinson Health Center

MSU provides discrete detection, prevention, and treatment to students at the Vinson Health Center. Every student is screened for emotional concerns, alcohol use, tobacco use, and substance use; positive answers are followed by motivational interviewing and treatment as indicated. We have developed an expedited STI screening process that is RN directed. The STI screening process involves interview, counseling, testing, and a sexual health product bag. Monthly well woman classes provide accurate and practical knowledge regarding women's health, STI's, and gynecologic issues. We provided office space for a counselor from First Step in the clinic and coordinated private appointments for the counselor.

#### Marijuana 101, Office of Student Rights and Responsibilities

Marijuana 101 is an online course used for sanctioning pursuant to violations of the University drug policy. The course provides an exploration of a student's attitudes, behaviors, and risk levels related to marijuana use. The lessons provide an overview of marijuana's effects on the body, the laws related to marijuana, and how to reduce or stop marijuana use.

#### Mustangs Shuttle and MESA Bus Service, Office of the Dean of Students

The Mustangs Shuttle and MESA is a service provided by the City of Wichita Falls, which offers free shuttle rides to and from the university while classes are in session. The Mustangs Shuttle operates Monday-Thursday until 10pm, while the MESA operates Friday-Saturday until midnight.

#### New Member Institute, Student Leadership and Involvement

Each semester, all new members of Greek-letter organizations participate in a series of educational programs through the New Member Institute intended to educate new members about the responsibilities of fraternity and sorority life membership, and bring awareness to the important topics of alcohol, drugs, hazing, sexual misconduct, diversity/inclusion, and scholarship.

#### Outreach Presentations, Counseling Center

Programs are planned and presented on request by student organizations on topics including safe partying and substance abuse. Organizations which are members of the fraternity and sorority system at the University typically request a program annually.

#### Outreach/Education Program, Vinson Health Center

As health experts, we both provide and participate in educational opportunities beyond the clinic walls. These include education on STI's and on contraception provided each semester to senior nursing classes, sociology classes (human sexuality), and to incoming freshmen. Vinson Health Center staff have participated in educational activities to enhance understanding of the Clery Act, VAWA, Title IX, and hosted an in-service by the local SANE nurse program. Vinson Health Center staff has provided expertise on STI's and women's health to the combined sororities on campus, and has contributed to National Women's Day and other Campus Climate activities.

#### Psycho-Educational Substance Abuse Counseling, Counseling Center

Group therapy sessions centered on the issues of alcohol and drug use are available monthly and presented by a Licensed Chemical Dependency Counselor. Referrals to the sessions are made through the Counseling Center.

#### Residence Hall Programming, Residence Life and Housing

Residence Life staff focus programming through a traditional wellness model. Alcohol and drug awareness programming are included in this model each semester. Resident Assistants and Hall Directors are the primary staff members responsible for hosting these events within their respective residence hall.

#### Safe Spring Break, Residence Life and Housing

Residence Life and Housing conducts a campus-wide spring break safety program each March titled to promote healthy student behaviors during spring break. Alcohol and drug information is included in this annual program.

#### Sexual Assault Awareness Month, Title IX Office

Each April, collaborative programming is offered to raise awareness and enhance prevention of sexual misconduct/assault. These programs include speakers, workshops, trainings, and information campaigns. Included in many of these programs is information about the interrelationship between alcohol use and sexual misconduct, as well as the role alcohol/drugs play in determining affirmative consent.

#### Speakers/Performances, Counseling Center & Title IX Office

Each year, the Counseling Center and/or Title IX Office sponsors a major program for students, which includes content on awareness/abuse.

#### Step-Up Bystander Intervention Training, Athletics

Each academic year, student-athletes attend the Step-Up Bystander Intervention Training. The Step-Up Bystander Intervention Training is an interactive in-person training that encourages prosocial behavior and educates students to be proactive in helping others. It received a NASPA Gold award and recently was identified as a 'Best Practice' by the NCAA Sports Science Institute of national and international scholars.

#### Student-Athlete Development, Athletics

The Athletic department provides various types of life skills workshops to enhance the lives of student-athletes. The Drug and Alcohol Prevention program is one that focuses on the negative effects drugs and alcohol have on the human body as it pertains to athletics. These educational workshops provide the opportunity for student-athletes to ask questions and become more knowledgeable about the services available to them on campus.

#### Student Organization Risk Management Training, Student Leadership and Involvement

Student organization leaders are required to complete annual Risk Management training. Alcohol is a specific topic included in the training. The training focuses on building knowledge and skill amongst student organization leaders to minimize and address risk and enhance the health and safety of students and other members of the MSU community.

#### Student Success Series, First2Go

The student success series provides student programs on various topics important to undergraduate student success. A program titled Sex, Drugs, Alcohol and Everything in Between by Julia Garcia was presented to students and included stories of real life experiences of excessive partying that ultimately led to a sexual assault, death of a best friend and infamous night that almost took the entire college experience away completely.

### DISCIPLINARY SANCTIONS

Where violation of the MSU Drug-Free Schools and Communities Act Policy is found, the university will, in accordance with established procedures of Midwestern State University, take appropriate disciplinary action against such students or employees, up to and including expulsion or termination of employment. The University may require such students or employees to participate satisfactorily in an off-campus drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. The cost of such programs, not covered by applicable insurance, shall be borne by the individual.

Students or employees found in violation of university policy or Local, State, or Federal law regarding the use, possession, or distribution of alcohol or other drugs (as defined by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act, and the Texas Alcoholic Beverage Code, Chapter 1) will be subject to legal penalty in addition to any appropriate university personnel or disciplinary action(s).

University Disciplinary Sanctions for Students

<p>VIOLATION: Minor in Possession/Consumption of Alcohol or Housing Alcohol Policy Violation</p>	<p>POSSIBLE DISCIPLINARY SANCTIONS</p>
<p>First Offense (possible sanctions include, but are not limited to)</p>	<p>Participation in an alcohol education course, at the student's expense unless provided through the University          Authorship of a research/reflection essay          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
<p>Second Offense (possible sanctions include, but are not limited to)</p>	<p>Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation          Authorship of a research/reflection essay          Fine of \$100          Notification of parents/guardians of students under the minimum legal drinking age of 21          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
<p>Third and Subsequent Offenses (possible sanctions include, but are not limited to)</p>	<p>Suspension or expulsion from University housing and/or the University          Fine of \$200          Notification of parents/guardians of students under the minimum legal drinking age of 21          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
<p>VIOLATION: Purchasing, Selling or Providing Alcohol to Minors</p>	<p>POSSIBLE DISCIPLINARY SANCTIONS</p>
<p>First Offense (possible sanctions include, but are not limited to)</p>	<p>Participation in an alcohol education course at the student's expense, unless provided through the University          Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation          Authorship of a research/reflection essay          Fine of \$100          Notification of parents/guardians of students under the minimum legal drinking age of 21          Suspension from University housing          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>

Second Offense (possible sanctions include, but are not limited to)	Suspension or expulsion from the University Notification of law enforcement authorities Fine of \$200 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
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VIOLATION: Driving Under the Influence/Driving While Intoxicated	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	Loss of driving and/or parking privileges on campus for a specified period of time Participation in an alcohol education course, at the student's expense, unless provided through the University Authorship of a research/reflection essay Fine of \$100 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	Suspension or expulsion from University housing and/or the University Notification of law enforcement authorities Fine of \$200 Notification of parents/guardians of students under the minimum legal drinking age of 21 Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

VIOLATION: Possession of Drug Paraphernalia or Housing Drug Policy Violation	POSSIBLE DISCIPLINARY SANCTIONS
First Offense (possible sanctions include, but are not limited to)	Participation in a drug education course, at the student's expense, unless provided through the University Authorship of a research/reflection essay Notification of parents/guardians of students under 21 years of age Notification of law enforcement authorities Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)



<p>Second Offense (possible sanctions include, but are not limited to)</p>	<p>Expulsion from University housing          Notification of parents/guardians of students under 21 years of age          Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation          Authorship of a research/reflection essay          Fine of \$100          Notification of law enforcement authorities          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
<p>Third Offense (possible sanctions include, but are not limited to)</p>	<p>Expulsion from the University          Notification of parents/guardians of students under 21 years of age          Fine of \$200          Notification of law enforcement authorities          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>

<p>VIOLATION: Possession or Use of Drug Illegal Drugs</p>	<p>POSSIBLE DISCIPLINARY SANCTIONS</p>
<p>First Offense (possible sanctions include, but are not limited to)</p>	<p>Expulsion from University housing          Suspension from the University for a period of not less than the remainder of the semester in which the infraction occurred          Participation in a drug education course, at the student's expense, unless provided through the University          Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation          Authorship of a research/reflection essay          Notification of parents/guardians of students under 21 years of age          Fine of \$100          Notification of law enforcement authorities          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>
<p>Second Offense (possible sanctions include, but are not limited to)</p>	<p>Expulsion from the University          Notification of parents/guardians of students under 21 years of age          Fine of \$200          Notification of law enforcement authorities          Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)</p>

<p>VIOLATION: Manufacture, Sale or Distribution of Illegal Drugs</p>	<p>POSSIBLE DISCIPLINARY SANCTIONS</p>
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First Offense (possible sanctions include, but are not limited to)	Expulsion from University housing Suspension from the University for a period of not less than the remainder of the semester in which the infraction occurred Notification of parents/guardians of students under 21 years of age Fine of \$100 Notification of law enforcement authorities Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)
Second Offense (possible sanctions include, but are not limited to)	Expulsion from the University Notification of parents/guardians of students under 21 years of age Fine of \$200 Notification of law enforcement authorities Other sanctions as determined by the Director of Student Rights and Responsibilities (or designee)

PENALTIES UNDER STATE OF TEXAS LAW

OFFENSE	LEGAL SANCTIONS AND PENALTIES UNDER TEXAS LAW
Manufacture or delivery of controlled substances (drugs)	Minimum: Fine not to exceed \$10,000 and confinement in jail for a term of not more than 2 years and not less than 180 days. Maximum: Fine not to exceed \$250,000 and imprisonment in TDC for life or for a term of not more than 99 years nor less than 15 years.
Possession of controlled substances (drugs)	Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$250,000.
Delivery of marijuana	Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Possession of marijuana	Minimum: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000, or both. Maximum: Confinement in TDC for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000.
Driving while intoxicated (includes intoxication from alcohol, drugs, or both)	Fine up to \$10,000; Jail time between 3 days and 1 year; State prison time between 2 years and 10 years; Annual surcharge up to \$2000 for 3 years to keep your license; DWI intervention or education programs; Possible ignition interlock device.
Public Intoxication: Minors Purchase of alcohol by a	Class C Misdemeanor, punishable by a fine up to \$500; Alcohol awareness class; 8 to 40 hours community service; 30-180 days loss or denial of driver's license.

minor Consumption of alcohol by a minor Possession of alcohol by a minor	
Selling or providing alcohol to a minor	Class A misdemeanor, punishable by a fine up to \$4,000, confinement in jail for up to a year, or both. Driver's license automatically suspended for 180 days upon conviction.  The state penalties described above are based on applicable State of Texas statutes and are subject to change at any time by the Texas Legislature and the Governor of Texas. Please refer to the applicable State of Texas statute for additional information.

PENALTIES UNDER FEDERAL LAW

OFFENSE	LEGAL SANCTIONS AND PENALTIES UNDER FEDERAL LAW
Manufacture, distribution, or delivery of controlled substances (drugs)	Minimum: Punishable by up to 3 years in prison and fine up to \$250,000. Maximum: Punishable by a term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 for an individual or \$20,000,000 (if other than an individual).
Possession of controlled substances (drugs)	Minimum: Punishable by up to 1 year in jail and minimum fine of \$1,000. Maximum: Punishable by up to 3 years in prison and fine up to \$5,000 plus costs of investigation and prosecution.
Distribution of controlled substances (drugs) to a person under 21 years of age	Minimum: Punishable by double the federal penalty for distribution of drugs. Maximum: Punishable by triple the federal penalty for distribution of drugs.  The federal penalties described above are based on applicable federal statutes and are subject to change at any time by the US Congress and the President of the United States. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a school or a public university. Please refer to the applicable federal statute for additional information.

**Appendix B: Information Supplementing the University Sexual Misconduct Policy**

In addition to the information provided in the university Sexual Misconduct Policy, students should know that rape is a crime and should be reported to civil authorities. Rape is often thought of as a violent attack on a woman by a madman who uses a weapon to threaten his victim, but this description does not apply to the majority of rapes that take place in the United States. "Victims of rape and sexual assault report that in nearly 3 out of 4 incidents, the offender was not a stranger...two thirds of the victims 18 to 29 years old had a prior relationship with the rapist" (Greenfield, 1997). Therefore, university students are more likely to be victimized by someone they know, and perhaps trust, than by someone who is a stranger. Both men and women can be victims. Non-consensual intercourse by a person one knows is defined as *date rape* or *acquaintance rape*, both of which are as serious a crime as stranger rape.

## FREQUENTLY ASKED QUESTIONS

The following are some of the most commonly asked questions regarding the university's Sexual Misconduct Policy and procedures.

a) *Does a complaint remain confidential?*

Reports made to licensed counselors, health service providers, victim services advocates and clergy will be kept confidential. Other reports are considered private. The privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where information is shared, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. In all complaints of sexual misconduct, the reporting party will be informed of the outcome. In some instances, the administration also may choose to make a brief announcement of the nature of the violation and the action taken, to the community, though personally identifying information about the victim will not be shared. Certain university administrators are informed privately (e.g., the President of the University, Title IX Coordinator, Vice President for Student Affairs, Dean of Students, Chief of Police, Director of Student Rights and Responsibilities, Director of the Counseling Center, etc.). The university must statistically report the occurrence on campus of any major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

b) *Will my parents/guardians be told?*

No, not unless you tell them. Whether you are the reporting party or the accused student/responding party, the university's primary relationship is to the student and not to the parent/guardian. However, in the event of major medical or conduct action, or academic jeopardy, students are strongly encouraged to inform their parents. University officials may directly inform parents when requested to do so by a student, or in a life-threatening situation, or if an accused student has signed the permission slip at registration which allows such communication.

~~c) *Will I have to confront the alleged perpetrator?*~~

~~Not directly. Per Section 7, Conduct Procedures for Sexual Misconduct, you and the alleged perpetrator may submit questions to the Title IX coordinator for consideration. If accepted, the questions will be asked by the Title IX investigators assigned to the investigation.~~

d) *Do I have to name the alleged perpetrator?*

Yes, if you want formal conduct action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint. One should consult the complete privacy policy described in Section 12: Sexual Misconduct Policy of the *Code of Student Conduct* to better understand the university's legal obligations regarding information which is shared with various university officials.

e) *What should I do if I am accused of sexual misconduct?*

First, do not contact the alleged victim. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Director of Student Rights and Responsibilities, Director of Human Resources, or Title IX Coordinator who can explain the university's procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential counselor in the Counseling Center.

f) *What should I do about legal advice?*

Victims of criminal sexual assault need not retain a private attorney to seek prosecution because legal issues will be handled through a representative from the local District Attorney's office. You may want to retain an attorney if you are the accused student/responding party or are considering filing a civil action against the alleged perpetrator.

g) *What should I do about changing university housing rooms?*

If you want to move, or have the accused student moved, you may request a room change through the Residence Life Room Change policy or contacting the Director of Residence Life & Housing. Room changes under these circumstances are considered emergencies. It is the university's policy that in emergency room changes, the student is moved to the first available suitable room. Other accommodations available to you might include:

1. Assistance from university support staff in completing the relocation;
2. Arranging to dissolve a housing contract and pro-rating a refund;
3. Exam, paper or assignment rescheduling;
4. Taking an incomplete in a class;
5. Transferring class sections;
6. Academic withdrawal; and/or
7. Alternative course completion options.

h)g) *What should I do to preserve evidence of a sexual assault?*

Physical information of a sexual assault must be collected within about 120 hours of the assault for it to be useful in a criminal prosecution. If you believe you have been a victim of a sexual assault, you should go to a hospital emergency room before washing yourself or your clothing. A sexual assault health professional (a specially trained nurse called a SANE) at the hospital is on call and will counsel you. If you go to the hospital, local police will be called but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you should you decide later to exercise it.

The hospital staff will collect information, check for injuries and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe, and may render forensic information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

h)h) *Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*

No, not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

h)i) *Will a student be sanctioned when reporting an act of sexual misconduct if the student has illegally used drugs or alcohol?*

No. The university offers amnesty in such situations. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

h)j) *What should I do if I am uncertain about what happened?*

If you believe that you have experienced non-consensual sexual contact or intercourse, but are unsure of whether it was a violation of the university's sexual misconduct policy, you should contact the Title IX Coordinator, Associate Vice President for Student Affairs, or Director of Human Resources. The university employs licensed counselors in the Counseling Center and the community offers confidential victim advocates from First Step, Inc. These individuals can help you to define and clarify the event(s), and advise you of your options.

RISK REDUCTION TIPS



Tips like these tend to make victims feel blamed if a sexual assault occurs. It is never the victim's fault, and these tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. That said, only a rapist or an empowered bystander can intervene to prevent a rape or assault. Generally, an assault by a known offender will follow a four-step pattern:

- a) An individual's personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
- b) If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
- c) The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
- d) The victim feels trapped or unable to be assertive and is raped or assaulted.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a victim of rape. If the individual can assertively defend his/her rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- a) Make your limits known before things go too far.
- b) Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
- c) Try to extricate yourself from the physical presence of a sexual aggressor.
- d) Grab someone nearby and ask for help.
- e) Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
- f) Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
- g) Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
- h) Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
- i) Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow "politeness" to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
- j) Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- a) Do not make assumptions about:
  1. Consent;
  2. Someone's sexual availability;
  3. Whether a person is attracted to you;
  4. How far you can go; or
  5. Whether a person is physically and mentally able to consent to you.

- b) Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her intentions to you.
- c) Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading your partner. Perhaps your partner has not figured out how far he/she wants to go with you yet. You need to respect the timeline with which your partner is comfortable.
- d) Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
- e) Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- f) Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
- g) On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
- h) Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

#### REFERENCES

Greenfield, L.A. (1997). Sex offenses and offenders [Electronic version]. *U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics*. Retrieved July 26, 2010, at <http://bjs.ojp.gov/content/pub/pdf/SOO.PDF>.

### Appendix C: University and Community Resources for Victims of Sexual Misconduct

#### Midwestern State University Campus Resources

##### University Police

Patrick Coggins, Chief of Police

**(940) 397-4239**

[patrick.coggins@msutexas.edu](mailto:patrick.coggins@msutexas.edu)

##### Title IX Coordinator

Laura Hetrick, Director and Coordinator of Title IX

**(940) 397-4213**

[laura.hetrick@msutexas.edu](mailto:laura.hetrick@msutexas.edu)

##### Counseling Center

Dr. Pam Midgett, Director

**(940) 397-4618**

[pam.midgett@msutexas.edu](mailto:pam.midgett@msutexas.edu)

##### Deputy Title IX Coordinator

Dawn Fisher, Director of Human Resources

**(940) 397-4221**

[dawn.fisher@msutexas.edu](mailto:dawn.fisher@msutexas.edu)

##### Vinson Health Center

Dr. Keith Williamson, Medical Director  
and University Physician

**(940) 397-4231**

[keith.williamson@msutexas.edu](mailto:keith.williamson@msutexas.edu)

##### Deputy Title IX Coordinator

Kristi Schulte, Director of Residence Life  
and Housing

**(940) 397-4217**

[kristi.schulte@msutexas.edu](mailto:kristi.schulte@msutexas.edu)

#### COMMUNITY RESOURCES

First Step, Inc. - First Step provides comprehensive, confidential services to victims of sexual assault and domestic and family violence, including an abuse prevention program. Their services are offered free of charge and include a 24-hour crisis hotline, 24-hour emergency shelter, confidential counseling, legal advocacy, and emergency transportation. The hotline phone number is (800) 658-2683. The regular office

phone number is (940) 723-7799. First Step is located at 624 Indiana Avenue, Suite #304, Wichita Falls, TX 76301.

~~In addition to being available through the above contact information, First Step advocates maintain hours on campus through the Vinson Health Center. Students or employees may request an appointment with a First Step advocate by calling the Vinson Health Center at (940) 397-4231.~~

United Regional Health Care System  
1600 Eleventh Street  
Wichita Falls, TX 76301  
(940) 764-7000

Kell West Regional Hospital  
5420 Kell Boulevard  
Wichita Falls, TX 76310  
(940) 692-5888

Crime Victim Compensation – Attorney General's Office – (800) 983-9933



TEXAS TECH UNIVERSITY  
HEALTH SCIENCES CENTER...  
EL PASO

Institutional Student Handbook:

# Code of Professional and Academic Conduct

~~2021-2022~~2022-2023

Approved by Texas Tech University  
System Board of Regents,

~~May 13, 2021~~Date Approved by BOR pending

v. ~~2021JUN22~~version date

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## Statement of Accreditation

Texas Tech University Health Sciences Center El Paso is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters, and doctoral 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 Texas Tech University Health Sciences Center El Paso.

## a)l. Forward

### a.A. General Policy

The mission of Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) is to improve the lives of people in our State and our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

A University, like any community, must have regulations and standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the TTUHSC El Paso Operating Policies and Procedures, and the individual Schools' catalogs and handbooks are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center El Paso.

The University has a responsibility to maintain order within the University community and to *discipline those who violate its standards, rules, and policies*. Enrollment at TTUHSC El Paso requires students to share in this responsibility. Students are expected to conduct themselves in a professional manner, not only in interactions with patients, but also with faculty, staff, and peers of TTUHSC El Paso and the general community. ~~agree to abide by the~~ TTUHSC El Paso students will be evaluated on issues related to their professional conduct/judgement according to standards defined by the school, program and profession for which they are training. The standards, rules, and policies outlined in this Student Handbook, the TTUHSC El Paso Operating Policies and Procedures, and the individual Schools' catalogs and any other official University publications provide additional information and guidance. In addition, Registered student organizations are required to follow ~~all of these~~ defined standards, rules, and policies.

**The Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook does not constitute a contract, expressed or implied, between any student or faculty member and Texas Tech University System, TTUHSC El Paso, Hunt School of Nursing (HSON), L. Frederick Francis Graduate School of Biomedical Sciences (FGSBS), Foster School of Medicine (FSOM), or Hunt School of Dental Medicine. (HSDM).**

### b.B. Authority

The authority to enact and enforce the regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the President of the University and any University officials the President designates.

All references to the Chancellor and/or President of the University and Vice President of Academic Affairs or Assistant Vice President for Student Services and Student Engagement

(SSSE) or designee shall be interpreted to include persons designated to act on behalf of these officials.

### C. Applicability

Each TTUHSC El Paso student is responsible for compliance with the Rules & Regulations of the Board of Regents of the Texas Tech System and the rules of this institution. Any student who participates in conduct that is in violation with these rules and regulations, specific instruction by an administrative official or TTUHSC El Paso administrative official acting in their authorized duties, or general, state, or local laws is subject to discipline. A student is subject to discipline for prohibited conduct as detailed in this Code, including (where applicable) conduct that occurs off-campus, including but not limited to University off-campus activities such as field trips, internships, rotations or clinical assignments, regardless of whether civil or criminal penalties are also imposed for such conduct.

Freedom of speech and principles of academic freedom are critical to the mission of higher education institutions. Consistent with Texas law (SB 18), the Texas Tech University System and each of its component institutions recognize freedom of speech and expression as fundamental rights and seek to ensure free, robust, and uninhibited debate and deliberations by students enrolled at TTU System universities as well as other persons, see HSCEP OP 61.27.

### D. Our Values

A values-based culture is a living, breathing culture of shared core values among all employees. A values-based culture is shaped by a clear set of ground rules establishing a foundation and guiding principles for decision-making, actions and a sense of community. In a values-driven culture, individuals find alignment between their personal values and the organization's values, creating a unified and motivated community. Management, leadership and our student population must set examples for their organizations and live the values they preach. In addition the community standards set forth in this document TTUHSC El Paso espouses the following values:

- a) Advancement: Improve the institution through creativity and discovery.
  - a. Seek opportunities for growth, partnership and improvement
  - b. Promote innovation and a culture of positive change and creativity
  - c. Demonstrate and inspire commitment to lifelong learning and professional development
- b) Service: Serve our community
  - a. Provide excellent education, research and patient care
  - b. Create positive experiences through a culture of yes
  - c. Partner with our community to improve healthcare
- c) Accountability: Be Responsible for decisions, actions and impact
  - a. Acknowledge and learn from both successes and failures



- b. Promote responsibility management of resources
- c. Be a dependable team member and leader
- d. Hold ourselves accountable and each other accountable by accepting and giving constructive feedback
- e. Respond rather than react

d) Teamwork: Include diverse perspectives to achieve our mission

- a. Empower and energize one another to create positive growth
- b. Promote a culture of diversity and inclusivity
- c. Foster a fun and health environment that encourages team spirit
- d. Recognize and celebrate contributions and achievements
- e. Collaborate across disciplines and professions as one team

e) Respect: Demonstrate high regard for self and others

- a. Treat others as we would like to be treated
- b. Be aware of how our actions impact others
- c. Communicate in a courteous, kind, and respectful manner
- d. Assume good intentions
- e. Listen first to understand

f) Integrity; Be ethical and trustworthy in every situation

- a. Honor commitments
- b. Lead by example
- c. Be honest in purpose, interactions and expectations
- d. Comply with laws, rules and regulations

e.E. Policy on Non-Discrimination

TTUHSC El Paso brings together, in common pursuit of its educational goals, person of many backgrounds and experiences, thus the University does not tolerate discrimination or harassment of any employee or applicant for employment because of sex, including pregnancy, race, color, religion, national origin, age, disability, genetic information, status as a protected veteran, or any other legally protected category, class, or characteristic. 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. Employment actions, such as hiring, promotion, demotion, transfer, rate of pay or other forms of compensation, selection for training, and termination, shall not be made based on an employee's protected status. Discriminatory behavior is prohibited regardless of how it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the

basis of sex in education program or activities, as well as the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. The University expects all members of the University Community to comply with the law. For more information, see Texas Tech System Regulation [07.09](#), Texas Tech University System Regulation [07.10](#), [HSCEP OP 51.01](#) Equal Employment Opportunity Policy and Affirmative Action Program, [HSCEP 51.02](#), Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and Part V of this Student Handbook.

#### e.F. University Name, Documents and Records

The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the TTUHSC El Paso Office of the Vice Chancellor for Institutional Advancement or designee, or any unauthorized use of University documents, records or seal is prohibited. See [HSCEP OP 67.01](#), Publication Guidelines and [HSCEP OP 10.32, Use and secure handling of the presidential seal.](#)

#### e.G. Clery Annual Security Report

In accordance with the guidelines established by TTUHSC El Paso, the Texas Tech Police Department, and pursuant to the federal law identified as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, all currently enrolled students, campus employees and all prospective students and prospective employees are entitled to request and receive a copy of the Annual Campus Security Policy and Campus Crime Statistics Report. The report contains statistics about certain specified crimes and related incidents that have been reported to the Texas Tech Police Department and other campus security authorities over the past three calendar years (~~2017~~[2018](#), [2018-2019](#) and ~~2019~~[2020](#)). All incidents contained within the report have either occurred on-campus, in off-campus buildings, or on or near property owned or controlled by TTUHSC El Paso. The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline policies, campus resources, community safety alerts, crime prevention, access to campus facilities and properties as well as personal safety tips.

Annual reports can be accessed at <https://elpaso.ttuhs.edu/about/policies/annual-security-report.aspx>

To request a paper copy of this report, contact the Texas Tech Police Department by email at [police@ttuhsc.edu](mailto:police@ttuhsc.edu) or by phone at 915-215-7111 during normal business hours, 8 a.m. – 5 p.m., Monday through Friday.

For additional information also refer to [HSCEP OP 76.40](#) Annual Crime Reporting Clery Act Compliance and related Texas Tech University System Regulation [07.05](#).



#### f.H. Drug and Alcohol Abuse Prevention Program

As per [HSCEP OP 10.03](#) Alcohol and Illegal Drugs TTUHSC El Paso prohibits the unlawful possession, use, or distribution of alcohol and illegal drugs on TTUHSC El Paso property or as a part of any officially sponsored TTUHSC El Paso activities.

The Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 7101 et seq., as amended, require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must adopt and implement a program designed to prevent the unlawful possession, use, or distribution of alcohol and illegal drugs by faculty, staff, and students. ~~This OP also applies to residents.~~ In addition to meeting the requirements of the federal law, TTUHSC [El Paso](#) also intends that this [policy](#) be part of a positive effort in alleviating alcohol abuse and other drug-related problems among members of the campus communities in all regional sites and components. Thus, the emphasis in program implementation will be on prevention, education, counseling, intervention, and treatment.

This policy is in addition to, and not in lieu of, any other TTUHSC El Paso policy. TTUHSC El Paso reserves the right to take disciplinary action against faculty, staff, residents, or students for violations under this or other applicable policies of TTUHSC El Paso.

All TTUHSC El Paso students are required to complete a drug and alcohol training program each year. Students are notified of the method to complete this training by the Office of Student Services and Student Engagement (SSSE) annually. In addition SSSE provides access to [Student Counseling](#) and Health Services. Please see <https://elpaso.ttuhs.edu/student-services> for more information and detailed schedules.

In addition, some TTUHSC El Paso students may be required to submit/complete ~~any and all of the following~~ tests or screening for the purposes of enrollment or clinical assignments:

- i. For those required to submit drug screening view [HSCEP OP 77.15](#) Working with Affiliated Entities – Student Drug Screenings for additional details.
- ii. For those required to submit criminal background checks should review [HSCEP OP 10.20](#) Criminal Background Checks for Students, Residents and Trainees.

#### g.I. Tobacco-Free Environment

According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk of developing smoking-related cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration

As a health care institution, TTUHSC El Paso is committed to the establishment and enforcement of a healthier tobacco-free environment. [HSCEP OP 10.19](#), Tobacco-Free Environment Policy, includes regulation and assessment. [See also Ambulatory Clinic Policy and Procedure EP 1.16 as it relates to students participating in Texas Tech Physician of El Paso ambulatory sites.](#)

## a)II. Code of Professional and Academic Conduct (Code)

### a.A. General Policy

An environment in which the privileges of citizenship are protected and the obligations of citizenship are understood fosters freedom of discussion, inquiry, and expression. Accordingly, the University community has developed standards of behavior for students and student organizations.

Students and student organizations are subject to disciplinary action according to the provisions of the Code and/or any other applicable University rules or regulations.

Each student is responsible for becoming familiar with the various regulations of the University and meeting the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools' catalogs and handbooks. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of this institution, and for university officials to take such disciplinary action, including dismissal, as may be deemed appropriate for failure to abide by such rules and regulations.

Each student is responsible for their own integrity and for reporting possible violations of this Code by other students. Faculty, staff, and students shall take all reasonable steps to prevent violations and are responsible for reporting violations.

### b.B. Disciplinary Jurisdiction

The Code of Professional and Academic Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the professional and ethical standards of each school and/or the University and/or pursuit of its objectives. On a case-by-case basis the Dean and their designee of each respective School, in their sole discretion, shall determine whether the Code should be applied to conduct occurring off premises.

All students are expected to comply with the professional and ethical standards of each school which school which they are enrolled and subscribe to the Code which is implicit in accepting admission to the University. Each student shall be responsible for their conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment. The Code shall apply to persons who withdraw after alleged violation of the Code, who are not officially enrolled for a particular term but have a continuing relationship with the University, or who have been notified of their acceptance.

Academic issues, such as grading and promotion, should be addressed under the respective School's policies and procedures where the student is enrolled.

~~e~~.C. Violation of Law and the TTUHSC El Paso Discipline

A disciplinary proceeding may be ~~instituted~~ initiated against a student regardless of whether conduct allegedly violates both the criminal and/or civil law and/or this Code (that is, if multiple violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution.

Proceedings under this Code may be carried out before, simultaneously, or following civil and/or criminal proceedings. Determinations made or sanctions imposed under the Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

State law will be strictly enforced at all times on all property controlled by the University and is inclusive of all clinical and teaching sites and its components.

~~e~~.D. Misconduct

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. *Alcoholic Beverages*

~~b~~)a) The use, possession, sale, delivery or distribution of alcoholic beverages, except as expressly permitted by university policy ([HSCEP OP 10.03 Alcohol and Illegal Drugs](#)) as allowed by law.

~~e~~)b) Being under the influence of alcohol and/or intoxication except as allowed by law.

~~i~~.2. *Narcotics or Drugs*

a) Use, possession, sale, delivery or distribution of any narcotic, drug or medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia, except as expressly permitted by the laws of the State of Texas or university policy (see [HSCEP OP 10.03 Alcohol and Illegal Drugs](#)).

~~b~~)a) Being under the influence of narcotics or drugs, except as permitted by law.

~~e~~)a) The failure of a drug test, whether required by TTUHSC El Paso or any health care facility to which a student is assigned or has any type of patient care, contact or responsibility (see [HSCEP OP 77.15, Working with Affiliated Entities – Student Drug Screenings](#)).

3. *Firearms, Weapons and Explosives*

- a)b) Use or possession of firearms, ammunition, explosive weapons, illegal knives, and other deadly weapons are prohibited on university property, except as specifically authorized by federal, state, or local laws.
- b)c) [HSCEP OP 10.30](#) outlines regulations for the carrying of concealed handguns by licensed holders.
- e)d) As a health-related educational institution, TTUHSC El Paso facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC El Paso campuses must accommodate the unique needs of diverse stakeholders, including patients, learners of all types, faculty, staff, contractors, and visitors. Within the context of this unique and complex composition, TTUHSC El Paso is committed to the following principles for the campus environment:
  - a. TTUHSC El Paso will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
  - b. Within reasonable effort, TTUHSC El Paso will create an environment in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
  - c. TTUHSC El Paso will communicate safety policies to stakeholders through all appropriate means.

4. *Theft, ~~Damage~~ or Unauthorized Use [of Property](#)*

- a) Attempted or actual theft of property of the University, students, of members of the University community or campus visitors.
- b) Possession of property known to be stolen or belonging to another person without the owner's permission.
- ~~c) Attempted or actual damage to property of the University, University students, members of the University community or campus visitors.~~
- c) Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or driver's license number.

5. *[Destruction of Property](#)*

~~Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.~~

- ~~1.a)~~



6. Actions Endangering Health or Safety against members of the University Community

- a) b) Physical harm or threat of harm to any person.
- b) c) Intentional or reckless conduct or behavior which endangers the physical or mental health or safety of any person, campus visitor, or volunteer including activities that creates reasonable fear of such action;
- e) d) Behavior that disrupts the normal operation of the University, including its students, faculty, staff or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a member of the University community academic pursuits or work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.
- d) e) Sexual Misconduct: a broad term encompassing all forms of gender-based harassment or discrimination and unwelcomed behavior of a sexual nature. Conduct included that involves:
  - a. Deliberate touching of another's sexual parts without consent
  - b. Deliberate sexual invasion of another without consent; or,
  - c. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at risk of sexual injury; see Part V Antidiscrimination and Sexual Misconduct (including Title IX).
- e) f) Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile or demeaning environment for an individual's:
  - a. Academic pursuits;
  - b. University employment;
  - c. Participation in activities sponsored by the University or organizations or groups related to the University; or,
  - d. Opportunities to benefit from other aspects of University life; see Part V Antidiscrimination and Sexual Misconduct (including Title IX).
- g) Stalking or engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action. When stalking is sex- or gender based, it falls under sexual



misconduct (see d above in this section and Part V Antidiscrimination and Sexual Misconduct (including Title IX)).

~~f)a) Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.~~

g)h) Actions involving violating free expression activities are as covered in Parts VIII and IX of this Handbook and governed by HSCEP OP 61.07 Use of TTUHSCPE Premises and Amplification Equipment and HSCEP OP 61.27, Freedom of Expression.

#7. *Gambling, Wagering or Bookmaking*

Gambling, wagering, or bookmaking on University premises is prohibited.

#8. *Hazing*

Any intentional, knowing or reckless act directed against a student, occurring on or off campus, by one or more individuals acting alone or collectively that endangers the mental or physical health or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose members are, or include, students. Consent or acquiescence by a student or students subjected to hazing is not a defense in a disciplinary proceeding. Hazing includes, but is not limited to:

i) Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.

a)j) Any type of physical or emotional brutality, or the threat of such activity, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity;

b)k) Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;

e)l) Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health or safety of a student;

e)m) Any activity that intimidates or threatens a student with ostracism that subjects a student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this

university, or that may reasonably be expected to cause a student to leave the organization or the university rather than submit to acts described above;

e)n) Any activity in which a person engages in, solicits, encourages, directs, aids or attempts to aid another, directly or indirectly, in hazing; intentionally, knowingly or recklessly permits hazing to occur; having firsthand knowledge of the planning of a specific hazing incident which has occurred; and fails to report the incident in writing to the specific School's student conduct office;

f)o) Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates or alumni of the organization in committing or assisting in the commission of hazing; or,

g)p) Any act that is unlawful as designated by local, state, or federal government.  
NOTE: See [Texas Education Code, Subchapter F, Sections 37.151-37.157 and Subchapter Z, Section 51.936](#).

#### #9. *False Alarms or Terrorist Threats*

Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibrillator (AED) or emergency signs on University premises.

#### #10. *Financial Irresponsibility*

Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds. See also [3.c4d](#) above.

#### #11. *Unauthorized Entry, Possession or Use*

a)g) Unauthorized entry into or use of University facilities [for self or others](#);

b)r) Unauthorized possession or duplication, processing, production, or manufacture of any key or unlocking device or access code for use in any University facility;

c)s) Unauthorized use of the University name, logotype, registered marks or symbols of the University; or,

d)t) Use of the University's name to advertise or promote events or activities in a manner which suggests sponsorship by the University without prior written permission.

#### #12. *Traffic and Parking*

a)u) Violation of TTUHSC El Paso Parking and Transportation Services regulations ([see HSECEP OP 76.32 Traffic and Parking Regulations](#)); or,

b)v) Obstruction of the free flow of vehicle, pedestrian or other traffic on University premises.

~~13.~~ 13. *Student Recreation Regulations*

Violation of rules, which govern behavior in the student lounges, recreational activities or exercise areas.

~~14.~~ 14. *Failure to Comply with Directions/Requests of University Officials*

Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.

~~15.~~ 15. *Student Identification - Failure to present and appropriate use*

The failure of a student to present their student identification to any University official upon request to identify them to any University official acting in the performance of their duties. The student identification card is the property of the university. Students shall neither allow their student identification card to be used by other persons, nor shall they alter their student identification in any way. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

~~iv.~~ iv.

~~16.~~ 16. *Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment*

See [HSCEP OP: 56.01](#) Acceptable Use of Information Technology Resources.

a)w) Unauthorized or non-academic use of computing and/or networking resources;

b)x) Unauthorized installation, accessing, copying, or removing of programs, records or data belonging to the University, another user or copyrighted software without written authorization;

e)y) Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources;

d)z) Attempted or actual use of the University's computing or networking resources for financial gain;

e)aa) Attempted or actual transport of University's programs, records or data to another person or computer without written authorization;

h)bb) Attempted or actual destruction or modification of programs, records or data belonging to the University or another user or destruction of the integrity of computer-based information;

g)cc) Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the University's computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer); or,

h)dd) Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

i)ee) Attempted or actual addition/modification/removal/circumventing of Institutionally- approved computer security products/processes.

j)ff) Participate in any computer-related activity that may cause TTUHSC El Paso to incur legal liability or loss of reputation.

k)gg) Violation of any policy defined in the TTUHSC El Paso IT Security Policies see <https://el Paso.ttuhs c.edu/it/policies/default.aspx>. (requires university eraider access)

#17. *Providing False, Misleading or Untrue Statements or Misuse of Records*

Knowingly providing to the University, or to a University official in the performance of their duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of identification.

#18. *Skateboards, Roller Blades, or Similar Devices*

Use of skateboards, roller blades, bikes, scooters, or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property or which disrupts the normal operation of the University.

NOTE: Also refer to Error! Hyperlink reference not valid. ~~Traffic and Parking Regulations.~~

19. *Student Obligation of Reporting?*

hh) A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part II.D). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with Part II.D.

20. *Academic Misconduct*

hh) ~~A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part~~



~~Part~~). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with ~~Part~~ ~~100~~.

“Academic misconduct” involves any activity that tends to compromise the academic integrity of the University, or subvert the educational process, including, but not limited to, cheating, plagiarism, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student or the attempt to commit such an act. [Examples of academic misconduct include, but are not limited to:](#)

b)a) “Cheating” includes, but is not limited to:

- a. Using any aid, sources and/or assistance beyond those authorized by the instructor in taking a course, laboratory, field work, quiz, test or examination; writing papers; preparing reports; solving problems; or carrying out assignments;
- b. Failing to comply with instructions given by the person administering the test;
- c. Using, buying, stealing, transporting or soliciting in whole or part the contents of an examination, test key, homework solution or computer program;
- d. Seeking aid, receiving assistance from, or collaborating (collusion) ~~with another~~ [with another](#) student or individual during a course, quiz, test, examination or ~~in conjunction~~ [in conjunction](#) with other assignments (including, but not limited to writing papers, preparing reports, solving problems or making ~~presentations~~ [presentations](#)) ~~unless~~ [unless](#) specifically authorized by the instructor;
- e. Discussing the contents of an examination with another student who [has yet to will](#) take the examination;
- f. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room, be returned to or kept by the student;
- g. Substituting for another person, or permitting another person to substitute for oneself to take a course, test or any course-related assignment;
- h. Paying or offering money or other valuable things to, or coercing another person to obtain an examination, test key, homework solution or computer program, or information about an examination, test key, homework solution or computer program;
- i. Falsifying research data, laboratory reports and/or other academic work offered for credit;
- j. Taking, keeping, misplacing or damaging the property of the University, or of another, if the student knows or reasonably should



know that an unfair academic advantage would be gained by such conduct;

- k. Possession, at any time, of current or previous test materials without the instructor's permission;
- l. Acquisition or dissemination by any means, without written permission, of tests or other academic material belonging to a member of the University community;
- m. Alteration of grade records;
- n. Bribing, or attempting to bribe, a member of the University community or any other individual to alter a grade;
- o. Falsification, fabrication, or dishonesty in reporting laboratory and/or research results;
- p. Submitting substantially the same work to satisfy requirements for one course that has been submitted in satisfaction of requirements for another course, without specific permission of the instructor of the course for which the work is being submitted or proper citation;
- q. Possession or access to during an exam of prohibited materials, including but not limited to study/review materials, class notes, review questions, or electronic devices.
- r. Serving as, or enlisting the assistance of, a substitute for a student in any graded assignments;
- s. Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material;

e)b) "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work (such as words, ideas, expressions, illustrations, or product of another), in whole or in part, and the submission of it as one's own work offered for an academic credit or requirement. When a student presents the works of another (published or unpublished) in their academic work, the student shall fully acknowledge /cite the sources according to methods prescribed by their instructor.

e)c) "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the University and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the University. Academic records include, but are not limited to, applications for admission, awarding of degree, diplomas, grade reports, official and unofficial transcripts, test scores, attendance and excused absence documents, grade reports, patient records, test papers, registration materials, any official forms, documents, or items related to academic performance.

e)d) "Misrepresenting facts" to the University or an agent of the University includes, but is not limited to, providing false academic information on resumes, accommodation requests, false information relating to absences,

providing false or misleading information in an effort to receive a postponement or an academic activity extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual, or providing false or misleading information in an effort to injure another student academically or financially.

~~f)e)~~ Any other misconduct identified in School-level academic policies or student handbooks. Violation of course rules as contained in the course syllabus or other information provided to the student;

~~21.~~ 21. Violation of Published University and School Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, applicable publications for each TTUHSC El Paso School, such as student handbooks, catalogs, professional and ethical standards and course syllabi.

~~22.~~ 22. Violation of Federal, State, and/or Local Law

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

23. Recording or distribution without knowledge.

Using electronic or other means to make or distribute a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video, audio, or photographic records in shower/locker rooms and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

~~24.~~ 24. Abuse of the Student Conduct Board ~~or~~ Administrator or Conduct System

~~a)ii)~~ Failure by an Accused Student Respondent(s) to comply with or respond to a notification to appear before the Student Conduct Board or the Student Conduct Administrator during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a Student Conduct procedure and/or failure to appear will not prevent the Student Conduct Board from reviewing the complaint;

~~b)iii)~~ Falsification, distortion or misrepresentation of information in Student Conduct proceedings;

~~c)kk)~~ Disruption or interference with the orderly conduct of a Student Conduct proceeding;

~~d)lll)~~ Filing an allegation known to be without merit or cause;

- e)mm) Discouraging or attempting to discourage an individual's proper participation in, or use of, the Student Conduct system;
- f)nn) Influencing or attempting to influence the impartiality of a member of the Student Conduct Board prior to and/or during its proceeding;
- g)oo) Harm, threat of harm, or intimidation either verbally, physically or written of a member of a Student Conduct Board prior to, during and/or after its proceeding;
- h)pp) Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Code or by a Student Conduct Board;
- i)qq) Influencing or attempting to influence another person to commit an abuse of the Student Conduct system; or,
- rr) Retaliation against any person or group who files a complaint accordance with the Code of Professional and Academic Conduct or files a grievance under the applicable institutional or School grievance policy.

#### 25. Retaliations

Any intentional adverse action against any individual who makes and allegation, files a report, services as a witness, assists a respondent or participates in any university investigation or proceeding.

#### 26. Other violations

- a) Creating or contributing to behaviors which jeopardize the relationship of the University and the greater community, including failure to comply with public health mandates.
- b) Interference with any educational process or other university sponsored activities, including disruptions in the classroom or other learning environments.
- i)c) Acts of fraud or attempted fraud, including but not limited to acts of fraud committed by forgery, by alternation or muse of TTUHSC El Paso documents, records, or by other means.

#### A.E. Other Professional and Ethical School Standards

In addition to the Misconduct identified in Part II.D, each TTUHSC El Paso school publishes its professional and ethical standards. School handbooks and catalogs should be consulted for these standards; alleged violations may be referred for institutional Student Conduct review. In addition, school committees may review the alleged conduct under the professionalism, ethical, and licensure requirements related to their academic discipline.

## B.F. Student Conduct Procedure

### 1. *Nature of Proceedings*

These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under respective ss school policies.

NOTE: Any notices that are sent by email will be considered to have been received on the third business day after the date of emailing.

### 2. *Procedural Deviations*

If the Student Conduct Board has not yet been appointed, or in the absence of the Chair of the Student Conduct Board, the parties and the Student Conduct Administrator may agree, in advance and in writing, to deviations from procedure. If the a Student Conduct Board has been appointed, the parties and the Chair of the Student Conduct Board may mutually agree to procedural deviations, such as deadlines for submission of evidence and hearing dates and times.

In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.

~~NOTE: Any notices that are sent by email will be considered to have been received on the third calendar day after the date of emailing, excluding any intervening Saturday, Sunday or holiday.~~

### 3. *Filing a Complaint*

d) Any faculty, staff, or student of TTUHSC El Paso may file a complaint against a student(s) or a student organization(s) for violation(s) of the Code of Professional and Academic Conduct. When appropriate, a preliminary investigation/discussion with a supervisor (program director, chair, advisor, etc.) should be ~~attempted~~ prior to filing a complaint. If a basis for the complaint against a ~~student~~ student or students exists, Attachment A should be completed and delivered by the Complainant to the Student Conduct Administrator. Attachment ~~A-B~~ should be used for complaints against student organizations. A

a)e) Complaints shall be submitted no later than twenty (20) business days from the date of the event or when the complainant becomes aware of the event. Complaints filed more than twenty business days after the event shall must include a justification for the delay.



- b)f) When a Complaint is filed, the Student Conduct Administrator will provide the Respondent (Accused Student) with a copy of the Complaint form filed by the Complainant and notice of requirement to will notify the Accused Student in writing that they shall appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. ~~It is recommended that the Accused Student meet with the Student Conduct Administrator prior to the Student Conduct Board.~~
- g) If the ~~Accused Student~~ Respondent(s) agrees, the Student Conduct Administrator may conduct an administrative review to determine if the complaint may be handled prior to a formal hearing. Any administrative review decision must be in writing and agreed to by all of the parties (complainant and ~~accused respondent student~~). Such disposition shall be final and there shall be no subsequent proceedings. The Student Conduct Administrator will send a written notification of the resolution to all parties involved.
- e)h) If the Respondent admits violating institutional rules the Student Conduct Board is not convened and sanctions are imposed by the Student Conduct Administrator. If sanctions are not agreed to by both parties, Part II.F.3.d applies.
- d)i) If the Complaint is not handled administratively under Part II.F.3.d ~~above~~, the Student Conduct Administrator will convenes the Student Conduct Board. ~~meet with the Accused Student to determine if the Accused Student admits or denies violating institutional rules.~~
- a. If the ~~Accused Student~~ Respondent admits violating institutional rules, but sanctions are not agreed to as recommended by the Student Conduct Administrator per Part II.F.3.e., a Student Conduct Board hearing shall be conducted in accordance with Part II.F.4 and ~~but shall be~~ limited to recommending the appropriate sanction(s) per Part II.G.
  - b. ~~If the Accused Student~~ Respondent(s) denies violating University rules, the Student Conduct Administrator refers the allegations for a hearing before the Student Conduct Board under Part II.F.4 ~~below~~
  - b. ~~—~~
  - c. A Student Conduct Board hearing shall be scheduled within thirty (30) business days after the Accused Student Respondent(s) has met with the Student Conduct Administrator under Part II.F.3.d. ~~seen above.~~
- i) In cases in which an examination period ~~intervenes~~ interferes with proceedings ~~between the time of the notice to the Accused Student~~ the



Respondent may request, in writing, a delay in schedule to the Conduct Board Chair per Part II.F.2.

~~4. — and the Student Conduct Board hearing date, such hearing will be held during the first week in which classes are again in session. In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.~~

#### ~~5.4.~~ Student Conduct Board Hearings

##### a) Closed Hearing

~~A~~ Student Conduct Board hearings ~~are will be~~ conducted in closed session with the complainant(s), ~~accused student~~ respondent(s) or student organization representative(s), ~~and~~ Student Conduct Board members, and Student Conduct Administrator present.

Requests for an advisor for the ~~accused student~~ Respondent(s) and ~~witnesses~~ should be made, in writing, no later than five (5) business day prior to hearing date to ~~in advance to~~ the Student Conduct Administrator.

##### b) Hearing Notice

At least ~~ten~~ fifteen (15) business days prior to the Student Conduct Board hearing, the Chair of the Student Conduct Board will provide written notice to the parties that includes ~~of~~ the following:

- a. Date, time and place for the hearing;
- b. Names of the members of the Student Conduct Board;
- c. Summary statement of the charge(s), ~~or a copy of the complaint;~~ and
- d. ~~Request in writing that at least five (5) business days prior to the Student Conduct Board Hearing, the Accused Student and the Complainant submit the information~~ Information related to evidence submission and witness requirements as outlined in Part II. F.4.d ~~below~~

##### ~~e)~~ a) Challenge

~~An Accused Student~~ Respondent(s) and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice (Part II.F.3.b) by submitting their reasons for the challenge to the Student Conduct Administrator.

Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board

Administrator ~~or his or her designee~~ that ~~the member~~ they can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity ~~to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and~~ adequately, a substitute will be appointed by the Student Conduct Administrator. If such member is removed, the Student Conduct Administrator, may, in ~~his or her~~ their sole discretion, choose to reschedule the hearing.

d)a) Evidence Submission

~~At least ten~~ No later than six (6) full business days prior to the date scheduled for the Student Conduct Board hearing, the Complainant and the ~~Accused Student~~ Respondent(s) must submit to the Chair of the Student Conduct Board the following information, ~~as if applicable; Requests for extensions or late submission to file information/evidence with the Student Conduct Board shall be submitted to the Chair for approval.~~ as if applicable; Requests for extensions or late submission to file information/evidence with the Student Conduct Board shall be submitted to the Chair for approval.

- a. All pertinent records and exhibits;
- b. Notarized ~~W~~ written statements must be notarized this (including ~~es,~~ witness, impact or position s Statements);
- c. A list of all witnesses, if any, who will be speaking on behalf of the ~~Accused Student~~ Respondent(s) or Complainant; and
- d. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4. ~~i~~ below.

Requests for extensions or late submission to file information/evidence shall be submitted to the Chair of the Student Conduct Board for approval per Part II.F.2.

e)a) Evidence Exchange

~~At least five (5)~~ At least five (5) business days prior to the hearing, the ~~Chair~~ Student Conduct Board Administrator ~~will~~ will provide each party with the information, if any, submitted by the other party.

Proprietary or confidential records may require in-person viewing arranged by the Student Conduct Board Administrator.

f)a) Separate or Joint Hearings

A Student Conduct Board Hearing involving two or more ~~Accused Students~~ Respondents, may be conducted separately or jointly as determined by the Student Conduct Administrator. ~~An accused student~~ Respondent(s) may request in writing to the Student Conduct Administrator a separate hearing up to three (3) business days after receiving the notice of hearing. The Student Conduct Board Administrator shall notify the student within three (3) business days the determination ~~of the~~ such request.

g)a) Recordings

The University shall record all Student Conduct Board hearings. No recording will be made of the Board's discussion or deliberations. ~~Deliberations shall not be recorded.~~ The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the ~~Accused Student~~ Respondent(s) nor any witnesses are permitted to make any independent record of the proceedings.

h)a) Hearing Attendance

The Complainant, ~~Accused Student~~ Respondent(s) and their respective advisor, if any, shall be allowed to attend the portion of the Student Conduct Board Hearing at which information is received, excluding deliberations.

Witnesses may only attend hearing for the duration of their testimony and subsequent questioning.

i)a) Advisors

The advisor must be a faculty, staff, or student of TTUHSC El Paso. However, ~~if an~~ Accused Student Respondent(s) ~~is also the subject of a pending criminal investigation, indictment or charge arising out of the same circumstances, he or she~~ may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate only in the same manner as any other advisor. If an advisor for the ~~Accused Student~~ Respondent(s) is an attorney, an attorney from the Office of General Counsel may attend the Student Conduct Board Hearing on behalf of the University. TTUHSC El Paso will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems ~~it~~ necessary.

An advisor may confer with and advise the respondent(s) but may not advocate for the student in a hearing. The Complainant and/or the ~~Accused Student~~ Respondent(s) is responsible for presenting his ~~or her~~ or her own information, ~~and therefore, advisors are not permitted to speak or to participate directly or indirectly in any Student Conduct Board hearing before a Student Conduct Board.~~ A student should select ~~as~~ an advisor a ~~person~~ whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing, as delays ~~will not be~~ may not be allowed due to the scheduling conflicts ~~of an advisor~~, except at the discretion of the Chair per Part II.F.2 ~~upon written request seven (7) calendar days in advance of the date scheduled for the Student Conduct Board Hearing.~~

j)a) Witnesses



Members of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the ~~Accused Student~~ Respondent(s) may be limited ~~in the sole~~ at the discretion of the Chair ~~of the Student Conduct Board for such issues~~ to as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and/or providing ~~for~~ the efficient administration of the hearing. ~~Witnesses are permitted to attend the Student Conduct Board Hearing only during the time they are providing testimony, they are being questioned by the complainant, the accused or the committee unless the Student Conduct Board Chair, in their sole discretion determines otherwise.~~

a. Parties' Witnesses

The Complainant and the ~~Accused Student~~ Respondent(s) may arrange for witnesses to present pertinent information to the Student Conduct Board. The Complainant and the ~~Accused Student~~ Respondent(s) are responsible for arranging for the voluntary attendance of his or her own witnesses.

b. Board Witnesses

In its sole discretion, the Student Conduct Board may call other witnesses not identified by the ~~Accused Student~~ Respondent(s) or the Complainant. If prior to the hearing the Student Conduct Board anticipates calling additional witnesses, the Board shall notify ~~the Chair of the Student Conduct Board. The Chair of the Student Conduct Board~~ Conduct Board Administrator who will ~~then~~ arrange for the voluntary attendance of the witnesses identified. ~~by the Student Conduct Board.~~ The Chair of the Student Conduct Board shall notify the ~~Accused Student~~ Respondent(s) and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board intends to present written information ~~to the Board, the Chair of the Student Conduct Board is responsible for~~ the Student Conduct Administrator forwarding such information to the Complainant, the Respondent(s) and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the hearing with the Respondent(s) and Complainant present.

~~k) Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the hearing with the Accused Student and Complainant present.~~

~~h)~~ a) Procedural Questions

All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not yet been appointed, the Student Conduct Administrator will issue a final decision in response to procedural questions.

iii)a) Deliberations

If the Student Conduct Board concludes that all pertinent information has been received, the Student Conduct Board shall adjourn the Hearing to discuss, deliberate and prepare Findings and Recommendations. The Student Conduct Board will determine by a simple majority (more than half of the votes cast) ~~of members present at a duly called meeting~~ whether if the Accused Student Respondent(s) has is responsible for violated ion of any section(s) of the Code which the student is charged ~~with violating~~. If the Student Conduct Board finds a violation(s) of the Code, the Student Conduct Board ~~may also recommend all or any of the sanctions as identified in Part II.G below.~~

iii)a) Failure to Appear

The ~~Accused Student~~ Respondent(s) is expected to attend and participate in the Student Conduct Board Hearing. If the ~~Accused Student~~ Respondent(s) or the Complainant elects not to attend a hearing after appropriate written notice ~~per Section II.F.4.b above, the charges will be~~ are reviewed as scheduled on the basis of the information available, and ~~a recommendation will be made by the Board~~ provides recommended outcomes. Although no inference may be drawn against an ~~Accused Student~~ Respondent(s) for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the ~~Accused Student~~ Respondent(s) to attend the hearing or answer the charges.

o)a) Findings and Recommendations and Rationale

The Chair is responsible to prepare the Student Conduct Board's ~~Findings and Recommendations and Rationale~~ Findings, Recommendations and Rationale in writing. If the Findings, ~~and Recommendations and Rationale~~ and Rationale are not unanimous, opinion(s) may be written by those who differ with the Majority's ~~Findings and Recommendations. The report. The~~ Findings and Recommendations. The Chair will forward the ~~Findings and Recommendations~~ Findings, Recommendations and Rationale, including differing opinion(s), within ~~ten five (5-10)~~ five (5-10) business days of the hearing to the Assistant Vice President for SSSE Conduct Board Administrator for review, ~~the Student Conduct Administrator, the Accused Student and the Complainant.~~

p)a) Review of Findings and Recommendations



The Conduct Board Administrator ~~Assistant Vice President for SSSE will~~ reviews ~~the~~ Findings and Recommendations of the record from the Student Conduct Hearing, recording and supporting documents, and transmit ~~his or her decision~~ the final outcome in writing within five (5) ~~ten~~ business days from receipt to the ~~Accused Student~~ Respondent(s), the Complainant, ~~the Student Conduct Administrator,~~ and the Chair of the Student Conduct Board.

#### g) a) Appeal

Within five (5) ~~ten~~ business days of receipt of the decision of the Student Conduct Board, if either party believes that the due process procedures have been violated, an appeal may be made, in writing, to the Vice President for Academic Affairs (VPAA). ~~The VPAA will review the case and notify all parties of their decision within ten business days.~~ If a written appeal is not submitted within ten business days following receipt of the Student Conduct Board decision letter, the right to appeal is thereby waived and said decision is final.

The ~~Accused Student~~ Respondent(s) or Complainant may only raise, and the VPAA shall only consider, the following:

- a. ~~Whether if~~ a procedural deviation occurred that substantially affected the outcome of the case;
- b. ~~Whether if there is~~ new information, sufficient to alter the Findings or other relevant facts, was not available ~~or mentioned in the~~ original hearing, because such information and/or facts were not known to the person appealing at the time of the ~~original Student Conduct Board hearing.~~
- c. The VPAA will review the Findings and Recommendations ~~and, at their sole discretion,~~ the record from the Student Conduct Board hearing and supporting documents. The VPAA will provide their written decision within ten (10) business days to, ~~and transmit their decision in writing to the~~ ~~Accused Student~~ Respondent(s), the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the ~~Assistant Vice President of SSSE~~ Student Conduct Administrator. The VPAA's decision shall be final.

#### G. Student Sanctions

Any student found to have engaged in misconduct may be assigned sanction(s). The sanctions are designed to educate students in critical reflection of their choices, as well as educate and develop students through a process of accountability that promotes integrity, responsibility, growth and a culture of care.

Sanctions which may be recommended by the Student Conduct Board, and imposed by the ~~Assistant Vice President for SSSSE~~ [Conduct Board Administrator](#), upon any student found to have violated this Code of Professional and Academic Conduct include, but are not limited to, the following:

1. *Student Sanctions*

~~a)~~[b\)](#) Failing Grade or Cancellation of Credit

Failing grade for an examination or assignment or for a course, and/or cancellation of all, or any portion, of a prior course credit.

~~b)~~[c\)](#) Censure

A notice in writing to the student that the student is in violation or has violated institutional regulations. At the Student Conduct Board's' discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

~~c)~~[d\)](#) Probation

A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the likelihood of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

[e\)](#) Professional Growth Plan

—Development of goals, timelines, interventions and requirements for improved behavior and interactions with faculty, staff, students and patients. Details related to consequences if plan is not followed.

~~d)~~[f\)](#) Loss of Privileges

Denial of specified privileges for a designated period of time.

~~e)~~[g\)](#) Restitution

Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

~~f)~~[h\)](#) ~~Discretionary Sanctions~~ Educational Requirements

Assignments may be made at the discretion of the Student Conduct Board, such as work assignments, essays, training, ~~and~~ or community service to the University, ~~temporary suspension from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the student's disciplinary file or other related discretionary assignments.~~

~~e)~~[i\)](#) Suspension

Separation of the student from University for a defined (or specific) period of time, after which the student is eligible to return. Conditions for re-enrollment or readmission must be specified. (During the time of disciplinary suspension, the notice is placed in the student's permanent file [see HSCEP OP 77.05 Student Leaves of Absence and Suspensions.](#))

**h)j) Institutional Dismissal-**

Student Conduct Board decisions of dismissal of the student from the institution without the option to apply for readmission to any School in the University. The student's transcript will include a notation of dismissal for non-academic and non-financial reasons and the date of the action or appeal decision.

**k) [Contact Restrictions](#)**

[Compliance with orders or no contact that limited access in time and space to TTUHSC EP areas, digital environments or forms of contact with particular persons or groups.](#)

**i)l) Revocation of Admission**

Admission to the University may be revoked for fraud, misrepresentation or other violations of University standards.

**j)m) Revocation of Degree**

A degree awarded by the University may be revoked for fraud, misrepresentation or other serious violations committed by a student prior to graduation.

**k)n) Withholding Degree**

The University may withhold awarding a degree otherwise earned until the completion of the process set forth in a Student Conduct Board [or Student Conduct Administer](#) decision.

**h)o) Multiple Sanctions**

More than one of the sanctions listed above may be imposed for any single violation.

**m)p) Not eligible for re-enrollment**

The Student Conduct Board will specify whether the student is eligible for re-enrollment.

**g) [Suspension of Rights or Privileges](#)**

[Including, but not limited, to suspension of participation in co-curricular or extra-curricular activities or access to specific campus spaces.](#)

n)r) Other Sanctions

Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

Other than dismissal from the University or revocation of a degree, Student Conduct Board decisions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the TTUHSC El Paso Student Services and Student Engagement office. Where professionalism matters are involved, ~~a copy of~~ a information related to Student Conduct Board decision may be maintained in the disciplinary file of the respective school.

NOTE: State law mandates that the student's transcript a) may be withheld pending investigation and b) include a notation regarding ineligibility to return due to disciplinary processes (e.g. withdrawal, dismissal, suspension): See TX HB 49 and 1734 (2019).

~~±~~2. Student Organization Sanctions

The following sanctions may be imposed upon registered student organizations and/or members thereof:

a)s) Those sanctions as listed in Part II. G.1. above;

b)t) Loss of selected organization rights and privileges for a specified period of time;

e)u) Organizational deactivation; ~~l~~oss of all privileges, including University recognition and/or registration, for a specified period of time.

~~D~~.H. Interpretation and Revision

1. *General Policy*

a)v) Any question of interpretation or application of this Code shall be referred to the Student Conduct Administrator ~~or his or her designee~~ for final determination.

b)w) The Code of Professional and Academic Conduct Review Committee (Review Committee) shall conduct an annual review of the Code and make recommendations to the Academic Council, Vice President for Academic Affairs and President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Code. The Review Committee is composed of the Assistant Vice President for Student Services and Student Engagement (SSSE), the Student Conduct Administrator (if different than the AVP), SSSE Conduct Investigator and Student Affairs representatives from each School, General Counsel, Vice President of Academic Affairs or his/her designee. ~~The Assistant Vice~~



~~President for SSSE may invite recommendations by the President of the Student Government Association. A quorum for the Review Committee is four members.~~

~~2. Definitions~~

- ~~a) "Accused Student" means any student accused of violating the TTUHSC El Paso Code of Professional and Academic Conduct set forth in Part II of this Handbook. This term may also may refer to a registered student organization.~~
- ~~a) "Business day" means a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.~~
- ~~b) "Complainant" means a member of the University community who submits a Complaint alleging that a student violated the Code of Professional and Academic Conduct. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Code as are provided to the Complainant, even if the victim is not acting as a Complainant.~~
- ~~c) "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Code of Professional and Academic Conduct or other published rule, policy, standard or guideline applicable to students at the university. The incident form for a complaint against a student or students is attached to this Handbook as Attachment A. The incident form for a complaint against a student organization is attached to this Handbook as Attachment C. An anonymous complaint or a complaint filed by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such a complaint may initiate an investigation and/or filing of a formal complaint by an appropriate University official.~~
- ~~d) "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation or suspension.~~
- ~~e) "Faculty member" means any person hired by the University who is considered by the University to be a member of its faculty.~~
- ~~f) "Hold" means the indicator placed on a student's official academic record which prevents registration, financial aid, university services, and/or the issuance of an unofficial and/or official transcript until the student meets the requirements of the University office placing the hold, as described in this Handbook and/or in School's catalogs or handbooks.~~
- ~~g) "May" is used in the permissive sense.~~



- h) ~~“Member of the University community” means any person who is a campus visitor, volunteer including high school students, enrolled student, faculty or staff member, University official, any other person employed by the University.~~
- i) ~~“Policy” means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSC El Paso Institutional Student Handbook; School handbooks and/catalogs; and/or the TTUHSC El Paso Operating Policies and Procedures.~~
- j) ~~“Department Chair” means the Chair is charged with overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and TTUHSC El Paso.~~
- k) ~~“Registered student organization” means any number of students who have complied with the formal requirements for University registration.~~
- l) ~~“Religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code TAX § 11.20. Religious Organizations. The term “Religious Holy Day” generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Texas Government Code section 62.112.~~
- m) ~~“Representative” means a University official authorized by the Vice President for Academic Affairs or Assistant Vice President for Student Services and Student Engagement (SSSE) on a case-by-case basis to investigate and resolve alleged violations of the Code of Professional and Academic Conduct.~~
- n) ~~“School” means Gayle Greve Hunt School of Nursing, Graduate School of Biomedical Sciences, Paul L. Foster School of Medicine, or Woody L. Hunt School of Dental Medicine.~~
- o) ~~“Shall” is used in the imperative sense.~~
- p) ~~“Sponsorship and/or co-sponsorship” is defined as minimally including, but not limited to, participation in planning, coordination and implementation directed by members of the sponsoring organizations.~~
- q) ~~“Student” means any person enrolled in a degree program and/or for credit courses at the University, either full-time or part-time. In addition, for purposes of Part II of this Handbook, persons who withdraw or who are on a leave of absence (approved interruption of continuous enrollment) but have a continuing relationship with the University are considered to be students. Individuals who have been accepted for admission are also considered students under this Handbook. Foster School of Medicine House staff~~

~~(residents) are considered employees and are not students for the purposes of this Handbook or the Code of Professional and Academic Conduct.~~

- r) ~~“Student Code” means the TTUHSC El Paso Code of Professional Conduct, which is set forth in Part II of this Handbook.~~
- s) ~~“Student Conduct Administrator” means a TTUHSC El Paso official authorized by the Assistant Vice President for Student Services and Student Engagement (SSSE) to receive complaints and administer the procedures outlined herein. The Student Conduct Administrator will provide technical assistance and support to the Student Conduct Board and may be present at the Student Conduct Board Hearing, but will not be present during the Board’s deliberations.~~
- t) ~~“Student Conduct Board” or “Board” means any person or persons authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Student Conduct Administrator shall appoint another person with the same or similar faculty/student status as the person declining to serve. Student Conduct Boards will include:
  - a. ~~One (1) faculty member from the membership of a school other than that of the accused student, who shall serve as Chair;~~
  - b. ~~One (1) faculty member from the School of the accused student;~~
  - c. ~~One (1) faculty member from a School other than that of the accused student; and,~~
  - d. ~~Two (2) students from Schools other than that of the accused student.~~~~
- u) ~~“Student Conduct Board Hearing” or “Hearing” refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Code of Professional and Academic Conduct and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student’s responsibility related to the alleged violation of the Code is valid and appropriate sanctions, if any.~~

- v) ~~“Student Handbook” or “Handbook” means the TTUHSC El Paso Institutional Student Handbook. Schools also have “Handbooks” that are labeled specifically with the School title in front of “Handbook”.~~
  - w) ~~“Student organization” means any number of students who have complied with the formal requirements for TTUHSC El Paso registration.~~
  - x) ~~“University” means TTUHSC El Paso (inclusive of all teaching and clinical sites and their components).~~
  - y) ~~“University official” means any person employed by Texas Tech University System, Texas Tech University or TTUHSC El Paso, while performing their assigned administrative or professional responsibilities.~~
  - z) ~~“University premises” includes all land, buildings, facilities, and other property resources in the possession of or owned, leased, managed or operated used, or controlled by the University (including adjacent streets and sidewalks).~~
  - aa) ~~“User” means any member of the University community who uses any University resources, including computing and/or networking resources.~~
- ~~“Will” is used in the imperative sense.~~

### III. Withdrawal of Consent to Be In Attendance or Present On University Premises

#### A. Recommendation to Withdraw Consent during Periods of Disruption

##### 1. *Periods of Disruption Defined*

The term "period of disruption" is any period in which it reasonably appears that there is any of the following (Texas Education Code § [51.231](#)):

- a) Threat(s) of destruction to University premises;
- b) Threat(s) of physical or emotional injury to human life on University premises; or,
- c) Threat(s) of willful disruption of the orderly operation of the University.

##### 2. *Withdrawal of Consent*

During periods of disruption, the Assistant Vice President for SSSE ~~or designee~~ may recommend to the Vice President of Academic Affairs that prior to a Student Conduct Board hearing, and in accordance with Texas Education Code § [51.233](#), [withdrawal of](#) a student ~~have their~~ consent to be in attendance at the University or on University premises ~~be withdrawn~~ when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University ~~premises and that~~ ~~or his/her~~ ~~their~~ presence ~~on University premises~~ ~~will~~ [may](#) constitute a substantial and material threat to the orderly operation of the University premises.

##### 3. *Terms of Withdrawal*

Withdrawal of Consent shall not ~~be longer than~~ [exceed](#) fourteen (14) days from the date on which consent was initially withdrawn.

Withdrawal of Consent is specifically provided by state statute (Texas Education Code § 51.233, et seq.). The provisions of Part III do not affect the power of the University to suspend or dismiss any student at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Code of Professional and Academic Conduct, and Withdrawal of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.



B. Concurrence by Vice President of Academic Affairs [and required notifications](#)

1. *Written notice*

[Withdrawal of consent must be made in writing. The written notice must contain all of the following \(pursuant to Texas Education Code § 51.234\):](#)

~~If the Vice President of Academic Affairs (VPAA) concurs with the Assistant Vice President for SSSE recommendation, the student will have their consent to be in attendance at the University or on University premises withdrawn in writing by the VPAA. Texas Education Code § [Error! Hyperlink reference not valid.](#) (a) & [Error! Hyperlink reference not valid.](#)~~

2. *Notice requirements*

• [x](#) That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed fourteen (14);

• [y](#) Name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;

• [z](#) Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,

[aa](#) Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt ~~by the Assistant Vice President for SSSE of a request for hearing from the person.~~

• [bb](#) [See Texas Education Code § 51.233\(a\), 51.234 & 21.5235](#)

3. *Notification of the President [or designee](#)*

[a](#) [Whenever consent is withdrawn by any authorized officer or employee other than the VPAA, the officer or employee shall submit a written report to the VPAA within 24 hours, unless the authorized officer or employee has reinstated consent for the person to remain on the campus. The report must contain all of the following \(pursuant to Texas Education Code § 51.235\):](#)

~~• Whenever consent is withdrawn by the VPAA, the VPAA shall submit a written report to the President within twenty four (24) hours, unless the VPAA has reinstated consent for the student. The report shall contain all of the following:~~

~~• [a](#). Description of the student, including, if available, the student's name, address, and phone number; and,~~

~~• [b](#). Statement of the facts giving rise to the Withdrawal of Consent.~~



C. Confirmation of the President or Designee

1. *Confirmation*

If the President VPAA or his/her designee upon reviewing the written report described above finds that there was reasonable cause to believe that the student has willfully disrupted the orderly operation of the University or University premises, and that his presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, he/she may enter written confirmation upon the report of the action taken by the VPAA officer or employee Texas Education Code §51.236 (b).

2. *No Confirmation*

If the President VPAA or his/her designee does not confirm the action taken by the officer or employee VPAA within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

D. Hearing for withdrawal of consent

1. *Request by student*

The student from whom consent to remain on campus has been withdrawn may submit a written request for a hearing to the VPAA President or designee, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.

2. *Hearing Procedures*

The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

a) cc) Hearing Notice

Upon receipt of the request for hearing, the VPAA President or designee shall grant the request and immediately mail a written notice of the time, place, and date of the hearing, along with pertinent records, exhibits and written statements to the student. A ~~hearing will be conducted~~ no later than three (3) days from the date that the President VPAA or designee receives the request for hearing. The Hearing Committee will be appointed by the President VPAA or designee and will be comprised of members from the respective schools other than the accused and individual issuing notice. Pursuant to Texas Education Code § 51.243 Required Hearing Procedures will be followed.

b)dd) Representation

The student may be advised by counsel. The University will be represented by the Office of General Counsel.

e)ee) Witnesses

The student, as well as the party who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

e)ff) Evidence

All matters upon which the decision to withdraw consent may be based shall be introduced into evidence at the hearing. The decision to withdraw consent shall be based solely on the evidence presented at the hearing. At least one (1) day prior the date scheduled for the Hearing, the parties must submit to the Chair of the Hearing Committee the following information, if applicable:

- a. All pertinent records, exhibits and written statements (including Impact or Position Statements);
- b. A list of witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant, including a brief summary of the information to be given by each; and,
- c. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4.a.

e)gg) Procedural Questions

All procedural questions are subject to the final decision of the chair.

e)hh) Recordings

University shall record all Hearings. No recording will occur when the Hearing Committee is in discussion or deliberation. Deliberations shall not be recorded. The record is University property.

e)ii) Appeal to the President

The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the President. If the student does not appeal the decision by the hearing committee, the decision is final. The president will review and render a decision within seven (7) days.

E. Entering or remaining on campus after withdrawal of consent

Any person who has been notified by an administrative officer of TTUHSC El Paso or employee designated by the VPAA to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Section 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Texas Education Code § 51.244.

This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

F. Reinstatement of Consent to Remain on Campus

The VPAA, or designee, shall reinstate consent whenever they have reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

## IV. Student Complaint or Grievance Policies and Procedures

The following section summarizes TTUHSC El Paso's student complaint or grievance policies and procedures, *other than those listed in Part V of this Institutional Student Handbook* (e.g. Title IX and discrimination). Links to specific policies and procedures are provided on the Student Services and Student Engagement web page.

It is the policy of the Texas Tech University Health Sciences Center El Paso to affirm the right of its students to a prompt and fair resolution of a complaint or grievance involving allegations of inappropriate behavior by other TTUHSC El Paso students or by TTUHSC El Paso personnel toward students. Policies and procedures exist for the following areas of student complaints:

- Complaints regarding the general or academic misconduct of another student
- Complaints regarding discrimination
- Complaints regarding student records
- Complaints regarding employment at TTUHSC El Paso
- Complaints regarding grades or grading
- Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

### A. General or Academic Misconduct of another Student

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

### a-B. Discrimination

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the [TTUHSC El Paso Operating Policies and Procedures](#). The following list identifies key institutional policies governing complaints regarding discrimination:

[HSCEP OP 51.01](#) Equal Employment Opportunity Policy and Affirmative Action Program

[HSCEP OP 51.02](#) Non-Discrimination and Anti-Harassment Policy and Complaint Procedure



[HSCEP OP 51.03](#) Sexual Misconduct

[HSCEP OP 51.04](#) Access for Individuals with Disabilities

Information related to Anti-Discrimination and Sexual Misconduct Policy and Procedures (including Title IX) is detailed in [Section V](#) of this handbook and is developed in conjunction with Texas Tech University [System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), [HSCEP OP 51.02](#), Texas Tech University [System Regulation 07.06 Sexual Misconduct](#), and [HSCEP OP 51.03](#)

~~B.C.~~ [C.](#) Student Records

For details associated with filing complaints related to student records, see [HSCEP OP 77.13 Student Education Records](#)

~~C.D.~~ [D.](#) TTUHSC El Paso Employment

Information about employment grievances for students who are employed at TTUHSC El Paso is provided in [HSCEP OP 70.10](#), Non-faculty Employee Complaint and Grievance Procedures. This policy covers complaints concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

~~D.E.~~ [E.](#) Grades and Grading

The processing of formal grade appeal procedures is the responsibility of the school that administers the course. Relevant school policies are included in their catalogs and handbooks.

- a) [Gayle Greve Hunt School of Nursing](#): Academic Grade Challenges/Appeals
- b) [L. Frederick Francis Graduate School of Biomedical Sciences](#): Grade Appeals
- e) [Paul L. Foster School of Medicine](#): Challenging Student Records or Grades
- d) [Woody L. Hunt School of Dental Medicine](#)

~~E.F.~~ [F.](#) Other Types of Mistreatment

Students who feel that they have been mistreated in a manner that is not directly addressed by any of the specific policies identified above are encouraged to refer to the policies and procedures governing student complaints, grievances, and appeals within their school. Relevant school policies include the following:

- e) [GGHSON](#): Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- f) [L. Frederick Francis Graduate School of Biomedical Sciences](#): Procedure for Grade and Non-Grade Complaints



g) [Paul L. Foster School of Medicine](#): Appropriate Treatment of Medical Students; Student – Faculty Dispute Resolution Policy; Student-Student Dispute Resolution Policy

h) [Woody L. Hunt School of Dental Medicine](#)

**Students should process their complaints or appeals through the appropriate channels.** Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:

a) [Gayle Greve Hunt School of Nursing](#): ~~Associate Dean for Academic Programs~~ [Senior Director Student Affairs](#)

a) [L. Frederick Francis](#) Graduate School of Biomedical Sciences: Dean

b) [Paul L. Foster School of Medicine in El Paso](#): Associate Dean for Student Affairs

e) [Woody L. Hunt School of Dental Medicine](#): Associate Dean [for Student Affairs](#)

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC El Paso Office of Student Services and Student Engagement (SSSE) in accordance with the following *institutional-level student complaint procedures*. These procedures are also published on the SSSE web page <https://elpaso.ttuhs.edu/studentservices/student-resources/default.aspx>

#### F.G. Other Institutional-Level Student Complaint Procedures

The procedures defined below apply to student complaints that fall outside the scope of other institutional and school-based policies and procedures governing specific types of student complaints, including, for example, *student complaints against staff members employed at the institutional level or against TTUHSC El Paso administrators employed at the institutional level*. The TTUHSC El Paso Office of Student Services and Student Engagement will administer this institutional policy and will insure that due process is afforded ~~to all concerned~~.

##### 1. *Early Resolution*

Prior to contacting the TTUHSC El Paso Office of Student Services and Student Engagement (SSSE), the student shall attempt to resolve the issue with the

individual(s) involved. If the student is not satisfied with the outcome after meeting with the individual or does not feel comfortable talking to the administrator or staff member involved, the student may contact the ~~Assistant Vice President for SSSE~~ [Student Conduct Administrator](#). The student shall address the issue and initiate action under this policy within ~~twenty (20)~~ [30 business](#) days of the event-giving rise to the complaint.

The ~~Assistant Vice President for SSSE or designee~~ [Student Conduct Administrator](#) may counsel the student to discuss the issue with the involved administrator or staff member. If the student does not feel comfortable talking to the person involved, the ~~Assistant Vice President for SSSE or designee~~ [Student Conduct Administrator](#) will investigate the complaint, attempt to reconcile differences, and propose a solution. [Student Conduct Administrator](#) ~~The Assistant Vice President for SSSE or designee~~ will provide a written statement of his or her recommendation to all parties within ten (10) business days following the initial receipt of the student's report of the complaint. All involved parties will then have ten business days to respond. Every effort should be made to resolve the issue without going beyond this level.

(If the complaint is against the Assistant Vice President for SSSE, the student should meet with the Vice President for Academic Affairs, who will follow the procedures outlined here.)

2. *Filing a hearing request*

If the student is not satisfied with the recommendation of the [Student Conduct Administrator](#) ~~Assistant Vice President Student Services and Student Engagement (SSSE) or designee~~, they may file a request for a hearing by submitting a written complaint to ~~the Assistant Vice President SSSE~~.

• [jj](#)) The hearing request must include a specific statement of the student's complaint, an explanation of what remedy the student seeks, and ~~a copy of the Assistant Vice President for SSSEs' or designee recommended resolution~~ [associated documentation or evidence](#).

• [kk](#)) If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within ~~15~~ [30](#) business days.

3. *Hearing Procedure*

Upon receipt of a written request for a hearing, the [Student Conduct Administrator](#) ~~Assistant Vice President for Student Services and Student Engagement (SSSE) or designee~~ will appoint a Hearing Committee according to the following procedure:

• [ll](#)) Each party will propose in writing a list of four TTUHSC El Paso faculty, staff, and/or students to serve on the Hearing Committee. The [Student Conduct](#)

Administrator~~Assistant Vice President for SSSE or designee~~ will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC El Paso faculty or staff member) and these individuals will comprise the Hearing Committee. This group will select a chair from among themselves.

2-mm) The Student Conduct Administrator~~Assistant Vice President for SSSE or designee~~will provide technical assistance and support to this committee.

3-nn) As soon as the hearing is scheduled, the chair of the Hearing Committee will send a written notice to all involved parties. The notice will specify the time, place, and nature of the hearing, plus a brief description of the complaint. The notice will also confirm the right of all involved parties to present witnesses and evidence and to be accompanied by counsel for advisory purposes only.

4-oo) At least ~~five~~three days prior to the hearing, all parties will provide to the chair of the Hearing Committee ~~and the Assistant Vice President for SSSE or designee~~ a list of the names of any witnesses or counsel who will attend the hearing in addition to any evidence that will be offered. If the student will be advised by counsel, the University may be represented by the Office of General Counsel. The student and the involved individual(s) shall have access to all information to be considered by the Hearing Committee, including the names of all persons giving evidence.

5-pp) The student and the involved parties shall attend the hearing and be offered an opportunity to state their positions and present testimony and other evidence relevant to the case. The responsibility of establishing the validity of the complaint rests with the student.

6-qq) The Hearing Committee chair shall keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials). Deliberations will not be recorded.

4. *Committee Decision*

After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written decision. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five business days.

5. *Appeal*

Within ~~ten~~five business days of receipt of the decision of the Hearing Committee, if either party believes that the due process procedures have been

violated, an appeal may be made, in writing, to the Vice President for Academic Affairs (VPAA).

The VPAA will review the case and notify all parties of their decision within ~~ten~~ five business days.

If a written appeal is not submitted within ~~ten~~ five business days following receipt of the Hearing Committee decision letter, the right to appeal is thereby waived and said decision is final.

The Accused Student or Complainant may only raise, and the VPAA shall only consider, the following:

- rr) A procedural deviation occurred that substantially affected the outcome of the case;
- ss) There is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
- tt) The VPAA will review the Findings and Recommendations and, at his or her sole discretion, the record from the Hearing Committee and supporting documents, and transmit his or her decision in writing to the Complainant, the Hearing Committee chair, and the Assistant Vice President for SSSE. The VPAA's decision shall be final.
- uu) If there is an appeal to decision, it must be made, in writing, within five business days, to the Vice President for Academic Affairs.
- vv) The VPAA will review the Hearing Committee decision and render a decision within five business days. The decision of the Vice President for Academic Affairs is final with the exception of f. below.
- ww) If the Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five business days. The decision of the President is final.



## V. Anti-Discrimination and Sexual Misconduct Policy and Procedures (Including Title IX)

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. The University prohibits discrimination based on sex, which includes pregnancy, sexual orientation, gender identity, gender expression, 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, Sexual Harassment, Sexual Assault, Sexual Exploitation, Stalking, Public Indecency, Interpersonal (Dating, Domestic, or Family) Violence, Dating Violence, Sexual Violence, and any other misconduct based on sex. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically conveyed.

### A. Introduction

This provides information regarding the University's response and prevention efforts related to sex discrimination and Sexual Misconduct. In conjunction with Texas Tech University [System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), TTUHSC El Paso [OP 51.02](#), Texas Tech University [System Regulation 07.06 Sexual Misconduct](#), and TTUHSC El Paso [OP 51.03](#), the policies set forth here apply to all members of the University Community, provide students with their rights and options, and also explain 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), the Clery Act, Texas Education Code, 34 CFR Part 106, and other applicable law.

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.

### B. Non-Discrimination and Anti-Harassment Policy

The University does not tolerate discrimination or harassment based on or related to sex (including pregnancy), race, color, religion, national origin, age, disability, genetic information, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics. Texas Tech University [System Regulation 07.10 Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), adopted by Texas Tech University Health Sciences Center El Paso in [OP 51.02](#), applies to all University students and University employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on University campuses.

If a student has a complaint of discrimination or harassment by an employee, whether faculty, staff, or student employee (other than for Sexual Misconduct, which is addressed under Section C below), the provisions relating to the complaint process set forth in Texas Tech University [System Regulation 07.10](#) and TTUHSC El Paso [OP 51.02](#) shall apply. Students with such



complaints of discrimination or harassment by an employee should contact the System Office of Equal Opportunity (OEO) and/or submit a completed Complaint of Discrimination or Harassment form to OEO, which is available at:

<https://www.texas-tech.edu/offices/equal-employment/>. OEO's complete contact information is as follows:

Contact	Phone	Address	Email
Charlotte Bingham Assistant Vice Chancellor of Administration, Texas Tech University System Office of Equal Opportunity	806.742.3627	TTU System Administration Building 1508 Knoxville Avenue Suite 309 TTUS Office of Equal Opportunity Box 41073 Lubbock, TX 79409	<a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a>

If a student has a complaint of discrimination or harassment by a student or a student organization, such complaints are guided by the Student Conduct Procedures set forth in Part II of this Student Handbook. Students with complaints of discrimination or harassment by a student or student organization should contact the TTUHSC El Paso Student Services and Student Engagement and/or utilize the online Incident Report Form available at <https://www.ttuhsc.edu/student-affairs/grievances.aspx>. TTUHSC El Paso Student Services and Student Engagement complete contact information is as follows:

Contact	Phone	Address	Email
Robin Dankovich Assistant Vice President Student Services and Student Engagement	915.215.4537	TTUHSC El Paso MSBII – MSC21014 137 Rick Francis El Paso TX 79902	<a href="mailto:robin.dankovich@ttuhsc.edu">robin.dankovich@ttuhsc.edu</a>

In instances of complaints of sex/gender discrimination, the complainants may contact the University's Title IX Coordinator, whose complete contact information is as follows:

Contact	Phone	Address	Email
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a>

While Sexual Harassment, Sexual Assault, and other forms of Sexual Misconduct may constitute prohibited acts of discrimination under this Section B, such behavior is prohibited under TTU System Regulation 07.06 and TTUHSC El Paso OP 51.03, as discussed in Section C below.

C. Sexual Misconduct

Sexual Misconduct in the TTUHSC El Paso community is prohibited pursuant to Texas Tech University [System Regulation 07.06 Sexual Misconduct](#) (adopted by TTUHSC El Paso as OP [51.03](#)).

1. *Separate Policies for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct*

While all Sexual Misconduct is prohibited, in accordance with applicable federal and state law, the University has adopted two distinct policies and grievance procedures for Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. These policies are available at the following links:

- a) [Texas Tech University System Regulation 07.06.A Title IX Sexual Misconduct](#); and
- b) [Texas Tech University System Regulation 07.06.B Non-Title IX Sexual Misconduct](#).

The University Title IX Coordinator will assist those making reports or complaints of Sexual Misconduct with understanding which policy may apply based on the nature, context, and location of the alleged conduct. The Flowchart available [here](#) visually depicts the applicability of these two policies and their respective grievance processes. In the event of any conflict between this Student Handbook and System Regulations 07.06.A, 07.06.B, and 07.10, the system regulations will control.

The University Title IX Coordinator oversees the University's compliance with the Sexual Misconduct policies, including both Title IX and Non-Title IX Sexual Misconduct. The University has also designated a Title IX Deputy Coordinator for employees. Contact information for the Coordinator and Deputy Coordinator is as follows:

Contact	Phone	Address	Email & Website
Linda Ellis TTUHSC El Paso Title IX Coordinator	915.215.5439	PLFSOM Office of Student Affairs Medical Education Bldg, 2140 5001 El Paso Drive, MSC 21013 El Paso, TX 79905	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a> <a href="https://eipaso.ttuhsc.edu/gsbs/catalog/title-IX.aspx">https://eipaso.ttuhsc.edu/gsbs/catalog/title-IX.aspx</a>
Charlotte Bingham TTUHSC Title IX Deputy Coordinator for Employees	806.742.3627	System Administration Building 1508 Knoxville Ave., Suite 309 Box 41073 Lubbock, TX 79409	<a href="mailto:eeo@ttu.edu">eeo@ttu.edu</a> <a href="http://www.texastech.edu/offices/equal-employment/">http://www.texastech.edu/offices/equal-employment/</a>

2. *Title IX Sexual Misconduct*

Title IX Sexual Misconduct is governed by Texas Tech University System Regulation 07.06.A. Generally, only sexual assault; stalking; dating violence; domestic violence; quid pro quo conduct; and conduct that is severe, pervasive, and objectionably offensive will constitute Title IX Sexual Misconduct, and be governed by such policy. The procedure for reporting and filing a formal complaint of Title IX Sexual Misconduct, and the grievance process for addressing such complaints, is set forth in [System Regulation 07.06.A](#). The provisions of the remainder of this Section C may not apply to reports and complaints of Title IX Sexual Misconduct. The University's Title IX Coordinator will assist students in navigating these policies.

All other forms of Sexual Misconduct are addressed pursuant to the Non-Title IX Sexual Misconduct policy, set forth in this Student Handbook and governed by [System Regulation 07.06.B](#).

3. *Non-title IX Sexual Misconduct*

All Sexual Misconduct that does meet the threshold of Title IX Sexual Misconduct will proceed under the Non-Title IX Sexual Misconduct policy set forth in this Student Handbook.

All investigations and procedures under this policy will be conducted in a reasonably prompt timeframe and in an equitable and impartial manner. Investigations conducted hereunder are not criminal investigations. For all complaints, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The Title IX Coordinator or designee will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Opportunity (OEO) will investigate complaints of Sexual Misconduct by or between employees. Student complaints of Sexual Misconduct by an employee will be investigated jointly by the Title IX Coordinator or designee and the Office of Equal Opportunity.

Students with complaints of Sexual Misconduct by an employee should contact the Title IX Coordinator or Office of Equal Opportunity, and/or utilize the online reporting tool available on the University's website at <http://www.ttuhs.edu/title-ix/default.aspx>. Students with complaints of Sexual Misconduct by a student or student organization should contact the Title IX Coordinator and/or utilize the online reporting tool available on the University's website at <http://www.ttuhs.edu/title-ix/default.aspx>.

Individuals wishing to remain anonymous can report Sexual Misconduct in any manner, including by telephone or written communication, with the University Title IX Coordinator or Office of Equal Opportunity. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating the TTUHSC El Paso Sexual Misconduct policies.

4. *Employees are Mandatory Reporters*

Pursuant to Texas law, all 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 Misconduct and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident shall promptly report the incident to the University's Title IX Coordinator or Deputy Title IX Coordinators. 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 Texas that shall result in termination of employment and may result in criminal penalties.

Reports by mandatory reporters must include all information concerning the incident known to the Reporting Party, including the involved parties' names, regardless of whether the Complainant has expressed a desire for confidentiality; however, the Reporting Party may also state whether the Complainant has expressed a desire for confidentiality.

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 are not subject to the foregoing mandatory reporting requirements and are considered Confidential Resources. 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 Complainant, 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.

5. *Making a Report*

Any individual may inquire or make a report or complaint of Sexual Misconduct of any kind. Any person may submit a report in person, by mail, by phone, by email, or by online form, using the contact information set forth in Section 1 above, or by any other means that results in the University's Title IX Coordinator or System Office of Equal Opportunity receiving the verbal or written report. Such a report may be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address. Persons other than Employees wishing to remain anonymous may do so by submitting a report in an anonymous manner; however, electing to remain anonymous may limit the ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals accused of violating the University's Sexual Misconduct policies.

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. Complainant may choose to notify law enforcement and will be provided the assistance of the Title IX Coordinator 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.

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.

#### 6. *Confidentiality*

TTUHSC El Paso is committed to ensuring confidentiality during all stages of a grievance process. The confidentiality of the Complainant, the Respondent, 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:
  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 Respondent, 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 Complainant’s desire to pursue allegations of Sexual 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 Title IX Coordinator or designee 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 TTUHSC El Paso Student Counseling Services. Complainants may also make confidential reports to 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.

Absent consent from the Complainant, 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 Complainants with information and guidance regarding University reporting options and available resources.

The following Confidential Resources are available to TTUHSC El Paso students:

Resources	Phone
TTUHSC EP Student Counseling Services	<a href="https://elpaso.ttuhs.edu/student-services/SCS.aspx">https://elpaso.ttuhs.edu/student-services/SCS.aspx</a>
Texas Tech Physicians Psychiatry (Student Assistance and Employee Assistance Program)	915-215-6170 and 915-215-5850
Emergence Health Hotline (24 Hour Crisis Helpline)	915-779-1800

Note: Access local advocacy groups and services through any of the above resources.

#### 7. *Interim and Supportive Measures*

The University may take immediate action to eliminate hostile environments and address any effects on the Complainant and community prior to the initiation of any Investigation and/or formal Grievance Process. These measures will be taken to minimize the burden on the Complainant while respecting due process rights of the Respondent. Supportive Measures 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, and reporting criminal behavior to the Texas Tech Police Department or local law enforcement agencies. Additionally, the University may pursue Emergency Removal, altering the University status of the Respondent. Supportive Measures may be implemented and will be evaluated on a case-by-case basis. Supportive Measures may be kept in place through the conclusion of any review, investigation, resolution, or appeal process. Supportive Measures can be implemented regardless of whether or not the Complainant pursues a Formal Complaint or criminal action. The Title IX Coordinator is available to help students understand the Grievance Process and identify resources. Remedies may be implemented after a determination regarding responsibility in the Grievance Process to restore and preserve equal educational opportunities to the Complainant.

a) *Supportive Measures*: Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent. The range of Supportive Measures available includes, but is not limited to: separation or modification of Complainant and Respondent's academic or working situations; mutual restrictions on contact; one-way restrictions on contact, where justified by the specific facts and circumstances; permissive withdrawal from or retake of a class without penalty; counseling; extensions of deadlines or other course-related adjustments; campus escort services; leaves of absence; increased security and monitoring of certain areas of campus; or any other similar measures tailored to the individualized needs of the parties. Consistent with Texas law, a Complainant or Respondent who is the subject of an alleged incident of Title IX Sexual Misconduct will be allowed to drop a course in which they are both enrolled without any academic penalty. Supportive Measures may be kept in place through or beyond the conclusion of any review, investigation, or appeal process and may be implemented regardless of whether Complainant files a complaint of Sexual Misconduct.

b) *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 Title IX Coordinator via the student's official TTUHSC El Paso email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Title IX Coordinator. 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 Emergency Removal pending the completion of a Grievance 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.

e)a) *Emergency Removal:* The University may conduct an individualized safety and risk analysis to determine if an individual poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct that justifies removal. Where the University finds that a Respondent poses an immediate threat to the physical health or safety of any student or individual, the University may remove the Respondent prior to the conclusion of the Grievance Process to protect the safety of the University Community where an immediate threat exists. The University shall provide the Respondent with notice and an immediate opportunity to challenge the decision in writing to the Title IX Coordinator immediately following the removal.

Through an Emergency Removal, a student may be denied access to the University's campus, facilities, and events. 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 Title IX Coordinator 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 Respondent.

Emergency Removal is not a sanction. 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. Emergency Removal is preliminary in nature; it is in effect only until the Grievance Process has been completed. However, violations of Emergency Removal may result in additional allegations of this Student Handbook. A student who receives an Emergency Removal may request a meeting with an Appeals Officer or designee to challenge an Emergency Removal. Regardless of the outcome of this meeting, the University may still proceed with an Investigation and adjudication.

e)a) *Non-Student Supportive Measures:* TTUHSC El Paso, in conjunction with the Texas Tech Police Department, may issue a Criminal Trespass to any individual(s) or guest of 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.

8. *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. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the Grievance Process.

Subject to applicable law, information gathered by the University during the course of the Investigation and Grievance Process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the Grievance 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. In Non-Title IX Sexual Misconduct Hearings, the role of the advisor will be limited to advising only and will not be allowed to actively participate in the Hearing. CARE Coordinators may also attend any meeting or Hearing in addition to the student's advisor.

9. *Amnesty*

a) Subject to the exceptions noted below, the University will not take any disciplinary action against a student enrolled at the University who in good faith reports to the University being the victim of, or a witness to, an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking for a violation by the student of this Student Handbook, occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any.

b) The University reserves the right to investigate to determine whether a report of an incident of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking was made in good faith. After such investigation, the Title IX Coordinator or their 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.

c) Notwithstanding the forgoing, amnesty does not apply to a student who reports the student's own commission or assistance in the commission of Sexual Harassment, Sexual Assault, Interpersonal Violence, or Stalking.

d) Although students eligible for amnesty may avoid disciplinary action under these amnesty provisions, amnesty does not preclude the University from encouraging students to participate in directives such as counseling or educational opportunities relating to the conduct students were engaged in.

- e) Abuse of these amnesty provisions by a student may result in a violation of this Student Handbook. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, legal actions, or actions required to comply with professional ethic requirements.

10. *Interference with an Investigation*

Any person who knowingly and intentionally interferes with a Grievance Process conducted under this Student Handbook is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to:

- a) Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- b) Divulging confidential information;
- c) Removing, destroying, or altering documentation relevant to the investigation;
- d) Providing false or misleading information to the investigator, or encouraging others to do so; or
- e) Making a report under this policy that, after investigation is found not to have been made in good faith.

11. *Retaliation and False Information*

Retaliation against an individual who reports a potential violation in good faith under this policy, assists someone with a report of a violation, or participates or refuses to participate 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, coercion, discrimination, reprisals, or adverse actions related to an individual's employment or education. The University will take appropriate steps to ensure that an individual who, in good faith, reports, complains about, or participates or refuses to participate 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 the Title IX Coordinator using the same procedure outlined in this section.

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.

An individual found to have knowingly and in bad faith provided false or malicious information may be subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.



#### D. Grievance Process for Non-Title IX Sexual Misconduct

This Section D sets forth the Grievance Process for Non-Title IX Sexual Misconduct. The process for Title IX Sexual Misconduct is set forth in [System Regulation 07.06.A](#). The University Title IX Coordinator will assist parties in determining which process applies to the particular alleged conduct.

##### 1. *Intake and Initial Inquiry*

Upon receipt of a report of Sexual Misconduct, the Title IX Coordinator, or designee, will review the allegations. As reported allegations of Sexual Misconduct have varying degrees of complexity and severity, the investigation and resolution procedures described below may vary. The Title IX Coordinator or designee will inquire, gather, and review information and will evaluate the accuracy, credibility, and sufficiency of the information received. If a formal complaint is not filed, the Title IX Coordinator may nonetheless conduct an investigation if the University learns of alleged Sexual Misconduct through other means depending on the source and nature of the information provided, the seriousness of the alleged incident, the specificity of the information, the objectivity and credibility of the source of the report, whether any individuals can be identified who were subjected to the alleged Sexual Misconduct, and whether those individuals want to pursue the matter.

The Title IX Coordinator may conduct an initial meeting with the Reporting Party and/or Complainant to gather additional information regarding the allegation; inform him/her of on and off-campus resources, procedural options, and the University's policy regarding retaliation; and to determine safety, security, or other interim measures. Additional meetings may be necessary depending on the complexity of the reported allegations.

Incidents will not be investigated unless there is reasonable cause to believe a policy has been violated. Reasonable cause includes some credible information to support a policy violation. If it is determined that an investigation will be conducted, the Respondent will be given notice of the complaint and an opportunity to respond. If it is determined that an investigation will not be conducted, the Title IX Coordinator may contact the Respondent to discuss the reported concern.

When a Complainant is reluctant, and/or refuses to participate in the investigation process, the Title IX Coordinator may investigate the allegations to the fullest extent possible given the information made available. The University will make every attempt to follow the wishes of the Complainant while protecting the University Community.

##### 2. *Filing a Formal Complaint*

A Formal Complaint is a document signed by a Complainant or the Title IX Coordinator alleging Sexual Misconduct against a Respondent requesting that the University investigate the allegation(s) of Sexual Misconduct. While incidents may be reported by

any third party, only the Complainant or Title IX Coordinator may initiate the Grievance Process through the Formal Complaint. A Formal Complaint is also required for any individuals wishing to pursue an Informal Resolution.

When a Formal Complaint is filed, the Title IX Coordinator provides written notice to the Respondent with sufficient time for the Respondent to prepare a response before an initial interview. The Notice of Formal Complaint includes information about the Grievance Process, the Informal Resolution Process, the allegations and any details known at the time, such as the name of the Complainant, the location, date and time of the alleged incident(s), and the specific section(s) of the policy that the Respondent is alleged to have violated. The Complainant also receives a copy of the Notice of Formal Complaint.

### 3. *Review of Formal Complaints*

When a Formal Complaint is received, the Title IX Coordinator will evaluate jurisdiction and mandatory and discretionary dismissal described below, assess appropriate Supportive Measures for both parties, evaluate the need for Emergency Removal, and initiate the Grievance Process.

*Mandatory and Permissive Dismissal.* The Title IX Coordinator shall dismiss a Formal Complaint of Non-Title IX Sexual Misconduct in the following situations: (1) the allegation describes conduct that would not constitute Non-Title IX Sexual Misconduct as defined, even if proven; or (2) the Respondent is not a member of the University Community. The Title IX Coordinator may dismiss a Formal Complaint in the following situations: (1) the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or some allegations in the Formal Complaint; (2) the Respondent is no longer enrolled in or employed by the University; or (3) circumstances exist that prevent the University from gathering sufficient evidence to reach a determination as to the Formal Complaint or the allegations.

*Application of Other Policies upon Dismissal.* If the Title IX Coordinator dismisses a Formal Complaint or any of the allegations in the Complaint, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the Complainant and Respondent. Dismissal of a Formal Complaint does not preclude action under other policies, such as Title IX Sexual Misconduct.

*Appeal of Dismissal Decision.* Any party can appeal the dismissal decision following the criteria and procedures listed below under Appeal Procedures.

*Right to Consolidate Complaints.* The University may consolidate Formal Complaints as to allegations of Sexual Misconduct: (1) against more than one Respondent, (2) by more than one Complainant against one or more Respondents, or (3) by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

#### 4. *Investigation Process*

If the Title IX Coordinator or designee conducts an investigation of the reported allegation, the investigation may consist of the review of the complaint, any relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to share information regarding the allegation, as well as any response to such, and identify witnesses and other relevant evidence. The extent of the investigation and its procedures will be determined by the Title IX Coordinator. During the investigative process, it is expected that the Complainant and the Respondent will cooperate with the University in providing all information or evidence that they believe should be considered. Additionally, other administrators may be consulted to assist with the investigation.

Prior to an investigative interview, the Complainants and Respondents will be provided a student rights and responsibilities document to review and sign. The student rights and responsibilities document informs the student of their rights to be exercised before and during the course of the investigation and student conduct 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, lawfully issued subpoena, or otherwise required by law.

During the Investigation, the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility is on the University and not on the parties. Complainants and Respondents are encouraged to present witnesses and evidence, including fact and expert witnesses, and other inculpatory and exculpatory 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. The University cannot obtain information that is protected by a legally recognized privilege without the party's voluntary written consent. The University shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, therapist/mental health professional, or other professional/paraprofessional providing treatment to the party, unless the party gives voluntary written consent.

After the investigation is complete, the Title IX Coordinator will prepare a written investigation report. Complainants and Respondents will have access to the completed investigation report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, Complainants and Respondents are not given copies or investigation reports and/or investigative materials, but will have an opportunity to inspect and review any evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint.

*Withdraw During a Formal Complaint.* In accordance with state law, if a student withdraws or graduates from the University pending a Formal Complaint alleging the student violated the Student Code of Conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

- b) May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
- c) Shall expedite the institution's disciplinary process as necessary to accommodate both the Respondent's and Complainant's interest in a speedy resolution.
- d) 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 Student Code of Conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Should students not participate in the Investigative Process, the Grievance 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.

#### 5. *Resolution Process*

Options for resolving Formal Complaints under the Grievance Process include:

- a) e) *Informal Resolution.* Prior to the formal Hearing, either the Complainant or the Respondent may make a request, either orally or in writing, for informal resolution to the Title IX Coordinator. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the University Community to determine whether informal resolution may be appropriate. Mediation will not be used to resolve complaints of Sexual Assault and Interpersonal Violence.

Upon determining that informal resolution is appropriate, the Title IX Coordinator will consult further with the person initiating the request, inform the other party, and gather additional relevant information from the parties and others as useful to assist in the informal resolution process. The Title IX Coordinator may also put in place any appropriate interim measures to protect the educational and work environment of the parties and the University Community.

The University will not compel the Complainant or Respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the Complainant and Respondent have the option to discontinue the informal process at any time and request a formal investigation. If at any point during the informal resolution process, the

Complainant, the Respondent, or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined in this of the Student Handbook below will proceed.

b)f) *Administrative Resolution.* At any point in the student conduct process, if the Respondent accepts responsibility for the alleged violations of policy, the Parties may choose to resolve the issue through the Administrative Resolution process outlined below. The Administrative Resolution process is voluntary.

The Title IX Coordinator will, in consultation with the appropriate University dean, or if the allegation involves a student organization, the appropriate University staff member advisor of the organization, review the complaint and information gathered about the reported Sexual Misconduct, and if applicable, propose findings and specify appropriate sanctions. The Title IX Coordinator will send written notice to both the Complainant and the Respondent of the proposed findings and sanctions. The Parties will have five (5) business days to review the Administrative Resolution and decide whether they would like to accept or decline the proposed findings and recommended sanctions. Agreement with the terms of the Administrative Resolution is established by one of the two following ways:

- (1) A signature, or an electronic signature, by a Party or the Parties attesting to agreement with the findings and sanctions; or
- (2) No written objection by the Complainant or the Respondent to the findings and sanctions within five (5) business days of the date the proposed findings and recommended sanctions were sent to the Parties.

If both the Complainant and the Respondent agree with the proposed findings and recommended sanctions, the matter is considered concluded. Additionally, if accepted, the Parties waive their right to a hearing, the process ends, the finding is final, and there is no appeal. The complaint will only be reopened if new material, previously unavailable is presented.

If either Party disagrees with or does not accept the proposed findings and/or recommended sanctions, then the complaint will proceed, and a hearing will take place.

e)g) *Hearing.* See Section E below for Hearing Procedures.

#### 6. *Sanctions*

A Hearing Officer or a Hearing Panel may impose sanctions as a result of an Informal Resolution, or formal hearing, when a student is found responsible. Implementation of the disciplinary Sanction(s) will begin when the time period to file an appeal has expired or when the appeal decision has been sent to the parties.



Both the Complainant and Respondent will be simultaneously notified of the Appeal 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 are final and cannot be appealed.

All records related to the disciplinary process will remain on file with the Title IX Coordinator for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, formal hearing and/or the Appeal Procedures. All records related to the Grievance Process resulting in suspension and/or expulsion will remain on file indefinitely.

If a student is found responsible for violating the University Sexual Misconduct policies, sanctions may be imposed and can include, but are not limited to the following:

**f)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.

**g)a) *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.

**h)a) *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 Title IX Coordinator 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 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. If the student has failed to satisfy any Sanction that was imposed prior to application for readmission, the Title IX Coordinator or designee may recommend denial of readmission of a student. On denial of a student's readmission, the 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.

**h)a) 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 Title IX Coordinator 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.

#### 7. *Appeal Procedure*

Either the Complainant or Respondent may appeal the decision, or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officers by submitting a written appeal to the VPAA or their designee within three (3) business days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal and the only issues that may be considered on appeal are as follows:

- a)b) A procedural irregularity that affected the outcome of the matter;
- b)c) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- e)d) The Title IX Coordinator, Investigator(s), or Hearing Panel Members had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d)e) The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The appeal process is initiated upon a party's filing of a written appeal within three (3) University business days after University's delivery of the written decision regarding responsibility. The written appeal must be filed with the University's Title IX Coordinator or System Office of Equal Opportunity, as directed in the written determination regarding responsibility, and the party's written appeal must set forth the grounds for the appeal and any supporting information.

Upon the filing of a written appeal, University will give written notice of the filed appeal to the non-appealing party. The non-appealing party will have three (3) University business days after University's delivery of the written notice to respond to the appeal.

The Vice President of Academic Affairs (VPAA) or their designee will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal. If any of these requirements are not met, the appeal will be dismissed, and the original decision of the Hearing Officers will be final. If the grounds for an appeal are determined proper by the VPAA or their designee, the Title IX Coordinator will provide the request for appeal to the other party and provide opportunity for response. Any responses must be provided to the VPAA or their designee within five (5) business days after receiving a copy of the request for appeal.

If the VPAA or their designee determines that a procedural [or substantive] error occurred that significantly impacted the outcome of the hearing, they may order a new hearing. If a new hearing is ordered, all hearing procedures in will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of the decision of the Hearing Officers. The decision of the Hearing Officers is final and may not be appealed.

If the VPAA or their designee determines that new evidence should be considered, they may return the complaint to the original Hearing Officers to reconsider the new evidence or may order a new hearing. If new evidence is considered, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of the decision of the Hearing Officers. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures will be followed. The Title IX Coordinator will notify the Complainant and Respondent of the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

If the VPAA or their designee determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, they may then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead of returning the case to the original Hearing Officers or ordering a new hearing. If the VPAA or their designee makes a decision regarding the sanctions, conditions, and/or restrictions without returning the case to the original Hearing Officers, they will notify the student in writing of the outcome within five (5) business days of their decision. The decision of the VPAA or their designee is final and cannot be appealed. If the VPAA or their designee returns the case to the original Hearing Officers, the Hearing Officers may increase, decrease, or otherwise modify the findings, sanctions, conditions, and/or restrictions. The Title IX Coordinator will notify the student of the outcome within five (5) business days of their decision. The decision is final and may not be appealed. If a new hearing is ordered, all hearing procedures in Part IV, Section C(3)(e), will be followed. The Title IX Coordinator will notify the Complainant and Respondent of

the outcome within five (5) business days of their decision. The decision of the Hearing Officers is final and may not be appealed.

In those cases, in which the error cannot be cured by the original Hearing Officers (i.e., some cases of bias), the VPAA or their designee may order a new hearing with a new panel of Hearing Officers.

After the findings(s) and sanctions become final and all appeals, if any, are exhausted, the Complainant shall be advised that if the complained activity persists, they should contact the Title IX Coordinator. Likewise, in the event the Complainant believes retaliation for filing a complaint has taken place, they should contact the Title IX Coordinator.

The Title IX Coordinator will follow up with the Complainant within sixty (60) calendar days after conclusion of the matter to ensure that the complained of behavior has ceased.

#### E. Non-Title IX Sexual Misconduct Hearing Procedure

This Section E sets forth the Hearing Procedure for Non-Title IX Sexual Misconduct. The Hearing Procedure for Title IX Sexual Misconduct is set forth in [System Regulation 07.06.A](#) and its [Attachment 2](#).

##### 1. *Prehearing/Formal Allegations Assigned*

Once the investigation is complete, if the complaint is not otherwise resolved, the Complainant and the Respondent will be given notice of a pre-hearing meeting. Should the Complainant or the Respondent not participate in the pre-hearing meeting, the conduct process may continue without their participation through resolution. During this meeting, the Complainant and the Respondent will be given the opportunity to review the investigation report, relevant evidence, and other documents to be used in the hearing. Other documents may include Complainant's allegations, list of potential Hearing Officers, and hearing script. Following the pre-hearing, the Complainant and the Respondent will be notified of a date, time, and location of the hearing.

While the Complainant and the Respondent may identify errors in their own statements during the pre-hearing, they are not able to add additional information to the investigation report unless that information, in the judgment of the Title IX Coordinator, was unavailable during the investigative process and is pertinent to the complaint. If a Complainant or Respondent discovers new, previously unavailable information during the time after the pre-hearing but before the hearing, the party should inform the Title IX Coordinator immediately. If the new information is pertinent to the consideration of the complaint, the Title IX Coordinator 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, the Complainant and the Respondent will be given the opportunity to provide a response to any such evidence that will be presented in the hearing.

The Title IX Coordinator or designee will schedule the hearing no sooner than five (5) business days from the date of the last pre-hearing meeting. The five-day period can be waived by the Title IX Coordinator with agreement by the involved Parties.

## 2. *Hearing*

After notice has been given to the Complainant and the Respondent, the University may proceed to conduct a hearing and render a finding of Responsible or Not Responsible for the Respondent's alleged misconduct and, in the event of a responsible finding, decide appropriate sanctions, conditions, and/or restrictions. The Provost or their designee shall appoint a panel of three (3) Hearing Officers to conduct the hearing. All persons serving as Hearing Officers shall be oriented and trained to adjudicate a Sexual Misconduct case in accordance with this Student Handbook. If there is a conflict of interest, or appearance thereof, with one of the selected Hearing Officers, that person will recuse themselves and the Provost or their designee shall appoint another person to the panel. Additionally, both the Complainant and the Respondent may raise issues of conflicts of interest with regard to the potential Hearing Officer panel to the Provost or their designee within three (3) business days after notice has been given to the Parties of the panel members. The Provost or their designee will weigh these issues and resolve them accordingly. No party has a right to disqualify a Hearing Officer panel member absent a demonstrated bias.

The hearing may be held and a decision or recommendation made, regardless of whether the Complainant or the Respondent fail to respond or fail to attend the hearing. Should the Complainant or the Respondent fail to respond or fail to attend the hearing, the Hearing Officers may consider the available information and render a decision.

Hearings are closed to the public. 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 the deliberation of the Hearing Officers. Arrangements can be made so that Complainant and Respondent do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, the parties should contact the Title IX Coordinator not less than five (5) business days prior to the scheduled hearing.

During the hearing, the Title IX Coordinator or designee presents the allegations, investigation report, evidence, witnesses, and questions for deliberation in the hearing. The Hearing Officers may question the Title IX Coordinator, Title IX Investigator, Complainant, Respondent, and any witnesses. The Complainant and Respondent do not have the right to question each other nor witnesses directly but may do so through the Title IX Coordinator or designee. The Complainant and Respondent have the right to add or make additional comments about the facts of the complaint. Should new evidence be presented without prior discussion with the Title IX Coordinator, the hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officers remove a student due to misconduct in the hearing process, the alleged



misconduct in the hearing process will be forwarded to the appropriate student conduct administrator, who will follow the conduct process in Part II of this Student Handbook.

Following the hearing, the Hearing Officers will deliberate and will render a finding of responsible or not responsible for the Respondent's alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. Any findings of the investigation will be based upon a preponderance of the evidence, which means more likely than not. The Hearing Officers will inform the Complainant and the Respondent in writing within five (5) business days of their decision(s).

Either the Complainant or Respondent may utilize the Appeal Procedures.

#### F. Pregnancy

Discrimination based on pregnancy is a form of discrimination based on sex. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all educational opportunities as other persons not so affected but similar in their ability or inability to participate in education programs or activities.

If a pregnant or parenting student feels that they require flexibility or an accommodation in order to be successful at TTUHSC El Paso, it is the student's obligation to make the request initially through their appropriate school's student affairs personnel. Students requesting a pregnancy or parenting related accommodation should do so as soon as they become aware that an accommodation may be needed. If the student and school are unable to come to a mutually agreeable decision in relation to reasonable flexibility and adjustments, the student should contact the TTUHSC El Paso Title IX Coordinator. The Title IX Coordinator will consult with the student and school administrator(s) to begin the interactive process and ultimately, reasonable flexibility and adjustments will be determined.

If a student disagrees with the determination and/or proposed accommodation after engaging in the interactive process, the student may file a complaint with the Title IX Coordinator.

In certain situations, if there is a medical condition due to pregnancy, it may be protected under the Americans with Disabilities Act (ADA), entitling the student to a reasonable accommodation. Accommodation requests due to pregnancy-related complications should be directed to the Academic Success and Accessibility Office.

## VI. Student Records

### A. General Policy

Policies and procedures concerning student records are based on respect for the privacy of the individual. To minimize the risk of improper disclosure, academic records are maintained separately from disciplinary records. (During the time of disciplinary suspension, the notice is placed in the student's permanent file.) The conditions for access to each are set forth in the Institutional Student Handbook and complies with federal and state statutes and with registered student organization guidelines. The procedures set forth below apply to all persons formerly or currently enrolled at Texas Tech University Health Sciences Center El Paso. See [HSCEP OP 77.13](#) Student Education Records.

### B. Address of Record

**Students must maintain an accurate permanent and local physical address with the Office of the Registrar.** The address and school issued email account is used for official notifications including, but not limited to, grade reports, billing and notification of official university requirements and other university correspondence. **Students must also maintain a current telephone number with the Office of the Registrar.** [Students may have holds placed on their student accounts until updated information is received.](#)

### C. Student Access to Educational Records

All current and former students of the university have the right to access their educational records as provided by law.

#### Notification of Rights under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy ACT (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

#### 1. *Right to Inspect and Review*

The right to inspect and review the student's education records within 45 days after the day Texas Tech University Health Sciences Center El Paso receives a request for access.

A student should submit to the Office of the Registrar a written request that identifies the record(s) the student wishes to inspect by [completing following HSCEP OP 77.13 Attachment-B-Student Request To Access Education Records](#)

\* The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

Generally, if the Education Record is covered under FERPA, the student may inspect or review the education record at the Office of the Registrar, but does not have the right to receive copies of the education record unless a student is effectively prevented from

onsite inspection or review of his/her education record. The student may then have a right to receive copies of the education record at the student's expense after evaluation of the circumstances by the Office of the Registrar.

Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial or institutional obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.

2. *Right to Provide Consent*

The right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by TTUHSC El Paso in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of TTUHSC El Paso who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for TTUHSC El Paso.

3. *Filing a Complaint*

The right to file a complaint with the U.S. Department of Education concerning alleged failures by TTUHSC El Paso to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

4. *Personally Identified Information (PII)*

Personally identifiable information related to academic outcomes such as rank in class, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

#### D. Records Not Accessible to Students

The following records are not accessible to students:

1. Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;
3. Records relating solely to an employee of TTUHSC El Paso in his/her capacity as an employee that are not available for any other purpose, unless the student is employed as a result of his/her status as a student;
4. Student medical and counseling records created, maintained, and/or used only in connection with providing medical treatment or counseling to the student, that are not disclosed to anyone other than the individuals providing the treatment; and
5. Alumni records or other records that contain information about an individual after he/she is no longer a student at that agency or institution (e.g., information gathered on the accomplishments of alumni).

#### E. Disclosure of Education Records

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student in accordance with the following;

- To other school officials, including teachers, within Texas Tech University Health Sciences Center El Paso whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31 (a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal-or-State-supported education programs, or for the enforcement of or

compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31 (a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31 (a)(4)).
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31 (a) (6)).
- To accrediting organizations to carry out their accrediting functions. (§99.31 (a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31 (a)(8))
- To comply with a judicial order or lawfully issued subpoena (§99.31 (a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31 (a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31 (a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31 (a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her (§99.31 (a) (14)).
- To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use of possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

#### F. Student Request to Amend Records

Students have the right to request an amendment of their educational records and information directly relating to them. This section does not include procedures for student challenging individual grades. Grade appeals and grievance procedures are set forth in the individual



Student Handbooks for each school. The procedures set forth below are to address inaccurate, misleading or otherwise inappropriate records or information requiring amendment.

- [1.](#) Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.
- [2.](#) Written Request to Amend Records: If the result of the informal discussion with the Office of the Registrar (Records Custodian) is not satisfactory to the student, and the student still wishes to have the record corrected, the student should complete the online form, Student Request to Amend Education Records [HSCEP OP 77.13, Attachment C, Student Request To Amend Education Record](#), via the Office of the Registrar. The request shall clearly identify the part of the record the student believes should be changed, and specify why it should be changed. [Note: The substantive judgment of a faculty member regarding a student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. See also grade appeal and grievance procedures as set forth in the individual student handbooks for each School.]
- [3.](#) Review: After receiving the written request from the Student for a change in their Education Records, the Assistant Vice President for SSSE or designee shall request, and the Office of the Registrar shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the Office of the Registrar (Records Custodian), the Assistant Vice President for SSSE or designee will provide written notification to the student whether or not TTUHSC El Paso will implement the change. If not, the Vice President for Academic Affairs or designee will notify the student of the right to a hearing to challenge the information believed by the student to be inaccurate, misleading, or in violation of the student's rights.
- [4.](#) Hearing Procedure: Upon receiving a written request from the student for a hearing, the Assistant Vice President for SSSE or designee shall arrange for a hearing and provide written notice to the student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:
  - ↔ [a.](#) The hearing shall be conducted by a hearing official or committee appointed by the VPAA or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the student or the Office of the Registrar (Records Custodian).
  - ↔ [b.](#) At least five (5) days prior to the date scheduled for the hearing, the student and the Office of the Registrar (Records Custodian), shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The student may, at his/her own expense, be assisted or represented

by one or more individuals of his/her own choice, including an attorney for advisory purposes only. If the student is advised by an advisor, the Office of General Counsel shall represent the University. The student and the Records Custodian are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the parties are not permitted to speak or participate directly in the hearing.

c. At the hearing, the student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the student.

d. Any additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the student, the Office of the Registrar, and the Assistant Vice President for SSSE or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the student will be notified of the right to place a statement in the record contesting the information in the record or stating why the student disagrees with the decision of the agency or institution, or both. Any statement provided by the student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

#### G. Release of Directory Information

The following student information is considered Texas Tech University Health Sciences Center El Paso Directory Information:

- Student Name
- Permanent and Local Address
- Previous Institutions Attended
- Major Field of Study
- Dates of Attendance
- Enrollment Status (undergraduate or graduate, full-time or part-time)
- Classification
- Degrees Conferred (included degrees from previous institutions)
- Awards, and Honors Received (including scholarships)
- Participation in Officially Recognized Activities

- Postgraduate Training/Clinical sites for R.N., M.D., or Ph.D. graduates and degree candidates

This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld by submitting a completed [HSCEP OP 77.13 Attachment A, Student Consent to Release Education Records](#), or by restricting personal directory information in the [MyTech-El Paso](#) portal. Follow Directory Profile then select Personal Information to update release of directory information status.

#### H. Destruction of Records

The university constantly reviews the “educational records” it maintains and periodically destroys certain records. The university will not destroy records if prohibited by state or federal law, see [HSCEP OP 77.11](#) Permanent Student Record for designated permanent records. 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 Assistant Vice President for SSSA office. Student disability records are maintained for three years after the last date of enrollment. Record retention follows the TTUHSC El Paso Records Retention Schedule, see [HSC EP OP 10.09](#) Records Retention for detailed information.

#### I. Letters of Recommendation

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.

Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

#### J. Medical Records

TTUHSC El Paso community is guided by [HSCEP OP 52.02](#) Privacy and Security of Health Information to ensure compliance with the provision of the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and state laws and regulations for the privacy and security of health information. Medical records of students seen by a TTUHSC El Paso faculty member at Texas Tech Physicians are completely confidential and will not be released to another person or institution without written permission of the student unless otherwise authorized by law. Students needing to request a copy of their medical records should contact the office where they received care. See also [HSCEP OP 52.09](#), Confidential Information and [HSCEP OP 52.02](#), Privacy and Security of Health Information.

## VII. Registration of Student Organizations

### A. Conditions of Registration

- Student organizations wishing to register with the TTUHSC El Paso must file an online application with the Office of Student Engagement and Wellness, through [Tech Engage](#). The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center El Paso.
- Registered Student Organization (RSO) application shall be submitted electronically [each year](#) through the Tech Engage student organization management platform and shall contain, but not be limited to, the following information:
  - At least six students, four who serve as executive officers. New RSOs may register with at least four students.
    - [Students are permitted to hold a Presidency position in no more than two organizations at any given time. Students are permitted to hold any leadership role, including any Presidency, in no more than three organizations at any given time, total. Students seeking an exception must apply for permission with both the Office of Student Engagement and Wellness and their respective school Office of Student Affairs \(OSA\).](#)
  - At least one fulltime faculty or staff member serving as advisor.
    - Advisors are permitted to advise a maximum of two student organizations. While they can serve as a secondary advisor for more, they cannot be primary for more than two.
  - The following contact info for all members listed above:
    - Full name
    - Email address
    - Office location, position, and department of advisor
  - Constitution and bylaws. Constitution and bylaws must include [the required](#) non-discrimination, anti-hazing, and Title IX acknowledgement.
  - Student Organization Risk Management Certification.
    - Each RSO executive member is required to complete the Student Organization Risk Management Module before the application can be fully approved. The Risk Management Module can be found on the Forms page of Tech Engage.
  - Advisor Acknowledgement Form.
    - Each RSO advisor is required to complete the Advisor Acknowledgement before the application can be fully approved. The form can be found on the Forms page of Tech Engage.
- Membership in the organization shall be open to enrolled TTUHSC El Paso students without regard to race, color, religion, sex, national origin, age, disability, genetic information, status as a protected veteran, or any other legally protected category, class, or characteristic. Faculty, staff and alumni may hold adjunct memberships in accordance with the organization's constitution.
- The organization shall not duplicate the purposes and for functions of a previously registered student organization unless the need for such duplication is substantiated.



- All funding requests from TTUHSC El Paso controlled sources must be maintained in a TTUHSC El Paso account. Depending on the nature of the expense, the Office of Student Engagement and Wellness or the Student Services Fee Advisory Committee will review the request and allocate funding. [For more information on processes, students should refer to the Student Services Fee Advisory Committee Guide to Submitting Appropriation and Funding Requests in Tech Engage.](#)
- The organization shall show promise of effectively meeting its stated objectives, be free from control by any other organization, and be lawful and peaceful in its activities. If an organization shows non-compliance with policies and processes, they will be at risk of inactivation at the discretion of the Office of Student Engagement and Wellness or subject to conduct proceedings as outline in Part II. Code of Professional and Academic Conduct (Code) of this handbook.
- The organization shall not use the name of the Texas Tech University Health Sciences Center El Paso, logotype, or symbols of TTUHSC El Paso as part of its name, or in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC El Paso. The organization is permitted to use the word "TTUHSC El Paso Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC El Paso." Requests to use logos or symbols protected by TTUHSC El Paso, Texas Tech University or the Texas Tech University System must be submitted to the Office of Student Engagement and Wellness for approval from the Office of Institutional Advancement.
- Registration of an organization results from compliance with these regulations; it does not imply TTUHSC El Paso approval of the organization or its activities. The organization shall agree to adhere to the policies, rules, and regulations of TTUHSC El Paso.

#### B. Faculty of Staff Advisor

Each registered organization must have a TTUHSC El Paso full-time faculty or staff advisor who provides the following support and guidance:

- available to the officers and members for consultation about the organization's affairs,
- attends organization meetings and functions as often as possible,
- certifies the expenditures of the organization,
- offers suggestions regarding the operations of the organization,
- [O](#)versight to the adherence to TTUHSC El Paso regulations and the organization's constitution and bylaws,
- Registers and utilizes the [Tech Engage](#) platform to support RSO

Advisors are limited to serving as the primary advisor for a maximum of two registered student organizations at any given time. Advisors are permitted to be secondary advisors for additional organizations if requested.

#### C. Conditions for Maintaining Registration

In order to maintain its registration, a student organization shall comply with the following requirements:



- The organization shall submit an electronic re-registration form through [Tech Engage](#) each academic year. The current president of the organization or designated representative shall file a notification of subsequent changes when they occur and keep rosters up-to-date in the Tech Engage system.
- The organization shall submit to the TTUHSC El Paso Office of Student Engagement and Wellness for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds, or changes in membership requirements through [Tech Engage](#).
- The organization shall maintain its funds in accordance with Section A of this part and be in good standing with the Texas Tech University Health Sciences Center El Paso.
- The organization shall demonstrate by its activities that it is conducting business to achieve its purpose and mission as stated on the application.
- The organization shall conduct its affairs in a lawful manner, in accordance with the constitution and bylaws it has on file, and in accordance with applicable Texas Tech University Health Sciences Center El Paso regulations and state statutes.
- The organization shall be responsible for the observance of all applicable TTUHSC El Paso regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.
- The TTUHSC El Paso Office of Student Services and Student Engagement (SSSE) may withdraw the registration of an organization for non-compliance with University policies and procedures

#### D. Denial of Registration

No student organization will be officially registered with the Texas Tech University Health Sciences Center El Paso if the Office of Student Engagement and Wellness determines that the organization's actions or activities are detrimental to the educational purposes of the University, ~~or~~ not in accordance to the Institutional Student Handbook [or overlap with an established student organization](#).

If registration is denied, the designated president and advisor of the applying organization shall be notified of the decision through [Tech Engage](#). The applying organization may make the requested revisions to their application and resubmit via the application process through [Tech Engage](#). If the registration is again denied for any reason, the applying organization may appeal in writing to the Assistant Vice President for Student Services and Student Engagement (SSSE) within five (5) business days from the date of the denial letter. The decision of the Assistant Vice President for SSSE is final.

## VIII. Use of University Space, Facilities and Amplification Equipment

### A. Expressive Activities

- TTUHSC El Paso 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 TTUHSC El Paso as well as other persons.
- Expressive activities on the TTUHSC El Paso campus are governed by Texas Tech [University System Regulation 07.04](#).
- In the event of any conflict between this Section VII (1)(a) and any other provision of this Handbook, the provisions of this Section shall control.

### B. Other Use of TTUHSC Space and Facilities

- The provisions of this Section VII(1)(b) shall apply to all uses of TTUHSC El Paso facilities for purposes other than expressive activities conducted in outdoor common areas.
- The space and facilities of the University are intended primarily for the support of the instructional program of the institution.
  - ↳ See [HSCEP OP 61.23](#), TTUHSC El Paso Classroom and Class Lab Scheduling Policy
- Permission to use campus space facilities may be granted only by the offices designated by [HSCEP OP 61.07](#), Use of TTUHSC El Paso Premises and Amplification Equipment.

## IX. Solicitations, Advertisements and Printed Materials

Solicitation, sales, and services on University premises or in University-owned or University-controlled buildings are prohibited without prior written approval from the Office of Student Services and Student Engagement (SSSE). This includes financial planners, mortgage vendors and other financial services. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on University premises is also prohibited without prior approval from the SSSE.

## X. Student Travel Policy

[HSCEP OP 77.08](#) Student Travel Policy regulates any travel undertaken by one or more students presently enrolled at TTUHSC El Paso to an activity or event that is located more than 25 miles from the campus of TTUHSC El Paso. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC El Paso, is undertaken using a vehicle owned or leased by the university or is a required event or activity by a student organization registered at TTUHSC El Paso.

Each student who travels by any form of transportation to participate in a University-related activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non-academic activities, must, prior to such activities, execute a copy of the [Travel Release and Indemnification Agreement](#) and the [Authorization for Emergency Medical Treatment](#).

Please refer to the TTUHSC El Paso Travel Office and the Office of Diversity, Inclusion and Global Health for information regarding travel abroad. [See HSCEP OP 10.29 Global Health Program for Students](#)

## XI. Other Policies

Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures and student employment may be referenced in the various Schools' student handbooks and/or catalogs.

### A. Absences, Attendance and Religious Holy Days

#### 1. *Absences*

Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program or [HSCEP OP 77.12](#), Religious Holy Day Observances and Need for Student Absence.

#### 2. *Attendance*

The faculty member responsible for the course determines attendance requirements for each course. A student who fails to attend any class for any reason is responsible for the material presented in class, assignments, examinations, announcements, etc. to the same extent as though the student had attended the class. Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

#### 3. *Religious Holy Days*

See [HSCEP OP 77.12](#), Religious Holy Day Observances and Need for Student Absence.

### B. Academic Requirements

Academic requirements vary with each TTUHSC El Paso School and particular degree program in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog and/or handbook for specific details. Information related to individual student progress toward degree is also available via the [MyTech](#) portal at [DegreeWorks](#) link under Registration heading.

Inter-professional Education: Depending upon the school affiliation, TTUHSC El Paso students may be required to complete a non-credit courses in inter-professional education. Implementation of this requirement will vary across schools and degree programs and may not be detailed in DegreeWorks. Students should consult their academic/program advisor and/or school catalog and/or handbook for additional information.

### C. Personal Counseling Services

Personal counseling services are available to all TTUHSC El Paso students; [community](#) providers are listed at [Office of Student Services and Student Engagement website](#). [Each student may have up to 8 sessions covered by student services fees each year \(September-August\) by presenting their student identification card to the selected provider. Additional sessions must be covered by personal health insurance so check in advance if your insurance is accepted by your selected](#)



provider. For 24-hour crisis line, call Emergence Health Network at (915) 779-1800, for emergencies dial 911. The National Suicide Prevention Lifeline is available by phone at 1-800-273-8255 or dial 988 to connect with a trained counselor.

#### D. Admissions and Applicants

The educational policies of the TTUHSC El Paso are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC El Paso is a health related institution that offers upper-level undergraduate, graduate professional academic programs. The application and admissions policies for TTUHSC El Paso are outlined in the individual Schools' catalogs and/or handbooks.

Most programs at TTUHSC El Paso have a deadline for the receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

#### E. Adding and Dropping Courses

See the Office of the Registrar web-page for all related academic policies and also consult the academic catalog and/or handbook for school-level policies.

Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the institution and should work with the school level office of student affairs for approval. ~~and t~~ Those receiving federal financial aid should consult the Office of Financial Aid and Student Business Services for information related to return of Title IV funds requirements and financial obligations to the institution.

#### ~~F. Affiliation~~

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

#### ~~G.F. Alcohol/Illegal Drugs and~~ Drugs and Student Drug Screening Requirements

Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) students enrolled in clinical programs are entrusted with the health, safety and welfare of patients. The safety and welfare of patients cared for by TTUHSC El Paso students is of primary concern in all TTUHSC El Paso clinical programs and its contracted affiliated entities that provide essential clinical experiences for TTUHSC El Paso students. As a result the following policies provide guidance,

See HSCEP OP 10.03, Alcohol and Illegal Drugs

See HECEP OP 77.15, Working with Affiliated Entities – Student Drug Screenings

#### ~~H.G.~~ Credit by Exam

See HSCEP OP 77.07, Credit by Examination requirements for all TTUHSC El Paso schools.

## H. Death of Student

The Office of Student Services and Engagement (SSSA) is the Office of the President's liaison regarding the notification of any student deaths. Schools must notify the Assistant Vice President for SSSE immediately in the event of any student death [at 915-215-4637](tel:915-215-4637) or via email [at elp.studentservices@ttuhsc.edu](mailto:elp.studentservices@ttuhsc.edu).

### I. Institutional Email

[The official mode of communication at TTUHSC El Paso is via your University email account. In order for TTUHSC El Paso community to remain in contact with each other, all members re expected to use due diligence in maintaining and checking their accounts for messages on a daily basis. Failure to do so may result in adverse consequences. Members of the TTUHSC El Paso community are expected to participate, when asked to do so by the University, in proceedings associated with this Code and to do so in a respectful and meaningful way.](#)

### J. Students with Disabilities

[HSCEP OP 77.14](#), Establishing Reasonable Accommodations for Students with Disabilities, provides policy related to the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified individual with a disability shall be denied access to or participation in services, programs, and activities of TTUHSC El Paso solely based on the disability. Students with questions about disability services, documentation, and accommodations should review the [Error! Hyperlink reference not valid.Accessibility Resource Manual](#) on the SSSE Academic Success and Accessibility Office (ASAO).

Any student seeking accommodations on the basis of disability must register with the ASAO in Office of Student Services and Student Engagement (SSSE) suite located in the MSBII 2C201. The process to request accommodations includes an application for services, appropriate documentation of the disability, and an intake interview.

Students with grievances related to discrimination on the basis of a disability should review this Institutional Student Handbook, [Appendix A Section V](#), on Anti-Discrimination policies and procedures.

### K. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC El Paso on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. For more information view [HSCEP OP 51.01](#), Equal Employment Opportunity Policy and Affirmative Action Program and [Texas Tech University System Regulation 7.09](#).

### L. Student Emergency Contact Information

Students must keep their Emergency Contact Information current with the Office of the Registrar. [Updates may be provided in person at \(MSBII 2C2C1\)](#) or via the [MyTech portal](#) under



“Personal Information” box and select “Update Emergency Contacts” to complete required information.

#### M. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the [HSCEP OP 70.10](#), Non-faculty Employee Complaint Procedures. The procedures manual may be reviewed in the Office of Equal Employment Opportunity.

#### N. Exams – Bring you Own Device Policy

The general expectation is that students and residents will possess, maintain, and use their own electronic device(s) (i.e., laptops, smartphones, and tablets) for all administrative, curricular, and assessment purposes related to their academic or residency program(s) with authorized participation in the TTUHSC El Paso learning environment, except when otherwise specified by the academic or residency program or by TTUHSC El Paso administration; see [HSCEP OP 56.06](#) Bring Your Own Device (BYOD)

In addition, refer to the individual School’s catalogs, handbooks, and web-pages for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register [in advance](#) with the Student Success and Accessibility Office ([see IX.J. for additional information](#)) in the Office of Student Services and Student Engagement and must provide all required documentation to support accommodation request. Appropriate and reasonable accommodations, if any, will be determined by the Student Success and Accessibility Office.

#### O. Financial [Responsibility Policies](#)

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 non-payment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University, (including failure to return Title IV funds), are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing privileges, denial of registration, withholding of grades, [and transcripts, and diplomas](#) and possible adjudication under the Code of Professional and Academic 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. Generally, failure to meet financial obligations to the University may result in:

- a) [Cancellations](#) of the student’s registration if tuition and registration fees are not paid by the 20th class day (15th class day in summer), or if a returned check given in payment of tuition and fees is not redeemed by that time;

- Loss of University check writing privileges and possible criminal prosecution for writing insufficient fund checks and for failure to pick up a returned check;
- a) • A student who fails to make full payment prior to the end of the semester or term may be denied credit for the coursework completed that semester or term.
- b) • A hold placed on a student's academic records preventing future registration or receiving transcripts (before registering or requesting a transcript, students may check on the presence of holds by accessing their records at <https://portal.texas-tech.edu> under the MyTech – El Paso tab).
- c) • Reporting of financial problems delinquent accounts to a credit agency or a collection agent. For more information, please visit the [Student Business Services website](#) .

#### P. Grades/Grading

- a) • See [HSCEP OP 59.05](#), Grading Procedures and Academic Regulations.
- b) • The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.
- c) • The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved.

#### Q. Patient Rights and Responsibilities

It is the policy of Texas Tech University Health Sciences Center at El Paso (TTUHSC at El Paso) to promote considerate, courteous, and respectful care and treatment for all patients. It is recognized that the patient is a vital participant in the treatment plan and therefore has rights and responsibilities regarding that treatment. See [Ambulatory Clinic Policies and Procedures EP 6.1 Patients' Rights and Responsibilities](#).

To maintain this obligation to our patients we must commit to a culture of care and protection patients' rights and strive for the following:

- Strict adherence to all laws, regulations and policies related to patient care
- Treat patients with respect, without discrimination at all times
- Deliver service in an effective and efficient manner.

See [Ambulatory Clinic Policies and Procedures](#) for additional guidance.

### Q.R. Graduation Procedures

Degree requirements are published in the individual School's catalogs.

Prior to graduation, all candidates for TTUHSC El Paso degrees are required to:

- Complete all graduation requirements set forth by the applicable School;
- Complete the *Intent to Graduate Application* (link provided by school level office of student affairs in the semester before anticipated graduation). Please note that the student's "diploma name" as requested in the Intent to Graduate Application is printed on the student's diploma, and information provided by the student is used in commencement programs. In the event that the student has requested that directory information is confidential – specific request to release information for commencement bulletin is confirmed via the Graduation application process;
- Requires student active registration in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;
- Pay the graduation application fee applied to you bill by Student Business Services [via your student account](#)—\$75;
- Attend an online Exit Interview session scheduled by the Student Financial Aid Office for students who have received financial assistance, which must be repaid after graduation.

### R.S. Student Health Services

The Texas Tech Physicians at [Hague Kenworthy](#) provides health services to TTUHSC El Paso students who are currently enrolled and have paid the Medical Services Fee as part of tuition and fees. To receive health services students must present Student ID card and provide co-payment at the time of the appointment. Students may contact their insurance provider to determine if they qualify for co-payment reimbursement.

The Medical Services Fee covers only those services provided by the Texas Tech Physicians at [Hague Clinic 9849 Kenworthy](#) and specific laboratory and radiology service performed at cooperating locations. All other charges incurred are the student's responsibility.

~~The Student Service and Student Engagement website is updated monthly on Hague clinic schedule availability.~~

#### 1. *Appointments*

- a) f Call (915) 215-50810 for appointments: [Monday-Friday 9am – 5pm](#)
- b) g Sudden Illness: call (915) 215-50810 as early as possible on day requiring care
- c) h After hour visits: Call (915) 215-50810 and ask to leave a message for the on-call physician.
- d) i Those without an appointment may have to wait for a physician.



[e\)j\) Request Dr. Madrid to see a clinician who does not supervise students for increased privacy](#)

NOTE: Immunizations, paperwork, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested.

If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed as a provider on your insurance. Visits to an emergency room that generate a charge from either TTUHSC El Paso or the hospital are your responsibility

2. *Clinic Procedure*

a) Check-in

At check-in inform the receptionist that you are a TTUHSC El Paso student.

b) ID Requirement

Present valid TTUHSC El Paso Student Identification Card; failure to do so may result in no service

c) Co-Pay

Provide \$10 co-pay at time of appointment, note additional fees may result from labs or procedures not covered (provided at a reduced rate)

3. *Billing*

If the student receives a bill from the Texas Tech Physicians at Hague for services covered by the medical service fees, please contact the Office of Student Services and Student Engagement at 915-215-4370.

[S.T.](#) Student Health Insurance

[Per HSCEP OP 77.22 Mandatory Student Health Insurance Requirement all TTUHSC El Paso](#) ~~S~~students are required to have [Affordable Care Act-compliant coverage that accepts preexisting conditions and meets the criteria of minimum value and essential health](#) ~~hospitalization insurance coverage~~ for each semester enrolled throughout the duration of their academic program, ~~as per school level catalogs and handbooks~~. Students are required to [purchase the Academic Health Plan insurance provided by the TTU system via their student account or provide proof of current outside coverage at the time of for a fee registration, orientation, and/or clinical rotations waiver](#). Information on how to submit proof of coverage is provided to each enrolled student from the Office of Student Services and Student Engagement and is managed via the Academic Health Plans (AHP) Portal. [Those students using financial aid to pay for insurance coverage are required to complete an authorization for surplus aid to cover AHP insurance cost.](#)

The Texas Tech University System (TTUS) works with Academic Health Plans (AHP) to offer and administer health insurance coverage options for purchase to all students. Students have the option to investigate alternative insurance plans. Insurance information can be found on the [Office of Student Services and Student Engagement web-page](#)

#### T.U. Immunization Requirements

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC El Paso requires all entering students to provide documentation of all immunizations as required by their respective schools. Immunization requirements are stipulated by each School and students should consult their School catalogs and handbooks.

See also [Ambulatory Clinic Policy and Procedure EP 7.01](#)

Exclusions for Immunization Requirements in Texas Institutions of Higher Education. See <https://www.dshs.texas.gov/immunize/school/rules.aspx>

#### U.V. State Residency Classification

Residency is established at the time of application to TTUHSC El Paso. Some students may be eligible for Border County waivers; see [HSCEP OP 77.18](#), Border County Waiver.

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar. The Oath of Residency information can be found at: <https://el Paso.ttuhs.c.edu/student services/registrar/forms.aspx>

#### U.W. Student Government Association (SGA)

[The Student Government Association is the official organization representing students. Students may identify with off-campus programs and activities as individuals, but not as representatives of the student body.](#) The Student Government Association (SGA) promotes, directs and coordinates student activities at Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso). The executive council and senators are elected from each of the ~~three~~ four schools and act to voice student concerns to the TTUHSC El Paso Faculty and Staff and encourage interdisciplinary communication and participation among the individual schools that compose TTUHSC El Paso. The Office of Student Services and Student Engagement (SSSE) provides administrative support for SGA. See the [SGA web-page](#) on the SSSE site or view SGA on [TechEngage](#).

#### U.X. Student Publications

See [HSCEP OP 77.03](#), Official Student Publications.



## X.Y. Tuition and Fees

See the [Visit](#) **Error! Hyperlink reference not valid.** for details related to tuition, fees, billing and payment options.

### 1. *Approval of Student Fees*

~~Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from TTUHSC El Paso. The amounts to be collected are presented in a Global Fee Document to the Board of Regents for approval.~~

[Approval of Student Fees: The Board of Regents shall approve the assessment of tuition and fees for students of TTUHSC El Paso. The recommended revisions to tuition and fees shall be presented biennially to the Board of Regents for approval.](#)

### 2. *Payment Deadlines*

TTUHSC El Paso is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively so that required payments have been received and student records have been appropriately updated on the dates required by law.

### 3. *Payment of Tuition and Fees*

Texas Education Code, Section 54.007, provides that state-supported institutions of higher education shall provide students with the election to pay tuition and fees during the fall, spring, or long (10 weeks or longer) summer semesters in installments. TTUHSC El Paso offers the [se](#) payment alternatives.

• [d](#) Payment alternative information

- (1) Full payment of tuition and fees in advance of the beginning of the semester; or
- (2) One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.
- (3) If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment [payment](#) option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment [payment](#) alternative. The Board of Regents has delegated to the President of Texas Tech University Health Sciences Center El Paso, the authority to approve all discretionary, incidental fees.
- [\(4\)](#) If a student who has elected to pay tuition by installment fails to pay in full all amounts of tuition, other registration fees, installment option fee, late payment fees, and other authorized fees by the end of the business day of the last day of the semester, then he or she will be dropped from School for failure to pay.
- [\(4\)\(5\)](#) [Installment payment plans may not be available for semesters or terms less than 10 weeks long.](#)
- [a.\(6\)](#) TTUHSC El Paso shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.

4. *Tuition and Fees Refund Policies*

See the [Visit Student Business Services web-page](#) under Student Resources/Financial Information for detailed information about the impact of decreasing course load on:

- a) [All students who withdraw from TTUHSC El Paso or drop all courses during a term](#)
- b) [Additional considerations for students who received financial aid and withdraw from TTUHSC El Paso or drop all courses during a term](#)
- e) [Institutional Refund Policy](#)

Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution academic calendar for the school, not the specific course dates.

Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

Term	Class Day	% Refund of Charges

<b>Term of Session</b> 5 weeks or less duration	1st class day through 2nd class day	100%
	After the 2 <sup>nd</sup> day of class	None
<b>Summer Term of Session</b> More than 5 weeks but less than 10 weeks in duration	1st class day through 4th class day	100%
	After the 4th day of class	None
<b>Fall, Spring or Summer</b> Duration of 10 weeks or longer	1st class day through 12th class day	100%
	After the 12th day of class	None

Students who withdraw from the institution (zero semester credit hours) are required to pay tuition and fees according to the following schedule based on their official withdrawal date:

Term	Class Day	% Refund of Charges
<b>Term or Session</b> 5 weeks or less duration	Before the 1st class day	100%
	1 <sup>st</sup> class day	80%
	2 <sup>nd</sup> class day	50%
	3 <sup>rd</sup> class day of later	None
<b>Summer Term or Session</b> More than 5 weeks but less than 10 weeks in duration	Before the 1st class day	100%
	1st, 2nd, or 3rd class day	80%
	4th, 5th, or 6th class day	50%
	7th class day of later	None
<b>Fall, Spring or Summer</b> duration of 10 weeks or longer	Before the 1st class day	100%
	1st five class days	80%
	2nd five class days	70%
	3rd five class days	50%
	4th five class days	25%
	21st class day and after	None

Students who withdraw from TTUHSC El Paso or drop all courses during a term that receive(d) financial aid, **should** be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or

drop all courses during a term are determined by the Higher Education Title IV refund regulations.

Any refund due to a student will be after calculation of the amount of tuition and fees due at the time of withdrawal. If the student has paid less than the amount due at the time of withdrawal, the student will be required to pay the percentage [due to TTUHSC El Paso](#).

Federal Refund and Repayment calculations must be performed for students who receive Title IV (Pell, FSEOG, Perkins and/or Stafford Loans) funds and officially withdraw from all courses, drop out of all courses, are expelled, take an unapproved leave of absence, or fail to return from an approved leave of absence prior to the 60% date of the term. All "unearned aid" must be returned to the federal aid programs as determined by the Federal Refund and Repayment calculations. Failure to return Title IV funds constitutes a failure to meet a financial responsibility due to the University which is subject to any of the actions stated in the ~~Tuition and Fees Payment~~ [Financial Responsibility](#) section above.

a) The requirements for Title IV program funds are separate from the university refund policy. As such, you are responsible for unpaid institutional charges remaining after the refund calculation. You are also responsible for charges/balances created by the returning of Title IV program funds that the school was required to return.

b) If you have questions about your Title IV program funds, you can call the Federal Student Aid Information Center at 1-800-4-FEDAID (1-800-433-3243). TTY users may call 1-800-730-8913. Information is also available on Student Aid on the Web at <https://studentaid.ed.gov/sa/>

In order to keep all the financial aid issued in each term, students must be enrollment for at least 60% of the term. After this point in the term students have earned 100% of the Title IV funds released for the term. Therefore, it is in your best interest to maintain attendance and complete at least one class each term that you receive federal aid to avoid repayment of funds.

How the [Title IV return](#) calculation works:

1. Number of days attended ÷ Days in semester = % of semester completed
2. Total \$ disbursed X % completed = Earned \$
3. Total \$ disbursed - Earned \$ = \$ to be returned

An example calculation is available on the Student Business Services web page: <https://elpaso.ttuhs.edu/fiscal/businessaffairs/studentbusserv/resources/financial-information/default.aspx>



Once it is determined that you owe money back to any of the federal aid programs, you will **not** be ineligible to receive further federal aid at TTUHSC El Paso ~~or any~~ **or any** other institution, until this debt is cleared.

Please note, your failure to complete a semester or term could impact your Satisfactory Academic Progress (SAP) and your future eligibility for financial aid. To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of three categories: (1) grade point average on hours attempted (qualitative), 2 hours successfully completed (quantitative) based on hours enrolled and (3) time to degree. You must complete your program of study within 150% of the normal time required for the program.

The complete policy is available on the Financial Aid website under [Satisfactory Academic Progress](#).

## Z. Use of University Seal

[Texas Tech University Health Sciences Center El Paso \(TTUHSC El Paso\) regulates the use and secure handling of the presidential seal \(also known as the university seal\). The embossed presidential seal is, in addition to a symbol of the identity of TTUHSC El Paso, a corporate mark of identification demonstrating the authenticity of academic records, contracts, and other documents executed in the name of TTUHSC El Paso. In these regards, the integrity of TTUHSC El Paso depends on the presidential seal being used only for permissible purposes by authorized institutional officials.](#)

[The use of the seal by students or student organizations is not permitted for merchandise, email signatures or other promotional purposes. Only the president's office may issue approval for student/student organization use which must be obtained in a timely manner and in advance of use.](#)

## XII. Contact Information

### A. Student Services and Student Engagement (SSSE)

Contact	Support areas	Phone/email
SSSE Main Office	<a href="#">Student Hague Clinic</a> , Counseling Services, ID Cards, <a href="#">general questions</a>	915-215-4370 <a href="mailto:elp.studentservices@ttuhsc.edu">elp.studentservices@ttuhsc.edu</a>
Registrar	Registration, Verification, Transcripts, Diplomas, Student Account Holds	915-215-4183 <a href="mailto:epregistrar@ttuhsc.edu">epregistrar@ttuhsc.edu</a>
Student Financial Aid/Veteran Affairs	FAFSA, TAFSA, Pell, Federal Loans, Scholarships, Grants, Emergency Funds, Veteran Certification	915-215-5602 <a href="mailto:elp.financialaid@ttuhsc.edu">elp.financialaid@ttuhsc.edu</a>



Academic Success and Accessibility Office (ASAO)	Accommodations, Academic Support, Counseling Services Liaison	915-215-4786 215-6018 <a href="mailto:disabilitysupport.elp@ttuhsc.edu">disabilitysupport.elp@ttuhsc.edu</a> or <a href="mailto:hilda.alaracon@ttuhsc.edu">hilda.alaracon@ttuhsc.edu</a>
Student Conduct	Areas covered under Part II of this Handbook	915-215-4786 6018 <a href="mailto:elp.studentservices@ttuhsc.edu">elp.studentservices@ttuhsc.edu</a> Error! Hyperlink reference not valid.
Student Engagement	Student Government, Student Organizations, Campus-wide Events/Activities, Campus Activity Board, Student Service Fee Advisory Board, Student Leadership Development	915-215-4705 <a href="mailto:elp.studentservices@ttuhsc.edu">elp.studentservices@ttuhsc.edu</a> Error! Hyperlink reference not valid.
Student Wellness	Wellness Center, Wellness Programming, Academic Health Plan, Student Wellbeing	915-215-4370 Error! Hyperlink reference not valid. <a href="mailto:Dorothy.stewart@ttuhsc.edu">Dorothy.stewart@ttuhsc.edu</a>
AVP SSSE		<a href="mailto:robin.dankovich@ttuhsc.edu">robin.dankovich@ttuhsc.edu</a>

B. School-level Student Affairs

Contact	Phone	Email
Gayle Greve Hunt School of Nursing (HSON)	915-215-6124	<a href="mailto:Jackeline.Biddle-Richard@ttuhsc.edu">Jackeline.Biddle-Richard@ttuhsc.edu</a> Error! Hyperlink reference not valid.
<a href="#">L. Frederick Francis</a> Graduate School for Biomedical Sciences (FGSBS)	915-215-4157	<a href="mailto:Jazmin.Carrera-Blas@ttuhsc.edu">Jazmin.Carrera-Blas@ttuhsc.edu</a>
Paul L. Foster School of Medicine (FSOM)	915-215-4817	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a>
Woody L. Hunt School of Dental Medicine (HSDM)	915-215-4207	<a href="mailto:andrea.ramirez@ttuhsc.edu">andrea.ramirez@ttuhsc.edu</a> or <a href="mailto:Rhonda.Everett@ttuhsc.edu">Rhonda.Everett@ttuhsc.edu</a>

C. Important Campus Contacts

Contact	Phone	Email
Associate Dean for Academic Affairs	915-215-4864	<a href="mailto:Veronica8.Rodriguez@ttuhsc.edu">Veronica8.Rodriguez@ttuhsc.edu</a>
Campus Police (Non-emergency)	915-215-7111	
Council on Diversity and Inclusion	915-215-8829	<a href="mailto:jessica.calderon-mora@ttuhsc.edu">jessica.calderon-mora@ttuhsc.edu</a> Error! Hyperlink reference not valid.
Institutional Advancement	915-215-4850	
Occupational Health	915-215-4429	
Office for Diversity, Inclusion and Global Health (ODIGH)	915-215-8829	<a href="mailto:mayra.morales@ttuhsc.edu">mayra.morales@ttuhsc.edu</a>

Parking and Transportation	915-215-4425	<a href="mailto:ParkingElp@ttuhsc.edu">ParkingElp@ttuhsc.edu</a>
Police – Emergency	911	
Student Business Services	915-215-5680	<a href="mailto:sbselp@ttuhsc.edu">sbselp@ttuhsc.edu</a>
Title IX Coordinator for TTUHSC El Paso	915-215-5461	<a href="mailto:linda.s.ellis@ttuhsc.edu">linda.s.ellis@ttuhsc.edu</a>



