

TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

AGENDA BOOK

May 19-20, 2016

BOARD OF REGENTS

TEXAS TECH UNIVERSITY SYSTEM

AGENDA

May 19-20, 2016

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman Mrs. Debbie Montford, Vice Chairman Mr. Larry K. Anders Mr. John D. Esparza Mr. L. Frederick "Rick" Francis Mr. Ron Hammonds Mr. Christopher M. Huckabee Mr. Tim Lancaster Ms. Victoria Messer, Student-Regent Mr. John D. Steinmetz

Standing Committees:

Academic, Clinical and Student Affairs: Tim Lancaster (Chair); Rick Francis; John Esparza; Victoria Messer

Audit: John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities: Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration: Rick Francis (Chair); Larry Anders; Tim Lancaster

AGENDA

Board of Regents Meeting Lubbock, Texas

May 19-20, 2016

Abbreviated Agenda with Approximate Times*

Thursday, May 19, 2016

Board of Trustees Meeting of the Carr Scholarship Foundation	<u>n</u>	
(Shown for informational purposes only.)		

10:00 am	Call to Order; convene Meeting of the Board of Trustees of
	the Carr Scholarship Foundation
	Location: Ballroom (Room 118), First Floor, Student
	Union Building, 15th Street and Akron Avenue

10:30 pm

CONTINUED ON NEXT PAGE

Adjourn

*For general information. Unless otherwise noted, all open session meetings will take place in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas. Any executive session meetings that should occur throughout the day will take place in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas. The times listed are estimates, with periodic recesses. The Trustees meeting of the Carr Scholarship Foundation will commence at approximately 10:00 am. Committee meetings will commence upon the adjournment of the Carr Scholarship meeting at approximately 10:30 am. A lunch break will be taken whenever deemed appropriate. Any committee meetings not completed on Thursday, May 19, 2016, will be completed on Friday, May 20, 2016. The Board has the option to convene as a Meeting of the Board/Committee of the Whole and convene into Executive Session after the last committee meeting adjourns or whenever deemed necessary on Thursday, May 19, 2016. The Meeting of the Board will reconvene at 8:30 am on Friday, May 20, 2016. If necessary, the Meeting of the Board will recess after introductions/ recognitions at approximately 9:00 am to conduct any committee meetings which were not concluded on Thursday, May 19, 2016. The Meeting of the Board will reconvene upon adjournment of the any committee meeting(s) if applicable at approximately 9:30 am to complete the remainder of its business. The Meeting of the Board is expected to adjourn at approximately 12:00 pm; however, if needed, the meeting may continue beyond 12:00 pm until completed. The full board agenda is detailed on pages vii through xvi. The agenda for each session of the board meeting or a meeting of a committee of the board is detailed behind the appropriate divider tab.

Board of Regents Meeting

Lubbock, Texas

May 19-20, 2016

Abbreviated Agenda with Approximate Times*

Thursday, May 19, 2016

Meeting of Standing Committees (Conducted sequentially)

CONTINUED FROM PREVIOUS PAGE

10:30 am	Facilities Committee
(upon adjournment of the	Location: Ballroom (Room 118), First Floor, Student
Carr Scholarship Fnd.	Union Building, 15 th Street and Akron Avenue,
meeting)	Lubbock, Texas
11:15 am	Audit Committee
(or upon adjournment of	Location: Ballroom (Room 118), First Floor, Student
the Facilities Cmte.	Union Building, 15 th Street and Akron Avenue,
meeting.)	Lubbock, Texas
11:40 am (or upon recess of the Audit Cmte. meeting)	Finance and Administration Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15 th Street and Akron Avenue, Lubbock, Texas
1:10 pm	Academic, Clinical and Student Affairs Committee
(upon adjournment of the	Location: Ballroom (Room 118), First Floor, Student
Finance & Administration	Union Building, 15 th Street and Akron Avenue,
Cmte. meeting)	Lubbock, Texas

CONTINUED ON NEXT PAGE

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Board of Regents Meeting

Lubbock, Texas

May 19-20, 2016

Abbreviated Agenda with Approximate Times*

Thursday, May 19, 2016

Meeting of the Board

CONTINUED FROM PREVIOUS PAGE

1:50 pm (or upon adjournment of the ACS Cmte. meeting or whenever deemed necessary)	Call to Order; reconvene Meeting of the Board Meeting of the Committee of the Whole and the Board Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
1:50 pm	Executive Session Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
4:25 pm	Following Executive Session, convene into Open Session, and Meeting of the Committee of the Whole and the Board Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
4:30 pm	Recess

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Board of Regents Meeting Lubbock, Texas

May 19-20, 2016

Abbreviated Agenda with Approximate Times*

Friday, May 20, 2016

Meeting of the Board

8:30 am	 Call to Order; reconvene Meeting of the Board Introductions and Recognitions Recess Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas 		
9:00 am	Recess		
If necessary, committee meetings not completed on Thursday, May 19, 2016 will reconvene.			
9:30 am	 Call to Order; reconvene Meeting of the Board Meeting of the Committee of the Whole and the 		

9:30 am	Call to Order, reconvene Meeting of the Board
	 Meeting of the Committee of the Whole and the
	Board
	Location: Ballroom (Room 118), First Floor,
	Student Union Building, 15th Street and Akron
	Avenue, Lubbock, Texas

CONTINUED ON NEXT PAGE

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Board of Regents Meeting Lubbock, Texas

May 19-20, 2016

Abbreviated Agenda with Approximate Times*

Friday, May 20, 2016

Meeting of the Board

10:15 am	CONTINUED FROM PREVIOUS PAGE Executive Session Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
11:55 am	Following Executive Session, convene into Open Session, and Meeting of the Committee of the Whole and the Board Location: Ballroom (Room 118), First Floor, Student Union Building, 15 th Street and Akron Avenue, Lubbock, Texas
12:00 am	Adjournment

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Board of Regents Meeting

May 19-20, 2016

Agenda

<u>Thursday, May 19, 2016</u> Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place at approximately 10:00 am; refer to agenda provided by the Chief Financial Officer's Office

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

I. Meeting of Standing Committees

Α.

Facil	ities Committee Page
	F
1.	ASU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report
2.	TTU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report5
3.	TTUHSC: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report8
4.	TTUHSC EI Paso: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report11
5.	TTUSA: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report13
6.	TTU: Approve naming of classroom in Animal & Food Sciences building15
7.	TTU: Approve naming of Sports Medicine Center16

	8.	TTUHSC: Approve project to construct the new Panhandle Clinical Simulation Center on the Amarillo campus17	,
	9.	TTUHSC EI Paso: Approve naming of the entry lobby in the Gayle Greve Hunt School of Nursing Building)
	10.	TTUHSC EI Paso: Approve naming of the Dean's Conference Room in the Gayle Greve Hunt School of Nursing Building)
	11.	TTUHSC EI Paso: Approve amendment to a lease for space in EI Paso22	<u>></u>
	12.	TTUHSC EI Paso: Authorize the use of Eminent Domain23	3
	13.	TTUS: Report on Facilities Planning and Construction projects24	ł
	14.	Adjournment	
B.	Audit	Committee A	_
	1.	TTUS: Report on audits	}
	2.	Executive Session: The Audit Committee will convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15 th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the <i>Texas</i> <i>Government Code</i> , including:	
		a. Consultation with Attorney — Section 551.071.	
		 Discussion of personnel matters – Section 551.074. 	
	3.	Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15 th Street and Akron Avenue, to consider appropriate action, if any, on items discussed in Executive Session.	
	4.	Adjournment	

C.	Finance and Administration Committee		<u>Page</u> FA
	1.	TTU and TTUSA: Approve revisions to Traffic and Parking regulations and fees	3
	2.	TTUHSC: Approve revisions to the Traffic and Parking Regulations and fees	9
	3.	TTUHSC: Authorize president to execute contract with a consultant	12
	4.	TTUHSC: Authorize quasi-endowment to support a chair in cancer research	13
	5.	TTUHSC EI Paso: Approve revisions to the Traffic and Parking Regulations and fees	14
	6.	TTUS: Authorize chancellor to execute contract amendment with TouchNet	17
	7.	TTUS: Approve FY 2017 Premium Rates for the Medical Liability Self-Insurance Plan	18
	8.	TTUS: Approve amendments to Chapters 02, 03 and 07, <i>Regents' Rules</i> , relating to the state contracting legislation and other matters	20
	9.	TTUS: Authorize a differential spending distribution (rate) for the Osher Lifelong Learning Endowment funds held within the Long Term Investment Fund until such time as it is rescinded by the Board of Regents	22
	10.	TTUS: Review of FY 2015 Texas Tech University System Combined Annual Financial Report	24
	11.	TTUS: Report on Collaborative Research Initiative	25
	12.	Adjournment	
D.	Acad	emic, Clinical and Student Affairs Committee	

1.	ASU: Approve naming of the Department of Engineering and acceptance of a related gift		
2.	ASU: Approve the addition of the Doctor of Education degree with a major in Nursing Education in the Archer College of Health and Human Services		
3.	TTU: Approve appointments with tenure7		
4.	TTU: Approve new Ph.D. degree in Addictive Disorders and Recovery Studies in the College of Human Sciences		
5.	TTU: Approve Online and On-campus Master of Science Degree in Manufacturing Engineering11		
6.	TTU: Approve revisions to the Student Handbook, effective May 21, 201613		
7.	TTUHSC EI Paso: Approve conferral of emeritus appointment		
8.	TTUHSC EI Paso: Approve a post baccalaureate certificate program in the Graduate School of Biomedical Sciences16		
9.	Adjournment		
Meeting of the Board—Call to Order; convene into Open Session of the BoardChairman Long			
Executive Session: The Board may convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15 th Street and Akron Avenue to consider matters permissible under Chapter 551 of the <i>Texas Government Code</i> , including, for example:			
 Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071 			

B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072

II.

III.

- C. Deliberations regarding prospective gifts Section 551.073
- Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices Section 551.076
- IV. Open Session: The Board will reconvene in Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
 - A. Consideration of appropriate action, if any, on items discussed in Executive Session......Vice Chairman Montford

Friday, May 20, 2016 Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

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

- IX. Meeting of Standing Committees (if not concluded on Thursday)

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

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

A.	Approve minutes of board meeting held on	
	February 25-26, 2016 and April 18, 2016	Chairman Long

- B. Committee of the Whole.....Vice Chairman Montford
 Page
 CW

Consent Agenda

- a. TTU: Approve faculty development leaves of absence (ACS)
- b. TTU: Approve leave of absence without pay (ACS)
- b-1. TTU: Approve the establishment of the new Department of Veterinary Science within the College of Agricultural Sciences and Natural Resources (ACS)
- c. TTU: Approve employee appointment to nonelective position (ACS)
- d. TTUHSC: Approve Bachelor of Science in Nursing to Doctor of Nursing Practice Degree Track (ACS)
- e. TTUHSC: Approve appointment to non-elective position of honor
- f. TTUHSC: Approve revisions to the 2016-2017 Code of Professional and Academic Conduct of the Student Handbook effective August 1, 2016 (ACS)
- g. TTUHSC EI Paso: Approve revisions to the Code of Professional Conduct Student Handbook to be effective August 1, 2016 (ACS)
- h. ASU: Approve revisions to the Traffic and Parking Regulations (FA)
- i. ASU: Approve FY 2017 holiday schedule (FA)
- j. TTU: Approve budget adjustment for the period December 11, 2015 through May 20, 2016 (FA)
- TTU: Authorize president to execute contract for the procurement and installation of a new video screen and sound system at the United Supermarkets Arena (FA)
- I. TTU: Approve budget adjustment for the period December 11, 2015 through May 20, 2016 (FA)
- m. TTU: Authorize president to execute contract with Premier Elevator Services Inc (FA)

- n. TTU: Approve establishment of a quasiendowment for scholarships (FA)
- o. TTU: Authorize president to execute contract with Sbarro, Inc (FA)
- p. TTU: Authorize president to execute contract with Starbucks Corporation (FA)
- q. TTU and TTUSA: Approve FY 2017 holiday schedule (FA)
- r. TTUHSC: Approve FY 2017 holiday schedule (FA)
- s. TTUHSC: Authorize president to execute contract with Covenant Health System (FA)
- t. TTUHSC: Authorize president to execute contracts with Texas Health and Human Services Commission (FA)
- u. TTUHSC: Authorize president to execute contract with Swank Motion Pictures Inc. (FA)
- v. TTUHSC EI Paso: Approve FY 2017 holiday schedule (FA)
- TTUHSC EI Paso: Authorize president to execute contracts with Texas Health and Human Services Commission (FA)
- TTUS: Authorize chancellor to execute contract with New England Pension Consultants ("NEPC") (FA)
- y. TTUS: Authorize chancellor to execute contract with Karen Tandy (FA)
- z. TTUS: Authorize chancellor to execute renewal of the Master Property insurance program (FA)

Information Agenda

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

- (1) ASU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules:* All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) TTU and TTUHSC: Contract Renewals per Section 07.12.5.b., *Regents' Rules: "Approval of* <u>the President is required for all component institution</u> <u>contract renewals or amendments. A list of those</u> <u>renewal contracts in excess of \$1,000,000 per annum,</u> <u>including the amount of the contract, shall be provided</u>

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

- (3) TTUHSC and TTUSA: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.3.d(2), *Regents' Rules: <u>"(a)</u> Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."*
- (4) TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.3.b., Regents' *Rules*: "Nothwithstanding Section 07.12.2.a, Regents; Rules, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting."
- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules*: <u>"The establishment or substantive restructuring</u> of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approved by the president, with notice provided to the board via an item in the Information Agenda for the next meeting of the board."
- XII. **Reports of Standing Committees:** Standing Committee reports will be presented sequentially to the Committee of the Whole.

Α.	Report of the Facilities Committee	. Regent Anders
В.	Report of the Audit CommitteeR	egent Steinmetz
C.	Report of the Finance and Administration Committee	Regent Francs
D.	Report of the Academic, Clinical and Student Affairs CommitteeR	

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

	A.	Schedule for Board meetings: August 11-12, 2016, Lubbock October 13-14, 2016, Lubbock December 15-16, 2016, Lubbock
	В.	The Chancellor's ReportChancellor Duncan
	C.	The President's Report, ASU President May
	D.	The President's Report, TTU Interim President Opperman
	E.	The President's Report, TTUHSC President Mitchell
	F.	The President's Report, TTUHSC EI Paso President Lange
XIV.	Sessi Stude matte	utive Session: The Board may convene into Executive on, in the Red Raider Lounge (Room 119), First Floor, ent Union Building, 15 th Street and Akron Avenue, to consider ers permissible under Chapter 551 of the <i>Texas Government</i> , including, for example:Chairman Long
	A.	Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
	В.	Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
	C.	Deliberations regarding prospective gifts – Section 551.073
	D.	Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
	E.	Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076
XV.	(Roor Aven	Session: The Board will convene into Open Session in the Ballroom m 118), First Floor, Student Union Building, 15 th Street and Akron ue and meet as a Committee of the Whole and Meeting of the Board nsider and act on:

A. Consideration of appropriate action, if any, on items discussed in Executive SessionVice Chairman Montford

	В.	Chairman's Announcements	Chairman Long
XVI.	Adj	ournment	Chairman Long

FACILITIES

Facilities Committee

Committee Meeting May 19, 2016

- **Time:** 10:30 am (or upon adjournment of the Trustees meeting of the Carr Scholarship Foundation)
- Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Anders (Chair), Huckabee, Steinmetz

<u>Agenda</u>

- Approve minutes of committee meetings held on February 25, 2016
- I.A. Consideration of items to be recommended by the Facilities Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

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1.	ASU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report	.3
2.	TTU: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report	.5
3.	TTUHSC: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report	.8
4.	TTUHSC EI Paso: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report	11
5.	TTUSA: Approve the Five-Year Capital Projects Plan and authorize submission of the MP1 report	13
6.	TTU: Approve naming of classroom in Animal & Food Sciences building	15
7.	TTU: Approve naming of Sports Medicine Center	16

8.	TTUHSC: Approve project to construct the new Panhandle Clinical Simulation Center on the Amarillo campus
9.	TTUHSC EI Paso: Approve naming of the entry lobby in the Gayle Greve Hunt School of Nursing Building19
10.	TTUHSC EI Paso: Approve naming of the Dean's Conference Room in the Gayle Greve Hunt School of Nursing Building
11.	TTUHSC EI Paso: Approve amendment to a lease for space in El Paso
12.	TTUHSC EI Paso: Authorize the use of Eminent Domain23
13.	TTUS: Report on Facilities Planning and Construction projects
14.	Adjournment

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 20, 2016.

1. <u>ASU: Approve the Five-Year Capital Projects Plan and</u> <u>authorize submission of the MP1 report.</u>

Presenter: Mr. Michael Molina Presentation Time: 5 minutes Board approval required by: *Texas Education Code*, §61.0582

RECOMMENDATION

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2016.

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2. <u>TTU: Approve the Five-Year Capital Projects Plan and</u> <u>authorize submission of the MP1 report.</u>

Presenter: Mr. Michael Molina Presentation Time: 5 minutes Board approval required by: *Texas Education Code*, §61.0582

RECOMMENDATION

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2016.

							FIVE	-YEA	FIVE-YEAR CAPITAL PROJECTS PLAN	VL PRO.	JECT	S PLAN										
								•	Texas Tech University	h Univer	sity											
				-					May 1	May 19, 2016	_						-	_	_		-	
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-	NEW	Research Building (ESB II)	×			150,000	97,500	0 818900	ŝ	77,000,000	\$ 7.00	0							\$	70.00		
7	206	College of Engineering Expansion/Renovation (Phase II)	×	×		155,178	100,866	0 140965	Ś	67,600,000											\$	67.60
3	245	Museum Life Safety Upgrade & Air Management Replacement		×		106,437	28,868	0 712000	\$	7,650,000	\$ 7.65	5										
4	3	Industrial Engineering Building Renovation		×		26,877	21,800	0 141901	¢	5,000,000	\$ 5.00	0										
a	NEW	Sports Performance Complex (within the Edward E Whitacre Jr Athletic Complex)	×	×		159,285	0	0 720600	÷	48,000,000			\$ 7.00		\$ 41.00							
9	41	Jones AT&T Stadium - North End Zone Building Renovation	×	×		13,279	0	0 720000	\$	4,650,000			\$ 1.25		\$ 3.40							
7	NEW	School of Veterinary Medicine	×			130,000	65,000	0 512401	\$	60,000,000											\$	60.00
8	191	Weeks Hall Abatement and Renovation	-	×		84,373	50,624	0 819900	\$	24,800,000											\$	24.80
6	231	College of Visual & Performing Arts - Phase I: Charles Maedgen Theatre	×			43,300	28,145	0 500501	\$	24,700,000											\$	24.70
10	230	Psychology Building Addition	×			6,000	3,900	0 422704	¢	4,500,000											↔	4.50
1	40	Jones AT&T Stadium South End Zone Renovation	×	×		128,000	0	0 720600	\$	41,000,000											\$	41.00
12	27	Doak Hall Renovation and Life Safety Upgrade		×		81,768	49,051	0 819900	\$	20,100,000											\$	20.10
13	265	Coleman Hall - Window Replacements	×			0	0	0 733000	\$	2,145,261			\$ 2.15									
14	010	Student Union - Renovate Union Plaza Hospitality Area		×		3,708	0	0 733000	\$	1,900,000			\$ 1.90									
15	266	Weymouth Hall - Window Replacements		×		0	0	0 733000	\$	1,900,000			\$ 1.90									
16	264	Chitwood Hall - Window Replacements		×		0	0	0 733000	÷	1,900,000			\$ 1.90									

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									l exas	lexas lech University May 19, 2016	sity											
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			Pro	Project Type	vpe	Squar	Square Footage		Proje	Project Budget					Funding	Funding Source (Millions	illions)					
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17	620			×		2,849	0	0 733	733000 \$	1,200,000			\$ 1.20									
18	83	Dairy Barn Renovation		×		8,000	5,600	000	\$ 000000	2,600,000											ф	2.60
19	NEW	Library Storage Building	×			40,000	30,000	000	\$ 000000	5,700,000											÷	5.70
20	405	TTU Plaza Life Safety and Building System Upgrades		×	×	72,933	15725	0	φ	2,600,000											÷	2.60
21	~	Agricultural Sciences Renovation		×		40,920	25,855	0 010	010190 \$	10,350,000											÷	10.35
22	205	Library Life Safety Upgrade		×		75,000	75,000	0 827	827100 \$	6,600,000											\$	6.60
23	NEW	Research Building II in Research Park	×			41,000	24,600	0 818	818900 \$	30,000,000											\$	30.00
24	Z	Infrastructure Upgrade - Chilled Water Loop			×	0	0	0 831	831000 \$	7,000,000											\$	7.00
25	445	Jones AT&T Stadium East Side Bldg Finish Out		×		32,402	0	0 720	720600 \$	19,000,000											\$	19.00
26	418	Football Training Facility Renovations		×		52,846	0	0 720	720600 \$	2,000,000											\$	2.00
27	NEW	New Data Center	×			24,000	17,000	0 827	827100 \$	21,000,000											\$	21.00
28	NEW	Real Property Purchase		×		0	0	10 000	\$ 000000	6,000,000											\$	6.00
29	231	College of Visual & Performing Arts - Phase II		×		40,100	40,100	0 500501	501 \$	22,300,000											\$	22.30
30	205	Library Renovation		×		365,046	251,462	0 000	\$ 000000	82,000,000											\$	82.00
								TOTALS	ب	611,195,261 \$ -	\$19.650	، م	\$17.300	، ب	\$44.400	ده	ب	، ج	\$70.000	, \$ 0	θ	459.850
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3. <u>TTUHSC: Approve the Five-Year Capital Projects Plan and</u> <u>authorize submission of the MP1 report.</u>

Presenter: Mr. Michael Molina Presentation Time: 5 minutes Board approval required by: *Texas Education Code*, §61.0582

RECOMMENDATION

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2016.

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		×		42,000	18,480	0 511201	201 \$	23,500,000											\$	23.500

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								May	May 19, 2016									-		
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			Projec	Project Type	9	Squar	Square Footage		Project Budget					Funding	Funding Source (Millions)	ions)				
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13	1000	Lubbock LARC Expansion & Upgrades	×			39,000	16,380 0	~	1 \$ 13,800,000											\$ 13.800
4	0	Lubbock Thermal Energy Plant & Parking Garage X				193,000	7,920 0	831000	0 \$ 47,800,000											\$ 47.800
15	0	Lubbock Childcare Center X				20,000	0	739999	6 \$ 7,900,000											\$ 7.900
16	0	Amarillo - Student Synergistic Center X				10,000	4,400 0	511201	1 \$ 6,300,000											\$ 6.300
17	4001	Odessa Cinic Building 3rd Floor Expansion	×			6,100	2,684 0	511201	1 \$ 3,600,000											\$ 3.600
18	2002	Amarillo Renovate Women's Health & Research Institute	×			72,684	31,981 0	511201	1 \$ 21,800,000											\$ 21.800
19	5002	Jema Welch Expansion	×			7,800	3,430 0	511201	1 \$ 4,300,000											\$ 4.300
20	Z	Real Property Purchase - Lubbock		×		0	0 5	000000	0 \$ 5,000,000											\$ 5.000
21	z	Real Property Purchase - Abilene		×		0	0 10	000000	0 \$ 5,000,000											\$ 5.000
22	Z	Real Property Purchase - Amarillo		×		0	0 5	000000	0 \$ 3,000,000											\$ 3.000
23	z	Real Property Purchase - Permian Basin		×		0	0	000000	0 \$ 3,000,000											\$ 3.000
								TOTALS \$	383,450,000	\$ 8.900	، ج	، ج	' ب	\$17.500	\$ - \$29	\$29.615 \$	69 1	- \$80.235	35 \$ -	\$ 247.200

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

Presenter: Mr. Michael Molina Presentation Time: 5 minutes Board approval required by: *Texas Education Code*, §61.0582

RECOMMENDATION

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2016.

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		GENERAL PROJECT INFORMATION	NO											FINAN	FINANCIAL INFORMATION	MATION			ł		
	ļ		Proje	Project Type	9	Square	Square Footage		Project Budget	3udget			-		Funding	Funding Source (Millions)	llions)		-		
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-	0	Medical Science Building II X				227,000	100,000	0 511201	÷	84,400,000									\$ 75	75.52	θ
5	3009	Administrative Support Building Renovation (Construct Offices in warehouse shell space)	×	×		44,746	26,848	0 26848	÷	12,700,000											\$
3	0	Clinical Sciences Building X				240,000	144,000	0 511201	\$	101,700,000											\$ 101.70
4	0	Dental School Building X				150,000	66,000	0 510504	\$	74,000,000											\$
ъ	0	El Paso Thermal Energy Plant & Parking Garage No. 1 X				450,000	9,108	0 831000	÷	69,500,000											θ
9	0	El Paso Parking Garage No. 2 X				420,000	0	0 819900	÷	30,250,000											θ
4	z	Real Property Purchase - El Paso (Adjacent to Main Campus)		×		0	0	10 000000	÷	10,000,000											θ
œ	z	Real Property Purchase - El Paso (Remote)		×		0	0	5 000000	в	5,000,000											\$
								TOTALS	÷	387,550,000 \$	69 1	ب	ب	' ب	۰ ب	ب ب	00 1	69 1	- \$ 75	75.52 \$	\$ 312.03

F-12

5. <u>TTUSA: Approve the Five-Year Capital Projects Plan and</u> <u>authorize submission of the MP1 report.</u>

Presenter: Mr. Michael Molina Presentation Time: 5 minutes Board approval required by: *Texas Education Code*, §61.0582

RECOMMENDATION

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

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

BACKGROUND INFORMATION

Institutions of higher education must submit to the Texas Higher Education Coordinating Board ("THECB") annual updates to the Capital Expenditure Plan/MP1 report. This report, which is based on the Institution's Five-Year Capital Projects Plan, lists all capital construction and major repair and renovation projects, real property acquisition, and major information technology projects that it may accomplish in the next five-years. The report is due to the THECB on July 1, 2016.

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FIVE-YEAR CAPITAL PROJECTS PLAN Texas Tech University System Administration	May 19, 2016		Project Budget	Total Project Cost			
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05/19-20/2016

F-14

6. <u>TTU: Approve naming of classroom in Animal & Food</u> <u>Sciences building.</u>

Presenter: Dr. Lawrence Schovanec & Dr. Michael Galyean Presentation Time: 5 min Board approval required by: Section 08.05.01.d, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve naming Classroom 102A within the Animal & Food Sciences building, the "Max Miller Education Room."

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

BACKGROUND INFORMATION

The Department of Animal and Food Sciences wishes to honor an extraordinary professor by bestowing the honor of naming a classroom within the Animal and Food Sciences building for Dr. Max Miller.

Dr. Max Miller, an associate professor, recently retired from the Department of Animal and Food Sciences after 53 years of service. Dr. Miller has been an integral part of the Food Science curriculum and has mentored hundreds of students over his long career; many of whom have gone on to excel across the country and around the world in a diverse range of fields in the food science industry. Throughout his tenure, teaching and helping students pursue their career objectives was Max's focus and passion, and his commitment to students has extended beyond the classroom. Two endowments have been established, the Max and Roma Miller Scholarship Endowment and the Sam Miller Memorial Scholarship Endowment, to provide scholarships for Food Science undergraduate students.

Because of the imprint Dr. Miller has left on so many lives here at Texas Tech University, in the State of Texas, and across the nation, as well as his enduring commitment to students and their education, the department would like to name Classroom 102A in his honor.

Regents' Rules 08.05.01.d, provides that all "subunits of buildings (auditoriums, offices, reading rooms, libraries, conference rooms, laboratories, and so forth) may be named after an individual who, as an employee, has provided exemplary service to the TTU system or who, as a volunteer, has avidly pursued a program of excellence for a department, school, or college or for the TTU system, the State of Texas, or the United States of America."

7. <u>TTU: Approve naming of Sports Medicine Center.</u>

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

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve naming of the Sports Medicine Center, a component of the Sports Performance Center within the Edward E. Whitacre Jr. Athletic Complex, to be named the "Becky and Kelly Joy Family Sports Medicine Center."

The donor concurs with the naming of this interior space. Appropriate signage for the sports medicine center will specify the approved name.

BACKGROUND INFORMATION

Becky and Kelly Joy have made a generous pledge of \$1.0 million to the Texas Tech Foundation, Inc. (the "Foundation") for the benefit of Texas Tech University's Campaign for Fearless Champions Fund and the subsequent construction of the Sports Performance Center within the Edward E. Whitacre Jr. Athletic Complex. In recognition of this gift, the Sports Medicine Center will be named the "Becky and Kelly Joy Family Sports Medicine Center."

The pledge will be payable in incremental payments over six (6) years, with the first payment being made January of 2017. The final pledge payment is due January 2022.

The \$1.0 million gift exceeds the fifty percent (50%) threshold requirement for naming consideration of new facilities, as verified by the vice chancellor for facilities planning and construction.

Becky and Kelly Joy are generous supporters of Texas Tech University academics and athletics. Mr. Joy is a member of the Texas Tech Foundation, Inc. Board of Directors and the National Red Raider Club Board. The Joys' established the Joy Foundation Scholarship Endowment benefitting the Rawls' College of Business in 2013.

Regents' Rules 08.05.01.f requires board approval of the naming of all buildings and other facilities within the TTU system. For athletic facilities, the gift must be "equal to a minimum [fifty percent (50%)] of the estimated construction cost of the facility or area, as verified by the vice chancellor for facilities planning and construction."

8. <u>TTUHSC: Approve project to construct the new Panhandle</u> <u>Clinical Simulation Center on the Amarillo campus.</u>

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

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) proceed with a project to plan, design, and construct the new Panhandle Clinical Simulation Center on the Amarillo campus with a total budget of \$9,750,000; (ii) report the project to the Texas Higher Education Coordinating Board; (iii) complete the contract documents; and (iv) amend the Construction Manager at Risk contract. The project budget of \$9,750,000 is comprised of TRB funding of the 84th Texas Legislature's Regular Session authorization of TRB (\$5,715,000), Higher Education Assistance Funds ("HEAF") (\$3,400,000), and Unexpended Plant Funds cash (\$635,000).

It is further recommended that the board acknowledge that it expects to pay expenditures in connection with the construction of the project prior to the issuance of obligations to finance the project and, in that respect, the board finds that the reimbursement for the payments of such expenditures will be appropriate and consistent with the lawful objectives of the Texas Tech University System, and, as such, declare its intention, in accordance with the provisions of *Treasury Regulations*, Section 1.150-2, to reimburse itself for original expenditures, advanced in connection with the design, planning and construction of the Texas Tech University System office an aggregate maximum principal amount expected to be \$5,715,000.

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

BACKGROUND INFORMATION

In August 2015, the Board of Regents approved Stage I design services to provide for the solicitation and contracting of facility functional use programming, schematic design, survey, geo-tech testing, site analysis, infrastructure analysis and final package development for a full funding request.

The project will construct a 20,485 gross square foot Panhandle Clinical Simulation Center on the Texas Tech University Health Sciences Center Amarillo campus. The educational facility will include spaces for teaching clinical simulations to medical/nursing school students. The building will consist of a state of the art computer/software system for the in-patient, simulation and observation rooms. Also, there is one large classroom that can be divided into two smaller classrooms, with required support spaces.

The purpose of this facility is to improve patient safety, save patient lives and to provide better methods for medical, nursing and healthcare education and training, and to increase the supply of nurses and other ancillary health care personnel which is a widely recognized need by the member institutions, leadership at all levels and areas (e.g. government), the business community and the regional area at large. Select clinical areas impacted by this project in other buildings will be considered for renovation. Research and training will utilize highly sophisticated computerized mannequins with clinical scenarios and mastery of invasive procedures. Simulation centers provide a risk-free environment where learners are provided opportunities to integrate theory, think critically, and develop the competencies required to promote safe, quality patient care. According to national experts, simulation and simulation curricula are evolving as a new paradigm for education. Finally, the transfer of knowledge and skills from the simulated to the real environment has been confirmed through research.

This vital project, which has been scientifically validated, provides multi-fold positive impact to the region. The construction of a simulation facility in the Texas Panhandle will not only provide a facility for nursing, allied health and medicine to train in a state-of-the-art facility without risk to patients, but it will also allow for healthcare professional programs in the Amarillo area to expand their classes by providing an additional clinical site. With the increase of class sizes, programs will be able to train future health care providers and meet the shortage of both nursing and allied health in this area. Furthermore, when the space is not being utilized by degreed programs, the simulation center will provide a clinical setting for continuing education for both health care providers of the Amarillo area and the Texas Panhandle region. As envisioned, the Panhandle Clinical Simulation Center at Texas Tech University Health Sciences Center ("TTUHSC") Amarillo, will promote effective use of space and personnel while facilitating the development of discipline specific competencies and promoting inter-professional collaboration, communication, teamwork, and research.

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

9. <u>TTUHSC El Paso: Approve naming of the entry lobby in</u> the Gayle Greve Hunt School of Nursing Building.

Presenter: Ms. Lisa Calvert Presentation Time: 5 minutes Board approval required by Section 08.05.1, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president of TTUHSC EI Paso that the Board of Regents approve naming the entry lobby within the Gayle Greve Hunt School of Nursing Building the "Lawrence Tyler Francis Grand Lobby."

The donors concur with the naming of this interior space. Appropriate signage for the entry lobby will specify the approved name.

BACKGROUND INFORMATION

On December 18, 2014, the Lawrence Tyler Francis Memorial Fund (the "Memorial Fund") was established to honor the memory of Lawrence Tyler Francis, a graduate of Texas Tech University and active member of the El Paso community who passed away unexpectedly on November 24, 2014. Lawrence Tyler Francis is the son of L.F. "Rick" and Ginger Francis, of El Paso, Texas.

Gifts to the Memorial Fund are intended to be used in the naming of a room in the Gayle Greve Hunt School of Nursing, pending approval by the Board of Regents. The president of TTUHSC EI Paso recommends naming of the entry lobby within the Gayle Greve School of Nursing Building. The Texas Tech University System's Office of Institutional Advancement supports this naming.

Various donations have been made to the Memorial Fund to honor the memory of Lawrence Tyler Francis, resulting in a balance of \$51,500.00.

The \$51,500.00 balance within the Memorial Fund exceeds the fifty percent (50%) threshold requirement for naming consideration of subunits within existing facilities, as verified by the vice chancellor for facilities planning and construction.

Regents' Rules 08.05.01 requires board approval of the naming of all buildings and other facilities within the TTU System. For subunits within existing facilities, the fifty percent (50%) "threshold applies to the estimated replacement cost of construction of the facility to be named, as verified by the vice chancellor for facilities planning and construction."

10. <u>TTUHSC El Paso: Approve naming of the Dean's</u> <u>Conference Room in the Gayle Greve Hunt School of</u> <u>Nursing Building.</u>

Presenter: Ms. Lisa Calvert Presentation Time: 5 minutes Board approval required by Section 08.05.1, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve naming the Dean's Conference Room within the Gayle Greve Hunt School of Nursing Building the "Novotny Conference Room".

The donor concurs with the naming of this interior space. Appropriate signage for the conference room will specify the approved name.

BACKGROUND INFORMATION

Robert Novotny and Jeanne Novotny, Ph.D., have made a generous pledge of \$35,000 to the Gayle Greve Hunt School of Nursing Fund for Excellence. The pledge is payable over three (3) years in incremental payments of \$11,667.67. The first payment was made in May of 2015.

In recognition of their generous contribution, the president of TTUHSC EI Paso recommends naming the Dean's Conference Room within the Gayle Greve Hunt School of Nursing Buidling the "Novotny Conference Room". The Texas Tech University System's Office of Institutional Advancement supports this naming.

Jeanne M. Novotny, Ph.D., R.N., FAAN, was appointed Dean and Professor at Texas Tech University Health Sciences Center El Paso in January 2013. She earned her Bachelor of Science and Master of Science degrees in Nursing from The Ohio State University, and her Ph.D. from Kent State University. Prior to coming to Texas, she served as Dean and Professor at Fairfield University in Fairfield, CT for 10 years and held academic appointments at the University of Virginia, Vanderbilt University, Case Western Reserve University, and Kent State University. Dr. Novotny is an experienced administrator, educator, and leader in program development and evaluation on the national and international level. She received two Book-of-the-Year Awards from the American Journal of Nursing for *Distance Education in Nursing* and *The Nuts and Bolts of Teaching Nursing*. In 2006, she received the Mother Angeline Teresa Award for Vision from the Carmelite Sisters at St. Joseph's Manor in Bridgeport, CT, for her work in gerontology.

Her current research is focused on creating strategic partnerships that support the care of older adults and the advancement of nursing science. The \$35,000 pledge exceeds the fifty percent (50%) threshold requirement for naming consideration of subunits within existing facilities, as verified by the vice chancellor for facilities planning and construction.

Regents' Rules 08.05.01 requires board approval of the naming of all buildings and other facilities within the TTU System. For subunits within existing facilities, the fifty percent (50%) "threshold applies to the estimated replacement cost of construction of the facility to be named, as verified by the vice chancellor for facilities planning and construction."

11. <u>TTUHSC El Paso: Approve amendment to a lease for</u> <u>space in El Paso.</u>

Presenter: Richard A. Lange, M.D., M.B.A Presentation Time: 5 minutes Board approval required by: Section 07.12.2.b, *Regents' Rules*; Section 2206.053, *Texas Government Code*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president or the president's designee to negotiate and execute an amendment to a lease agreement between Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") and MediStar El Paso Medical Center LLC.

BACKGROUND INFORMATION

TTUHSC EI Paso received Board approval in May 2015 to execute a 20 year lease with MediStar EI Paso Medical Center LLC to collaborate on a new multimillion dollar teaching hospital and a 110,000 square foot medical office building in far West EI Paso. TTUHSC EI Paso will initially occupy 60,000 square feet and eventually expand to 90,000 square feet at the end of year ten over a twenty year lease term.

Over the 20 year lease term, TTUHSC EI Paso will pay \$19.95 per square foot in year one for rent only and \$11.00 per square foot for a triple net lease and property management fees; all costs include a modest annual increase.

TTUHSC EI Paso is requesting an amendment for an additional \$2,621,299 to be paid over the 20 year lease term. The original projected total lease cost over twenty years was \$44,044,500. This amendment reflects an approximate six percent increase over the total. We project the growth of the program will cover the increased cost. The contract will be effective as of August 2016 and will end on July 2036 and includes two extension options of five years each.

Section 07.12.2.b. *Regents' Rules,* requires Board approval on contracts that involve a lease of land and/or improvements thereon for more than four years.

12. TTUHSC El Paso: Authorize the use of Eminent Domain.

Presenter: Richard Lange, M.D., M.B.A Presentation Time: 5 minutes Board approval required by: Section 07.12.2.b(1)(a), *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to use of the power of eminent domain on behalf of the Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") to acquire properties identified in Exhibit A and Exhibit B between Raynolds Street, North Concepcion Street, and Alameda Avenue in El Paso, Texas. The purchase of these real properties are vital to the mission of TTUHSC El Paso.

BACKGROUND INFORMATION

On January 22, 2016, under the "exigent circumstances" approval granted by the Board chair and the chair of the Finance and Administration Committee (with the endorsement of the chair of the Facilities Committee), President Lange was authorized to acquire properties which are in close proximity to the El Paso campus as identified in Exhibits A and B. The acquisition of these properties, approximately 7.3 acres in total, will provide the future site of the state-funded Medical Science Building II and associated facilities. As final offers are sent to the property owners, we anticipate that some offers will not be accepted which would require TTUHSC El Paso to begin the eminent domain process. In order to properly institute eminent domain proceedings, the Chancellor recommends the Board of Regents authorize use of the power of eminent domain as needed for those properties.

Per Section 109.051 of the Texas Education Code, the Board of Regents has power of eminent domain to acquire land needed to carry out the purposes of the university system and the component institutions, including TTUHSC EI Paso.

Section 07.12.2.b(1)(a) *Regents' Rules,* requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

Section 2206.053 of the Texas Government Code sets forth particular requirements for a governmental entity's public vote on use of eminent domain.

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

Presenter: Mr. Michael Molina Presentation Time: 5 minutes Report requested by: Board of Regents

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

AUDIT

Audit Committee

Committee Meeting May 19, 2016

- **Time:** 11:15 am (or upon adjournment of the Facilities Committee meeting)
- Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Steinmetz (Chair), Esparza, Hammonds,

<u>Agenda</u>

- Approve minutes of committee meeting held on February 25, 2016
- I.B. Consideration of items to be recommended by the Audit Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

Page A

- 2. Executive Session: The Audit Committee will convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including:
 - a. Consultation with Attorney Section 551.071.
 - b. Discussion of personnel matters Section 551.074.
- 3. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider appropriate action, if any, on items discussed in Executive Session.
- 4. Adjournment

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 20, 2016.

1. <u>TTUS: Report on audits.</u>

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

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

FINANCE AND ADMINISTRATION

Finance and Administration Committee

Committee Meeting May 19, 2016

- **Time:** 11:40 am (or upon adjournment of the Facilities Committee meeting)
- Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Francis (Chair), Anders, Lancaster

<u>Agenda</u>

- Approve minutes of committee meetings held on February 25, 2015
- I.C. Consideration of items to be recommended by the Finance and Administration Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

1.	TTU and TTUSA: Approve revisions to Traffic and Parking regulations and fees
2.	TTUHSC: Approve revisions to the Traffic and Parking Regulations and fees9
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4.	TTUHSC: Authorize quasi-endowment to support a chair in cancer research13
5.	TTUHSC EI Paso: Approve revisions to the Traffic and Parking Regulations and fees14
6.	TTUS: Authorize chancellor to execute contract amendment with TouchNet17
7.	TTUS: Approve FY 2017 Premium Rates for the Medical Liability Self-Insurance Plan18

8.	TTUS: Approve amendments to Chapters 02, 03 and 07, <i>Regents' Rules</i> , relating to the state contracting legislation and other matters	20
9.	TTUS: Authorize a differential spending distribution (rate) for the Osher Lifelong Learning Endowment funds held within the Long Term Investment Fund until such time as it is rescinded by the Board of Regents	22
10.	TTUS: Review of FY 2015 Texas Tech University System Combined Annual Financial Report	24
11.	TTUS: Report on Collaborative Research Initiative	25
12.	Adjournment	
NOTE	Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 20, 2016.	

1. <u>TTU and TTUSA: Approve revisions to Traffic and Parking</u> regulations and fees.

Presenter: Mrs. Noel Sloan Presentation Time: 5 minutes Board approval required by: Section 07.10, *Regents' Rules,* and Section 51.202, *Texas Education Code*

RECOMMENDATION

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

Executive Summary

Propose authorization of the regulations and fees with minor changes regulations and a 5% fee increase.

Housekeeping changes:

- Update effective date.
- Reflect changes to commuter parking east of Jones AT&T Stadium due to construction of the Sports Performance Center.
- Reflect changes to designation of commuter parking at ICC now that Bayer Crop Science Facility is complete.
- Adding the existing restriction on overnight parking at USA to employee and visitor parking sections. This restriction was already included in the student permit section, but leads to some confusion for employees because the language wasn't in that section as well.
- Clarifying the language on "hotsheet" impounds for unpaid citations. Word "unpaid" was omitted previously.

Fees

- Also included at the end of the agenda item are the proposed fees. The proposed 5% increase is keeping with the fee plan we presented to stakeholders and BOR previously. The long-range plan for future increases is to continue positioning us for a second parking structure when it becomes necessary. In the interim, the funding is being directed to the university to help with increased maintenance costs, small expansion projects, and TTPD funding. The increase is expected to generate an additional \$150,000 in revenue. The increase will impact permit holders:
 - o Employees
 - \$0.54 per pay period (\$1.08 per month) for surface lots
 - \$1.42 per pay period (\$2.84 per month) for garage
 - o Students
 - \$4 per semester for surface commuter
 - \$6.40 per semester for surface resident

• \$17 per semester for garage

Amend the Regulations, as set out below for Texas Tech University to read as follows:

a. Paragraph IV

IV. The following are the regulations that apply to the University, including fee schedules, and are effective May 18, 2015 May 23, 2016, through the end of the week following Graduation in the following Spring Semester.

b. Paragraph VI.F.3.c

- c. There are three classes of commuter parking:
 - i. Commuter North (Red Lot) includes the C1, C2 and C4 lots and a portion of the <u>C2 and</u> C3 lot.
 - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.
 - (b) Red Lot ePermits may also park in any west commuter lot after 2:30P.M.
 - (c) When not in use for programs and events, the C1 lot, which is leased from the City of Lubbock, will be available with the exception of the area directly south of the Auditorium and north of the Coliseum which is marked as reserved for the Auditorium/Coliseum.
 - (d) Commuter parking east of Jones Stadium in the C2 and C3 lots requires an athlete designator permit and excludes areas marked as reserved or visitor parking
 - (e) On days of home football games, parking lots in the vicinity of Jones SBC Stadium are reserved for game day football parking decal holders. VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A VALID GAMEDAY FOOTBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.
 - (f) On days of home baseball games, the C3 lot west of Dan Law Field is reserved for game day baseball parking decal holders. VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A VALID GAMEDAY BASEBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.
 - ii. Commuter West (Blue Lot) includes the C10, C11, C12, C13, C14, C15, C16 and C17 lots located north and west of the United Supermarkets Arena.
 - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.

- (b) Blue Lot ePermits may park in any north commuter lot after 2:30P.M.
- (c) Parking in certain commuter lots adjacent to the United Supermarkets Arena is prohibited on days of home basketball games beginning four hours prior to game time (this includes lots west of Indiana Avenue) as indicated by signage. This area is reserved for holders of special Athletics basketball parking decals. VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A SPECIAL ATHLETICS BASKETBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.
- (d) Certain lots designated by signage must be vacated by 5:30 P.M. on Fridays before home football games. Typically, this includes the C13, C15 and a portion of the C16 lots. These areas are reserved for football game tailgate permit holders. VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A SPECIAL ATHLETICS FOOTBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.
- (e) Overnight parking in the <u>R37 lot and C11 lot near the United</u> Supermarkets Arena service ramp is not permitted. Individuals should carefully observe signage in the lot if parking overnight.
- iii. <u>Commuter ICC (Pink Lot) includes the C21 and C22 lots located at</u> <u>the International Cultural Center.</u>
 - (a) <u>In addition to these lots, this ePermit is also honored in satellite</u> parking and certain designated commuter areas at the Health <u>Sciences Center.</u>
 - (b) <u>Pink Lot ePermits may park in any north or west commuter lot</u> <u>after 2:30P.M.</u>
- iv. Commuter Satellite (Green Lot) includes the S1 and S2 lots located at 10th Street and Texas Tech Parkway and at the International Cultural Center.
 - (a) Off-campus students who cannot be accommodated in the north or west commuter parking lots will be assigned to the satellite lots until the commuter lots have available space. Satellite ePermits will be honored in the other commuter lots after 2:30P.M.

c. Paragraph VI.F.5

5. Area Reserved Parking

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

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

d. Paragraph VI.I

- I. Visitor and Time Limit Parking
 - Visitors are welcome to the campus and special parking areas are set aside for them. Visitor ePermits are required throughout the University campus during the hours of 7:30 A.M. to 8:00P.M., Monday through Friday, excluding University holidays. Visitor permissions may be obtained at any entry station.
 - a. Visitors' motor vehicles parked in areas not designated for visitor parking are subject to receiving a campus citation and being impounded at the owner's expense.
 - b. Use of outdated or altered visitor ePermit is prohibited.
 - c. There are charges for parking in visitor areas. Notification will be posted at the entrances to these lots. The fee for parking in these lots can be found in the current *Parking Fees and Refunds Schedule*.
 - d. Departments wishing to purchase parking for visitors to campus may do so by contacting the Manager of Event and Guest Relations at Transportation & Parking Services to obtain a prepaid parking decals or ePermits.
 - 2. Designated time limit parking areas are enforced from 7:30 A.M. to 5:30 P.M., Monday through Friday, unless otherwise posted.
 - 3. <u>Overnight parking in the R37 lot and C11 lot near the United</u> <u>Supermarkets Arena service ramp is not permitted. Individuals</u> <u>should carefully observe signage in the lot if parking overnight.</u>

e. Paragraph IX.I

- Six valid <u>unpaid</u> violations of the Traffic and Parking Regulations within the academic year or summer term may result in vehicle impoundment and/or revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year or summer term.
 - 1. All citations must be resolved before any parking privileges are restored.
 - 2. The revocation period shall commence with the return of the registration decal(s) to Transportation & Parking Services and/or cancellation of the parking permission.

f. Full Traffic and Parking Regulations

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

g. Parking Fees

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

BACKGROUND INFORMATION

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

Texas Tech University Projected Parking Fees FY 2014 - FY 2018								
	Current Number of Spaces	Fall 2014 Active Permits	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
SURFACE PARKING			0%	3%	0%	5%	5%	3%
Visitor/Metered Space	1,778		\$1.50	\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Surface Space Res.	160	140	\$802	\$826	\$826	\$867	\$910	\$937
Faculty/Staff - Surface Area Res.	4,157	4,135	\$236	\$243	\$243	\$255	\$268	\$276
Student - Surface Commuter North	1,720	2,903	\$146	\$150	\$150	\$158	\$166	\$171
Student - Surface Commuter West	2,288	3,664	\$128	\$132	\$132	\$139	\$146	\$150
Student - Surface Commuter Satellite	1,564	2,698	\$40	\$40	\$40	\$42	\$43	\$44
Student - Surface Residence Hall	4,708	4,731	\$237	\$244	\$244	\$256	\$269	\$277
Summer Student - Surface	8,716	3,077	\$79	\$81	\$81	\$85	\$89	\$92
Two-Wheel	100	108	\$78	\$80	\$80	\$84	\$88	\$91
GARAGE PARKING								
Visitor/Metered Space	212		\$1.50	\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Garage Space Res.	31	31	\$1,202	\$1,238	\$1,238	\$1,300	\$1,365	\$1,406
Faculty/Staff - Garage Area Res.	140	127	\$619	\$638	\$638	\$670	\$704	\$725
Student - Garage Area Res.	385	541	\$620	\$639	\$639	\$670	\$704	\$725
Summer Student - Garage	385	150	\$207	\$213	\$213	\$224	\$235	\$242
Leased Garage (RaiderPark)	1,000	916	\$128	\$132	\$132	\$139	\$146	\$150

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

2. <u>TTUHSC: Approve revisions to the Traffic and Parking</u> <u>Regulations and fees.</u>

Presenter: Elmo M. Cavin Presentation Time: Board approval required by: Section 7.10, *Regent's Rule*, and Section 51.202, *Texas Education Code*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the Texas Tech University Health Sciences Center Traffic and Parking Regulations and Fee Schedule as set out below.

	Current Rate	Proposed Increase	Monthly Increase
Туре	FY 2016	FY 2017	
Reserved	552.00	582.00	2.50
Area	156.00	164.40	0.70
Disability	156.00	164.40	0.70
Motorcycle	39.60	42.00	0.20
12 mo comm	102.00	107.40	0.45
14 mo comm	119.00	125.30	0.45
9 mo comm	76.50	80.55	0.45

a. Paragraph XVII

b. Full Traffic and Parking Regulations

The current Traffic and Parking Regulations with proposed revisions are included as a supplemental attachment to the agenda.

BACKGROUND INFORMATION

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

2016-2017	Facul	ty/Staff	Facult	y/Staff		
Rates	Reserved Space		Area Reserved		Two-Wheeler	
Through	12 m	onths	12 m	onths	12 m	onths
Ũ	Cost	Refund	Cost	Refund	Cost	Refund
	\$582.00	\$528.50	\$164.40	\$145.70	\$42.00	\$33.50
Sep. 30	\$552.00	\$501.00	\$156.00	\$138.00	\$39.60	\$31.30
	533.50	480.00	150.70	132.00	38.50	30.00
Oct. 31	506.00	455.00	143.00	125.00	36.30	28.00
	485.00	431.50	137.00	118.30	35.00	26.50
Nov. 30	460.00	409.00	130.00	112.00	33.00	24.70
	436.50	383.00	123.30	104.60	31.50	23.00
Dec. 31	414.00	363.00	117.00	99.00	29.70	21.40
	388.00	334.50	109.60	90.90	28.00	19.50
Jan. 31	368.00	317.00	104.00	86.00	26.40	18.10
	339.50	286.00	95.90	77.20	24.50	16.00
Feb. 28	322.00	271.00	91.00	73.00	23.10	14.80
	291.00	237.50	82.20	63.50	21.00	12.50
Mar. 31	276.00	225.00	78.00	60.00	19.80	11.50
	242.50	189.00	68.50	49.80	17.50	9.00
Apr. 30	230.00	179.00	65.00	47.00	16.50	8.20
	194.00	140.50	54.80	36.10	14.00	5.50
May. 31	184.00	133.00	52.00	34.00	13.20	4 .90
	145.50	92.00	41.10	22.40	10.50	2.00
Jun. 30	138.00	87.00	39.00	21.00	9.90	0.00
	97.00	43.50	27.40	8.70	7.00	0.00
Jul. 31	92.00	41.00	26.00	8.00	6.60	0.00
	48.50	0.00	13.70	0.00	3.50	0.00
Aug. 31	46.00	0.00	13.00	0.00	3.30	0.00

Parking Fees and Refunds - Texas Tech University Health Sciences Center

2016-2017						
Rates	Commuter		Commuter		Extended Commuter	
Through	12 m	onths	9 mc	onths	14 m	onths
0	Cost	Refund	Cost	Refund	Cost	Refund
	0001	rtorana	0000	rteruna	\$125.30	\$111.35
Jul. 31					\$119.00	\$105.50
					116.35	102.40
Aug. 31					110.50	97.00
-	\$107.40	\$93.45	\$80.55	\$66.60	107.40	93.45
Sep. 30	\$102.00	\$88.50	\$76.50	\$63.00	102.00	88.50
	98.45	84.50	71.60	57.65	98.45	84.50
Oct. 31	93.50	80.00	68.00	54.50	93.50	80.00
	89.50	75.55	62.65	48.70	89.50	75.55
Nov. 30	85.00	71.50	59.50	46.00	85.00	71.50
	80.55	66.60	53.70	39.75	80.55	66.60
Dec. 31	76.50	63.00	51.00	37.50	76.50	63.00
	71.60	57.65	44.75	30.80	71.60	57.65
Jan. 31	68.00	54.50	4 2.50	29.00	68.00	54.50
	62.65	48.70	35.80	21.85	62.65	48.70
Feb. 28	59.50	46.00	34.00	20.50	59.50	46.00
	53.70	39.75	26.85	12.90	53.70	39.75
Mar. 31	51.00	37.50	25.50	12.00	51.00	37.50
	44.75	30.80	17.90	3.95	44.75	30.80
Apr. 30	42.50	29.00	17.00	3.50	42.50	29.00
Mar. 04	35.80	21.85	8.95	0.00	35.80	21.85
May. 31	34.00	20.50	8.50	0.00	34.00	20.50
hur. 00	26.85	12.90			26.85	12.90
Jun. 30	25.50	12.00			25.50	12.00
1.1. 24	17.90 17.00	3.95			17.90 17.00	3.95
Jul. 31		3.50				3.50
Aug. 21	8.95	0.00			8.95	0.00
Aug. 31	8.50	0.00			8.50	0.00

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

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

3. <u>TTUHSC: Authorize president to execute contract with a consultant.</u>

Presenter: Mr. Elmo Cavin Presentation Time: 5 minutes Board approval required by: Section 07.12.3.d, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the president to execute a contract with Janus Associates to provide network infrastructure assessment services.

BACKGROUND INFORMATION

Texas Tech University Health Sciences Center ("TTUHSC") recognizes the need for a network assessment of devices, configurations, and applications that make up the current network infrastructure.

The purpose of the assessment is to evaluate and document the existing network and provide a plan to support future growth of TTUHSC. The assessment will allow Janus Associates to make recommendations to reduce network complexity, maximize network performance, standardize and automate network configuration and increase network security. The existing functionality is important to TTUHSC and critical to the TTUHSC environment.

TTUHSC issued a Request for Proposal ("RFP") on January 29, 2016 seeking competitive responses from qualified vendors. Thirteen companies responded to the RFP. Three companies were invited for on-campus presentations. Two finalists were identified and Janus Associates of Stamford, Connecticut was ultimately selected based on technical ability and extensive experience providing similar services to other entities comparable to TTUHSC.

It is anticipated that the assessment could take up to four months to complete and will involve all TTUHSC campuses. The Lubbock campus contains the primary data center and will be the primary working location. The cost of the assessment is \$194,650 plus \$25,000 for travel and other expenses.

Section 07.12.3.d. *Regents' Rules*, requires Board approval on consulting contracts with an initial consideration in excess of \$25,000 or a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.

4. <u>TTUHSC: Authorize quasi-endowment to support a chair in cancer research.</u>

Presenter: Dr. Tedd Mitchell Presentation Time: 2 minutes Board approval required by: HSC OP 02.08 2, b (3), TTUS Investment Policy Statement Sections 2 and 3

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the establishment of a quasi-endowment for the Childers-Fralick Basic Cancer Research Endowed Chair at Texas Tech University Health Sciences Center ("TTUHSC"). The TTUHSC Office of the President and the Office of the Dean of the School of Medicine will each contribute \$250,000 towards the Childers-Fralick Basic Cancer Research Endowed Chair.

This endowment will provide the necessary resources to recruit an eminent scientist whose research is focused on basic molecular aspects of breast, colon and/or prostate cancer. Such an addition will complement the research of two current faculty members, Drs. Kevin Pruitt (NCI and CPRIT funded) and Robert Bright (NIH funded), who are actively investigating the epigenetic regulation of breast and colon cancers. Furthermore, the Department of Immunology and Molecular Microbiology is seeking to recruit a junior scientist with federal funding in the area of basic cancer research.

BACKGROUND INFORMATION

Dr. Celeste R. Fralick donated a gift of \$500,000 to establish the Childers-Fralick Basic Cancer Research Endowed Chair, contingent on TTUHSC providing matching funds. The Office of the President and the Office of the Dean of the School of Medicine agreed to match this gift through the creation of a quasiendowment.

HSC OP 02.08 2, b (3) along with the Texas Tech University System Investment Policy Statement Long Term Investment Fund require Board approval to establish quasi-endowments.

5. <u>TTUHSC EI Paso: Approve revisions to the Traffic and</u> <u>Parking Regulations and fees.</u>

Presenter: Richard Lange, M.D., M.B.A Presentation Time: 5 minutes Board approval required by: Section 07.10, *Regent's Rules*, and Section 51.202, *Texas Education Code*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of regents approve revisions to the Texas Tech University Health Sciences Center at El Paso Traffic and Parking Regulations and fee schedule. [Note: The TTUHSC El Paso Traffic and Parking Regulations are included as a supplemental attachment to the agenda. The fee schedule is included on the following page.]

BACKGROUND INFORMATION

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

2016-2017	Faculty/Staff		Facult	y/Staff			
Rates	Reserve	ed Space	Area R	eserved	Two-W	Two-Wheeler	
Through	12 m	onths	12 m	onths	12 m	onths	
Ū	Cost	Refund	Cost	Refund	Cost	Refund	
	\$582.00	\$528.50	\$164.40	\$145.70	\$42.00	\$33.50	
Sep. 30	\$552.00	\$501.00	\$156.00	\$138.00	\$39.60	\$31.30	
000.00	533.50	480.00	150.70	132.00	38.50	30.00	
Oct. 31	506.00	455.00	143.00	125.00	36.30	28.00	
000	485.00	431.50	137.00	118.30	35.00	26.50	
Nov. 30	460.00	409.00	130.00	112.00	33.00	24.70	
	436.50	383.00	123.30	104.60	31.50	23.00	
Dec. 31	414.00	363.00	117.00	99.00	29.70	21.40	
	388.00	334.50	109.60	90.90	28.00	19.50	
Jan. 31	368.00	317.00	104.00	86.00	26.40	18.10	
	339.50	286.00	95.90	77.20	24.50	16.00	
Feb. 28	322.00	271.00	91.00	73.00	23.10	14.80	
	291.00	237.50	82.20	63.50	21.00	12.50	
Mar. 31	276.00	225.00	78.00	60.00	19.80	11.50	
	242.50	189.00	68.50	49.80	17.50	9.00	
Apr. 30	230.00	179.00	65.00	4 7.00	16.50	8.20	
	194.00	140.50	54.80	36.10	14.00	5.50	
May. 31	184.00	133.00	52.00	34.00	13.20	4.90	
	145.50	92.00	41.10	22.40	10.50	2.00	
Jun. 30	138.00	87.00	39.00	21.00	9.90	0.00	
	97.00	43.50	27.40	8.70	7.00	0.00	
Jul. 31	92.00	41.00	26.00	8.00	6.60	0.00	
	48.50	0.00	13.70	0.00	3.50	0.00	
Aug. 31	46.00	0.00	13.00	0.00	3.30	0.00	

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

2016-2017						
Rates	Com	muter	Comr		Extended	Commuter
Rales	Com	muler	Com	nuter	Extended	Commuter
Through	12 m	onths	9 mo	nths	14 m	onths
	Cost	Refund	Cost	Refund	Cost	Refund
					\$125.30	\$111.35
Jul. 31					\$119.00	\$105.50
					116.35	102.40
Aug. 31					110.50	97.00
-	\$107.40	\$93.45	\$80.55	\$66.60	107.40	93.45
Sep. 30	\$102.00	\$88.50	\$76.50	\$63.00	102.00	88.50
	98.45	84.50	71.60	57.65	98.45	84.50
Oct. 31	93.50	80.00	68.00	54.50	93.50	80.00
	89.50	75.55	62.65	48.70	89.50	75.55
Nov. 30	85.00	71.50	59.50	4 6.00	85.00	71.50
	80.55	66.60	53.70	39.75	80.55	66.60
Dec. 31	76.50	63.00	51.00	37.50	76.50	63.00
	71.60	57.65	44.75	30.80	71.60	57.65
Jan. 31	68.00	54.50	4 2.50	29.00	68.00	54.50
	62.65	48.70	35.80	21.85	62.65	48.70
Feb. 28	59.50	46.00	34.00	20.50	59.50	46.00
	53.70	39.75	26.85	12.90	53.70	39.75
Mar. 31	51.00	37.50	25.50	12.00	51.00	37.50
	44.75	30.80	17.90	3.95	44.75	30.80
Apr. 30	42.50	29.00	17.00	3.50	42.50	29.00
	35.80	21.85	8.95	0.00	35.80	21.85
May. 31	34.00	20.50	8.50	0.00	34.00	20.50
	26.85	12.90			26.85	12.90
Jun. 30	25.50	12.00			25.50	12.00
1	17.90	3.95			17.90	3.95
Jul. 31	17.00	3.50			17.00	3.50
	8.95	0.00			8.95	0.00
Aug. 31	8.50	0.00			8.50	0.00

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

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

6. <u>TTUS: Authorize chancellor to execute contract</u> <u>amendment with TouchNet.</u>

Presenter: Mr. Jim Brunjes and Mrs. Noel Sloan Presentation Time: 5 minutes Board approval required by: Section 07.12.2.a, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the presidents that the Board of Regents authorize the chancellor or his designee to negotiate, approve and execute a contract amendment with TouchNet to provide PayPath services. PayPath would be utilized by all component institutions except Angelo State University to administer credit card payments related to student tuition and fee billing.

BACKGROUND INFORMATION

Merchant fees associated with credit card tuition payments comprise a sizable overhead to the component institutions. A portion of the merchant fees incurred at Texas Tech University has historically been funded through a portion of the Financial Records Services fee. In December, 2015, the Board of Regents approved reducing the Financial Records Services fee.

TouchNet software is currently in place for student tuition and fee payments. PayPath Convenience Fee Services allows the component institutions to continue to offer the option to pay tuition and fees via credit card. Payers opting to pay by credit card will be charged an administrative and technology fee for using the service. PayPath returns 100 percent of the original tuition and fee amount to the institution, using the administrative and technology fee to cover the cost of merchant fees and special processing. PayPath is structured to ensure institutions remain compliant with all credit card association rules and regulations.

The PayPath convenience fee is 2.75%. This fee will be split to pass 2% through to payers opting to pay by credit card and .75% covered by the respective institution. Component institutions will still have the ability to offer lower-cost payment alternatives, such as ACH or debit card payment transactions that will not include the convenience fee.

Following Board of Regents approval and contract finalization, the component institutions would conduct system testing with a go-live implementation date for Spring, 2017 billing.

Section 07.12.2.a. *Regents' Rules,* requires Board approval on contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the term of the contract.

7. <u>TTUS: Approve FY 2017 Premium Rates for the Medical</u> <u>Liability Self-Insurance Plan.</u>

Presenter: Mr. John Huffaker Presentation Time: 5 minutes Board approval required by: TTU System Medical Liability Self Insurance Plan, PFA-32

RECOMMENDATION

The chancellor, as administrator of the Medical Liability Self-Insurance Plan ("Plan"), has reviewed and recommends that the Board of Regents approve the findings and recommendations contained in the March 23, 2016 Solvency Analysis & Rate Review of the Plan prepared by Fred R. White, C.P.C.U. for the period September 1, 2016 through August 31, 2017. The recommendations are as follows: (i) premiums be increased 2.82% for FY17 for resident physicians and clinical faculty physicians who are members of the academic clinical departments and contribute to the educational mission of the School of Medicine; (ii) premiums for all other physicians insured by the Plan be established as set forth in the annual rate schedule enumerated below; and (iii) premiums be abated for FY17 for all clinical faculty physicians.

Annual Premium Rate Schedule (September 1, 2016 through August 31, 2017)

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

BACKGROUND INFORMATION

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

On October 8-9, 2015, (Item XIIB.5.) premium levels for FY 16 were held at thencurrent levels for all physicians. Premiums were abated for clinical faculty physicians. An experience dividend not to exceed \$4 million was authorized, and an experience dividend of \$2,751,816 million was paid.

In summary, the actuary found the Plan to be in sound financial condition, that Plan funding was sufficient to retire the Plan's likely liabilities through August 31,

2016 and an adequate contingent reserve and a capital base exists to absorb the expected experience in the FY17 Plan year. The actuary believes it is inadvisable to pay an experience dividend in FY '17 due to reduced investment earnings in FY'16.

8. <u>TTUS: Approve amendments to Chapters 02, 03 and 07,</u> <u>Regents' Rules, relating to the state contracting legislation</u> <u>and other matters.</u>

Presenter: Mr. Jim Brunjes Presentation Time: 10 minutes Board approval required by: Sec. 01.08, *Regents' Rules*

RECOMMENDATION

The Regents Rules Review Committee (Rules Committee) recommends that the Finance and Administration Committee consider adoption of amendments to Chapter 07 (Fiscal Administration), Chapter 02 (Administration), and Chapter 03 (Personnel).

S.B. 20 ... adopted by the 84th Legislature (2015) and effective September 1, 2015 ... requires state agencies – including public institutions of higher education – to abide by certain new requirements when entering into contracts. These new statutory mandates are intended to "enhance reporting requirements and increase transparency and accountability so that there is knowledge about and confidence in the way state government is spending tax dollars." In order to comply with the new contracting statutes, conforming amendments are needed for three chapters of the *Regents' Rules*.

This also is an opportunity to adopt various other clean-up or clarifying amendments in Chapters 02, 03 and 07, including:

-- updates to audit provisions that address new standards for audit work; -- updates to EEO provisions so that the *Regents' Rules* conform to provisions in Title IX, Title VII and a U.S. Executive Order regarding the definition of an employee's legally protected status;

-- conforming and clarifying changes to the procedures that must be followed when emergency or exigent circumstances approval of a budget adjustment or contract is proposed or approval is sought for an early start to a consulting contract that requires Board approval; and

-- clarifying changes to the approval process when an employee seeks permission for outside employment.

The changes proposed for Chapters 02, 03 and 07, *Regents' Rules,* are provided as a supplemental attachment, with an executive summary included.

BACKGROUND INFORMATION

Board chair Mickey Long re-established the Rules Committee on April 10, 2015 and appointed the following members to that advisory committee: Debbie Montford (chair), Larry Anders; Rick Francis; and John Steinmetz. The Rules Committee is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* of the Texas Tech University System. Any amendment to the *Regents' Rules* or a Board Policy Statement must be approved by the full Board in accordance with Section 01.08, *Regents' Rules*.

9. <u>TTUS: Authorize a differential spending distribution (rate)</u> for the Osher Lifelong Learning Endowment funds held within the Long Term Investment Fund until such time as it is rescinded by the Board of Regents.

Presenter: Ms. Lisa Calvert and Mr. Jim Brunjes Presentation Time: 5 minutes Required by: Long Term Investment Fund Policy. Section 9. Spending Policy

RECOMMENDATION

The chancellor recommends that the Board of Regents authorize a differential distribution (rate) for the Osher Lifelong Learning Endowment funds held within the Long Term Investment Fund until such time as it is rescinded by the Board of Regents

The distribution of spendable earnings to each unit of the LTIF held by the Osher Foundation will be 5.0% (instead of 4.5%) of the average NAV of the LTIF for the 12 quarters just ended. Distribution shall be made quarterly, as soon as practicable after the last calendar day of November, February, May, and August. This rate is effective September 1, 2016 and will remain in effect until rescinded or changed.

BACKGROUND INFORMATION

The Long Term Investment Policy provisions are as follows:

"The distribution of spendable earnings to each unit of the LTIF will be 4.5% of the average NAV of the LTIF for the 12 quarters just ended. Distribution shall be made quarterly, as soon as practicable after the last calendar day of November, February, May, and August."

The Osher Lifelong Learning Institute Agreement, Section 3(a)(iii)-(v) will require an annual distribution of the "Minimum Amount," equal to:

"50% of investment earnings (calculated on a total return basis), net of investment expenses, determined once per year, based on the average rate or return for the 12 calendar quarters preceding the determination date (or, if less, the number of complete quarters the Osher Endowment has been held), but in no event less than an amount equal to 5% of the investment principal amount as of the beginning of Grantee's prior fiscal year."

These sections also allow invasion of the "original historic dollar amount" under the Original Agreement, with the approval of Osher, in the event earnings arc insufficient to meet the Minimum Amount.

These provisions were not included in the Original Agreement.

10. <u>TTUS: Review of FY 2015 Texas Tech University System</u> <u>Combined Annual Financial Report.</u>

Presenter: Mr. Jim Brunjes and Mrs. Kim Turner Report requested by: Audit Committee Charter

Mr. Jim Brunjes, Vice Chancellor and CFO, TTUS, and Mrs. Kim Turner, Chief Audit Executive, Audit Services, TTUS, will present a review of the annual financial statements of TTUS System and its components.

BACKGROUND INFORMATION

Under DUTIES AND RESPONSIBILITIES for the Audit Committee (Audit Committee Charter), the Audit Committee will "Review with management and/or the Chief Audit Executive:

--- The annual financial statements of TTU System and its components.

11. TTUS: Report on Collaborative Research Initiative.

Presenters: Mr. Jim Brunjes and Dr. Peter Rotwein Presentation Time: 8 minutes Report requested by: Chancellor Duncan

Mr. Jim Brunjes, Vice Chancellor and CFO, TTUS, and Dr. Peter Rotwein, Vice President for Research, TTUHSC El Paso, will present a report on Collaborative Research Initiative.

ACADEMIC, CLINICAL AND STUDENT AFFAIRS

Academic, Clinical and Student Affairs Committee

Committee Meeting May 19, 2016

- **Time:** 1:10 pm (or upon adjournment of the Facilities Committee meeting)
- **Place:** Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Lancaster (Chair), Esparza, Francis, Messer

<u>Agenda</u>

- Approve minutes of committee meeting held on February 25, 2016
- I.D. Consideration of items to be recommended by the Academic, Clinical and Student Affairs Committee to the Board of Regents of the Texas Tech University System ("TTUS") for and on behalf of Angelo State University ("ASU"), TTUS, the TTU System Administration ("TTUSA"), Texas Tech University ("TTU"), Texas Tech University Health Sciences Center ("TTUHSC"), and Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso")

<u>Page</u> ACS

1.	ASU: Approve naming of the Department of Engineering and acceptance of a related gift
2.	ASU: Approve the addition of the Doctor of Education degree with a major in Nursing Education in the Archer College of Health and Human Services
3.	TTU: Approve appointments with tenure7
4.	TTU: Approve new Ph.D. degree in Addictive Disorders and Recovery Studies in the College of Human Sciences9
5.	TTU: Approve Online and On-campus Master of Science Degree in Manufacturing Engineering11
6.	TTU: Approve revisions to the Student Handbook, effective May 21, 201613
7.	TTUHSC EI Paso: Approve conferral of emeritus appointment

8.	TTUHSC El Paso: Approve a post baccalaureate
	certificate program in the Graduate School of Biomedical
	Sciences

- 9. Adjournment
- NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, May 20, 2016.

1. <u>ASU: Approve naming of the Department of Engineering</u> and acceptance of a related gift.

Presenter: Dr. Brian May Board approval required by: Sections 06.06.1; 04.11.3; and 06.01.2.b *Regents Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the naming of the Department of Engineering at Angelo State University the "David Hirschfeld Department of Engineering" in recognition of the significant gift from David and Judith Hirschfeld. The donor concurs with the naming of this department.

It is also recommended that the Board of Regents approve to officially accept the gift from David and Judith Hirschfeld.

BACKGROUND INFORMATION

David and Judith Hirschfeld have made a generous gift to Angelo State University for the benefit of the Department of Engineering. In recognition of this gift, the Department of Engineering will be named the "David Hirschfeld Department of Engineering."

After David Hirschfeld graduated from Texas Tech in 1962, he joined the family owned business of Hirschfeld Steel. He grew the company significantly and has great commitment to community service in San Angelo. David and Judith Hirschfeld's gift of an endowment of \$1,000,000 will help support the ongoing needs of a growing Engineering program at Angelo State.

Sections 06.06.1 and 04.11.3, *Regents' Rules*, govern gift-related namings and honorary namings of academic units. Section 06.01.2.b governs the approval by the Board of restricted gifts such as this.

2. <u>ASU: Approve the addition of the Doctor of Education</u> <u>degree with a major in Nursing Education in the Archer</u> <u>College of Health and Human Services.</u>

Presenter: Dr. Donald Topliff Presentation Time: 5 minutes Board approval required by: *Regents' Rule* 04.09.01; ASU Operating Police 04.05; and Chapter 5, subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new degree program request for the Doctor of Education ("Ed.D.") degree with a major in Nursing Education within the Archer College of Health and Human Services and authorize submission to the Texas Higher Education Coordinating Board seeking its approval for such a program and to the Southern Association of Colleges and Schools for its review.

Implementation of this new program will be fall 2017.

BACKGROUND INFORMATION

The goal of the proposed Doctor of Education with a major in Nursing Education is to produce terminally prepared graduates in the critical need area of Nursing Education. The professional emphasis of this program will help fill the void of doctorally prepared nurses in nursing education programs. The lack of a doctoral program in Texas (online or face-to-face) focused specifically on nursing education is having a significant impact on the preparation of pre-licensure nurses. The discipline's traditional focus has been preparing nurses for clinical practice and research. The curriculum is designed to include foundational education coursework, research methodology, and a guided research experience.

The proposed program will produce professionals specializing in nursing education who can develop both the content and delivery of online nursing programs capable of developing and evaluating all aspects of curriculum in an online format. These individuals will be experts in blended formats as well. Graduates of the proposed program will also be able to teach in both a traditional and on online classroom setting in their chosen program emphasis.

The need for terminally prepared professionals in nursing is critically high. As the faculty age (mean of 56 years) continues to rise in the field of nursing, a wave of faculty retirements nationally is expected over the next decade. Master's and doctoral programs in nursing, however, are not producing a large enough pool of potential nurse educators to meet current and future demand. Efforts to expand the nurse educator population are thwarted because thousands of qualified applicants to graduate nursing programs are turned away each year. The

American Association of Colleges of Nursing ("AACN") reports U.S. nursing schools turned away 78,089 qualified applicants from baccalaureate and graduate programs in 2013, with two-thirds of the respondents identifying faculty shortages as the primary reason for not admitting all qualified applicants. In 2010, the Texas Nursing Workforce Shortage Coalition reported Texas nursing schools turned away 11,217 qualified applicants, primarily because of a lack of faculty.

According to the AACN, in 2013, there were 93 nurse faculty vacancies in baccalaureate nursing programs. In 2014, the number increased to 97 vacancies. According to a *Survey on Vacant Faculty Positions for Academic Year 2014-2015*, over 1,000 qualified applicants were not admitted to doctoral programs due to faculty shortages and other fiscal constraints. Further, a total of 1,358 faculty vacancies were identified in a survey of 680 nursing schools across the country with baccalaureate and/or graduate programs. In addition to these vacancies, schools cited the need to create additional faculty positions to accommodate student demand. Nationally, there is a nurse faculty vacancy rate of 8.3%, with over 87% of the vacancies requiring or preferring a doctoral degree. Sixty-five percent of Texas programs indicated a limited qualified applicant pool was a major barrier to faculty recruitment.

The degree consists of a minimum of 54 doctoral level semester credit hours (SCH) which includes 42 SCH of required courses and 12 SCH of dissertation. The doctoral program will be delivered entirely in an online format. Courses will be delivered via the Blackboard® learning management system and will mirror the Archer College of Health and Human Service's existing master's programs, which have received national recognition.

Five-Year Costs		Five-Year Funding		
Personnel*	\$1,698,690	Reallocated Funds*	\$1,713,690	
Facilities and Equipment	\$ 0	Anticipated New Formula Funding	\$ 354,780	
Library, Supplies and Material	\$ 75,000	Special Item Funding	\$0	
Other Staff	\$ 120,000	Other Designated Tuition and Fees	\$ 432,380	
Total Costs	\$1,893,690	Total Funding	\$2,500,850	

*Reallocated salaries of existing faculty = \$1,698,690

Enrollment Projections					
	Year 1	Year 2	Year 3	Year 4	Year 5
New Students	12	0*	12	0*	12
Cumulative Headcount	12	11	22	13	22
FTSE	12	11	22	13	22
Attrition	1	1	1	1	1
Graduates	0	0	8	2	8

*Students will be admitted in a cohort of 12 every other year to facilitate course sequencing and use of faculty resources.

3. <u>TTU: Approve appointments with tenure.</u>

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

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the granting of tenure to the following faculty upon their appointments at Texas Tech University:

- Victoria L. Coverstone, Ph.D., new Professor, Department of Mechanical Engineering, Edward E. Whitacre Jr. College of Engineering. Professor Coverstone is currently a tenured professor of Aerospace Engineering and Associate Dean of Graduate and Professional Programs at the University of Illinois at Urbana-Champaign;
- Susan Larson, Ph.D., new Qualia Chair and Professor, Department of Classical and Modern Languages and Literatures, College of Arts and Sciences. Professor Larson is currently a tenured associate professor of Spanish at the University of Kentucky.
- Oliver G. McGee, Ph.D., new Professor and new Chairperson, Department of Mechanical Engineering, Edward E. Whitacre Jr. College of Engineering. Professor McGee is currently a tenured professor of Mechanical Engineering and former Vice President for Research and Compliance at Howard University in Washington, D.C.
- Winston Oluwole Soboyejo, Ph.D., new Professor, Department of Mechanical Engineering, Edward E. Whitacre Jr. College of Engineering. Professor Soboyejo is currently a tenured professor of Mechanical and Aerospace Engineering at Princeton University, and also serves as President of the Scientific Advisory Board of the United Nations.

BACKGROUND INFORMATION

The faculty members whose names appear above have been judged by the respective department faculty, appropriate committees and administrative personnel as worthy of academic tenure. Procedures set forth in the university tenure policy (OP 32.01) for the awarding of tenure to qualified members of the faculty have been carefully followed. Each of these professors is tenured at their current institutions, and fulfillment of their appointments to join Texas Tech University includes receiving tenure here.

Approval of these individuals brings the number of full-time tenured faculty at Texas Tech University to 808, and the number of all faculty at the university, either tenured or tenure track, to a total of 1090. After these appointments, the percentage of tenure track faculty who have been awarded tenure will be 74.

4. <u>TTU: Approve new Ph.D. degree in Addictive Disorders</u> and Recovery Studies in the College of Human Sciences.

Presenter: Dr. Lawrence Schovanec Presentation Time: 3 minutes Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve a new Ph.D. in Addictive Disorders and Recovery Studies offered in the College of Human Sciences and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program.

Searches are currently underway in FY 2016 for 2 new assistant professors and 1 new associate professor needed to round out the core faculty for this doctoral program. No additional new faculty are anticipated beyond the three currently in searches. The three new faculty will provide the capacity needed to implement the proposed program and future growth without overtaxing existing academic programs in the department. Personnel costs also include new and continuing Teaching Assistant positions and Research Assistant positions, and reallocation of one staff person and addition of a new half-time staff person. Current facilities are generally sufficient to support the program, but equipment costs factor in new computer purchases in years 1, 3, and 5. Need for basic office and administrative supplies and materials to accommodate the new faculty and TAs and RAs is anticipated. Thus, total program costs over the first five years are estimated to be \$2,599,928. The program is anticipated to generate revenue of \$2,627,807 over the same period.

Five-Year Costs		Five-Year Funding	
Personnel	\$2,574,058	Reallocated Funds*	\$946,022
Facilities and Equipment	\$4500	Anticipated New Formula Funding	\$683,875
Library, Supplies, and Materials	\$13,120	Special Item Funding	\$0
Other travel to visit community colleges, internship placement/supervision; administrative costs; annual conference	\$8,250	Other designated tuition and fees	\$997,910
Total Costs	\$2,599,928	Total Funding	\$2,627,807

*Reallocated salaries of existing faculty

BACKGROUND INFORMATION

There has been a tremendous growth in the field of addiction and recovery in the past 10 years. Addiction is at a level of epic proportion in the United States, with over 21 million adults reporting themselves as substance abusers. Problems associated with substance abuse and addictions negatively affect individuals, families, and communities. The need for highly gualified academic, clinical, and research addiction/recovery professionals is great. According to the Bureau of Labor Statistics Occupational Handbook, as of 2012 the number of people working in addiction/recovery professions was projected to increase 31% by 2022. But there is a lack of sufficient educational programs to prepare these professionals. The educational, clinical, and research elements that would enhance our understanding of recovery and enable gualified professionals to apply that understanding underscores the need for this proposed Ph.D. program. The Texas Tech Center for Collegiate Recovery Communities is a nationally recognized and first of its kind recovery community residing in the academic department that will deliver the new Ph.D. program. The TTU recovery model has been used successfully for over 20 years and in the last several years has helped facilitate the opening of similar programs at other colleges and universities throughout the U.S. Importantly, although some doctoral programs elsewhere in the country may offer some degree of focus on addiction, there are currently no doctoral programs in addictive disorders and recovery. The proposed new program will be the first such program in the state of Texas and nationally.

Enrollment projections for the new program are given in the table below. A consistent enrollment of 7-8 new students every year from year three onward will make it feasible to offer this program and more than meet expenses.

	2016-17	2017-18	2018-19	2019-20	2020-21
New Students	6	6	7	7	8
Cumulative Headcount		12	18	24	26
FTSE	6	12	18	24	26
Graduates	0	0	0	5	5

5. <u>TTU: Approve Online and On-campus Master of Science</u> <u>Degree in Manufacturing Engineering.</u>

Presenter: Dr. Lawrence Schovanec Presentation Time: 3 minutes Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new degree program, Master of Science in Manufacturing Engineering, to be offered both online and on-campus in the Edward Whitacre College of Engineering; and authorize submission, by the Office of the Provost and Senior Vice President for Academic Affairs, to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools for acknowledgement of a new degree program.

No new tenure-track faculty members are needed to support this degree within the first five years, but existing faculty load will be reallocated to meet demand for the program, representing \$133,126 of personnel costs. To offset the faculty teaching adjustments, additional teaching assistants and graduate assistants will be hired, representing additional personnel costs. A program administrator from among the faculty will be paid a stipend. Facilities in the college's building are adequate to support the program. Some equipment upgrades and new equipment will be needed as the program progresses. Program costs over the first five years are thus estimated at \$453,315. The program is anticipated to generate revenue of \$979,743 over the same period.

Five-Year Costs		Five-Year Funding	
Personnel \$383,187		Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$979,743
Library, Supplies, and Materials	\$25,000	Special Item Funding	\$0
Other travel to visit community colleges, internship placement/supervision; administrative costs; annual conference	\$45,128	Other designated tuition and fees	\$0
Total Costs	\$453,315	Total Funding	\$979,743

BACKGROUND INFORMATION

The proposed Master of Science in Manufacturing Engineering is to provide graduate-level education in advance and sustainable manufacturing to engineers to meet the needs and challenges of modern manufacturing. In addition to traditional manufacturing engineering topics, the new program will cover advanced manufacturing, biomedical manufacturing, and systems concepts of integrated product and process design for sustainable manufacturing. Graduates will be able to identify, analyze, and solve today's manufacturing challenges.

Manufacturing has a vital role in sustaining economic growth. In 2010, U.S. manufacturing produced \$1.7 trillion in goods, about 12 percent of the U.S. gross domestic product. For every \$1 spent in manufacturing, another \$1.37 is added to the economy, and for every job in manufacturing, 2.5 new jobs are created in local goods and services. In 2012, the federal government planned to invest \$1 billion over 10 years to initiate the National Network for Manufacturing Innovation, including up to 45 manufacturing excellence to accelerate innovation and increase U.S. competitiveness. The proposed new degree program will form partnerships with regional manufacturers to draw on their experiences to develop student learning projects.

Enrollment projections for the new program are given in the table below. A campus survey of Engineering student showed that 40 are interested in the proposed program. Nationwide demand for master's level manufacturing engineers has also been recently demonstrated. Thus, demand for the new program should be robust. These projections show the estimated cumulative headcount and full-time student equivalent enrollment for the first five years of the program, based on majors only and considering attrition and graduation. Because some of these students will be working professionals, part-time enrollment in the program is likely to be common and some attrition is expected.

YEAR	2016-17	2017-18	2018-19	2019-20	2020-21
Headcount	5	10	15	20	25
FTSE	3	8	11	16	20

6. <u>TTU: Approve revisions to the Student Handbook,</u> <u>effective May 21, 2016.</u>

Presenter: Dr. Juan Muñoz Presentation Time: 5 minutes Board approval required by: Section 05.01.2, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the revisions to the <u>Student Handbook</u> and *Code of Student Conduct* for Texas Tech University, effective May 21, 2016.

Executive Summary

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

Revisions were coordinated by the Dean of Students and the Office of Student Conduct. Proposed revisions are largely editorial in nature and include the following changes/updates to more accurately reflect current practices and operating policies:

- The University Discipline Committee Hearing structure outlined in Part I, Sections A.1.c. and C.3.b was revised and renamed a Panel Hearing. Revisions to the Hearing structure reflect current best practices and are as follows:
 - Reduction in the number of voting members on committee Hearings from 5 to 3.
 - The addition of Administrative Hearing Officer membership to the pool of members (currently faculty, staff, and students) that can be selected for a committee Hearing.
 - Only Administrative Hearing Officer members may serve on committee Hearings for Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues.
- Expanded Part I, Section B.2 (Actions against Members of the University Community and Others) to include actions against any person or persons.
- Made modifications in Part I, Section B (Misconduct) to disruptive conduct, assault, threats, and bullying/cyberbullying.
- Added reference to OP 10.22 in Part I, Section B.6 Firearms, Weapons, and Explosives.

- Made modifications in Part 2 Community Policies related to genderbased harassment, sexual misconduct, discrimination, and Title IX consistent with updated OPs 40.02 and 40.03.
- All other Part 2 Community Policy changes were editorial only.

BACKGROUND INFORMATION

In accordance with *Regents' Rules*, Section 05.01.2, revisions to the <u>Student Handbook</u> and *Code of Student Conduct* must be approved by the Board of Regents. On May 15, 2015, the Board of Regents approved revisions to the <u>Student Handbook</u> effective May 18, 2015 (Minute Order XII.A.5.).

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

The proposed revisions to the <u>Student Handbook</u> are listed in detail in the executive summary of revisions.

7. <u>TTUHSC El Paso: Approve conferral of emeritus</u> <u>appointment.</u>

Presenter: Richard Lange, M.D., M.B.A Presentation Time: 2 minutes Board approval required by: Section 04.01.2, *Regent's Rules* and HSC OP 10.1

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve to confer the title of Professor Emeritus on Albert Cuetter, M.D. Professor of Neurology for his distinguished service to the Texas Tech University Health Sciences Center El Paso Paul L. Foster School of Medicine.

BACKGROUND INFORMATION

Dr. Cuetter joined the faculty in 1985. During his tenure at Tech he worked his way through the ranks until he became full professor, a position he held for many years. He held the small neurology service together, sometimes as the only neurologist providing clinical service while still managing to fulfill his duty of educating. This devotion to teaching, places him as the "Teacher par excellence" in the mind of faculty, residents and medical students. He mentored and taught neurology to many individuals who are now in faculty positions. This distinction in teaching and education did not go unnoticed, as it is reflected by his receiving an Outstanding Teacher award 26 times, Lifetime Teacher Award 11 times, and Dean's Excellent Teaching Award once. He is loved and respected by patients, medical students, residents and faculty within our institution, and commands the professional respect of physicians and neurologists in El Paso. Yet, he has always remained humbled and devoted to his passion of caring for patients, and educating medical students. Dr. Cutter retired on March 28, 2016.

8. <u>TTUHSC El Paso: Approve a post baccalaureate certificate</u> program in the Graduate School of Biomedical Sciences.

Presenter: Richard Lange, M.D., M.B.A Presentation Time: 5 minutes Board approval required by: HSC Operating Policy 60.11 and Chapter 5, Subchapter C, THECB Laws and Rule

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the delivery of a post-baccalaureate certificate program (9 credit hours) in Biomedical Sciences.

BACKGROUND INFORMATION

Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") currently has an independent Graduate School of Biomedical Sciences ("GSBS") that is approved to offer a master's degree with an emphasis on education and training in biomedical studies. Previously as a regional campus GSBS also offered a one-year post-baccalaureate certificate program in biomedical sciences.

The main purpose of the certificate program was to help strengthen the credentials of students who were planning to apply to medical school. This has been successful over the two years of its existence, as nearly 75% of students who completed the certificate program have been accepted into medical school.

We anticipate that establishing this post baccalaureate certificate program under the GSBS at TTUHSC EI Paso will continue to be successful in terms of career outcomes for participants, and also will expand the educational footprint of the GSBS by improving the ability of TTUHSC EI Paso to recruit top students.

Finally, it should be emphasized that this new certificate program will strengthen collaborations between the GSBS and the Paul L. Foster School of Medicine.

Implementing and delivery of the post-baccalaureate certificate program will require no additional resources. The curriculum and administrative infrastructure currently exist as part of the Master of Biomedical Sciences degree program.

The next step will be to obtain the required approval from The Texas Higher Education Coordinating Board.

MEETING OF THE BOARD

Meeting of the Board

Thursday, May 19, 2016

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place at approximately 10:00 am; refer to agenda provided by the Chief Financial Officer's Office

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

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

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

- **Time:** 1:50 pm (or upon adjournment of the last committee meeting of the day or whenever deemed necessary)
- Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

<u>Agenda</u>

- II. Meeting of the Board—Call to Order; convene into Open Session of the Board.....Chairman Long
- - A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations Section 551.071
 - B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
 - C. Deliberations regarding prospective gifts Section 551.073

- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices Section 551.076
- IV. Open Session: The Board will reconvene in Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
 - A. Consideration of appropriate action, if any, on items discussed in Executive Session.....Vice Chairman Montford

Meeting of the Board

Friday, May 20, 2016

- Time: 8:30 am
- Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

<u>Agenda</u>

VI.		ing of the Board—Call to Order; reconvene into Session of the BoardChairman Long
VII.	Intro	ductions and RecognitionsChancellor Duncan, President May, Interim President Opperman President Mitchell, and President Lange
VIII.	Rece	ssChairman Long
IX.	Meet	ing of Standing Committees (if not concluded on Thursday)
Х.		ing of the Board—Call to Order; reconvene into Open ion of the Board
XI.	-	Session: The Board will continue in Open Session and meet as a mittee of the Whole and Meeting of the Board to consider and act on:
	A.	Approve minutes of Board meetings held on February 25-26, 2016 and April 18, 2016Chairman Long
	В.	Committee of the WholeVice Chairman Montford Page CW
		1. ASU, TTU, TTUHSC, TTUHSC EI Paso, TTUSA, and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda
		 <u>Consent Agenda</u> a. TTU: Approve faculty development leaves of absence (ACS) b. TTU: Approve leave of absence without pay (ACS) b-1. TTU: Approve the establishment of the new Department of Veterinary Science within the College of Agricultural Sciences and Natural Resources (ACS)

- c. TTU: Approve employee appointment to nonelective position (ACS)
- d. TTUHSC: Approve Bachelor of Science in Nursing to Doctor of Nursing Practice Degree Track (ACS)
- e. TTUHSC: Approve appointment to nonelective position of honor
- f. TTUHSC: Approve revisions to the 2016-2017 Code of Professional and Academic Conduct of the Student Handbook effective August 1, 2016 (ACS)
- g. TTUHSC EI Paso: Approve revisions to the Code of Professional Conduct Student Handbook to be effective August 1, 2016 (ACS)
- h. ASU: Approve revisions to the Traffic and Parking Regulations (FA)
- i. ASU: Approve FY 2017 holiday schedule (FA)
- j. TTU: Approve budget adjustment for the period December 11, 2015 through May 20, 2016 (FA)
- TTU: Authorize president to execute contract for the procurement and installation of a new video screen and sound system at the United Supermarkets Arena (FA)
- I. TTU: Approve budget adjustment for the period
- December 11, 2015 through May 20, 2016 (FA) m. TTU: Authorize president to execute contract
- with Premier Elevator Services Inc (FA)
 n. TTU: Approve establishment of a quasiendowment for scholarships (FA)
- o. TTU: Authorize president to execute contract with Sbarro, Inc (FA)
- p. TTU: Authorize president to execute contract with Starbucks Corporation (FA)
- q. TTU and TTUSA: Approve FY 2017 holiday schedule (FA)
- r. TTUHSC: Approve FY 2017 holiday schedule (FA)
- s. TTUHSC: Authorize president to execute contract with Covenant Health System (FA)
- t. TTUHSC: Authorize president to execute contracts with Texas Health and Human Services Commission (FA)
- u. TTUHSC: Authorize president to execute contract with Swank Motion Pictures Inc. (FA)

- v. TTUHSC El Paso: Approve FY 2017 holiday schedule (FA)
- w. TTUHSC El Paso: Authorize president to execute contracts with Texas Health and Human Services Commission (FA)
- x. TTUS: Authorize chancellor to execute contract with New England Pension Consultants ("NEPC") (FA)
- y. TTUS: Authorize chancellor to execute contract with Karen Tandy (FA)
- z. TTUS: Authorize chancellor to execute renewal of the Master Property insurance program (FA)

Information Agenda

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

- (1) ASU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules:* All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) TTU and TTUHSC: Contract Renewals per Section 07.12.5.b., *Regents' Rules: "Approval* of the President is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next board meeting."
- (3) TTUHSC and TTUSA: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.3.d(2), *Regents' Rules*: <u>"(a)</u> <u>Board approval is not required, but notice of the</u> <u>proposed contract must be provided to the chair and</u> <u>the chair of the Finance and Administration Committee</u> <u>prior to execution of the contract. (b) A report of the</u> <u>contract shall be provided as an Information Agenda</u> <u>item at the next board meeting."</u>
- (4) TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.3.b., *Regents*'

Rules: <u>"Nothwithstanding Section 07.12.2.a,</u> <u>Regents; Rules, the board delegates to the presidents</u> <u>the authority to approve the proposals and execute</u> <u>and sign contracts for sponsored program projects in</u> <u>excess of \$1,000,000 per annum. Sponsored program</u> <u>projects are those grants, contracts, and cooperative</u> <u>agreements from either the public or private sectors</u> <u>that support research, instructional, and service</u> <u>projects. A list of such contracts for sponsored</u> <u>program projects in excess of \$1,000,000 per annum</u> <u>shall be provided to the board as an information item</u> <u>at the next regular board meeting."</u>

- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules: "The establishment or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approved by the president, with notice provided to the board via an item in the Information Agenda for the next meeting of the board."*
- XII. Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.

	Α.	Report of the Facilities Committee Regent Anders
	В.	Report of the Audit CommitteeRegent Steinmetz
	C.	Report of the Finance and Administration CommitteeRegent Francis
	D.	Report of the Academic, Clinical and Student Affairs CommitteeRegent Lancaster
XIII.		Board will continue in Open Session as the Committee of the e and Meeting of the Board of Regents.
	A.	Schedule for Board meetings: August 11-12, 2016, Lubbock October 13-14, 2016, Lubbock December 15-16, 2016, Lubbock
	В.	The Chancellor's ReportChancellor Duncan
	C.	The President's Report, ASU President May
	D.	The President's Report, TTU Interim President Opperman

- E. The President's Report, TTUHSC President Mitchell
- F. The President's Report, TTUHSC El Paso..... President Lange
- - A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations Section 551.071
 - B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
 - C. Deliberations regarding prospective gifts Section 551.073
 - D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees Section 551.074
 - E. Deliberations regarding security devices—deployment of security personnel or devices Section 551.076
- XV Open Session: The Board will convene into the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

	A.	Consideration of appropriate action, if any, on items discussed in Executive SessionVice Chairman Montford	
	В.	Chairman's AnnouncementsChairman Long	
XVI.	AdjournmentChairman Lon		

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

RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of May 19-20, 2016; and (ii) acknowledge its review of the Information Agenda for the same meeting.

BACKGROUND INFORMATION

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

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

CONSENT/ INFORMATION AGENDA

BOARD OF REGENTS TEXAS TECH UNIVERSITY SYSTEM

CONSENT AGENDA and INFORMATION AGENDA

May 19-20, 2016

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman Mrs. Debbie Montford, Vice Chairman Mr. Larry K. Anders Mr. John D. Esparza Mr. L. Frederick "Rick" Francis Mr. Ron Hammonds Mr. Christopher M. Huckabee Mr. Tim Lancaster Ms. Victoria Messer, Student-Regent Mr. John D. Steinmetz

Standing Committees:

Academic, Clinical and Student Affairs: Tim Lancaster (Chair); Rick Francis; John Esparza; Victoria Messer

Audit: John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities: Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration: Rick Francis (Chair); Larry Anders; Tim Lancaster

TEXAS TECH UNIVERSITY SYSTEM BOARD OF REGENTS

May 19-20, 2016

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d.	TTUHSC: Approve Bachelor of Science in Nursing to Doctor of Nursing Practice Degree Track (ACS)
e.	TTUHSC: Approve appointment to non-elective position of honor
f.	TTUHSC: Approve revisions to the 2016-2017 Code of Professional and Academic Conduct of the Student Handbook effective August 1, 2016 (ACS)
g.	TTUHSC EI Paso: Approve revisions to the Code of Professional Conduct Student Handbook to be effective August 1, 2016 (ACS)
h.	ASU: Approve revisions to the Traffic and Parking Regulations (FA)
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REVISED 05-12-2016

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INFORMATION AGENDA

(Titles only; full agenda is on page 35) Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

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

- (1) ASU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), Regents' Rules: All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
- (2) TTU and TTUHSC: Contract Renewals per Section 07.12.5.b., *Regents' Rules:* <u>"Approval of the President is required for all component</u> institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next board meeting."
- (3) TTUHSC and TTUSA: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.3.d(2), *Regents' Rules:* <u>"(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."</u>
- (4) TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.3.b., *Regents' Rules:* "Nothwithstanding Section 07.12.2.a, *Regents; Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting."
- (5) TTUHSC: Report on establishment of new centers and institutes per Section 04.11.2., *Regents' Rules*: <u>"The establishment</u> or substantive restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approved by the president, with notice provided to the board via an item in the Information Agenda for the next meeting of the board."

a. TTU: Approve faculty development leaves of absence.

Board approval required by: Section 04.05, Regents' Rules

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

Faculty development leave with one-half salary for Costica Bradatan, Associate Professor, Honors College, August 1, 2016 to May 31, 2017, to do field research in France, Turkey, China, Brazil and Australia as part of a Fulbright Award to write his book, *In Praise of Failure: A Manifesto for Humility*. The book is a philosophical exploration of failure, and closely follows the work of French philosopher E. M. Cioran, as well as works of Michel de Montaigne, Blaise Pascal, and Simone Weil. A key premise of the work is that humility drawn from failure is of potentially greater value than is arrogance drawn from success.

Faculty development leave with salary for Greta Gorsuch, Professor, Department of Classical & Modern Languages & Literatures, College of Arts & Sciences, August 21, 2016 to December 31, 2016, to complete her book, *Language Testing for Student Evaluation and Classroom Research*. The book is intended as a resource for applied linguistics researchers, foreign/second language administrators and practitioners, and graduate students aspiring to be language educators in domestic and international settings. The book will integrate Dr. Gorsuch's 20-plus years of teaching language testing with new methodology development in the field. By the end of the leave period, she anticipates submitting a finished manuscript to the international publishing house, Springer.

Faculty development leave at half salary for Tanja Karp, Associate Professor, Department of Electrical and Computer Engineering, Whitacre College of Engineering, July 2016 to May 31, 2017, to fulfill a Fulbright Award to work in South Africa teaching and conducting research on robotics-based community engagement programs. Her project aims at expanding K-12 robotics programs and assessing their effectiveness through an international comparison of the impact of these programs on various stakeholders.

BACKGROUND INFORMATION

Board approval is required for leaves of absence of faculty. The existing policy provides that leaves may be granted under conditions allowable by the State of Texas. Faculty members submit requests for leave through their respective deans to the provost. The provost has approved each leave as indicated, based on recommendations of a faculty committee. The principle objective of faculty development leaves is to enable faculty members to engage in study, research,

writing, field work, or similar professional activities for a period of time free from their obligations at the university. The ultimate purpose of faculty development leaves is to subsequently enhance educational offerings available to Texas Tech University students through the faculty members' refreshed or expanded knowledge gained from the leave activities. A faculty member is eligible when he or she has served as a member of the Texas Tech faculty for at least five academic years and is tenured by the time of the leave. Applications are reviewed according to criteria including the potential of the work to contribute to the faculty members' field, evidence that the faculty member has already shown professional growth in the field, and evidence of the potential for continuing scholarship in teaching and research at Texas Tech. Faculty development leaves may be granted for one semester at full salary or for an academic year (two semesters) at one-half salary. Occasionally, a faculty development leave is recommended according to the program of Targeted External Awards for Faculty sponsored by the Provost and the Vice President for Research. In addition to a development leave, faculty who receive one of these prestigious external awards (such as a Fulbright Award) are granted a travel and relocation supplement for their project, and a one-time stipend upon completion of the project.

b. <u>TTU: Approve leave of absence without pay.</u>

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

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

Leave without pay for Mei-Fang Li, Associate Professor of Composition, School of Music in the College of Visual and Performing Arts, for the period of August 2016 through May 2017. Professor Li has been invited to teach at the Taipei National University of the Arts as a visiting professor. This opportunity will extend the reputation of Texas Tech University and its School of Music, while also cultivating potential recruitment of students to Texas Tech.

BACKGROUND INFORMATION

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

b-1. <u>TTU: Approve the establishment of the new Department of</u> <u>Veterinary Science within the College of Agricultural Sciences</u> <u>and Natural Resources.</u>

Board approval required by Section 04.11.1, Regents' Rules

The request is approve the establishment of the new Department of Veterinary Science in the College of Agricultural Sciences and Natural Resources and authorize submission of notification by Texas Tech University to the Texas Higher Education Coordinating Board. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Texas is a national leader in the production of animal foods. A growing global population requires increased food production from animals, management of animal diseases that cause loss in food animal production, management of diseases transmitted between animals and humans, enhanced research activities to discover and translate approaches to improving animal health, welfare, and productivity, and improving food safety and security. Research and graduate education to address these needs will be the purpose of this new academic department. It will be closely aligned with the existing Department of Animal and Food Sciences to provide a greater focus on research and outreach efforts in food animal (and equine) health and well-being that meet the needs of the animal-agriculture industry. The department will initially consist of 5 to 10 existing faculty members with joint appointments plus 3 new faculty members. The new department will not offer degrees, but rather will serve as a research and graduate education unit to facilitate multi-disciplinary collaboration to address research needs in aspects of basic and applied animal health including comparative medicine.

c. <u>TTU: Approve employee appointment to non-elective</u> position.

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

The request to approve the following employee appointment to a non-elective position. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Dr. Victoria Sutton, a Paul Whitfield Horn Professor and Director of the Center for Biodefense, Law and Public Policy in the School of Law at Texas Tech University, was appointed by the Honorable Greg Abbott to the Texas State Task Force on Infectious Disease.

Further, the president and chancellor recommend that the Board of Regents find with respect to the appointee that her service is of benefit to the State of Texas and Texas Tech University and that her service does not conflict with her respective position of employment at Texas Tech University.

BACKGROUND INFORMATION

The Texas Constitution, V.T.C.A. *Government Code*, Chapter 574, and university policy (OP 70.15) require a finding of fact before a university employee may accept an appointment to serve in non-elective state office.

This appointment will not conflict with the appointee's employment at Texas Tech University. This individual will serve without compensation but may be reimbursed for necessary travel and per diem in the performance of her duties as a member of the body to which she is appointed.

d. <u>TTUHSC: Approve Bachelor of Science in Nursing to Doctor</u> of Nursing Practice Degree Track.

Board approval required by: Section 04.09.1, *Regents' Rules*; HSC Operating Policy 60.11 and Chapter 5, subchapter C, THECB Laws and Rules

The request is to approve a Bachelor of Science in Nursing ("BSN") to Doctor of Nursing Practice ("DNP") pilot program. This is not a new degree as the School of Nursing ("SON") already grants both the BSN and the DNP degrees. This is simply a re-sequencing of courses and bypassing the Master of Science in Nursing ("MSN") for a student to be granted a DNP degree. This pilot program will focus on two specialty areas of practice – the Family Nurse Practitioner ("FNP") program and the Psychiatric Mental Health Nurse Practitioner ("PMHNP") program. With approval from the Texas Tech Board of Regents and the Texas Higher Education Coordinating Board, we aim to be the first public institution in Texas to offer the BSN to DNP pathway for FNPs and PMHNPs. This request has been approved administratively by the School of Nursing, the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Since 2004, the American Association of Critical-Care Nurses ("AACN") has ruled the DNP degree as the most appropriate level of education for Advanced Practice Registered Nurses ("APRNs"), including FNPs and PMHNPs. A decade later, AACN commissioned the RAND Corporation to study the status of BSN to DNP programs. The RAND study provided evidence of the robust movement toward BSN to DNP programs with 30% of nursing schools across the nation offering BSN to DNP programs. Currently in Texas, the only public university that offers an approved BSN to DNP program is the University of Texas Houston, focused solely on nurse anesthesia education. In 2015, The National Organization of Nurse Practitioner Faculty ("NONPF"), the standard-setting body for nurse practitioner education, called for nurse practitioner education to be offered in a BSN to DNP pathway. Universities across the nation are moving towards BSN to DNP pathways for their APRN programs. Texas must prepare now for the future of APRN education, which is the BSN to DNP pathway. The TTUHSC School of Nursing has the administrative and academic infrastructure and faculty expertise to become a leader in the state for BSN to DNP education.

The program will offer 77 credit hours in a combination of face-to-face and online courses and supervised clinical experiences. It will meet all educational standards required for program accreditation and graduates will be qualified to sit for national certification upon completion of the DNP degree. All current MSN programs will continue as currently offered while this pilot program is underway. After graduating one class of approximately 20 students, we will determine if the BSN to DNP program should continue as a permanent path to the DNP degree and if it should be expanded to other APRN tracks currently offered at the MSN level.

e. <u>TTUHSC: Approve appointment to non-elective position of honor.</u>

Board approval required by HSC OP 70.18

The request is to approve the appointment of Carol Boswell, Ed.D.to the Statewide Health Coordinating Council ("SHCC"). The Council ensures that health care services and facilities are available to all Texans through health planning activities. Based on these planning activities, the SHCC makes recommendations to the governor and the legislature through the Texas State Health Plan ("TSHP"). The council also provides overall guidance in the development of the TSHP, submission of the plan to the governor, and promoting the implementation of the plan. Dr. Boswell's term will expire on August 1, 2021. This request has been approved administratively by the School of Nursing, the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Carol Boswell, Ed.D. of Andrews is a professor at the School of Nursing of Texas Tech University Health Sciences Center. As an experienced clinician, she also serves as the co-director of the Center of Excellence in Evidence-Based Practice, and is the James A. "Buddy" Davidson Charitable Foundation Endowed Chair for Evidence-Based Practice. Previously, she served as a consultant and is currently a director for Permian Regional Medical Center Hospital. She is a fellow of the American Academy of Nursing and Academy of Nursing Education and a member of the American Nurses Association and National League for Nursing.

Dr. Boswell received a Bachelor of Science and Master of Science in Nursing from Texas Tech University Health Sciences Center and a Doctor of Education from Texas Tech University.

f. <u>TTUHSC: Approve revisions to the 2016-2017 Code of</u> <u>Professional and Academic Conduct of the Student Handbook</u> <u>effective August 1, 2016.</u>

Board approval required by: Section 05.01.01, Regents' Rules

The request is to approve revisions to the *Code of Professional and Academic Conduct* of the <u>Student Handbook 2016-17</u> for Texas Tech University Health Sciences Center as detailed in the Executive Summary below to be effective August 1, 2016. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents. [NOTE: The TTUHSC Student Handbook with proposed revisions is included as a supplemental attachment to the agenda.]

EXECUTIVE SUMMARY

Proposed revisions to the Student Handbook *Code of Professional and Academic Conduct* are noted in the attached document. The major revision is to include the new campus carry policy effective August 1, 2016. Given the review by of the Board of Regents of the Campus Carry policy, there is the possibility that minor changes may need the approval of the president based on modifications deemed necessary as a result of implementing the new policy.

Part I, Part III, Part IV, Part V, Part VI, Part VII, Part VIII, Part IX, Part X, Part XI, Part XII

• No changes

Part II: Code of Professional Conduct

Add: D. Misconduct; 3. b. Campus Carry Policy, TTUHSC OP 10.30

- As a health-related educational institution, TTUHSC facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC 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 is committed to the following principles for the campus environment:
- TTUHSC will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
- Within reasonable effort, TTUHSC will create an environment in which all stakeholders can conduct their business with a sense of personal and

collective safety and security;

• TTUHSC will communicate safety policies to stakeholders through all appropriate means.

BACKGROUND INFORMATION

Pursuant to Section 05.01.01, *Regents' Rules*, requires the Code of Professional and Academic Conduct be approved by the Board of Regents.

g. <u>TTUHSC El Paso: Approve revisions to the Code of</u> <u>Professional Conduct Student Handbook to be effective</u> <u>August 1, 2016.</u>

Board approval required by: Section 05.01.01, Regents' Rules

The request is to approve revisions to the *Code of Professional Conduct* of the <u>Student Handbook 2016-2017</u> for Texas Tech University Health Sciences Center at El Paso as detailed in the Executive Summary below to be effective August 1, 2016. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents. [NOTE: The TTUHSC El Paso Student Handbook with proposed revisions is included as a supplemental attachment to the agenda.]

EXECUTIVE SUMMARY

Proposed revisions to the *TTUHSC EI Paso Institutional Student Handbook: Code of Professional and Academic Conduct* are noted in the attached document. The major revision is to include the new campus carry policy effective August 1, 2016. Given the review by the Board of Regents of the Campus Carry policy, there is the possibility that minor changes may need the approval of the president based on modifications deemed necessary as a result of implementing the new policy.

Part I, Part III, Part IV, Part V, Part VI, Part VII, Part VIII, Part IX, Part X, Part XI, Part XII

• No substantive changes

Part II: Code of Professional Conduct Add: D. Misconduct; 3. b. Campus Carry Policy, TTUHSC EP OP 10.30

- As a health-related educational institution, TTUHSC EI Paso facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC EI Paso campus 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 EI Paso is committed to the following principles for the campus environment:
- TTUHSC EI Paso will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
- Within reasonable effort, TTUHSC EI Paso will create an environment in which all stakeholders can conduct their business with a sense of personal and collective safety and security;

• TTUHSC EI Paso will communicate safety policies to stakeholders through all appropriate means.

BACKGROUND INFORMATION

Pursuant to Section 05.01.01, *Regents' Rules*, requires each component institution to publish and maintain as a part of its operating manuals or student handbooks such policies and procedures as are necessary to guide the activities of their students.

h. <u>ASU: Approve revisions to the Traffic and Parking</u> <u>Regulations.</u>

Presenter: Mrs. Angie Wright Presentation Time: 5 minutes Board approval required by: Section 07.10, *Regents' Rules*; Section 51.202, *Texas Education Code*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve revisions to the Angelo State University Traffic and Parking Regulations and Fee Schedule as set out below. [NOTE: The Traffic and Parking Regulations with proposed revisions are included as a supplemental attachment to the agenda.]

Executive Summary

Propose reauthorization of the current regulations and fees with changes limited to increasing a violation fee.

Amend the Regulations to read as follows:

Parking Services is located at 1825 South Johnson in the West Office Annex complex. For phone or e-mail inquiries, please call (325) 486-6435 or e-mail your question to parking@angelo.edu.

- III. Vehicle Regulations
 - L. Lost or stolen permits should be reported as soon as possible to the Parking Services Office or the University Police Department. The recovery of a lost or stolen permit should be reported immediately.
- X. Violations/Fines

Proposed reauthorization of violation fees for parking in or blocking disabled space is included on the following page.

BACKGROUND INFORMATION

The Board of Regents of the Texas Tech University System, in accordance with V.T.C.A., Education Code, Section 51.202, is authorized to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other property under the control of Angelo State University. This includes, but not limited to, controlling the rate of speed; assigning parking spaces and zones; assessing a charge for parking; prohibiting parking as it deems necessary; properly removing

vehicles found in non-compliance of institutional rules, regulations or law at the violator's expense; and instituting a system of registration to include assessing a reasonable charge.

Violation Fees	
Refusal to display driver's license and/or ASU I.D. card to any	ФО Б 00
university police officer	\$25.00
Failure to stop or heed instructions from a university police officer	\$25.00
Unauthorized use of a parking permit	\$200.00
Parking in or blocking DISABLED space	\$200.00
Parking/Standing in Fire Lane	\$50.00
Blocking a dumpster	\$35.00
Parking with no permit, expired permit, or fail to display permit	\$35.00
Parking/Standing in No Parking Zone	\$35.00
Parking/Standing in Driveway/Right of Way	\$35.00
Parking/Standing in Maintenance/Loading Zone	\$40.00
Parking/Standing in a Reserved Area	\$40.00
Parking/Standing in a Wrong Zone	\$30.00
Parking/Standing on a Sidewalk	\$25.00
Parking/Standing on the Grass/Lawn Area	\$25.00
Not in a designated space/using (2) two spaces	\$20.00
Parking/Standing in a Barricaded/Prohibited Area	\$40.00
Backing or pulling through Parking Space	\$15.00
Bicycles secured to Railing, Trees or Posts	\$20.00
Parking with improperly displayed/Obscured permit	\$20.00
Auto cuff fee	\$30.00
Providing inaccurate vehicle registration information	\$50.00
All other violations/including traffic violations	\$25.00

i. ASU: Approve FY 2017 holiday schedule.

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

The request is to approve the FY 2017 holiday schedule for Angelo State University as presented on the attached page. This request has been approved administratively by the president and chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

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

State law provides for seventeen (17) state holidays in FY 2017. In FY 2017, four (4) holidays fall on weekends and cannot be substituted for other regular working days. The result is thirteen (13) holidays for FY 2017.

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

ANGELO STATE UNIVERSITY Holiday Schedule for 2016-2017

	DATE	DAY OF WEEK	HOLIDAY
2016	Sep 5	Monday	Labor Day
	Nov 24	Thursday	Thonksaiving Dov
		Thursday	Thanksgiving Day
	Nov 25	Friday	Thanksgiving Day
	Dec 23	Friday	Winter Holiday
	Dec 26	Monday	Winter Holiday
	Dec 27	Tuesday	Winter Holiday
	Dec 28	Wednesday	Winter Holiday
	Dec 29	Thursday	Winter Holiday
	Dec 30	Friday	Winter Holiday
2017	Jan 16	Monday	Martin Luther King, Jr. Day
	Apr 14	Friday	Spring Holiday
	May 29	Monday	Memorial Day
	July 4	Tuesday	Independence Day

TOTAL ALLOWABLE HOLIDAYS

13

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

State law provides for seventeen (17) state holidays in FY 2017. In FY 2017, four (4) holidays fall on weekends and cannot be substituted for other regular working days. The result is thirteen (13) observable holidays for FY 2017.

j. <u>TTU: Approve budget adjustment for the period December</u> <u>11, 2015 through May 20, 2016.</u>

Board approval required by: Section 07.04.4.a., Regents' Rules

The request is to approve a budget adjustment for the period December 11, 2015 through May 20, 2016. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

(December 11, 2015 – May 20, 2016)				
	Source of Funds			
Activity	Other	Expense		
Board Approval				
Hazlewood Budget		\$1,172,297.00	\$1,172,297.00	
This budget adjustment is to approve funds received from the Eighty-fourth Legislature General Revenue appropriation to Texas Veterans Commission ("TVC") distributed to TTU in the amount of \$1,172.297.00. Funds received from TVC will be utilized for summer school facility salaries.				
Total		\$1,172,297.00	\$1,172,297.00	

TEXAS TECH UNIVERSITY – BOARD APPROVAL ITEM (December 11, 2015 – May 20, 2016)

BACKGROUND INFORMATION

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

k. <u>TTU: Authorize president to execute contract for the</u> procurement and installation of a new video screen and sound system at the United Supermarkets Arena.

Board approval required by: Section 07.12.2.a, Regents' Rules

This request is to authorize the president or the president's designee to negotiate, finalize, and execute an agreement to procure and install a new video screen and sound system in the United Supermarkets Arena ("Arena"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The source of funding is from athletic operating funds.

BACKGROUND INFORMATION

Texas Tech University issued a Request for Proposal ("RFP") seeking competitive responses from qualified vendors and has selected a committee with expertise in procurement and technical systems to evaluate the responses. The committee shall provide a contract award recommendation to the President by June 15, 2016 for the complete installation not to exceed \$2,500,000 to be installed prior to the 2016-17 basketball season. The timing of the installation must be coordinated with other Arena events requiring Board approval prior to the August meeting.

I. <u>TTU: Approve budget adjustment for the period</u> <u>December 11, 2015 through May 20, 2016.</u>

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

The request is to approve a budget adjustment for the period December 11, 2015 through May 20, 2016. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

TEXAS TECH UNIVERSITY – BOARD APPROVAL ITEM (December 11, 2015 – May 20, 2016)

	Source of Funds		
Activity	Other	Income	Expense
Board Approval			
		\$2,000,00.00	\$2,000,000.00
This budget adjustment is to approve the \$2,000,000.00 for Athletics operations operating expenses to be funded from the Athletic Department's fund balance. The funds will be used to for the procurement and installation of a new video screen and sound system at the United Supermarkets Arena.			
Total		\$2,000,000.00	\$2,000,000.00

BACKGROUND INFORMATION

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

m. <u>TTU: Authorize president to execute contract with Premier</u> <u>Elevator Services Inc.</u>

Board approval required by: Section 07.12.2.a, Regents' Rules

The request is to authorize the president or his designee to approve and execute a contract with Premier Elevator Services Inc. to provide maintenance and repair services for elevators on the Texas Tech University ("TTU") campus. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

The president recognizes the need to provide safe operating elevator equipment on the TTU campus.

TTU issued a Request for Proposal ("RFP") on February 24, 2016 seeking competitive responses from qualified vendors and selected Premier Elevator Services Inc. as the most qualified and possessing the best overall value to TTU. The estimated annual cost is \$1,500,000 and will vary based upon services required for equipment maintenance. The contract will be effective for a period of four years from the date of signing. The contract includes four one-year renewal terms upon mutual agreement of the parties.

n. <u>TTU: Approve establishment of a quasi-endowment for</u> <u>scholarships.</u>

Board approval required by: Section 4 of the LTIF Investment Policy Statement, *Regents' Rules*

The request is to approve the transfer of \$1,700,000 from the Undergraduate Scholarships Program spendable account to create a new undergraduate scholarship quasi-endowment. Earnings of the quasi-endowment will be dedicated to merit-based undergraduate scholarships. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

The Texas Tech Scholastic Achievement Scholarship quasi endowment, established August 31, 1995, provides annual spendable earnings to fund scholarships. Rather than spend all earnings in FY 16, a portion has been identified to be transferred to a new quasi-endowment. Institutional Advancement will work with donors to match the amount transferred by Texas Tech University ("TTU"). Establishment of a quasi-endowment will allow investment in the University's Long Term Investment Fund. Earnings from the new quasi-endowment will allow for additional merit-based undergraduate scholarship awards each year.

Board of Regents approval of quasi-endowments is required pursuant to Regents Rules and Texas Tech University Section 4 of the LTIF Investment Policy Statement, "Institutional funds are defined in Section 51.002, *Texas Education Code*, as amended or modified. In this policy statement, long-term institutional funds are all non-endowment institutional funds approved by the Board, for investment purposes, for inclusion in the LTIF."

o. <u>TTU: Authorize president to execute contract with Sbarro,</u> Inc.

Board approval required by: Section 07.12.2.a, *Regents' Rules*

The request is to authorize the president or his designee to finalize negotiations and enter into a contract with Sbarro, Inc. to license a retail pizza operation at Texas Tech University's ("TTU") Student Union Building. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

The president of TTU recognizes the need for TTU to continue operation of a retail pizza concept at the Student Union Building.

TTU, on behalf of its Department of Hospitality Services, issued a Request for Proposal ("RFP") on January 13, 2016 seeking competitive responses from qualified vendors and selected Sbarro, Inc. as the most qualified and possessing the best overall value to TTU. The estimated costs (payments to Sbarro) for TTU to be the franchisee/operator are: (1) \$7,500 for the license renewal fee (reinstatement of previous license), (2) a monthly royalty of 5% of the Gross Revenue, and (3) a monthly advertising fee of 1% of the Gross Revenue. The contract will be effective on June 1, 2016, and the term, including options to renew, will not exceed eight years.

Section 07.12.2.b. *Regents' Rules,* requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

p. <u>TTU: Authorize president to execute contract with Starbucks</u> <u>Corporation.</u>

Board approval required by: Section 07.12.2.b, *Regents' Rules*

The request is to authorize the president or his designee to finalize negotiations and enter into a contract with Starbucks Corporation to license a retail coffee operation at Texas Tech University's ("TTU") honors residence hall. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

The president of TTU recognizes the need for TTU to construct and operate a retail coffee and food concept at the the newly constructed honors residence hall.

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 estimated costs (payments to Starbucks) for the TTU to be the franchisee/operator are: (1) \$30,000 for the initial license fee, (2) a monthly royalty of 7% of the Gross Revenue, (3) monthly advertising and marketing fees each equal to 1% of the Gross Revenue, (4) potential design and development fees for renovations or post-opening installations not to exceed \$25,000, and (5) potential training fees not to exceed \$12,000 over the term. The contract term is ten years from the date the store opens for business. TTU would like to execute the contract as soon as is practicable if approved.

Section 07.12.2.b. *Regents' Rules,* requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

q. TTU and TTUSA: Approve FY 2017 holiday schedule.

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

The request is to approve the FY 2017 holiday schedule for Texas Tech University and Texas Tech University System Administration as presented on the attached page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

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

State law provides for seventeen (17) state holidays in FY 2017. In FY 2017, three (3) holidays fall on weekends and cannot be substituted for other regular working days. The result is fourteen (14) holidays for FY 2017.

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

TEXAS TECH UNIVERSITY and TEXAS TECH UNIVERSITY SYSTEM ADMINISTRATION Holiday Schedule for 2016-2017

YEAR	DATE	DAY OF WEEK	HOLIDAY
2016	Contombon 5	Mandau	Lahar Dav
2010	September 5	Monday	Labor Day
	November 24	Thursday	Thanksgiving Day
	November 25	Friday	Thanksgiving Day
	December 23	Friday	Winter Holiday
	December 26	Monday	Winter Holiday
	December 27	Tuesday	Winter Holiday
	December 28	Wednesday	Winter Holiday
	December 29	Thursday	Winter Holiday
	December 30	Friday	Winter Holiday
2017	January 16	Monday	Martin Luther King, Jr. Day
	March 17	Friday	Spring Break
	May 29	Monday	Memorial Day
	July 4	Tuesday	Independence Day

TOTAL ALLOWABLE HOLIDAYS

13

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

State law provides for seventeen (17) state holidays in FY 2017. In FY 2017, four (4) holidays fall on weekends and cannot be substituted for other regular working days. The result is thirteen (13) observable holidays for FY 2017.

r. TTUHSC: Approve FY 2017 holiday schedule.

Board approval required by: Section 3.08, Regent's Rules

The request is to approve the following FY 2017 holiday schedule for Texas Tech University Health Sciences Center as presented on the attached page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Section 662.011, Title 6 of the *Texas Government Code*, as amended, authorizes the Board to establish the holiday schedule for Texas Tech University Health Sciences Center provided that the number of holidays scheduled do not exceed the number of holidays observed by other state agencies. There are 17 days in the holiday schedule. In FY 2017, four holidays fall on a weekend and cannot be substituted for other regular working days. The result is 13 holidays for FY 2017. It is recommended that the actual observance of some holidays be transferred to coincide with the academic and clinical holiday schedule. This will provide efficient academic and clinical holiday schedules and permit energy conservation and cost avoidance by closing offices during periods when classes and/or clinics are not in session. TTUHSC will observe 10 days of holidays for academic, administrative and clinical operations and an additional three days of holiday entitlement will be accrued to employees' holiday comp time leave balances.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER Holiday Schedule for 2016-2017

YEAR	DATE	DAY OF WEEK	HOLIDAY
2016	September 5	Monday	Labor Day
	November 24 November 25	Thursday Friday	Thanksgiving Day Thanksgiving Holiday
	December 23 December 26 December 30	Friday Monday Friday	Christmas Holiday Christmas Holiday New Year's Holiday
2017	January 16	Monday	Martin Luther King, Jr. Day
	March 17	Friday	Spring Holiday
	May 29	Monday	Memorial Day
	July 4	Tuesday	Independence Day

TOTAL ALLOWABLE HOLIDAYS

10

Note:

State law provides for 17 state holidays. In FY 2017, four (4) holidays fall on a weekend. The appropriations bill disallows state holidays occurring on weekends. Therefore, the state will observe thirteen (13) holidays in FY 2017, which is one (1) less than FY 2016. TTUHSC will observe 10 holidays.

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

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

s. <u>TTUHSC: Authorize president to execute contract with</u> <u>Covenant Health System.</u>

Board approval required by: Section 07.12.2.a, *Regents' Rules*

The request is to authorize the president to approve and execute a contract with Covenant Health System to provide hospitalist services. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Covenant Health System is in need of hospitalist services and Texas Tech University Health Sciences Center ("TTUHSC") is able to provide those services. The term of the contract will be two years from July 1, 2016 to June 30, 2018. Covenant will pay TTUHSC \$121.00 per hour for these physician services. TTUHSC has been providing these services to Covenant for several years and the total annual revenue did not exceed \$1,000,000. It is anticipated that this new agreement will be for \$1,057,056 annually and would require the approval of the Board of Regents.

t. <u>TTUHSC: Authorize president to execute contracts with</u> <u>Texas Health and Human Services Commission.</u>

Board approval required by: Section 07.12.2.a, *Regents' Rules*

The request is to authorize the president to approve and execute one or more contracts with Texas Health and Human Services Commission ("HHSC") and associated participating provider agreements to implement the 2017 Network Access Improvement Program ("NAIP"). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

As approved by the Centers for Medicare & Medicaid Services, the Texas NAIP is designed to further the state's goal of increasing the availability and effectiveness of primary care for Medicaid beneficiaries by creating incentive for health related institutions. Texas Tech University Health Sciences Center ("TTUHSC") has participated in NAIP in the past and recognizes the need for continued participation in the Program. When TTUHSC first began participating in this program it sought and received emergency Board approval in January 2015 as provided by Regents' Rules. The emergency approval was for two Interagency contracts with HHSC and any other contracts necessary to implement the program. All the contracts entered into were presented to the Board as Information Items at subsequent Board Meetings.

TTUHSC has proposed seven projects to HHSC FY 2017. The seven proposed projects are Foster Care Center of Excellence, Quality/Access Bonus Fund, Women's & Children's Mobile Health Unit, Psychiatric Outpatient Clinic, Diabetic Care Program, and two Telemedicine Projects. If all are funded the proposed valuation would be \$25,277,690 and it would be necessary for TTUHSC to make an Intergovernmental Transfer ("IGT") to HHSC in the amount of \$12,184,352. HHSC would receive a Federal match of \$13,093,338 for the proposed valuation of \$25,277,690 and this amount would be paid to TTUHSC for services rendered under the seven projects. Each approved project will be structured contractually to minimize risk to the IGT investment. The funds would be channeled thru three participating providers for distribution to TTUHSC. The three participating providers are Superior Health Plan, Amerigroup, and FirstCare, who will receive an administrative fee as a part of the project funding for approved projects. TTUHSC is asking the Board to authorize the president to execute contracts with the three participating provider in addition to those with HHSC.

u. <u>TTUHSC: Authorize president to execute contract with Swank</u> <u>Motion Pictures Inc.</u>

Board approval required by: Section 07.12.2.a, Regents' Rules

The request is to authorize the president to approve and execute a contract with Swank Motion Pictures, Inc. ("Swank") to grant to Swank an exclusive license for the sale and distribution of Texas Tech University Health Sciences Center's ("TTUHSC") Health.edu continuing education, regulatory training content and associated text material in medical or health care markets outside the State of Texas, U.S. Military markets worldwide, and departments and agencies of the Federal Government of the U.S. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Swank has provided these services for TTUHSC since 1998. TTUHSC issued a Request for Proposals on February 4, 2016 seeking competitive responses from qualified vendors and selected Swank as the most qualified and possessing the best overall value to TTUHSC. The estimated annual revenue to TTUHSC is in excess of \$1,000,000 per year. The contract will be for five years and 4 months and will replace the current existing contract between TTUHSC and Swank. Swank will incur all expenses and retain all income from European and Middle Eastern Markets and TTUHSC will incur all the expenses and retain all the revenue from Mexico, Central America and South America.

TTUHSC will produce an average of 17 new programs per month and will guarantee a minimum of 500 active, accredited courses in the library all times for the term of this agreement. TTUHSC will provide a video file of its monthly programs to Swank, so Swank may exploit the distribution rights granted by the agreement.

v. TTUHSC El Paso: Approve FY 2017 holiday schedule.

Board approval required by: Section 3.08, Regent's Rules

The request to approve the following FY 2017 holiday schedule for Texas Tech University Health Sciences Center at El Paso as presented on the attached page. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Section 662.011, Title 6 of the *Texas Government Code*, as amended, authorizes the Board to establish a holiday schedule for Texas Tech University Health Sciences Center El Paso provided that the number of holidays scheduled do not exceed the number of holidays observed by the other state agencies. In FY 2017, four holidays fall on a weekend and cannot be substituted for other regular working days. The result is 13 holidays for FY 2017. It is recommended that the actual observance of some holidays be transferred to coincide with the academic and clinical holiday scheduled and permit energy conservation and cost avoidance by closing offices when classes and/or clinics are not in session. TTUHSC El Paso will observe 10 days of holidays for academic, administrative and clinical operations and an additional three days of holiday entitlement will be accrued to employees' holiday comp time leave balances.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO Holiday Schedule for 2016-2017

YEAR	DATE	DAY OF WEEK	HOLIDAY
0040			
2016	September 5	Monday	Labor Day
	November 24	Thursday	Thanksgiving Day
	November 25	Friday	Thanksgiving Holiday
	December 23	Friday	Christmas Holiday
	December 26	Monday	Christmas Holiday
	December 30	Friday	New Year's Holiday
2017	January 16	Monday	Martin Luther King, Jr. Day
	March 10	Friday	Spring Holiday
	May 29	Monday	Memorial Day
	July 4	Tuesday	Independence Day

TOTAL ALLOWABLE HOLIDAYS

10

Note: State law provides for seventeen (17) state holidays. In FY 2017, four (4) holidays fall on a weekend. The Appropriations Bill disallows state holidays occurring on weekends. Therefore, the state will observe thirteen (13) holidays in FY 2017, which is one less than in FY 2016. TTUHSC EI Paso will observe ten (10) holidays.

An additional three (3) days of entitlement will be accrued at the rate of two hours per month.

Under the provisions of Article V of Senate Bill 5, 73rd Legislature, Regular Session, a state employee is entitled to observe optional holidays, such as Rosh Hashanah, Yom Kippur, Cesar Chavez Day and Good Friday in lieu of any holiday(s) on which the institution is required to be open and staffed to conduct business.

w. <u>TTUHSC EI Paso: Authorize president to execute contracts</u> with Texas Health and Human Services Commission.

Board approval required by: Section 07.12.2.a, Regents' Rules

The request is to authorize the president to approve and execute one or more contracts with Texas Health and Human Services Commission ("HHSC") and associated participating provider agreements to implement the 2017 Network Access Improvement Program ("NAIP").

BACKGROUND INFORMATION

As approved by the Centers for Medicare & Medicaid Services, the Texas NAIP is designed to further the state's goal of increasing the availability and effectiveness of primary care for Medicaid beneficiaries by creating incentive for health related institutions. Texas Tech University Health Sciences Center at El Paso ("TTUHSC El Paso") has participated in NAIP in the past and recognizes the need for continued participation in the Program. When TTUHSC El Paso first began participating in this program it sought and received emergency Board approval in January 2015 as provided by Regents' Rules. The emergency approval was for two Interagency contracts with HHSC and any other contracts necessary to implement the program. All the contracts entered into were presented to the Board as Information Items at subsequent Board Meetings.

TTUHSC EI Paso has proposed 14 projects to HHSC FY 2017. The fourteen proposed projects include Foster Care Center of Excellence, Quality/Access Bonus Fund (2), Pediatric Complex Care, Post & Ante Partum Access (2), Post Partum LARC, Psychiatry in Primary Care, Centering Pregnancy Program, Baby Café, Neuro-Psychology Access, Post-Partum Depression Screening, High Risk Breast Cancer Screening in Primary Care and a Telemedicine Project. If all are funded the proposed valuation would be \$26,966,687 and it would be necessary for TTUHSC EP to make an Intergovernmental Transfer ("IGT") to HHSC in the amount \$11,646,912. HHSC would receive a Federal match of \$15,319,775 for the proposed valuation of \$26,966,687 and this amount would be paid to TTUHSC EI Paso for services rendered under the 14 projects. Each approved project will be structured contractually to minimize risk to the IGT investment. The funds would be channeled thru three participating providers for distribution to TTUHSC EI Paso. The three participating providers are Superior Health Plan, Amerigroup, and El Paso First Healthcare, who will receive an administrative fee as a part of the project funding for approved projects. TTUHSC EI Paso is asking the Board to authorize the president to execute contracts with the three participating providers in addition to those with HHSC.

x. <u>TTUS: Authorize chancellor to execute contract with New</u> England Pension Consultants ("NEPC").

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

The request is to authorize the chancellor to execute a contract extension with New England Pension Consultants ("NEPC") to provide investment consulting services. Said services will include advising the Investment Advisory Committee ("IAC") and the Chief Investment Officer (CIO) with regards to investment policy, asset allocation, investment manager searches and selection, and other matters concerning the System's investments. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

The contract was originally approved by the Board of Regents in August of 2013.

BACKGROUND INFORMATION

The chancellor recognizes the need for investment consulting services to advise in regard to investment policy, asset allocation, manager searches, and due diligence.

TTUS issued a Request for Proposal ("RFP") on August 7, 2012 seeking competitive responses from qualified vendors and selected New England Pension Consultants (NEPC) as the most qualified and possessing the best overall value to TTUS. The annual contract amount is \$525,000; \$175,000 for the Short/Intermediate Term Investment Fund (SITIF) and \$350,000 for the Long Term Investment Fund (LTIF). TTUS will reimburse the vendor's actual travel, lodging, and out-of-pocket expenses related to the services provided. The contract extension will be effective as of July 1, 2016 and will end on June 30, 2017.

This engagement will be funded with the management fee defined in the SITIF and LTIF Investment Policy Statements that is assessed against the SITIF and LTIF to support the offices responsible for managing the funds.

Section 07.12.3.d. *Regents' Rules,* requires Board approval on consulting contracts with an initial consideration in excess of \$25,000 and prior to the execution of all modifications that increase the consideration of such a contract.

y. <u>TTUS: Authorize chancellor to execute contract with Karen</u> <u>Tandy.</u>

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

The request is to authorize the chancellor execute up to two one-year renewals of the existing contract with Karen Tandy at a monthly fee of \$20,000 plus direct expenses not to exceed 10% to provide strategic planning assistance for TTUS federal affairs. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Mrs. Tandy has extensive experience and a history of success managing and executing federal affairs. Mrs. Tandy is a Texas Tech alumnus who has been engaged with TTUS on various levels. Her background with TTUS, combined with her unique experience as head of a federal agency, while also having experience leading a global governmental affairs division for an international company provide a unique skillset to assist TTUS is setting and achieving its federal affairs goals.

The Board of Regents approved the initial six-month term in October of 2015 for a total cost of \$120,000 plus direct expenses not to exceed 10% with an option to extend the contract for up to two additional one-year periods.

Section 07.12.3.d. *Regents' Rules,* requires Board approval on consulting contracts with an initial consideration in excess of \$25,000 and prior to the execution of all modifications that increase the consideration of such a contract.

z. <u>TTUS: Authorize chancellor to execute renewal of the Master</u> <u>Property insurance program.</u>

Board approval required by: Section 07.12.2.a, Regents' Rules

RECOMMENDATION

The request is to authorize the chancellor to approve and execute a contract with either FM Global or Arthur J Gallagher for the placement of the master property insurance program for TTUS component institutions. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

The chancellor recognizes the need for the placement of an insurance program to cover TTUS buildings and equipment valued in excess of \$4 billion dollars.

TTUS issued a Request for Qualification ("RFQ") on January 20, 2016 seeking responses from qualified vendors and selected Arthur J Gallagher as the most qualified broker, possessing the best skills and resources to effectively represent TTUS. TTUS currently accesses FM Global directly and in accordance with the existing contract, FM Global, the incumbent carrier, has the rights to offer renewal directly. Ultimately, either FM Global or the insurance carrier brought by Arthur J Gallagher will be awarded the renewal based upon the renewal premium and requested services. The contract will be effective as of September 1, 2016 and will end on August 31, 2020. The premium for the current fiscal year is \$1,486,735 through FM Global.

CONTENTS OF THE INFORMATION AGENDA

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

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

INFORMATION AGENDA

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

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

- (1) ASU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2016, per Section 01.02.8.d(3)(g), *Regents' Rules:* All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
 - (a) ASU: Report dated February 29, 2016 for fiscal year 2016 (available for review upon request);
 - (b) TTU: Report dated February 29, 2016 for fiscal year 2016 (available for review upon request); and
 - (c) TTUHSC: Report dated February 29, 2016 for fiscal year 2016 (available for review upon request).
 - (d) TTUHSC El Paso: Report dated February 29, 2016 for fiscal year 2016 (available for review upon request).
- (2) TTU and TTUHSC: Contract Renewals per Section 07.12.5.b., *Regents' Rules:* <u>"Approval of the President is required for all component</u> institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next board meeting."

TTU:

(a) MU1876 Chick-Fil-A, Inc.; renewal of franchise license agreement. \$3,188,000.

TTUHSC:

- (a) CON1575374 (13220) North Texas Indigent Services, Inc.; renewal of Master Coordinating Agreement – Faculty & Resident Support RE: Medical Center Hospital; \$13,607,671
- (3) TTUHSC and TTUSA: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.3.d(2), Regents' Rules: <u>"(a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."</u>

TTUHSC:

 (a) CON1576702 J K. Dorsey; Consultant in preparation for Liaison Committee on Medical Education (LCME) site visit, J. Kevin Dorsey; \$10,000 TTUSA:

- (a) Purpose of Consultant: Tom Anderson visited campus on February 16, 2016 at the request of the Chancellor and the VC of Institutional Advancement, to meet with the chancellor and provide high level guidance on major gifts and creating a culture of philanthropy during a period of institutional change. \$3,873.64.
- (4) TTUHSC: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.3.b., *Regents'*

Rules: "Nothwithstanding Section 07.12.2.a, *Regents; Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum. Information item at the next regular board meeting."

- (a) Health Resources and Services Administration grant funding entitled "Health Center Cluster"; grant year 03/01/2016 through 02/28/2017; award amount \$2,740,488.
- (5) TTU: Report on establishment of new centers and institutes per Section 04.11.2., Regents' Rules: <u>"The establishment or substantive</u> restructuring of a center, institute, or other academic unit or program not addressed in Section 04.11.1 herein shall be approved by the president, with notice provided to the board via an item in the Information Agenda for the next meeting of the board."
 - (a) Texas Tech University Vernacular Music Center (VMC), School of Music, College of Visual & Performing Arts. The TTU Vernacular Music Center (established 2001) is a center for research, teaching, and advocacy in the world's vernacular music and dance—art forms that are learned, taught, and passed-on by ear and in the memory. The Center is a focus of interdisciplinary research, global teaching—including Study Abroad and international collaborations—and both national and regional arts advocacy. It administers the Certificate in Community Arts Entrepreneurship, hosts the TTU Arts Practice Research Conference, and publishes the peer-reviewed Journal of the Vernacular Music Center. The Center is supported by a scholarship endowment and by internal funds. VMC has no affiliation to the Humanities Center.

ATTACHMENTS

ATTACHMENT

TTUHSC El Paso Exhibit A – Property Acquisitions Map & Exhibit B Property Acquisitions Listing Exhibit A



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER. Property Aquisitions EL PASO

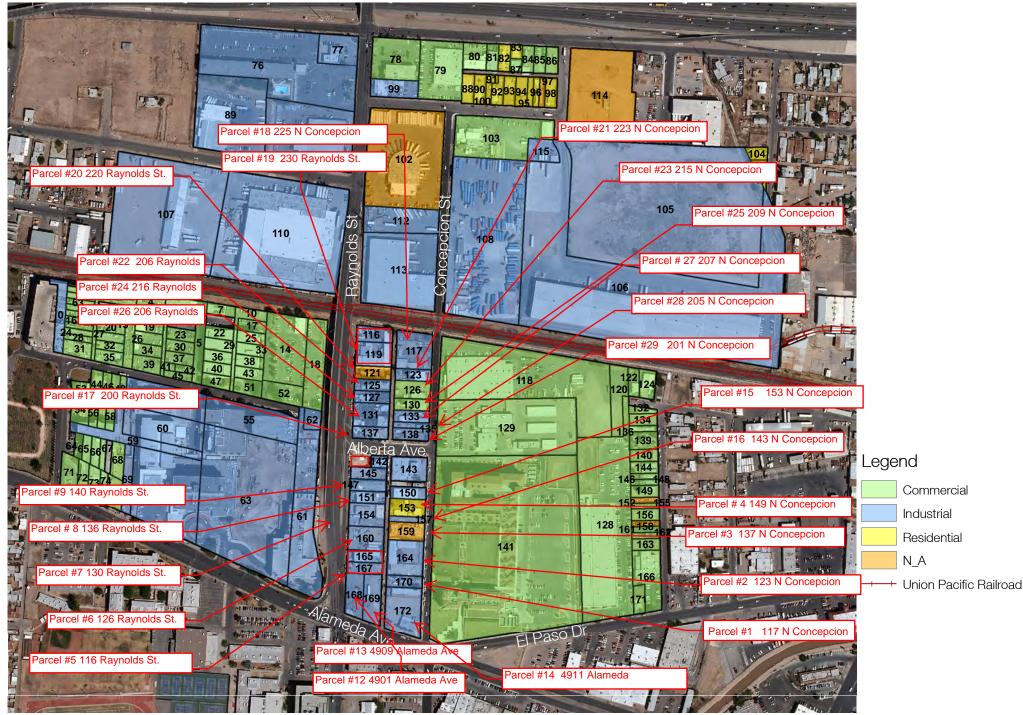


Exhibit B



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER... EL PASO

PROPERTY ACQUISITIONS					
Parcel	Address	Square Footage			
1	117 N Concepcion	7,500			
2	123 N Concepcion	22,500			
3	137 N Concepcion	15,000			
4	149 N Concepcion	7,500			
5	116 Raynolds St	7,500			
6	126 Raynolds St	15,000			
7	130 Raynolds St	15,000			
8	136 Raynolds St	7,500			
9	140 Raynolds St	7,500			
12 & 13	4901/4909 Alameda Ave	37,499			
14	4911 Alameda Ave	29,272			
15	153 N. Concepcion	3,750			
16	143 N Concepcion	11,250			
18,19,30	225 N. Concepcion & 230 Raynolds	46,200			
20	220 Raynolds St	7,500			
21	223 Raynolds St	7,500			
22,24,26	206/216/218 Raynolds St	30,000			
23	215 N. Concepcion	11,250			
25	209 N. Concepcion	7,500			
27	207 N Concepcion	7,500			
28	205 N Concepcion	3,750			
29	201 N Concepcion	7,500			
	Total Square Footage	315,471			

ATTACHMENT 2

TTU and TTUSA Traffic and Parking Regulations 2016-2017

TEXAS TECH UNIVERSITY And TEXAS TECH UNIVERSITY SYSTEM TRAFFIC AND PARKING REGULATIONS 2015-2016 2016 - 2017

I. Introduction

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

II. Applicability of State General and Criminal Laws

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

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

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

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

The following are the regulations that apply to the University, including fee and refund schedules, and are effective <u>May 18, 2015</u> <u>May 23, 2016</u>, through the end of the week following Graduation in the following Spring Semester.

- V. General Regulations for Traffic and Parking
 - A. Texas Tech is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, sex, or disability, and that equal opportunity and access to facilities shall be available to all.
 - B. Due to the diverse nature of operations between the University and the Health Sciences Center campuses, it is necessary to have certain regulations that pertain to the specific

institution; these are submitted separately by each institution. Following are the regulations that apply to Texas Tech University as defined in C.1 below.

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

but any speed in excess of the posted limits shall be prima facie evidence that the speed is not reasonable and prudent and that it is unlawful: <u>Speed Limits</u>

9. Campus Streets: Twenty miles per hour, unless otherwise posted.

10. Parking Lots: Ten miles per hour, unless otherwise posted.

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

to these vehicles. Drivers are urged to use caution when parking vehicles to avoid damage. Texas Tech University System assumes no responsibility in such cases.

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

residence hall, and metered parking). Parking privileges are issued at the discretion of Texas Tech University and may be recalled at any time.

- a. Decals
 - i. Types of Decals
 - (a) Non-transferable Decals

Non-transferable decals must be permanently affixed to the front windshield in the lower corner of the driver's side. All such decals are self-adhering and application in any other manner may subject the motor vehicle to ticketing. Vehicle registration is not complete until the decal is properly and completely affixed to the motor vehicle of record.

- (b) Pay and Display Metered Parking In those lots controlled by meter, individuals must pay the adjacent meter. If payment is made with bills or coins, the receipt must be displayed on the dash of the vehicle with the expiration date or time visible. If payment is made with credit card by phone, the vehicle license plate number will be required during the registration process and will be used for monitoring the lot.
- ii. All ePermits and decals are for the exclusive use of the registrant. ePermits and decals may not be sold, exchanged, given away or purchased from any person or agency other than Texas Tech University.
- iii. All outdated Texas Tech registration decals must be removed from the motor vehicle(s) prior to installation of the current decal.
- iv. Lost or stolen decals should be reported as soon as possible to the Texas Tech Police Department or Transportation & Parking Services. The recovery of a lost or stolen decal must be reported immediately to the Texas Tech Police Department or Transportation & Parking Services.
- v. Replacement Decals
 - (b) Replacement for a non-transferable decal will be issued when identifiable remnants or proof of loss or destruction of the permit are provided. The replacement fee indicated in the current fee schedule will be charged for each replacement decal.
- d. ePermits

Certain parking permissions do not require that a decal be displayed. In those instances, the ePermit is associated with the license plate registered.

- i. Vehicles must be parked so that the license plate is visible from the driving aisle.
- ii. The license plate must be securely fastened to the exterior side of the vehicle facing the driving aisle in a horizontal, upright position of not less than 12 inches from the ground.
- iii. Removable tow hitches must be removed and stored when not in use.
- iv. No covers may be placed over the license plate that would inhibit the reflectivity of the plate.
- v. The alphanumeric characters of the license plate must be visible and unobstructed by license plate frames or other accessories.
- vi. Persons with parking ePermits must ensure their current vehicle is registered and associated with their ePermit. This process can be accomplished at the Transportation & Parking Services website or office.
- vii. Persons who hold reserved space or area reserved registration ePermits may register up to three vehicles on their ePermit. Multiple vehicles on the same ePermit do not allow for more than one motor vehicle to be on campus during the reserved period.
- viii. Visitor ePermits

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

2. Residence Hall Parking

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

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

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

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

BASEBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.

- ii. Commuter West (Blue Lot) includes the C10, C11, C12, C13, C14, C15, C16 and C17 lots located north and west of the United Supermarkets Arena.
 - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.
 - (b) Blue Lot ePermits may park in any north commuter lot after 2:30P.M.
 - (c) Parking in certain commuter lots adjacent to the United Supermarkets Arena is prohibited on days of home basketball games beginning four hours prior to game time (this includes lots west of Indiana Avenue) as indicated by signage. This area is reserved for holders of special Athletics basketball parking decals. VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A SPECIAL ATHLETICS BASKETBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.
 - (d) Certain lots designated by signage must be vacated by 5:30 P.M. on Fridays before home football games. Typically, this includes the C13, C15 and a portion of the C16 lots. These areas are reserved for football game tailgate permit holders. VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A SPECIAL ATHLETICS FOOTBALL PARKING DECAL MAY BE TOWED AT THE VIOLATOR'S EXPENSE.
 - (e) Overnight parking in the <u>R37 lot and</u> C11 lot near the United Supermarketss Arena service ramp is not permitted. Individuals should carefully observe signage in the lot if parking overnight.
- iii. Commuter ICC (Pink Lot) includes the C21 and C22 lots located at the International Cultural Center.
 - (a) In addition to these lots, this ePermit is also honored in satellite parking and certain designated commuter areas at the Health Sciences Center.
 - (b) Pink Lot ePermits may park in any north or west commuter lot after 2:30P.M.
- iv. Commuter Satellite (Green Lot) includes the S1 and S2 lots located at 10th Street and Texas Tech Parkway and at the International Cultural Center.
 - (a) Off-campus students who cannot be accommodated in the north or west commuter parking lots will be assigned to the satellite lots until the commuter lots have available space. Satellite ePermits will be honored in the other commuter lots after 2:30P.M.
- d. Only HSC commuter students may register their vehicles at the HSC Traffic and Parking Office. Those students who have a TTU parking ePermit and need to park at TTUHSC may obtain a designator tab at the Transportation & Parking Services office. The designator will alert TTUHSC parking personnel that the individual has a parking ePermit.
- 4. Reserved Space Parking
 - a. Reserved parking spaces are assigned to faculty and staff as space is available. Any space remaining after the needs of the faculty and staff are met will be available for assignment to part-time instructors, graduate teaching assistants, and graduate research assistants who hold contracts for one-half time or more. Such assignments may be revoked as necessary to accommodate regular faculty and staff requirements. Reserved spaces are only available on a twelvemonth basis.
 - b. Decals will not be issued for reserved spaces. Parking ePermits for reserved space parking will be associated with the registered vehicle's license plate(s). The space is reserved from 7:30 A.M. to 5:30 P.M., Monday through Friday, unless otherwise indicated. Additionally, in certain designated faculty/staff reserved lots, a limited number of parking spaces are reserved after these hours until 11:00 P.M. for use by any reserved space or area reserved ePermit holder.
 - c. Certain residence hall staff living in the residence halls may be assigned spaces that are reserved 24 hours daily.

- d. If it is necessary to displace the registrant of a reserved space to an area reserved space for two weeks or more, a partial refund may be issued. (The refund will be equal to the difference between a reserved space and an area reserved space for the affected time period.)
- 8. Area Reserved Parking

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

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

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

10. Garage Parking

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

11. Disability Parking

Persons with disabilities may be issued disability access parking permissions designed to assist them in campus mobility. Parking in spaces reserved for persons with disabilities requires the correct TTU decal and the appropriate state-issued placard or license plate. General rules for vehicle registration still apply; refer to Section VI.E.1 in the main section of the Regulations. Vehicles displaying valid TTU disability decals must park in designated disability spaces. If all disability spaces in a

lot are taken, the vehicle may be parked only in the following areas, which are listed in priority order:

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

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

- I. Visitor and Time Limit Parking
 - 1. Visitors are welcome to the campus and special parking areas are set aside for them. Visitor ePermits are required throughout the University campus during the hours of 7:30 A.M. to 8:00P.M., Monday through Friday, excluding University holidays. Visitor permissions may be obtained at any entry station.
 - a. Visitors' motor vehicles parked in areas not designated for visitor parking are subject to receiving a campus citation and being impounded at the owner's expense.
 - b. Use of outdated or altered visitor ePermit is prohibited.
 - c. There are charges for parking in visitor areas. Notification will be posted at the entrances to these lots. The fee for parking in these lots can be found in the current *Parking Fees and Refunds Schedule*.
 - d. Departments wishing to purchase parking for visitors to campus may do so by contacting the Manager of Event and Guest Relations at Transportation & Parking Services to obtain a pre-paid parking decals or ePermits.
 - 2. Designated time limit parking areas are enforced from 7:30 A.M. to 5:30 P.M., Monday through Friday, unless otherwise posted.
 - Overnight parking in the R37 lot and C11 lot near the United Supermarketss Arena service ramp is not permitted. Individuals should carefully observe signage in the lot if parking overnight.
- J. Service and Vendor Vehicle Parking

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

- 1. Service Vehicle Parking
 - a. Small utility vehicles operated on campus must comply with University OP 80.07 "Vehicle Fleet Management Program". Designated service vehicle parking areas are enforced 24 hours, daily, unless otherwise posted.
 - b. Movement of heavy equipment and supplies to buildings will be accomplished from the street or service drive, if possible. If not possible, the individual responsible for moving, loading, hauling, etc., will contact the Grounds Maintenance Department to obtain routing information to ensure protection of lawns, sidewalks, bricked areas, ramps, sprinkler systems, etc.
 - c. Parking partially in the street and partially on a walk/curb is prohibited. Vehicles will be parked parallel and adjacent to the curb if street parking is necessary.
 - d. Damage resulting from vehicles traversing lawns, sidewalks, bricked areas, etc., will be repaired by Grounds Maintenance. All repair costs will be charged to the university department or vendor/ contractor responsible for such damage if circumstances warrant.
 - e. Blocking doorways, sidewalks, disability access, and fire lanes is prohibited.
 - f. University service vehicles may be parked only in the following areas, which are listed in priority order:
 - i. Service area/drive (must be used if the building has one)
 - ii. Time limit space
 - iii. Visitor space
 - iv. On-street where not bicycle lane is present (coordination with parking enforcement required)
- 2. Vendor Parking

Vendor vehicles and delivery vehicles will be directed to the appropriate service area or drive by entry station or parking enforcement personnel. Vendor vehicles may be parked only in the following areas which are listed in priority order (depending on the access granted by the parking ePermit):

- a. Service area or service drive MUST be used if the building has one.
- b. Time limit space
- c. Visitor space
- d. On-street parking where no bicycle lane is present.
- 3. Construction Contractor Parking
 - Parking space for construction contractor vehicles will be designated by the Managing Director of Transportation & Parking Services or by the contracting department (i.e., Building Maintenance, Grounds Maintenance, etc.) on the University campus.
 - b. Construction contractor vehicles will be registered and obtain an ePermit, issued by-Transportation & Parking Services, on each vehicle which is parked on University property.
- VII. Bus Service

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

VIII.Use of Non-Pedestrian Devices

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

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

- B. Bicycles
 - 1. Bicycles may be operated on campus only if such operation is safe and complies with established University policies and state laws.
 - Bicycles may only be parked in designated racks. Use of shrubs, trees, or any architectural structures to secure bicycles is prohibited. Bicycles are not permitted in Texas Tech academic or administrative buildings. Any bicycle found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE

IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX)

- 3. Routes
 - a. A walkway may only be used by pedestrians. Examples include a breezeway or any walkway that runs in front of the external door to any building.
 - b. A traveled way may be used by pedestrians and bicycle operators. A traveled way is any way, area, or region, other than a campus street, where bicycles are permitted to be operated or parked. Examples include a campus sidewalk, parking lot, service drive and loading bay, unless designated otherwise. Note: While a parking garage is a traveled way, operation of a bicycle is prohibited in a parking garage, excluding officers of the Texas Tech Police Department and Transportation & Parking Services.
 - c. A campus street may be used in a manner consistent with State law.
 - d. Any sidewalk that runs parallel to a street with a designated bike lane may not be used by a bicycle operator. Operators must use the provided on-street bike lane or dismount their bicycle.
- 4. A person may operate a bicycle on a traveled way of campus if and only if all rules controlling such operation are observed. Traffic control devices, including designated areas, zones, signage and signals are part of the rules controlling operation of bicycles and must be observed. Certain areas of campus with high levels of pedestrian traffic are signed as dismount zones during specified time periods. Operation of a bicycle on these marked traveled ways is prohibited during the times posted.
- 5. Bicycle operators may use a traveled way or campus street only for the purpose of simple transit. Simple transit is defined as the minimum actions necessary to safely convey a person or goods from one place to another via a transit route of the campus in a manner consistent with the regulations. Stunts, tricks, feats of skill, acrobatics and "extreme" sports activities are not simple transit and therefore are violations of the regulations.
- 6. A bicycle operator must immediately comply with any instruction relevant to the operation of a bicycle given by a police officer.
- 7. Right of Way
 - a. Each operator shall yield the right of way to all emergency personnel.
 - b. Each operator shall yield the right of way to any pedestrian.
 - c. Each operator shall yield the right of way to any other operator of a bicycle as necessary to ensure safe, courteous transit.
- 8. A bicycle operator will bear to the right side of any traveled way as necessary to ensure safe, courteous transit unless preparing to turn left at an intersection.
- 9. The maximum speed at which a bicycle may be operated on a traveled way or campus street shall not exceed that which is reasonable and prudent for the conditions at the time or that which creates a hazard to any person or property. In no case shall that speed exceed 10 miles per hour on any traveled way or 20 miles per hour on any campus street. Note: 2.5 mph is approximately the speed of an average pedestrian walking under fair conditions.
- 10. Bicycle registration is encouraged and conducted free of charge at the Transportation & Parking Services website or office.
- 11. Any bicycle or locking device deemed abandoned at residence hall bike racks at the end of the spring semester or at any point during the year at other campus buildings may be considered abandoned and may be properly disposed of through established university procedures. A bicycle is considered abandoned when it has not been operated for 30 days. Abandonment impounds in residence hall bike parking areas are conducted once a year 30-45 days after the end of the spring semester and throughout the year at all other bike parking areas on campus.
- IX. Enforcement, Violations, and Sanctions

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

	Violation	Fine
**1.	Parking in non-designated areas.	\$25.00
2.	Decal not properly installed / License plate not visible	10.00
**3.	Parking in a fire lane.	50.00
4.	Failure to remove expired decal(s).	20.00
**5.	Parking in a no parking or tow away zone.	25.00
**6.	Parking in service vehicle spaces, service drives, or access drives.	20.00
**7.	Unauthorized parking in reserved parking spaces.	50.00
**8.	Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container, building entrance or exit.	25.00
**9.	Parking overtime in a time limit zone.	20.00
**10.	Parking a bicycle in violation of these regulations.	10.00
11.	Parking a motor vehicle beyond the lines of a parking space.	20.00
13.	Parking on wrong side of street facing oncoming traffic.	20.00
**14.	Parking without a valid permission.	25.00
**15.	Parking a motor vehicle upon any unmarked (including turf) or unimproved ground which has not been designated for parking.	75.00
**16.	Parking in a space or area designated for persons with disabilities without the proper insignia.	200.00
**17.	Blocking an access ramp or curb cut designed to aid persons with disabilities.	200.00
	Display or use of a lost, stolen, forged, revoked, or altered decal or license	
**18.	plate. Such violation may result in the responsible party/parties being referred	Up to
10.	to the appropriate office for disciplinary action which may include loss of	200.00
	parking privileges for the remainder of the academic year.	
**19.	Other parking violations as defined on the face of the citation.	20.00
20.	Failure to update license plate / transfer permission(s)	10.00
21.	Failure to pay Pay Station.	20.00
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**Impoundable Offenses

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

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

- F. Moving Violations
 - 1. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of

higher education of this state, Article 51.201, <u>Texas Education Code</u>. All violations as set forth above may be adjudicated in a court of competent jurisdiction as provided in the <u>Texas Education Code</u>, Article 51.208.

- 2. It shall be unlawful for any person to drive, operate, push, park, or leave standing a motor vehicle on any area of the campus not designated for driving such a motor vehicle.
- 3. It shall be unlawful for any person to drive by, through or beyond a barricade or roadblock that is lawfully erected.
- 4. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control, or regulate traffic.
- G. Resolving Citations

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

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

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

- H. Notice of violation for motor vehicles without permits and returned notices of violation will be sent to the address on file with the Texas Department of Transportation, Division of Motor Vehicles.
- I. Six valid<u>unpaid</u> violations of the Traffic and Parking Regulations within the academic year or summer term may result in vehicle impoundment and/or revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year or summer term.
 - 1. All citations must be resolved before any parking privileges are restored.
 - 2. The revocation period shall commence with the return of the registration decal(s) to Transportation & Parking Services and/or cancellation of the parking permission.
- J. Impounding Vehicles
 - 1. Vehicles belonging to individuals with ten or more valid violations of the Traffic and Parking Regulations are subject to impoundment on each subsequent violation, regardless of the type of violation.
 - 2. Impoundment may be accomplished either by towing or through immobilization by use of an auto boot.
 - 3. When a vehicle has been impounded it will be necessary for the operator of the vehicle to contact the Texas Tech parking dispatcher for release. Prior to the release of the impounded vehicle, satisfactory arrangements for payment shall be made.
 - a. The impoundment fee for towed vehicles will be a \$15 administrative fee plus the amount charged by the towing company. This amount may vary depending on the vehicle impounded and the current wrecker service contract. Current impoundment charges can be found at the Transportation & Parking Services office or web site.
 - b. The impoundment fee for booted vehicles will be \$40.
 - c. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION.
 - d. Vehicles impounded will be charged storage at the rate of \$6.00 per day, including tax, commencing 72 hours after impoundment.
 - e. The maximum storage fee to be charged is \$130.00 per month, including tax.
 - 4. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver the impoundment fee less the \$15 administrative fee (payable in a manner acceptable to the towing company) in lieu of impoundment.
 - 5. If a motor vehicle or bicycle is parked on Texas Tech property and is not moved for a period of 30 days, Texas Tech may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the manner prescribed by law. This includes those motor vehicles which have a valid registration permit.
 - 6. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall

be permitted to be stored or parked on the campus without permission from Transportation & Parking Services. Such property or vehicles are subject to impoundment.

- 7. A motor vehicle parked on Texas Tech property will be subject to impoundment if any of the following apply:
 - a. It does not have attached to it an unexpired license plate and a valid vehicle inspection certificate as required by state in which it is registered.
 - b. It is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days.

Texas Tech University Projected Parking Fees FY 2014 - FY 2018								
	Current Number of Spaces	Fall 2014 Active Permits	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
SURFACE PARKING			0%	3%	0%	5%	5%	3%
Visitor/Metered Space	1,778		\$1.50	\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Surface Space Res.	160	140	\$802	\$826	\$826	\$867	\$910	\$937
Faculty/Staff - Surface Area Res.	4,157	4,135	\$236	\$243	\$243	\$255	\$268	\$276
Student - Surface Commuter North	1,720	2,903	\$146	\$150	\$150	\$158	\$166	\$171
Student - Surface Commuter West	2,288	3,664	\$128	\$132	\$132	\$139	\$146	\$150
Student - Surface Commuter Satellite	1,564	2,698	\$40	\$40	\$40	\$42	\$43	\$44
Student - Surface Residence Hall	4,708	4,731	\$237	\$244	\$244	\$256	\$269	\$277
Summer Student - Surface	8,716	3,077	\$79	\$81	\$81	\$85	\$89	\$92
Two-Wheel	100	108	\$78	\$80	\$80	\$84	\$88	\$91
GARAGE PARKING								
Visitor/Metered Space	212		\$1.50	\$1.50	\$1.50	\$1.50	\$1.75	\$1.75
Faculty/Staff - Garage Space Res.	31	31	\$1,202	\$1,238	\$1,238	\$1,300	\$1,365	\$1,406
Faculty/Staff - Garage Area Res.	140	127	\$619	\$638	\$638	\$670	\$704	\$725
Student - Garage Area Res.	385	541	\$620	\$639	\$639	\$670	\$704	\$725
Summer Student - Garage	385	150	\$207	\$213	\$213	\$224	\$235	\$242
Leased Garage (RaiderPark)	1,000	916	\$128	\$132	\$132	\$139	\$146	\$150

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

ATTACHMENT 3

TTUHSC Traffic and Parking Regulations 2016-2017

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

TRAFFIC AND PARKING REGULATIONS 2015-2016-2017

I. Introduction

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

II. Applicability of State General and Criminal Laws

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

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

Section 51.202 of the Texas Education Code provides as follows: "Rules and Regulations: Penalty-

- A. The governing board or each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control including, but not limited to, the following:
 - 1. limiting the rate of speed;
 - assigning parking spaces and designated parking areas and their use and assessing a charge for parking;
 - 3. prohibiting parking as it deems necessary;
 - 4. removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and,
 - 5. instituting a system of registration for vehicle identification, including a reasonable charge.
- B. A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200."
- IV. The following are the rules and regulations that apply to all of the Health Sciences Center campuses, where applicable, including fee and refund schedules, to be effective for the academic year for students and the entire fiscal year for faculty/staff.
- V. General Regulations for Traffic and Parking
 - A. Texas Tech is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, sex, or disability, and that equal opportunity and access to facilities shall be available to all.
 - B. Due to the diverse nature of operations between the University and the Health Sciences Center campuses, it is necessary to have certain regulations that pertain to the specific institution; these are submitted separately be each institution. Following are the regulations that apply to Texas Tech as defined in C.1 below.
 - C. Definitions
 - 1. The campus is defined as all lands owned, managed, or otherwise controlled by the various Health Sciences Center campuses, herein called "Texas Tech".
 - 2. Impoundment refers to the actual towing of a vehicle or immobilizing a vehicle by means of an "Auto-Boot".
 - 3. A visitor is an individual with no official connection with Texas Tech as a student, faculty, or staff member.

- 4. A valid parking space is defined as an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.
- 5. A shared-use path is a pathway created and signed for the simultaneous use of pedestrians and bicycle traffic.
- D. Texas Tech makes every effort to provide protection for vehicles parking on campus, but cannot assume responsibility for any loss.
- E. The person to whom a vehicle is registered with Texas Tech is responsible for all violations of the parking rules and regulations. If a vehicle is not registered with Texas Tech, and a family member is a currently enrolled student, it shall be presumed that the student is the operator of the vehicle and is responsible for all violations of the parking rules and therefore subject to all Texas Tech traffic rules, policies, and penalties associated with monetary obligations owing Texas Tech.
- F. Pedestrians in crosswalks will be given the right-of-way at all times.
- G. Speed limits on campus are radar and/or lidar enforced.
- H. No person shall drive, cause or permit a vehicle to be driven on Texas Tech property at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the posted limits shall be prima facie evidence that the speed is not reasonable and prudent and that it is unlawful:

Speed Limits

- 1. Campus Streets: Twenty miles per hour, unless otherwise posted.
- 2. Parking Lots: Ten miles per hour, unless otherwise posted.
- 3. Parking Garages: Five miles per hour, unless otherwise posted.
- I. Inoperable, damaged, or dismantled vehicles are to be reported to the appropriate Parking Services Office as soon as possible. Operators should identify their problem immediately and follow the instructions given.
- J. The campus is restricted for use as described in these regulations. Any vehicle in violation of the regulations or not having a valid Texas Tech registration permit properly displayed may be issued a campus citation.
- K. Skates and Skateboards

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

- 1. No person may skate or use a skateboard
 - a. on or in any University buildings, structures, stairways, elevated sidewalks, access ramps, steps, retaining walls, handrails, malls, benches, fountain areas or other architectural elements;
 - b. on or in planting areas, grass areas or seeded areas;
 - c. on streets open for vehicular traffic;
 - d. where prohibited by sign, by police officer, or where otherwise prohibited by law; or,
 - e. in a manner that is incompatible with the flow of vehicular or pedestrian traffic.
- 2. No person may use a skateboard in such a way that it is
 - a. not under the control of the user; or
 - b. operated in an unsafe manner.
- 3. No person who is skating or using a skateboard may fail to yield the right-of-way to
 - a. a pedestrian;
 - b. a bicyclist;
 - c. a motor vehicle; or
 - d. a wheelchair or other device designed for the transport of persons with disabilities.

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

- L. These regulations apply to all persons who operate vehicles on Texas Tech property.
- M. The Chief of the Texas Tech Police Department, the Director of Student Business Services at the Health Sciences Centers (responsible for managing the parking function on that campus), and the

Managing Director of University Parking Services on the University campus are responsible for the implementation and the just and proper enforcement of these regulations.

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

VI. Vehicle Registration

- A. In order to operate or benefit from the use of a motor vehicle on campus, each member of the Texas Tech community must obtain and display, in his or her name, a vehicle registration permit. No person may register a motor vehicle in his or her name which belongs to another student, faculty, or staff member. Violation of the Traffic and Parking Regulations is prohibited by the Student Affairs Handbook and Texas Tech policy. To benefit from the use of parking spaces designed for persons with disabilities, an eligible faculty/staff member or student MUST display a state issued placard or license plate as well as a Texas Tech disability permit.
- B. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a motor vehicle on campus.
- C. Faculty and staff are required to register their motor vehicles on or before the date they commence operating a motor vehicle on campus. Faculty and staff who share a motor vehicle where one is employed at the University and the other at the Health Sciences Center, must register at each campus if they intend to park at both campuses.
- D. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated motor vehicle for a student permit in addition to the reserved permit. If the faculty or staff member has two motor vehicles registered, and if both motor vehicles are on campus at the same time, the motor vehicle with the student permit must be parked in the designated student parking area and not in either the faculty or staff member's reserved space or in the time limit areas on campus.
- E. Any person giving false information when registering a vehicle is subject to appropriate disciplinary action and revocation of their motor vehicle registration permit and related parking privileges.
- F. Texas Tech issues two types of registration permits, non-transferable and transferable.

1. Non-transferable Permits

Non-transferable permits must be permanently affixed to the front windshield in the lower corner of the driver's side. All such permits are self-adhering and application in any other manner may subject the motor vehicle to ticketing. Vehicle registration is not complete until the permit is properly and completely affixed to the motor vehicle of record.

2. Transferable Permits

Transferable permits are designed and intended to be hung from the rearview mirror. The purpose of these permits is to allow the owner to move them from vehicle to vehicle; the permit MUST be displayed on the motor vehicle parked on campus. Be sure to contact Parking Services personnel if you have any problems with your transferable permit. The Texas Tech Police Department recommends you properly secure your vehicle and any valuables contained therein.

- 3. All permits are for the exclusive use of the registrant. Permits may not be sold, exchanged, given away, or purchased from any person or agency other than Texas Tech.
- 4. Permits remain the property of Texas Tech and may be recalled at any time.
- 5. All outdated Texas Tech registration permits must be removed from the motor vehicle(s) prior to installation of the current year permit.
- G. Lost or stolen permits should be reported as soon as possible to the Texas Tech Police Department and the appropriate Parking Services Office. The recovery of a lost or stolen permit must be reported immediately to the Texas Tech Police Department and the appropriate Parking Services Office.

H. Replacement Permits

- 1. Replacement for a non-transferable permit will be issued when identifiable remnants or proof of loss or destruction of the permit are provided. The replacement fee indicated in the current fee schedule will be charged for each replacement permit.
- 2. Replacement for a transferable permit which is reported lost or stolen will be issued the first and second time for the replacement fee indicated in the current fee schedule; thereafter, the cost will be the full price of the permit.
- I. Persons who hold non-transferable reserved registration permits and are assigned reserved spaces may obtain one duplicate permit at no additional charge. Additional permits may be purchased for the replacement fee indicated in the current fee schedule. Duplicate permits do not allow for more than one motor vehicle to be on campus during the reserved period.
- J. Persons who hold Health Sciences Center registration permits and are assigned to Reserved or Area Reserved spaces may also park on the University campus in Visitor, Time Limit, and Park and Pay spaces. University Reserved and Area Reserved permits will be honored in Health Sciences Center Patient and Visitor parking spaces. Parking is restricted to use in the individual's capacity as an employee which does not include attending class as a student.
- K. Upon termination of employment with Texas Tech, an employee's parking privileges are revoked. If the registration permit(s) is returned to the appropriate Parking Services Office, the refund in effect at the time it is returned will be issued.
- VII. Parking Enforcement, Parking Violations, and Sanctions
 - A. Parking is governed by markers and traffic signs. Parking is permitted only in areas clearly identified for parking.
 - B. The absence of "No Parking" signs does not imply that parking is allowed. Street parking is prohibited except where signs indicate parking is permitted.
 - C. The following illegal parking acts may result in a citation being issued:

	Violation	Fine
**1.	Parking in non-designated areas.	\$25.00
2.	Permit not properly installed.	10.00
**3.	Parking in a fire lane.	50.00
4.	Failure to remove expired permit(s).	20.00
**5.	Parking in a no parking or tow away zone.	25.00
**6.	Parking in service vehicle spaces, service drives, or access drives.	20.00
**7.	Unauthorized parking in reserved parking spaces.	25.00
**8.	Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container,	25.00
	building entrance or exit.	
**9.	Parking overtime in a time limit zone.	20.00
**10.	Parking a bicycle in violation of these regulations.	10.00
11.	Parking a motor vehicle beyond the lines of a parking space.	20.00
**12.	Parking in reserved zones without proper permit.	25.00
13.	Parking on wrong side of street facing oncoming traffic.	20.00
**14.	Parking without a valid permit.	25.00
**15.	Parking a motor vehicle upon any unmarked (including turf) or unimproved ground which has not been designated for parking.	75.00
**16.	Parking in a space or area designated for persons with disabilities without the proper insignia.	200.00
**17.	Blocking an access ramp or curb cut designed to aid persons with disabilities.	200.00
**18.	Display or use of a lost, stolen, forged, revoked, or altered permit. Such violation may result in the responsible party/parties being referred to the appropriate office for disciplinary action which may include loss of parking privileges for the remainder of the academic year.	Up to 200.00
**19.	Other parking violations as defined on the face of the citation.	20.00

	Failure to display transferable permit. Failure to pay at Pay Station.	10.00 20.00
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**Impoundable Offenses

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

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

- E. Motorcycles and mopeds must be parked in areas designated for parking of such vehicles. Motorcycles and mopeds are not permitted to park in time limit areas unless registered to a vehicle that displays a reserved or area reserved permit.
- F. All motorcycle registration permits are issued for the academic year for students and the fiscal year for faculty and staff. They may be purchased at any time during the year at a rate that is prorated monthly.
- G. Bicycles should be parked in racks whenever available. Use of shrubs, trees, or any architectural structures to secure bicycles is prohibited. Bicycles are not permitted in Texas Tech academic or administrative buildings. Any bicycle found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX.A. 1 and 2)
- H. No person shall operate a bicycle or any other vehicle upon a sidewalk or sidewalk area except those vehicles expressly designed for the transport of persons with disabilities and bicycles operated by officers of the Texas Tech Police Department when necessary to fulfill their lawful duties. Bicycles operating on a shared-use pathway must yield right-of-way to pedestrians and operate at a speed and in a manner consistent with public safety.
- I. Bicycle registration is encouraged and conducted free of charge, 24 hours a day, at the Texas Tech Police Department.
- J. Any bicycle or locking device not removed from campus at the end of the Spring Semester may be considered abandoned and may be properly disposed of through Property Inventory.
- K. Scooters that are not required by State Law to obtain vehicle registration and inspection are not required to obtain a parking permit, and are not allowed to park in motorcycle or vehicle parking spaces. Individuals operating scooters on campus must adhere to the regulations pertaining to bicycles.
- L. Moving Violations
 - All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state, Section 51.201, <u>Texas Education Code</u>. All violations as set forth above may be adjudicated in a court of competent jurisdiction as provided in the <u>Texas Education Code</u>, Section 51.208.
 - 2. It shall be unlawful for any person to drive, operate, push, park, or leave standing a motor vehicle on any area of the campus not designated for driving such a motor vehicle.
 - 3. It shall be unlawful for any person to drive by, through, or beyond a barricade or roadblock that is lawfully erected.
 - 4. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control, or regulate traffic.

VIII. Resolving Citations

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

- A. Pay the stated fee for each citation. If payment is not received within ten (10) calendar days, an additional \$5.00 charge will be assessed. Citation payment information for the TTUHSC Lubbock campus can be found online at <u>www.fiscal.ttuhsc.edu/parking/</u>.
- B. Appeal the citation in writing, within ten (10) calendar days of the alleged violation, through the appropriate Parking Services Office. Citation appeals must be submitted online for the TTUHSC Lubbock campus. Appeal information can be found online at <u>www.fiscal.ttuhsc.edu/parking/</u>. For those who do not have access to the internet, a terminal is available for use in the Parking Services Office, Room BB097.
- C. The Presidents shall provide equitable and efficient appeals processes through the establishment of a Parking Violation Appeals Advisory Committee. Written appeals will be provided to the Parking Violation Appeals Committee when there is a significant dispute over facts or major extenuating circumstances. The appeal must be submitted within ten (10) days from the date of the decision denying the first appeal. A final appeals hearing may be provided should an individual wish to contest the findings of the Parking Violation Appeals Committee. The Hearings Officer will be appointed each year by the Law School Student Bar Association. The final appeal must be submitted within ten (10) days from the date of the decision denying the second appeal. Individuals appearing before the Hearings Officer must bring any supporting documentation. The decision of the Hearings Officer is final and no further appeals will be provided. Individuals who fail to appear at three scheduled hearings before the Law School Hearings Officer will have their citation(s) ruled valid and no further appeals will be provided.
- D. After a period of ten (10) days from the date of issuance of the citation or from the date of final determination of an appealed citation, citations not resolved through the appropriate Parking Services Office will be overdue. Overdue citations may subject the permit holder's motor vehicle(s) to impoundment and removal of the parking permit(s). Overdue citations may be applied to a student's tuition statement if they remain unresolved or may result in restriction of subsequent academic registration and withholding of a student's transcript until such time as the obligation is satisfied. Parking and these restricted services may be restored when all overdue citations have been resolved. At the discretion of Texas Tech, overdue citations may be adjudicated in a court of competent jurisdiction in accordance with Section 51.208 of the <u>Texas Education Code</u>.
- E. Notice of violation for motor vehicles without permits and returned notices of violation will be sent to the address on file with the Texas Department of Transportation, Division of Motor Vehicles.
- F. Four valid violations of the Traffic and Parking Regulations within the academic year may result in the revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year.
 - 1. All citations must be resolved before any parking privileges are restored.
 - 2. The revocation period shall commence with the return of the registration permit(s) to the appropriate Traffic and Parking Office.
- G. Individuals with at least three unpaid parking citations from the TTUHSC Parking Services Office that are found parking in violation of the rules and regulations on HSC or UMC grounds, may be issued a county citation.
- IX. Impounding Vehicles
 - A. Vehicles belonging to individuals with ten or more valid violations of the Traffic and Parking Regulations are subject to impoundment on each subsequent violation, regardless of the type of violation.
 - B. Impoundment may be accomplished either by towing or through immobilization by use of an auto boot.
 - C. When a vehicle has been impounded it will be necessary for the operator of the vehicle to contact the appropriate Texas Tech parking dispatcher for release. Prior to the release of the impounded vehicle, satisfactory arrangements for payment shall be made.
 - The impoundment fee for towed vehicles will be a \$15 administrative fee plus the amount charged by the towing company. This amount may be vary depending on the vehicle impounded and the current wrecker service contract. Current impoundment charges can be found at the TTU University Parking Services Office or website.
 - 2. The impoundment fee for booted vehicles will be \$40.

- 3. Vehicles impounded will be charged storage at the rate of \$6.00 per day, including tax, commencing 72 hours after impoundment.
- 4. The maximum storage fee to be charged is \$130.00 per month, including tax.
- D. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver the impoundment fee (see Section IX.C.1) less the \$15 administrative fee (payable in a manner acceptable to the towing company) in lieu of impoundment.
- E. If a motor vehicle or bicycle is parked on Texas Tech property and is not moved for a period of 30 days, Texas Tech may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the manner prescribed by law. This includes those motor vehicles which have a valid registration permit.
- F. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall be permitted to be stored or parked on the campus without permission from the appropriate Parking Services Office. Such property or vehicles are subject to impoundment.
- G. A motor vehicle parked on Texas Tech property will be subject to impoundment if any of the following apply:
 - 1. It does not have attached to it an unexpired license plate and a valid vehicle inspection certificate as required by the Sate in which it is registered.
 - 2. It is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days.
- X. Texas Tech Police
 - A. Texas Tech Police Officers are duly commissioned peace officers of the State of Texas. Upon request of a police officer of Texas Tech, any person on the campus is required to identify himself with proper identification.
 - B. All thefts, accidents, or other offenses that occur on campus should be reported to the Texas Tech Police Department immediately. Accidents should be reported immediately. In accordance with State law, vehicles involved in an accident should be moved prior to reporting the accident if they are moveable. One-vehicle accidents and inoperable vehicles must also be promptly reported. Keys or valuables should not be left in a motor vehicle. ALWAYS KEEP YOUR VEHICLE LOCKED.
 - C. Texas Tech is concerned about the protection of persons and property and places a high priority on striving to maintain a safe environment for students, faculty, staff, and visitors. The University cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility. With that thought in mind, a Personal Safety brochure has been prepared which contains personal safety recommendations, crime statistics, safety services and programs, as well as a list of telephone numbers to contact for help. All visitors and members of the campus community are encouraged to make themselves familiar with this information. The Personal Safety brochure is available at various locations on campus including the Personnel Office, the Texas Tech Police Department, the Center for Campus Life, and the residence halls.
 - D. Chapter 46, Section 46.03, Texas Penal Code, provides that a person commits a felony offense if the person carries a firearm, illegal knife, club, or other prohibited weapon listed in Section 46.05(a) on the physical premises of an educational institution.
- XI. Types of Motor Vehicle Registration Permits
 - A. Reserved parking spaces are assigned to full-time faculty and staff and part-time faculty and staff not enrolled as students as space is available. Any space remaining after the needs of the faculty and staff are met will be available for assignment to part-time instructors, graduate teaching assistants, and graduate research assistants who hold contracts for one-half time or more. Such assignments may be revoked as necessary to accommodate regular faculty and staff requirements.

- 1. Non-transferable permits will be issued for reserved spaces. The permit will contain the lot and space number assigned to the registrant. The space is reserved from 6:30 a.m. to 5:30 p.m., Monday through Friday, year-round, excluding holidays.
- B. Reserved Area parking spaces are available to qualified faculty and staff in certain designated parking lots. Non-transferable permits will be issued for all area reserved lots. Area reserved permit holders should overflow to other designated area reserve parking lots if all available area reserved spaces in the lot are occupied.
- C. Reserved Area parking spaces may be purchased by part-time employees (less than 20 hours a week) at half the specified cost. An approved PAF form must accompany the vehicle registration form. At the Lubbock campus, part-time employees must complete their vehicle registration online at <u>www.fiscal.ttuhsc.edu/parking/</u>. The employee must then contact the Parking Services Office to receive the rate reduction.
- D. Renewal notices for persons assigned reserved and area reserved spaces are sent out no later than July 1 of each year. Employees must renew their vehicle registration by the date stated in the renewal notice. Payment may be made by credit card (Visa, MasterCard, and Discover [Discover is not accepted at the Lubbock Parking Services Office]), cash, personal check, or payroll deduction. (Payroll deduction is available at the Abilene, Amarillo, Lubbock, and Odessa campuses.) At the Lubbock campus, vehicle registration must be completed online at <u>www.fiscal.ttuhsc.edu/parking/</u>. Credit card information (Visa and MasterCard) may be entered directly into this site and personal checks can be mailed through campus mail to Mail Stop 6290. This site is "secure" and all data entered will be protected.
- E. Commuter permits will be issued for motor vehicles belonging to students.
 - 1. Commuter permits will be of the non-transferable type.
 - 2. Commuter permits are issued to the individual vehicle and ownership is not transferable. Use of a commuter permit by anyone other than the individual to whom it was issued is not permitted. Violation of this regulation may result in ticketing, impoundment, and loss of all parking privileges on campus, including parking for the academic year for all parties involved.
 - 3. Parking is available in certain designated lots.
 - Health Sciences Center commuter permits will be allowed in commuter lots around the periphery of the Texas Tech University campus. Health Sciences Center commuter permits will be honored in designated commuter parking areas at all TTUHSC locations (Abilene, Amarillo, Lubbock, Odessa and TTUHSC El Paso).
 - 5. Texas Tech University commuter, park and ride, garage, law school, and residence hall permits will be honored in the TTUHSC designated commuter parking lots. TTU students are not authorized to park in the TTUHSC parking lots to attend classes at the TTU campus.
 - 6. At the Lubbock campus, students must complete their vehicle registration on-line at <u>www.fiscal.ttuhsc.edu/parking/</u>.
- F. Persons with disabilities may be issued disability access motor vehicle registration permits designed to assist them in campus mobility.
 - 1. Parking in spaces reserved for persons with disabilities requires the correct motor vehicle registration permit and the appropriate state issued placard or license plate.
 - 2. State placards or license plates must be displayed at all times when a vehicle is parked in these areas.
 - 3. The designated disability parking areas are reserved 24 hours daily.
- G. Motorcycle registration permits will allow parking of motorcycles or mopeds in designated two-wheel areas. Motorcycle registration permits must be permanently affixed to the top of the front headlight, front fender or shock absorbers. Mopeds and motorcycles may not park in bicycle racks. All motorcycle registration permits expire in August.
- H. Temporary registration permits will be issued for the fee indicated in the current fee schedule. Temporary permits are not refundable.
- XII. General Regulations

- A. Persons who hold a Texas Tech Medical Center Southwest vehicle registration permit (S1) should park in patient/visitor lots if space is available when parking at the Lubbock campus. If space is not available, they should park in the designated area reserved parking lots (A1, A2, B3, C3, D3, or F1).
- B. Persons who hold a motor vehicle registration permit for reserved or area reserved parking from any Health Sciences Center campus or TTUHSC EI Paso may park in a designated visitor's area when visiting another campus.
- XIII. Visitor and Patient Parking

Visitors and patients are welcome on the campus. Special parking areas are designated for patients and visitors. Visitors' motor vehicles parked in areas not designated for visitor parking are subject to receiving a campus citation.

XIV. Time Limit

Designated time limit parking areas are enforced from 7:30 a.m. to 4:00 p.m., Monday through Friday, unless otherwise posted.

XV. Loading Dock

Parking at the loading dock is enforced 24 hours daily.

XVI. Service and Vendor Vehicle Parking

It is recognized that service vehicles are required to transport personnel and materials to work sites on the campus. It is not the intent of these regulations to hinder or handicap workers in the performance of their duties. Property damage and unsafe conditions, however, frequently occur on campus as a result of drivers ignoring parking regulations.

Service and vendor motor vehicles found to be blocking a street or creating a hazard may be ticketed and impounded.

A. <u>University Service Vehicle Parking</u>

Faculty, staff, and students who operate Texas Tech service vehicles on campus should become familiar with the contents of HSC OP 76.37.

- Movement of heavy equipment and supplies to the buildings will be accomplished from the loading dock, or the designated delivery area, if possible. If not possible, the individual or contractor responsible for moving, loading, hauling, etc., should make prior arrangements with the designated project manager who will contact the Parking Services Office or the corresponding office at Abilene, Amarillo, and Odessa/Midland to obtain alternate delivery, parking and routing information to ensure protection of lawns, sidewalks, brick areas, ramps, lawn sprinkler systems, designated fire lanes, etc.
- 2. Parking partially in the street and partially on a walk/curb is prohibited. Vehicles must park in designated areas only.
- Damage resulting from vehicles traversing lawns, sidewalks, bricked areas, etc., will be repaired by Grounds Maintenance, TTUHSC Plant Operations, or Regional Facilities Operations and Maintenance. All repair costs will be charged to the department or vendor/contractor responsible for such damage as determined by TTUHSC and in the context of circumstances.
- 4. Blocking of doorways, sidewalks, handicap access, and fire lanes is prohibited.
- 5. Texas Tech service vehicles may be parked only in the following areas which are listed in priority order:
 - a. In designated service vehicle parking at the loading dock or designated service vehicle parking location
 - b. F-1 Parking (Lubbock)
 - c. Time limited parking
 - d. On-street parking (Lubbock)

B. Vendor Parking

For external vendor and delivery vehicles, parking spaces are available at the loading dock.

Vendor and delivery vehicles found to be blocking a street, sidewalk or designated parking space will be ticketed and towed by the Parking Services Office or the Police.

Vehicles belonging to vendors may be parked only in the following areas which are listed in priority order:

- 1. In designated service vehicle parking at the loading dock
- 2. Visitor parking
- C. <u>Contractor Parking</u>
 - 1. Contractors may obtain, at no charge, a construction permit for their trucks or cars from the TTUHSC Parking Services Office, Room BB097, or the corresponding office at Amarillo or Odessa, by prior arrangement through the designated project manager.
 - Contractors must display parking permit on the rear view mirror or lower left-hand drivers' side of windshield at all times while parked on TTUHSC property. Vehicles with the contractor logo clearly shown will be permitted to park in the designated contractors' parking lot/area without a TTUHSC parking permit.
 - 3. Parking for contractors is limited to the following area:
 - a. Contractor's parking lots or specifically designated locations on each campus.
 - b. Parking outside the designated Contractor's lot is a violation of the parking regulations and does subject the vehicle to a citation and/or impoundment.

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

2015- 2016 <u>-2017</u>		y/Staff	Facult	y/Staff			
Rates	Reserve	d Space	Area Re	eserved	Two-W	Two-Wheeler	
Through	12 m	onths	12 m	12 months		12 months	
	Cost	Refund	Cost	Refund	Cost	Refund	
Sep. 30	\$582.00	\$528.50	\$164.40	\$145.70	\$42.00	\$33.50	
Oct. 31	533.50	480.00	150.70	132.00	38.50	30.00	
Nov. 30	485.00	431.50	137.00	118.30	35.00	26.50	
Dec. 31	436.50	383.00	123.30	104.60	31.50	23.00	
Jan. 31	388.00	334.50	109.60	90.90	28.00	19.50	
Feb. 28	339.50	286.00	95.90	77.20	24.50	16.00	
Mar. 31	291.00	237.50	82.20	63.50	21.00	12.50	
Apr. 30	242.50	189.00	68.50	49.80	17.50	9.00	
May. 31	194.00	140.50	54.80	36.10	14.00	5.50	
Jun. 30	145.50	92.00	41.10	22.40	10.50	2.00	
Jul. 31	97.00	43.50	27.40	8.70	7.00	0.00	
Aug. 31	48.50	0.00	13.70	0.00	3.50	0.00	

Parking Fees and Refunds	 Texas Tech University 	v Health Sciences Center

2015- 2016 <u>-2017</u>							
Rates	Com	muter	Comn	nuter	Extended	Commuter	
Through	12 m	onths	9 mo	9 months		14 months	
	Cost	Refund	Cost	Refund	Cost	Refund	
Jul. 31					\$125.30	\$111.35	
Aug. 31					116.35	102.40	
Sep. 30	\$107.40	\$93.45	\$80.55	\$66.60	107.40	93.45	
Oct. 31	98.45	84.50	71.60	57.65	98.45	84.50	
Nov. 30	89.50	75.55	62.65	48.70	89.50	75.55	
Dec. 31	80.55	66.60	53.70	39.75	80.55	66.60	
Jan. 31	71.60	57.65	44.75	30.80	71.60	57.65	
Feb. 28	62.65	48.70	35.80	21.85	62.65	48.70	
Mar. 31	53.70	39.75	26.85	12.90	53.70	39.75	
Apr. 30	44.75	30.80	17.90	3.95	44.75	30.80	
May. 31	35.80	21.85	8.95	0.00	35.80	21.85	
Jun. 30	26.85	12.90			26.85	12.90	
Jul. 31	17.90	3.95			17.90	3.95	
Aug. 31	8.95	0.00			8.95	0.00	

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

Additional Permits (after two)	\$2.00
Replacement Permits w/identifiable remnants	
Non-transferable permit (w/identifiable remnants)	\$2.00
Transferable permit – 1 st Replacement	\$5.00

Transferable permit – 2 nd Replacement Temporary Permits (Non-Refundable)	\$10.00
Commuter Area Parking per Week	\$2.00
Faculty/Staff Area Parking per Week	\$3.00
Reserved Space per Week	\$6.00

ATTACHMENT 4

TTUHSC El Paso Traffic and Parking Regulations 2016-2017

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

TRAFFIC AND PARKING REGULATIONS 2016 - 2017

I. Introduction

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

II. Applicability of State General and Criminal Laws

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

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

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

- A. The governing board or each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control including, but not limited to, the following:
 - 1. limiting the rate of speed;
 - 2. assigning parking spaces and designated parking areas and their use and assessing a charge for parking;
 - 3. prohibiting parking as it deems necessary;
 - 4. removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and,
 - 5. instituting a system of registration for vehicle identification, including a reasonable charge.
- B. A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200."
- IV. The following are the rules and regulations that apply to all of TTUHSC EP campuses, where applicable, including fee and refund schedules, to be effective for the academic year for students and the entire fiscal year for faculty/staff.
- V. General Regulations for Traffic and Parking
 - A. Texas Tech is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, sex, or disability, and that equal opportunity and access to facilities shall be available to all.
 - B. Due to the diverse nature of operations between the University and the Texas Tech University Health Sciences Center El Paso campuses, it is necessary to have certain regulations that pertain to the specific institution; these are submitted separately by each institution. Following are the regulations that apply to Texas Tech as defined in C.1 below.
 - C. Definitions
 - 1. The campus is defined as all lands owned, managed, or otherwise controlled by the various Texas Tech University Health Sciences Center El Paso campuses, herein called "TTUHSC EP".
 - 2. Impoundment refers to the actual towing of a vehicle or immobilizing a vehicle by means of an "Auto-Boot".
 - A visitor is an individual with no official connection with TTUHSC EP as a student, faculty, or staff member.

- 4. A valid parking space is defined as an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.
- 5. A shared-use path is a pathway created and signed for the simultaneous use of pedestrians and bicycle traffic.
- D. TTUHSC EP makes every effort to provide protection for vehicles parking on campus, but cannot assume responsibility for any loss.
- E. The person to whom a vehicle is registered with TTUHSC EP is responsible for all violations of the parking rules and regulations. If a vehicle is not registered with Texas Tech, and a family member is a currently enrolled student, it shall be presumed that the student is the operator of the vehicle and is responsible for all violations of the parking rules and therefore subject to all TTUHSC EP traffic rules, policies, and penalties associated with monetary obligations owing TTUHSC EP.
- F. Pedestrians in crosswalks will be given the right-of-way at all times.
- G. Speed limits on campus are radar and/or lidar enforced.
- H. No person shall drive, cause or permit a vehicle to be driven on TTUHSC EP property at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the posted limits shall be prima facie evidence that the speed is not reasonable and prudent and that it is unlawful:

Speed Limits

- 1. Campus Streets: Twenty miles per hour, unless otherwise posted.
- 2. Parking Lots: Ten miles per hour, unless otherwise posted.
- 3. Parking Garages: Five miles per hour, unless otherwise posted.
- I. Inoperable, damaged, or dismantled vehicles are to be reported to the appropriate Parking Services Office as soon as possible. Operators should identify their problem immediately and follow the instructions given.
- J. The campus is restricted for use as described in these regulations. Any vehicle in violation of the regulations or not having a valid Texas Tech registration permit properly displayed may be issued a campus citation.
- K. Skates and Skateboards
 - On the campus of TTUHSC EP (as defined in Section IV.c.(1) of these regulations):
 - 1. No person may skate or use a skateboard
 - a. on or in any University buildings, structures, stairways, elevated sidewalks, access ramps, steps, retaining walls, handrails, malls, benches, fountain areas or other architectural elements;
 - b. on or in planting areas, grass areas or seeded areas;
 - c. on streets open for vehicular traffic;
 - d. where prohibited by sign, by police officer, or where otherwise prohibited by law; or,
 - e. in a manner that is incompatible with the flow of vehicular or pedestrian traffic.
 - 2. No person may use a skateboard in such a way that it is
 - a. not under the control of the user; or
 - b. operated in an unsafe manner.
 - 3. No person who is skating or using a skateboard may fail to yield the right-of-way to
 - a. a pedestrian;
 - b. a bicyclist;
 - c. a motor vehicle; or
 - d. a wheelchair or other device designed for the transport of persons with disabilities.

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

L. These regulations apply to all persons who operate vehicles on TTUHSC EP property.

- M. The Chief of the Texas Tech Police Department, and the Managing Director for Contracting Services (responsible for managing the parking function on that campus on the University campus are responsible for the implementation and the just and proper enforcement of these regulations.
- N. The parking wheel stops and curbs located all over campus are six inches tall. Many newer and some older model vehicles have special ground effects, attachments, air dams, fog/driving lights, or other attachments that reduce ground clearance under the vehicle. Driving such vehicles over the parking wheel stop or curb may cause damage to these vehicles. Drivers are urged to use caution when parking vehicles to avoid damage. Texas Tech University System assumes no responsibility in such cases.
- VI. Vehicle Registration
 - A. In order to operate or benefit from the use of a motor vehicle on campus, each member of the TTUHSC EP community must obtain and display, in his or her name, a vehicle registration permit. No person may register a motor vehicle in his or her name which belongs to another student, faculty, or staff member. Violation of the Traffic and Parking Regulations is prohibited by the Student Affairs Handbook and Texas Tech policy. To benefit from the use of parking spaces designed for persons with disabilities, an eligible faculty/staff member or student MUST display a state issued placard or license plate as well as a TTUHSC EP disability permit.
 - B. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a motor vehicle on campus.
 - C. Faculty and staff are required to register their motor vehicles on or before the date they commence operating a motor vehicle on campus.
 - D. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated motor vehicle for a student permit in addition to the reserved permit. If the faculty or staff member has two motor vehicles registered, and if both motor vehicles are on campus at the same time, the motor vehicle with the student permit must be parked in the designated student parking area and not in either the faculty or staff member's reserved space or in the time limit areas on campus.
 - E. Any person giving false information when registering a vehicle is subject to appropriate disciplinary action and revocation of their motor vehicle registration permit and related parking privileges.
 - F. TTUHSC EP issues two types of registration permits, non-transferable and transferable.
 - 1. Non-transferable Permits

Non-transferable permits must be permanently affixed to the front windshield in the lower corner of the driver's side. All such permits are self-adhering and application in any other manner may subject the motor vehicle to ticketing. Vehicle registration is not complete until the permit is properly and completely affixed to the motor vehicle of record.

2. Transferable Permits

Transferable permits are designed and intended to be hung from the rearview mirror. The purpose of these permits is to allow the owner to move them from vehicle to vehicle; the permit MUST be displayed on the motor vehicle parked on campus. Be sure to contact Parking Services personnel if you have any problems with your transferable permit. The Texas Tech Police Department recommends you properly secure your vehicle and any valuables contained therein.

- 3. All permits are for the exclusive use of the registrant. Permits may not be sold, exchanged, given away, or purchased from any person or agency other than TTUHSC EP.
- 4. Permits remain the property of TTUHSC EP and may be recalled at any time.
- 5. All outdated TTUHSC EP registration permits must be removed from the motor vehicle(s) prior to installation of the current year permit.
- G. Lost or stolen permits should be reported as soon as possible to the Texas Tech Police Department and the appropriate Parking Services Office. The recovery of a lost or stolen permit must be reported immediately to the Texas Tech Police Department and the appropriate Parking Services Office.
- H. Replacement Permits

- 1. Replacement for a non-transferable permit will be issued when identifiable remnants or proof of loss or destruction of the permit are provided. The replacement fee indicated in the current fee schedule will be charged for each replacement permit.
- 2. Replacement for a transferable permit which is reported lost or stolen will be issued the first and second time for the replacement fee indicated in the current fee schedule; thereafter, the cost will be the full price of the permit.
- I. Persons who hold non-transferable reserved registration permits and are assigned reserved spaces may obtain one duplicate permit at no additional charge. Additional permits may be purchased for the replacement fee indicated in the current fee schedule. Duplicate permits do not allow for more than one motor vehicle to be on campus during the reserved period.
- J. Persons who hold TTUHSC EP registration permits and are assigned to Reserved or Area Reserved spaces may also park on the University campus in Visitor, Time Limit, and Park and Pay spaces. University Reserved and Area Reserved permits will be honored in Health Sciences Center Patient and Visitor parking spaces. Parking is restricted to use in the individual's capacity as an employee which does not include attending class as a student.
- K. Upon termination of employment with TTUHSC EP, an employee's parking privileges are revoked. If the registration permit(s) is returned to the appropriate Parking Services Office, the refund in effect at the time it is returned will be issued.
- VII. Parking Enforcement, Parking Violations, and Sanctions
 - A. Parking is governed by markers and traffic signs. Parking is permitted only in areas clearly identified for parking.
 - B. The absence of "No Parking" signs does not imply that parking is allowed. Street parking is prohibited except where signs indicate parking is permitted.
 - C. The following illegal parking acts may result in a citation being issued:

	Violation	Fine
**1.	Parking in non-designated areas.	\$25.00
2.	Permit not properly installed.	10.00
**3.	Parking in a fire lane.	50.00
4.	Failure to remove expired permit(s).	20.00
**5.	Parking in a no parking or tow away zone.	25.00
**6.	Parking in service vehicle spaces, service drives, or access drives.	20.00
**7.	Unauthorized parking in reserved parking spaces.	25.00
**8.	Obstructing traffic, street, sidewalk, crosswalk, driveway, trash container,	25.00
	building entrance or exit.	
**9.	Parking overtime in a time limit zone.	20.00
**10.	Parking a bicycle in violation of these regulations.	10.00
11.	Parking a motor vehicle beyond the lines of a parking space.	20.00
**12.	Parking in reserved zones without proper permit.	25.00
13.	Parking on wrong side of street facing oncoming traffic.	20.00
**14.	Parking without a valid permit.	25.00
**15.	Parking a motor vehicle upon any unmarked (including turf) or unimproved ground which has not been designated for parking.	75.00
**16.	Parking in a space or area designated for persons with disabilities without the proper insignia.	200.00
**17.	Blocking an access ramp or curb cut designed to aid persons with disabilities.	200.00
**18.	Display or use of a lost, stolen, forged, revoked, or altered permit. Such violation may result in the responsible party/parties being referred to the appropriate office for disciplinary action which may include loss of parking privileges for the remainder of the academic year.	Up to 200.00
**19.	Other parking violations as defined on the face of the citation.	20.00

	Failure to display transferable permit. Failure to pay at Pay Station.	10.00 20.00
2		20.00

**Impoundable Offenses

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

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

- E. Motorcycles and mopeds must be parked in areas designated for parking of such vehicles. Motorcycles and mopeds are not permitted to park in time limit areas unless registered to a vehicle that displays a reserved or area reserved permit.
- F. All motorcycle registration permits are issued for the academic year for students and the fiscal year for faculty and staff. They may be purchased at any time during the year at a rate that is prorated monthly.
- G. Bicycles should be parked in racks whenever available. Use of shrubs, trees, or any architectural structures to secure bicycles is prohibited. Bicycles are not permitted in Texas Tech academic or administrative buildings. Any bicycle found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section IX.A. 1 and 2)
- H. No person shall operate a bicycle or any other vehicle upon a sidewalk or sidewalk area except those vehicles expressly designed for the transport of persons with disabilities and bicycles operated by officers of the Texas Tech Police Department when necessary to fulfill their lawful duties. Bicycles operating on a shared-use pathway must yield right-of-way to pedestrians and operate at a speed and in a manner consistent with public safety.
- I. Bicycle registration is encouraged and conducted free of charge, 24 hours a day, at the Texas Tech Police Department.
- J. Any bicycle or locking device not removed from campus at the end of the Spring Semester may be considered abandoned and may be properly disposed of through Property Inventory.
- K. Scooters that are not required by State Law to obtain vehicle registration and inspection are not required to obtain a parking permit, and are not allowed to park in motorcycle or vehicle parking spaces. Individuals operating scooters on campus must adhere to the regulations pertaining to bicycles.
- L. Moving Violations
 - All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state, Section 51.201, <u>Texas Education Code</u>. All violations as set forth above may be adjudicated in a court of competent jurisdiction as provided in the <u>Texas Education Code</u>, Section 51.208.
 - 2. It shall be unlawful for any person to drive, operate, push, park, or leave standing a motor vehicle on any area of the campus not designated for driving such a motor vehicle.
 - 3. It shall be unlawful for any person to drive by, through, or beyond a barricade or roadblock that is lawfully erected.
 - 4. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control, or regulate traffic.

VIII. Resolving Citations

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

- A. Pay the stated fee for each citation. If payment is not received within ten (10) calendar days, an additional \$5.00 charge will be assessed. Citation payment information for the TTUHSC EP campus can be found in the Parking Services Office website at <u>http://elpaso.ttuhsc.edu/parking/default.aspx</u>.
- B. Appeal the citation in writing, within ten (10) calendar days of the alleged violation, through the appropriate Parking Services Office. Citation appeals must be submitted online for the TTUHSC EP campus. Appeal information is available in the Parking Services Office website at http://elpaso.ttuhsc.edu/parking/default.aspx.
- C. The Presidents shall provide equitable and efficient appeals processes through the establishment of a Parking Violation Appeals Advisory Committee. Written appeals will be provided to the Parking Violation Appeals Committee when there is a significant dispute over facts or major extenuating circumstances. The appeal must be submitted within ten (10) days from the date of the decision denying the first appeal. A final appeals hearing may be provided should an individual wish to contest the findings of the Parking Violation Appeals Committee. The Hearings Officer will be appointed each year by the President. The final appeal must be submitted within ten (10) days from the date of the decision denying the second appeal. Individuals appearing before the Hearings Officer must bring any supporting documentation. The decision of the Hearings Officer is final and no further appeals will be provided. Individuals who fail to appear at three scheduled hearings before the Hearings Officer will have their citation(s) ruled valid and no further appeals will be provided.
- D. After a period of ten (10) days from the date of issuance of the citation or from the date of final determination of an appealed citation, citations not resolved through the appropriate Parking Services Office will be overdue. Overdue citations may subject the permit holder's motor vehicle(s) to impoundment and removal of the parking permit(s). Overdue citations may be applied to a student's tuition statement if they remain unresolved or may result in restriction of subsequent academic registration and withholding of a student's transcript until such time as the obligation is satisfied. Parking and these restricted services may be restored when all overdue citations have been resolved. At the discretion of TTUHSC EP, overdue citations may be adjudicated in a court of competent jurisdiction in accordance with Section 51.208 of the <u>Texas Education Code</u>.
- E. Notice of violation for motor vehicles without permits and returned notices of violation will be sent to the address on file with the Texas Department of Transportation, Division of Motor Vehicles.
- F. Four valid violations of the Traffic and Parking Regulations within the academic year may result in the revocation of the individual's parking privileges for a period of 90 days. If, at the end of the 90 days the individual's parking privileges are restored, a single violation of the Regulations may result in permanent revocation for the academic year.
 - 1. All citations must be resolved before any parking privileges are restored.
 - 2. The revocation period shall commence with the return of the registration permit(s) to the appropriate Traffic and Parking Office.
- G. Individuals with at least three unpaid parking citations from the TTUHSC EP Parking Services Office that are found parking in violation of the rules and regulations on TTUHSC EP or University Medical Center grounds, may be issued a county citation.
- IX. Impounding Vehicles
 - A. Vehicles belonging to individuals with ten or more valid violations of the Traffic and Parking Regulations are subject to impoundment on each subsequent violation, regardless of the type of violation.
 - B. Impoundment may be accomplished either by towing or through immobilization by use of an auto boot.
 - C. When a vehicle has been impounded it will be necessary for the operator of the vehicle to contact the appropriate TTUHSC EP parking dispatcher for release. Prior to the release of the impounded vehicle, satisfactory arrangements for payment shall be made.
 - 1. The impoundment fee for towed vehicles will be a \$15 administrative fee plus the amount charged by the towing company. This amount may be vary depending on the vehicle impounded and the current

wrecker service contract. Current impoundment charges can be found at the TTU University Parking Services Office or website.

- 2. The impoundment fee for booted vehicles will be \$40.
- 3. Vehicles impounded will be charged storage at the rate of \$6.00 per day, including tax, commencing 72 hours after impoundment.
- 4. The maximum storage fee to be charged is \$130.00 per month, including tax.
- D. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver the impoundment fee (see Section IX.C.1) less the \$15 administrative fee (payable in a manner acceptable to the towing company) in lieu of impoundment.
- E. If a motor vehicle or bicycle is parked on TTUHSC EP property and is not moved for a period of 30 days, TTUHSC EP may deem the same to be abandoned. Abandoned motor vehicles or bicycles may be impounded and disposed of in the manner prescribed by law. This includes those motor vehicles which have a valid registration permit.
- F. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall be permitted to be stored or parked on the campus without permission from the appropriate Parking Services Office. Such property or vehicles are subject to impoundment.
- G. A motor vehicle parked on TTUHSC EP property will be subject to impoundment if any of the following apply:
 - 1. It does not have attached to it an unexpired license plate and a valid vehicle inspection certificate as required by the Sate in which it is registered.
 - 2. It is inoperable and has remained inoperable for more than 14 (fourteen) consecutive days.
- X. Texas Tech Police
 - A. Texas Tech Police Officers are duly commissioned peace officers of the State of Texas. Upon request of a police officer of Texas Tech, any person on the campus is required to identify himself with proper identification.
 - B. All thefts, accidents, or other offenses that occur on campus should be reported to the Texas Tech Police Department immediately. Accidents should be reported immediately. In accordance with State law, vehicles involved in an accident should be moved prior to reporting the accident if they are moveable. One-vehicle accidents and inoperable vehicles must also be promptly reported. Keys or valuables should not be left in a motor vehicle. ALWAYS KEEP YOUR VEHICLE LOCKED.
 - C. TTUHSC EP is concerned about the protection of persons and property and places a high priority on striving to maintain a safe environment for students, faculty, staff, and visitors. The University cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility. With that thought in mind, a Personal Safety brochure has been prepared which contains personal safety recommendations, crime statistics, safety services and programs, as well as a list of telephone numbers to contact for help. All visitors and members of the campus community are encouraged to make themselves familiar with this information. The Personal Safety brochure is available at various locations on campus including the Personnel Office and the Texas Tech Police Department.
 - D. Chapter 46, Section 46.03, Texas Penal Code, provides that a person commits a felony offense if the person carries a firearm, illegal knife, club, or other prohibited weapon listed in Section 46.05(a) on the physical premises of an educational institution.
- XI. Types of Motor Vehicle Registration Permits
 - A. Reserved parking spaces are assigned to full-time faculty and staff and part-time faculty and staff not enrolled as students as space is available. Any space remaining after the needs of the faculty and staff are met will be available for assignment to part-time instructors, graduate teaching assistants, and graduate research assistants who hold contracts for one-half time or more. Such assignments may be revoked as necessary to accommodate regular faculty and staff requirements.

- 1. Non-transferable permits will be issued for reserved spaces. The permit will contain the lot and space number assigned to the registrant. The space is reserved from 6:30 a.m. to 5:30 p.m., Monday through Friday, year-round, excluding holidays.
- B. Reserved Area parking spaces are available to qualified faculty and staff in certain designated parking lots. Non-transferable permits will be issued for all area reserved lots. Area reserved permit holders should overflow to other designated area reserve parking lots if all available area reserved spaces in the lot are occupied.
- C. Reserved Area parking spaces may be purchased by part-time employees (less than 20 hours a week) at half the specified cost. An approved PAF form must accompany the vehicle registration form. At the El Paso campus, part-time employees must complete their vehicle registration online at http://elpaso.ttuhsc.edu/parking/default.aspx and contact the Parking Office for a reduced rate.
- D. Renewal notices for persons assigned reserved and area reserved spaces are sent out no later than July 1 of each year. Employees must renew their vehicle registration by the date stated in the renewal notice. Payment may be made by credit card (Visa, MasterCard, and Discover [Discover is not accepted at the El Paso Parking Services Office]), cash, personal check, or payroll deduction. Vehicle registration must be completed online at <u>http://elpaso.ttuhsc.edu/parking/default.aspx</u>.
- E. Commuter permits will be issued for motor vehicles belonging to students.
 - 1. Commuter permits will be of the non-transferable type.
 - 2. Commuter permits are issued to the individual vehicle and ownership is not transferable. Use of a commuter permit by anyone other than the individual to whom it was issued is not permitted. Violation of this regulation may result in ticketing, impoundment, and loss of all parking privileges on campus, including parking for the academic year for all parties involved.
 - 3. Parking is available in certain designated lots.
 - 4. TTUHSC EP commuter permits will be allowed in commuter lots around the periphery of the TTUHSC EP campus. TTUHSC EP commuter permits will be honored in designated commuter parking areas at all TTUHSC campuses (Abilene, Amarillo, Lubbock and Odessa).
 - 5. Texas Tech University commuter, park and ride, garage, law school, and residence hall permits will be honored in the TTUHSC EP designated commuter parking lots.
 - 6. At the El Paso campus, students must complete their vehicle registration in the Parking Services Office, ASBII located at 222 North Concepcion, office 1016.
- F. Persons with disabilities may be issued disability access motor vehicle registration permits designed to assist them in campus mobility.
 - 1. Parking in spaces reserved for persons with disabilities requires the correct motor vehicle registration permit and the appropriate state issued placard or license plate.
 - 2. State placards or license plates must be displayed at all times when a vehicle is parked in these areas.
 - 3. The designated disability parking areas are reserved 24 hours daily.
- G. Motorcycle registration permits will allow parking of motorcycles or mopeds in designated two-wheel areas. Motorcycle registration permits must be permanently affixed to the top of the front headlight, front fender or shock absorbers. Mopeds and motorcycles may not park in bicycle racks. All motorcycle registration permits expire in August.
- H. Temporary registration permits will be issued for the fee indicated in the current fee schedule. Temporary permits are not refundable.
- XII. General Regulations
 - A. Persons who hold a motor vehicle registration permit for reserved or area reserved parking from any Health Sciences Center campus may park in a designated visitor's area when visiting another campus.
- XIII. Visitor and Patient Parking

Visitors and patients are welcome on the campus. Special parking areas are designated for patients and visitors. Visitors' motor vehicles parked in areas not designated for visitor parking are subject to receiving a campus citation.

XIV. Time Limit

Designated time limit parking areas are enforced from 7:30 a.m. to 4:00 p.m., Monday through Friday, unless otherwise posted.

XV. Loading Dock

Parking at the loading dock is enforced 24 hours daily.

XVI. Service and Vendor Vehicle Parking

It is recognized that service vehicles are required to transport personnel and materials to work sites on the campus. It is not the intent of these regulations to hinder or handicap workers in the performance of their duties. Property damage and unsafe conditions, however, frequently occur on campus as a result of drivers ignoring parking regulations.

Service and vendor motor vehicles found to be blocking a street or creating a hazard may be ticketed and impounded.

A. University Service Vehicle Parking

Faculty, staff, and students who operate TTUHSC EP service vehicles on campus should become familiar with the contents of HSC OP 76.37.

- Movement of heavy equipment and supplies to the buildings will be accomplished from the loading dock, or the designated delivery area, if possible. If not possible, the individual or contractor responsible for moving, loading, hauling, etc., should make prior arrangements with the designated project manager who will contact the Parking Services Office or the corresponding office at Abilene, Amarillo, El Paso, and Odessa to obtain alternate delivery, parking and routing information to ensure protection of lawns, sidewalks, brick areas, ramps, lawn sprinkler systems, designated fire lanes, etc.
- 2. Parking partially in the street and partially on a walk/curb is prohibited. Vehicles must park in designated areas only.
- 3. Damage resulting from vehicles traversing lawns, sidewalks, bricked areas, etc., will be repaired by Grounds Maintenance, TTUHSC EP Plant Operations, or Regional Facilities Operations and Maintenance. All repair costs will be charged to the department or vendor/contractor responsible for such damage as determined by TTUHSC EP and in the context of circumstances.
- 4. Blocking of doorways, sidewalks, handicap access, and fire lanes is prohibited.
- 5. TTUHSC EP service vehicles may be parked only in the following areas which are listed in priority order:
 - a. In designated service vehicle parking at the loading dock or designated service vehicle parking location
 - b. Time limited parking
 - d. On-street parking

B. Vendor Parking

For external vendor and delivery vehicles, parking spaces are available at the loading dock.

Vendor and delivery vehicles found to be blocking a street, sidewalk or designated parking space will be ticketed and towed by the Parking Services Office or the Police.

Vehicles belonging to vendors may be parked only in the following areas which are listed in priority order:

- 1. In designated service vehicle parking at the loading dock
- 2. Visitor parking
- C. <u>Contractor Parking</u>

- 1. Contractors may obtain, at no charge, a construction permit for their trucks or cars from the in the Parking Services Office, ASBII, located at 222 North Concepcion, office 1016 or by prior arrangement through the designated project manager.
- Contractors must display parking permit on the rear view mirror or lower left-hand drivers' side of windshield at all times while parked on TTUHSC EP property. Vehicles with the contractor logo clearly shown will be permitted to park in the designated contractors' parking lot/area without a TTUHSC EP parking permit.
- 3. Parking for contractors is limited to the following area:
 - a. Contractor's parking lots or specifically designated locations on each campus.
 - b. Parking outside the designated Contractor's lot is a violation of the parking regulations and does subject the vehicle to a citation and/or impoundment.

2016-2017	Facult	y/Staff	Facult	y/Staff		
Rates	Reserve	ed Space	Area R	eserved	Two-W	/heeler
Through	12 m	onths	12 months		12 months	
	Cost	Refund	Cost	Refund	Cost	Refund
Sep. 30	\$582.00	\$528.50	\$164.40	\$145.70	\$42.00	\$33.50
Oct. 31	533.50	480.00	150.70	132.00	38.50	30.00
Nov. 30	485.00	431.50	137.00	118.30	35.00	26.50
Dec. 31	436.50	383.00	123.30	104.60	31.50	23.00
Jan. 31	388.00	334.50	109.60	90.90	28.00	19.50
Feb. 28	339.50	286.00	95.90	77.20	24.50	16.00
Mar. 31	291.00	237.50	82.20	63.50	21.00	12.50
Apr. 30	242.50	189.00	68.50	49.80	17.50	9.00
May. 31	194.00	140.50	54.80	36.10	14.00	5.50
Jun. 30	145.50	92.00	41.10	22.40	10.50	2.00
Jul. 31	97.00	43.50	27.40	8.70	7.00	0.00
Aug. 31	48.50	0.00	13.70	0.00	3.50	0.00

Parking Fees and Refunds - Texas Tech University Health Sciences Center at El Paso (no changes from previous year)

2016-2017							
Rates	Com	muter	Comr	nuter	Extended	Commuter	
Through	12 m	12 months		9 months		14 months	
	Cost	Refund	Cost	Refund	Cost	Refund	
Jul. 31					\$125.30 116.35	\$111.35 102.40	
Aug. 31					110.50	97.00	
Sep. 30	\$107.40	\$93.45	\$80.55	\$66.60	107.4	93.45	
Oct. 31	98.45	84.50	71.60	57.65	98.45	84.50	
Nov. 30	89.50	75.55	62.65	48.70	89.50	75.55	
Dec. 31	80.55	66.60	53.70	39.75	80.55	66.60	
Jan. 31	71.60	57.65	44.75	30.80	71.60	57.65	
Feb. 28	62.65	48.70	35.80	21.85	62.65	48.70	
Mar. 31	53.70	39.75	26.85	12.90	53.70	39.75	
Apr. 30	44.75	30.80	17.90	3.95	44.75	30.80	
May. 31	35.80	21.85	8.95	0.00	35.80	218.85	
Jun. 30	26.85	12.90	0.00	0.00	26.85	12.90	
Jul. 31	17.90	3.95	0.00	0.00	17.90	3.95	
Aug. 31	8.95	0.00	0.00	0.00	8.95	0.00	

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

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

ATTACHMENT 5

TTU Student Handbook 2016-2017

TEXAS TECH UNIVERSITY STUDENT HANDBOOK 2016-2017

Deleted: 2015-2016

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Appendix

Appendix A: Definitions Appendix B: Rights and Responsibilities Form Appendix C: Sanctioning Grids Appendix D: Campus Resources

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 <u>Student Handbook</u> and the *Code of Student Conduct* contained within are intended to serve these purposes in the interest of all segments of Texas Tech University.

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

The University reserves the right to make changes to this *Code* as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online [http://www.depts.ttu.edu/dos/handbook/] for the updated versions of all policies and procedures. Students are also informed of changes to the *Code of Student Conduct* by electronic notification outlets and/or official campus publications. The <u>Student Handbook</u> was approved by the Board of Regents on May 14, 20154 to be effective Monday, May 18, 2015.

Membership in the TTU Community

As members of the academic community, University students enjoy the privileges and share the obligations of the larger community of which the University is a part. Students are entitled to the privileges which accrue to them by virtue of this membership. These privileges carry with them the obligations of responsible citizenship. Students shall conform to University regulations. Students should recognize that citizenship also includes contributing deliberately to strengthening the educational community, improving learning for themselves and their classmates and promoting excellence within the above context. Freedom of discussion, inquiry and expression is protected and nurtured in the classroom as the safeguard of the freedom to learn. Students are expected to exercise their freedom to learn in a manner consistent with the maintenance of good order. Responsibility for maintaining good order in the classroom is vested in the instructor. *The Code of Student Conduct* outlines the standards of behavior for University students and the disciplinary processes to address misconduct.

Texas Tech University Vision

Texas Tech is a great public research University where students succeed, knowledge is advanced, and global engagement is championed.

Texas Tech University Mission

As a public research University, Texas Tech advances knowledge through innovative and creative teaching, research, and scholarship. The University is dedicated to student success by preparing learners to be ethical leaders for a diverse and globally competitive workforce. The

University is committed to enhancing the cultural and economic development of the state, nation, and world. *Approved by the Texas Tech University Board of Regents on May 14, 2010.*

Texas Tech Statement of Ethical Principles

Texas Tech University is committed to ethical leadership practices at all levels and to our tradition of community service, both within the University community and in our relationships with the greater community. We strive for exemplary professional and community service through research, creative works, and service programs that extend beyond the University environment. We strive to provide excellent service in a caring and friendly environment and encourage such involvement in the community by all faculty, students, staff, and administration.

School of Law and Texas Tech University Health Sciences Center

Students enrolled in, and student organizations registered with, the Texas Tech University School of Law are subject to the *Code of Student Conduct*. In addition to the *Code of Student Conduct*, Tech Law students and registered organizations are also subject to the <u>Honor Code of</u> <u>the School of Law</u>. In specific situations, students may find themselves in violation of either the *Code of Student Conduct* or the <u>Honor Code of the School of Law</u>, or both.

Questions concerning the respective jurisdiction of the *Code of Student Conduct* and the <u>Honor</u> <u>Code of the School of Law</u> will be resolved by the Vice Provost for Undergraduate Education & Student Affairs and the Dean of the School of Law.

Students enrolled in the Schools of Medicine, Allied Health Sciences, Nursing, Pharmacy, Graduate School of Biomedical Sciences, and organizations registered with the Texas Tech University Health Sciences Center are subject to the <u>TTUHSC Student Handbook/Code of</u> <u>Professional and Academic Conduct.</u>

PART I CODE OF STUDENT CONDUCT

SECTION A: STUDENT CONDUCT MISSION AND POLICIES

The *Code of Student Conduct* outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the *Code of Student Conduct*. Any student or student organization found responsible for misconduct may be subject to conduct sanctions.

The University provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

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

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

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

1. Disciplinary Authority

The authority to enact and enforce regulations of the University is vested in the Board of Regents. The responsibility for enforcing the regulations and imposing penalties is delegated to the President of the University and any University officials the President designates. The Office of the Vice Provost, Undergraduate Education and Student Affairs is the principal agency for the administration of student conduct. Dean of Students, the Office of Student Conduct, and University Student Housing shall implement the student discipline procedures. All references to the officials listed above shall be interpreted to include persons designated to act on their behalf.

The Dean of Students, Managing Director of the Office of Student Conduct, 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 <u>Hearing Panel</u>, the Student Conduct Officer/Investigator will present the information and evidence obtained through the investigation to the <u>Panel</u>, which will make a determination of responsible or not responsible, and assign a sanction. In cases heard through the Administrative Hearing process, or completed via an Informal Resolution, the Student Conduct Officer/Investigator may render findings and issue sanctions. Investigators are assigned to cases by the Dean of Students, The Managing Director of the Office of Student Conduct, or designee. Investigators may be staff members in the Office of Student Conduct, or trained staff in other departments such as the Student Resolution Center, Dean of Students Office, Center for Campus Life, and University Student Housing.

b. Administrative Hearing Officer

An Administrative Hearing Officer is a trained University staff member whose role is to make a decision of responsibility and assign sanctions, as appropriate in Administrative Hearing. The Administrative Hearing Officer may be the Student Conduct Officer/Investigator who completed the Investigation/Investigation Report, or an Administrative Hearing Officer assigned by the Managing Director of the Office of Student Conduct, or designee.

Hearing Panel

The Hearing Panel will conduct disciplinary Panel Hearings. The Panel will be composed of full-time faculty members, full-time students, full-time staff, and Administrative Hearing officers.

1. Hearing Panel Appointments

The Managing Director of the Office of Student Conduct will be responsible for assembling and training the Hearing Panel annually. The Hearing Panel will consist of at least 6 students, 6 faculty, 6 staff members, and 6 Administrative Hearing Officer members according to the following guidelines:

a. Student Recommendations

The President of the Student Government Association, Graduate Student Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for student members to serve on the Hearing Panel. Upon recommendation, student members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, selected student members will be appointed by the Managing Director of the Office of Student Conduct. To be eligible for appointment, undergraduate students must be considered full-time students, be in academic good standing and have completed 12 hours of Texas Tech University academic credit with a cumulative GPA of at least 2.5, be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. Graduate students must be in academic good standing and have completed 6 hours of Texas Tech University academic credit with a cumulative

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GPA of at least 3.0, and be in good standing with the Office of Student Conduct throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service. Students must submit a letter of recommendation from a faculty member or administrator from within the University community.

b. Faculty Recommendations

The President of the Faculty Senate and Associate Academic Deans are invited to make recommendations for faculty members to serve on the Hearing Panel. Upon recommendation, faculty members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, faculty members will be appointed by the Managing Director of the Office of Student Conduct.

c. Staff Appointments

The President of the Staff Senate is invited to make recommendations for staff members to serve on the Hearing Panel. Upon recommendation, staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, staff members will be appointed by the Managing Director of the Office of Student Conduct, in consultation with the Dean of Students.

d. Administrative Hearing Officer Appointments

Administrative Hearing Officer members of the Hearing Panel are appointed by the Managing Director of the Office of Student Conduct and are selected from the group of trained University staff members designated as Administrative Hearing Officers. Administrative Hearing Officers who served as Investigators in the case may not serve on the Hearing Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

2. Hearing Panel Terms

Each member will be appointed for a single one-year term by the Managing Director of the Office of Student Conduct. Members may be re-appointed for consecutive one-year terms, but must complete the Hearing Panel training each year.

3. Hearing Panel Composition

For each Panel Hearing, a panel <mark>of three (3) members will be chosen from the available pool by the Managing Director of the Office of Student Conduct, or designee. The Hearing Panel will usually be comprised of one student, one faculty member, and one</mark>

staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic

Misconduct), the Hearing Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director of the Office of Student Conduct will appoint three Administrative Hearing Officers for the Panel.

4. Resource Person

The Director of Student Conduct appoints a Resource Person in each Panel Hearing. The Resource Person is a non-voting Administrative Hearing Officer and assures that University/College procedures are followed throughout the Panel Hearing. The Resource Person is responsible for composing the Panel's decision, rationale, and appropriate sanctions, if assigned.

5. Removal of a Hearing Panel Member

The Managing Director of the Office of Student Conduct may remove a member from this Panel when, in his/her judgment, the member has failed or refused to effectively serve and perform the duties and functions of the Panel. Additionally, the Complainant or Respondent may request the removal of a Panel Member whose ability to be impartial is in question. The Managing Director of the Office of Student Conduct will review and approve or deny student requests for removal of a Panel Member.

6. Panel Hearings

The Office of Student Conduct will establish meeting dates and times during which cases will be heard and will also provide for scheduling special meetings as needed. Panel Hearings will be conducted by a subgroup of the Hearing Panel Members.

7. Panel Hearing Deliberation

When deliberating a case, the Hearing Panel will meet in closed session with only voting Panel members and the Resource Person present.

8. Additional Hearing Panel Members

The Managing Director for the Office of Student Conduct or designee may appoint additional members of the Hearing Panel to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the University. The additional member(s) of the Hearing Panel will complete the same training, have the same duties and responsibilities, and the same authority as the original Hearing Panel member.

9. Hearing Panel Orientation & Training

Prior to serving in a Hearing, members of the Hearing Panel will be required to participate in an orientation and training program facilitated by the Office of Student <u>Conduct. Members are encouraged to attend additional trainings throughout their</u> service on the Administrative Hearing Panel.

a. The Code of Student Conduct Review Committee

The *Code of Student Conduct* is reviewed every year by the *Code of Student Conduct* Review Committee in conjunction with the Office of Student Conduct, University Student Housing, Dean of Students, and the Associate Vice Provost for Student Affairs. The *Code of Student Conduct* Review Committee will conduct an annual review of the *Code of Student Conduct* and make recommendations to the Associate Vice Provost for Student Affairs regarding omissions, clarifications, constructive changes and other matters relevant to the proper interpretation and operation of the *Code of Student Conduct*. The Associate Vice Provost for Student Affairs will then present the *Code of*

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Deleted: <#>University Discipline Committee¶ The composition of the University Discipline Committee consists of a trained pool of faculty, staff, and students. In cases involving Part II, section B.1 (Academic Misconduct), the Committee is comprised only of students and faculty. In cases including discrimination, sexual misconduct, or other sensitive issues, the Committee will only include faculty and staff.¶ Committee Composition¶

Committee Composition¶ The University Discipline Committee will conduct disciplinary Hearings in referred cases after they have completed Office of Student Conduct training. The Committee pool will be composed of full-time faculty members, full-time students and full-time staff members and will be recognized as a University Committee. Each member will be appointed for a single one-year term by the Managing Director of the Office of Student Conduct, in consultation with the Dean of Students. Committee members may be re-appointed for consecutive one-year terms, but must complete Office of Student Conduct training each year.¶ Committee Appointments¶

University Discipline Committee appointments will be made as follows:

The President of the Student Government Association, Graduate Student Advisory Council, and the President of the Residence Halls Association, and Associate Academic Deans are invited to make recommendations for full-time student Committee members. Upon recommendation, full-time student members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, fulltime student members will be appointed by the Managing Director of the Office of Student Conduct, in consultation with the Dean of Students. ¶

The President of the Faculty Senate and Associate Academic Deans are invited to make recommendations for full-time faculty Committee members. Upon recommendation, full-time faculty members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, full-time faculty members will be appointed by the Managing Director of the Office of Student Conduct, in consultation with the Dean of Students.¶

The President of the Staff Senate is invited to make recommendations for full-time staff Committee members. Upon recommendation, full-time staff members will be invited to participate in an application process, prior to appointment. Upon completion of the application process, full-time staff members will be appointed by the Managing Director of the Office of Student Conduct, in consultation with the Dean of Students.¶ Committee Removals¶

The Managing Director of the Office of Student Conduct 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.¶ Committee Chairperson¶

The chairperson of a Committee Hearing will be selected prior to the commencement of a University Discipline Hearing and will be a member of the faculty or staff. The chairperson is responsible for composing the Committee's decision, rationale, and appropriate sanctions.¶

Committee Meetings

The Office of Student Conduct will establish meeting dates and times during which cases will be heard and will also provide for scheduling special meetings as needed. Committee Hearings will be conducted by a subgroup of the Committee members.¶ Committee Quorum¶

A quorum for the Committee consists of five (5) members, provided that at least one (1) member is present from each of the representative categories. In cases involving Part II, section B.1 (Academic Misconduct), the Committee is comprised only of Student Conduct to the Vice Provost for Undergraduate Education & Student Affairs and the Provost for review and consideration by the Board of Regents.

1. Committee Appointment

The Code of Student Conduct Review Committee members are appointed by the Managing Director of the Office of Student Conduct who will invite recommendations by the President of the Faculty Senate, President of the Staff Senate, President of the Student Government Association, President of the Graduate Student Advisory Council, and the President of the Residence Halls Association.

- 2. Committee Composition The Code of Student Conduct Review Committee will include members from the following classes of Texas Tech University community members:
 - Full-time faculty: •
 - Full-time staff;
 - Full-time undergraduate student(s); •
 - Full-time graduate student(s).
- 3. Committee Removals

The Managing Director of the Office of Student Conduct may remove a member from this committee when, in his/her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

The Office of Student Conduct will establish meeting dates and times during which the Code of Student Conduct will be reviewed and will provide for scheduling special meetings as needed.

- 5. Committee Quorum A quorum for the committee is five (5) members.
- 6. Additional Committee Members

The Managing Director of the Office of Student Conduct may appoint additional members of the Code of Student Conduct Review Committee to expedite the review process of the code. The additional members of the Code of Student Conduct Review Committee.

2. Jurisdiction

Students at the University are provided an electronic copy of the Code of Student Conduct annually in the form of a link on the Student Handbook website. Students are responsible for having read and abiding by the provisions of the Code of Student Conduct.

The University community has developed standards of behavior pertaining to students and to student organizations. Students and 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 University policy and each violation of federal, state and/or local law on a "case-by-case" basis and will further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students.

The Code of Student Conduct and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, including law students and all registered student organizations. For the purposes of student conduct, the University

considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The *Code of Student Conduct* applies to behaviors that take place on University premises, at University-sponsored activities and events, and may apply to off-campus behavior when the Dean of Students or Managing Director of Student Conduct determine that the off-campus conduct affects a substantial University interest, such as situations where a student's conduct may present a danger or threat to the health or safety of him/herself or others; situations that infringe on the rights of other students; situations causing significant disruption to the educational community or detrimental to the educational mission of the University. Proceedings under the *Code of Student Conduct* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll, 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.

The *Code of Student Conduct* may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information, but may take action if and when such information is brought to the attention of University officials.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Code* may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of University community.

3. Notice

Notice is deemed to have been properly provided when written notification is sent to the student's official assigned Texas Tech University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. Students will be given a reasonable amount of time to respond to requests to meet with University officials. 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, they should do so in a timely manner. The University will make all reasonable efforts to accommodate student scheduling

conflicts, but will not permit unreasonable delays in the Conduct Process. After proper notice has been given to the student, the Student Conduct 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 Office of Student Conduct may issue a 'Failure to Comply' *Code of Student Conduct* allegation to the student. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at www.raiderlink.ttu.edu/.

4. Timelines

It is recommended that reports of alleged violations of the *Code of Student Conduct* should be received by the Office of Student Conduct within ten (10) University working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays.

5. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in *Code of Student Conduct* proceedings is the preponderance of evidence, or more likely than not.

6. <u>Reporting Allegations of Misconduct</u>

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online <u>incident report form</u>. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of Student Conduct, located in suite 211 of the Student Wellness Building. Staff are also available in the Dean of Students Office to take initial reports of allegations and assist with conduct processes. The Office of Student Conduct also regularly reviews reports submitted from Texas Tech University faculty and staff, University Student Housing, and the Texas Tech Police Department.

To submit a concern regarding a student organization or to file an allegation of misconduct against a student organization or its members, individuals (faculty, staff, students, organization members, parents, community members or other parties) may complete an online form at http://ttu.orgsync.com/org/orgconduct/home. Individuals may also file a report in person with the Center for Campus Life, 201 Student Union. Staff are also available in the Student Resolution Center and Office of Student Conduct to discuss reports of misconduct against student organizations.

Student organization leaders also can self-report organization or member behavior that may be considered violations of TTU policy. When an organization is able to quickly identify a concern, address it, and report it, it is less likely that the organization would be held responsible for behavior that may be a policy violation. The self-report allows the University, in conjunction with the student organization to collect information, begin

individual student conduct processes, and ensure that behavior has ceased and does not reoccur. When incidents are unreported by organizations and instead come to the attention of the University via a Complainant or third party, the options for resolution are more limited. Self-reporting allows the University to work collaboratively with the organization to address the situation and can allow for lower-levels of sanctioning for misconduct.

Sometimes organization leaders may also become aware that organization or member activities may result in violations of policy but have not occurred yet. In these cases, the organization leadership is encouraged to work directly with Campus Life staff to intervene and address the concern. This type of pre-report has the highest likelihood of lowering the risk of potential conduct violations and sanctions for the organization. Organization leaders may self-report misconduct or potential misconduct by utilizing the online form at http://ttu.orgsync.com/org/orgconduct/home or by contacting the appropriate student organization or fraternity/sorority life staff member in the Center for Campus Life.

If after an initial report has been made a student experiences a subsequent concern or continued incident(s) of alleged misconduct, a student may file an additional report pursuant to the procedures in this section (Part I, section A.6).

7. Confidentiality

Texas Tech University is committed to ensuring confidentiality during all stages of the student conduct process. If students are unsure whether they want to involve family or friends, and are not yet certain whether they want to report to the police or the University, there are resources available, both on and off campus, that offer confidential assistance and support.

• TTU Student Counseling Center www.depts.ttu.edu/scc/

The University is committed to facilitating an environment that supports students reporting incidents of misconduct, and will always attempt to resolve a situation in accordance with a student's wishes. In most cases, the University will not initiate student conduct proceedings or take administrative action without consulting with the reporting student.

In some exceptional circumstances, where the incident in question presents a continuing threat to the campus community, the University may be required to investigate irrespective of the Complainant's desire to pursue allegations of student misconduct, and may be required to issue a "timely warning" to the campus community, as required by the Clery Act. Timely warnings do not include personally identifiable information of involved parties.

All reports of misconduct will be maintained with the highest possible level of confidentiality. Information provided by the student will only be shared with essential staff members and only as is necessary for the effective investigation and adjudication of the case. Where reports of misconduct involve other students, either as Respondents or witnesses in the case, some information may need to be shared with those involved parties in order to complete a thorough investigation.

8. Anonymity

Texas Tech understands the sensitive nature of some incidents of alleged misconduct. Further, the University is mindful of a Complainants' desire, in some cases, to report an incident without disclosing their name or other identifying information. Texas Tech will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

9. Family Educational Rights and Privacy Act (FERPA)

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to school officials with legitimate educational interest, other schools to which a student is transferring, to comply with a judicial order or lawfully issued subpoena, to parents when there is a health or safety emergency involving the student, to parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure, to the 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.

10. Student Organizations

Information gathered during an investigation of student organization misconduct, as well as any conduct findings and decisions, may be shared with the inter/national or regional headquarters of organizations as appropriate. This otherwise confidential information will not be shared with other students or the Greek community.

Student organization records do not impact the content of individual student records for members of those student organizations. A finding of responsibility for misconduct for a student organization does not indicate a finding of responsibility for individual students. Individual students may be subject to their own conduct processes separate from the student organization process.

All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via Informal Resolution, Administrative or <u>Panel Hearing</u>, and/or conduct appeal processes.

11. <u>Reporting Criminally</u>

Some instances of student misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. Texas Tech administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

12. Amnesty

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The University will provide educational options in lieu of conduct proceedings in certain situations. Examples of the amnesty provision include, but are not limited to:

- Victims of misconduct who were engaging in policy violations, such as underage drinking or drug use, at the time of the incident.
- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the *Code of Student Conduct*. Amnesty does not preclude students from being charged with allegations of misconduct related to Part II, section B.2 (Actions against Members of the University Community and Others). *The Code of Student Conduct* amnesty provisions do not impact criminal proceedings or charges. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling and alcohol assessments. The Student Resolution Center can assist with questions related to amnesty provisions.

13. Withdrawal

A responding student facing an alleged violation of the *Code of Student Conduct* may not be permitted to withdraw from the University until all allegations are resolved.

SECTION B: MISCONDUCT

1. Academic Misconduct

Academic misconduct includes cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, violations of published professional ethics/standards, and any act or attempted act designed to give unfair academic advantage to oneself or another student. Additional information about academic misconduct is available in the Texas Tech University Community Policies section.

a. Cheating

- 1. Copying from another student's academic work, test, quiz, or other assignment
- 2. Receiving assistance from and/or seeking aid from another student or individual to complete academic work, test, quiz, or other assignment without authority.
- 3. The use or possession of materials or devices during academic work, test, quiz or other assignment which are not authorized by the person administering the academic work, test, quiz, or other assignment.
- 4. Possessing, using, buying, stealing, transporting, selling or soliciting in whole or in part items including, but not limited to, the contents of an unadministered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous course materials without the instructor's permission.
- 5. Obtaining by any means, or coercing another person to obtain items including, but not limited to, an unadministered test, test key, homework solution or computer

program/software, or information about an unadministered test, test key, homework solution or computer program.

- 6. Transmitting or receiving information about the contents of academic work, test, quiz, or other assignment with another individual who has completed or will complete the academic work, test, quiz, or other assignment without authority.
- 7. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, take a test, quiz or other assignment or sign in/register attendance.
- 8. Taking, keeping, misplacing, damaging or altering the property of the University or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.
- 9. Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- 10. Failing to comply with instructions given by the person administering the academic work, test, quiz or other assignment.
- b. Plagiarism
 - 1. The representation of words, ideas, illustrations, structure, computer code, other expression or media of another as one's own and/or failing to properly cite direct, paraphrased or summarized materials.
 - 2. Self-plagiarism which involves the submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student.
- c. Collusion

The unauthorized collaboration with another individual to complete academic work, test, quiz, or other assignment, providing unauthorized assistance to another student, allowing another student access to completed academic work, and/or conspiring with another person to commit a violation of academic dishonesty.

- d. Falsifying academic records
 - 1. Altering or assisting in the altering of any official record of the University and/or submitting false information.
 - 2. Omitting requested information that is required for, or related to, any official record of the University.
- e. Misrepresenting facts
 - 1. Providing false grades, falsifying information on a resume, or falsifying other academic information.
 - 2. Providing false or misleading information in an effort to injure another student academically or financially.
 - 3. Providing false or misleading information or official documentation in an effort to receive a postponement or an extension on academic work, test, quiz, other assignment, credit for attendance<u>and/or obtain an academic or financial benefit for oneself or another individual.</u>

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

f. Violation of Professional Standards

Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

Deleted: or Deleted: in order to *NOTE:* Students are held accountable under this policy based on their college or school of enrollment, declared major, degree program, and/or pre-professional program.

g. Unfair Academic Advantage Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student that is not enumerated in items a-f.

2. Actions against Members of the University Community and Others

c. Sexual Misconduct 1. Sexual Harassment

Any a limite	ct, or attempted act, perpetuated against <u>another person or persons</u> including, but not	Deleted: a member of the University community
	sruptive and/or Obstructive Conduct	
	tentional or reckless behavior that disrupts or obstructs the normal operation of the	
	niversity, its students, faculty, staff and/or University visitors.	Deleted: and/or
	armful, Threatening, or Endangering Conduct	Deleted: alid/of
	tentional or reckless behavior that harms, threatens, or endangers the physical or	
	notional health or safety of self or others, including but not limited to:	
	Assault	
1.	a. Intentionally or recklessly causing physical harm or endangering the health or	
	safety of another person.	
	b. Intentionally or knowingly causing physical contact with another when the	
	person knows or should reasonably believe that the other will regard the contact	
	as offensive or provocative.	
2	Threats	
	Written or verbal acts that would cause significant distress or fear in a reasonable	
	person or that a reasonable person would interpret as a serious expression of a threat	
	or intent to inflict harm upon any person, group of people, or damage to any	Deleted: bodily
	property.	Deleted: specific individuals or groups of individuals
3.	Intimidation	Ç.
	An implied threat or act that causes a reasonable fear of harm in another.	
4.	Intimate partner / relationship violence	
	Violence or abuse, verbal or physical, by a person in an intimate relationship with	
	another.	
5.	Bullying / cyber bullying	
	a. Repeated or severe aggressive behaviors that intimidate or intentionally harm or	
	control another person physically or emotionally. Activities protected by	
	freedom of speech will not be considered violations of the Code of Student	Formatted: Font: Italic
	Conduct.	
OTE: In	formation related to freedom of expression policy is available in Part II, Section P	Formatted: Normal, Level 5, Don't add space between
	iversity Space.	paragraphs of the same style, Line spacing: Multiple 1.15 li,
	inversity space.	No bullets or numbering
6.	Stalking	Formatted: Font: Times New Roman, Bold, Underline
	Behavior which includes, but is not limited to, knowingly and repeatedly engaging	Deleted: <#>Severe, pervasive, and objectively offensive behaviors that intimidate or intentionally harm or control
	in conduct that the individual knows or reasonably should know the other person	another person emotionally.¶
	will regard as unwelcome and would cause a reasonable person to be fearful or	
	suffer substantial emotional distress.	

Unwelcome verbal, written, or physical conduct or attempted conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with the student's educational experience or creates a hostile educational environment.

2. Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:

- a. Photography or video recording of another person in a sexual, intimate, or private act without that person's full knowledge and consent;
- b. Purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge and consent;
- c. Sexual voyeurism;
- d. Inducing another to expose one's genitals or private areas;
- e. Prostituting another student;
- f. Engaging in sexual activity while knowingly infected with an STD.
- 3. Public Indecency

Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency. Including, but not limited to exposing one's genitals or private area(s), public urination, defecation, and/or public sex acts.

- 4. Nonconsensual Sexual Contact Intentional sexual touching, however slight and with any object or part of one's body, of another's private areas without consent. Private area includes butt, breasts, mouth, genitals, groin area, or other bodily orifice.
- 5. Nonconsensual Sexual Intercourse Sexual penetration or intercourse, however slight and with any object, without consent. Penetration can be oral, anal, or vaginal.

NOTE: Refer to Appendix A: Definitions for a comprehensive definition of consent

d. Hazing

Intentional, knowing, or reckless act directed against a student by one person acting alone or by more than one person occurring on or off University premises that endangers the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

- 1. Any type of physical brutality, such as whipping, beating, using a harmful substance on the body or similar activity.
- 2. Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics.
- 3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of a student.
- 4. Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame or humiliation, adversely affects the mental health or dignity of a student, or discourages a student from entering or remaining

enrolled at the University, or may reasonably be expected to cause a student to leave the organization or the University rather than submit to acts described above.

- 5. Any activity in which a person solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred and knowingly fails to report the incident in writing to the Office of Student Conduct.
- 6. Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates or alumni of the organization of committing or assisting in the commission of hazing.
- Any activity that involves coercing a student to consume an alcoholic beverage, liquor, or drug, or creates an environment in which the student reasonably feels coerced to consume any of those substances.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936

e. Discriminatory Harassment

Conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics that is sufficiently severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.

f. Retaliatory Discrimination or Harassment

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

g. Complicity

- 1. Assisting via acts or omissions another student, individual, or group in committing or attempting to commit a violation of the *Code of Student Conduct*, specifically violations that constitute Actions against Members of the University Community.
- 2. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Student Conduct* by its members, specifically Actions against Members of the University Community.

NOTE: Actions involving free expression activities are covered in Community Policies, Section *G*.

3. Alcoholic Beverages

- a. Use, possession, sale, delivery, manufacture or distribution of alcoholic beverages that would constitute a violation of any federal, state, local law, and/or Texas Tech University policy.
- b. Being under the influence of alcohol and/or intoxication that would constitute a violation of any federal, state, local law and/or Texas Tech University policy.

4. Narcotics or Drugs

a. Use, possession, sale, delivery, manufacture or distribution of any narcotic, drug, and/or medicine prescribed to another person, chemical compound or other controlled

substance that would constitute a violation of any federal, state, local law, and/or Texas Tech University policy.

- b. Possession of drug-related paraphernalia that would constitute a violation of any federal, state, local law and/or Texas Tech University Policy.
- c. Being under the influence of narcotics, drugs, prescription drugs, chemical compound or other controlled substance that would constitute a violation of any federal, state, local law and/or Texas Tech University policy.

5. Smoking

Smoking in unauthorized areas on University property as designated by the Texas Tech University <u>smoke-free and tobacco-free environment policy</u>.

6. Firearms, Weapons and Explosives

Use or possession of any items used as weapons, including, but not limited to, handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, tasers, or explosive or noxious materials on University premises except in accordance with federal, state, local law, and/or Texas Tech University policy

NOTE: <u>See Texas Tech University Operating Policy related to Campus Carry at</u> <u>http://www.depts.ttu.edu/opmanual/ and</u> University Student Housing Contract Guide for specific approved devices allowed in the residence halls,

7. Flammable Materials/Arson

- a. Use or possession of flammable materials, including incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, such as the Outdoor Events Coordinating Committee.
- b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or through reckless behavior that results, or could result, in personal injury or property damage of University premises.

8. Theft, Damage, Littering or Unauthorized Use

- a. Attempted or actual theft of property or services, including, but not limited to property or services of the University, other University students, other members of the University community, 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, including, but not limited to property owned or leased by the University, by other University students, by other members of the University community, or by campus visitors.
- d. Littering (as defined by the State of Texas Health and Safety Code, Section 365.011.6) on grounds owned or leased by the University, by other University students, other members of the University community, or campus visitors.
- e. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, eRaider account information and/or personal check, or other unauthorized use of personal property or information of another.
- f. Alteration, forgery or misrepresentation of any form of identification.

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- g. Possession or use of any form of false identification.
- h. Failure to meet financial obligations owed to the University, or components owned or operated by the University, including, but not limited to, the writing of checks from accounts with insufficient funds.

9. Gambling, Wagering, Gaming and/or Bookmaking

Gambling, wagering, gaming and bookmaking as defined by federal, state, local laws, and/or Texas Tech University policy are prohibited on University premises involving the use of University equipment or services.

10. False Alarms or Terroristic Threats

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, or improperly possessing, tampering with or destroying fire equipment or emergency signs on University premises.

11. Unauthorized Entry, Possession or Use

- a. Unauthorized entry into or use of University premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production or manufacture of any key or unlocking device, University identification card or access code for use in University premises or equipment.
- c. Unauthorized use of the University name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a registered student organization at Texas Tech University."
- d. Unauthorized use of the University name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the University.

12. Failure to Comply

- a. Failure to comply with reasonable directives and/or requests of a University official acting in the performance of their duties.
- b. Failure to present student identification on request or identify oneself to any University official acting in the performance of his other duties.
- c. Failure to comply with the sanctions imposed by a Student Conduct Officer/Investigator under the *Code of Student Conduct* or the <u>Student Handbook</u>.

13. Abuse, Misuse or Theft of University Information Resources

Unauthorized use of University information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions pursuant to the *Code of Student Conduct*. "Information resources" means procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit University information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the University or retained as independent contractors. Usage of TTU information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws. Use of information resources is also subject to the Information Technology Security Policies (http://depts.ttu.edu/infotech/security/),

University Operating Policies, and other applicable laws. Abuse, misuse, or theft of University information resources includes, but is not limited to the following:

- a. Unauthorized use of University information resources including, but not limited to, private information and passwords, including the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access University information resources.
- b. Use of University information resources for unauthorized or nonacademic purposes including, but not limited to, illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the University, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
- c. Using University information resources to violate Part I, section B.2 (Actions against Members of the University Community and Others).
- d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to TTU information resources, compromising the privacy of another user or disrupting the intended use of TTU information resources.
- e. Attempted or actual use of the TTU information resources for unauthorized political or commercial purposes, or for personal gain.
- f. Access, creation, storage, or transmission of material deemed obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency or other applicable laws). Exceptions may be made for academic research where this aspect of the research has the written consent of the Department Head. Discovery of obscene material, including child pornography, on any TTU information resource must be reported to the Information Security Office or Chief Information Officer immediately.
- g. Attempted or actual destruction, disruption or modification of programs, records or data belonging to or licensed by the University or another user or destruction of the integrity of computer-based information using TTU information resources.
- h. Attempted or actual use of TTU information resources to interfere with the normal operation of the University.
- i. Intentional "spamming" of students, faculty or staff (defined as the sending of unsolicited and unwanted electronic communications, including but not limited to emails and text messages to parties with whom the sender has no existing business, professional or personal acquaintance) using TTU information resources.

14. Providing False Information or Misuse of Records

Knowingly furnishing false information to the University, to a University official in the performance of their duties, or to an affiliate of the University, either verbally or through forgery, alteration or misuse of any document, record or instrument of identification.

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

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

NOTE: Refer to University Parking Services Regulations at http://www.parking.ttu.edu/Resources/pdf/rulesregulations.pdf.

16. Violation of Published University Policies, Rules or Regulations

Violation of any published University policies, rules or regulations that govern student or student organization behavior, including, but not limited to, violations of:

- a. Transportation & Parking Services
- b. <u>FUniversity Student Housing</u>
- c. Recreational Sports
- d. Fraternity and Sorority Life
- e. Texas Tech University Board of Regents' Rules
- f. Texas Tech University Operating Policies and Procedures
- g. Community Policies of the Student Handbook

17. Violation of Federal, State, Local Law and/or University Policy

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

18. <u>Abuse of the Discipline System</u>

- a. Failure of a student to respond to a notification to appear before a Student Conduct Officer/Investigator during any stage of the conduct process.
- b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding.
- g. Influencing or attempting to influence another person to commit an abuse of the discipline system.

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SECTION C: CONDUCT PROCEDURES FOR STUDENTS

Upon notice of an alleged violation of the *Code of Student Conduct*, The Dean of Students or The Managing Director of the Office of Student Conduct 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.

Incidents will be forwarded for investigation when there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Complainant statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question.

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

When a Complainant is identified, but is reluctant to participate in the investigative process and/or the student conduct process entirely, the University will make every attempt to follow the wishes of the Complainant while weighing the interests of the campus community and the possibility of a continuing threat. If the Complainant does not want to participate in the investigative process but has no aversion to the University pursuing conduct action with respect to the named Respondent, the University will proceed with the student conduct process to the extent of the information available. If the Complainant does not want the University to pursue the report in any respect, the University will investigate further only if there is reason to believe that a significant continuing threat to the campus community exists.

1. <u>Remedies and Resources</u>

The University will take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal investigation and/or formal conduct procedures. These 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, victim's advocate assistance, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

a. <u>Resources</u>

Texas Tech University has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. The Student Resolution Center is also available to help students understand the student conduct process and identify resources.

b. Interim Actions

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the completion of

the conduct process for alleged violation(s) of the Code of Student Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community pending the completion of the conduct process for alleged violation(s) of the Code of Student Conduct. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, a student may be denied access to University Student Housing and/or the University campus/facilities/events. As determined appropriate by the Dean of Students or designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students or designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Students are informed of interim actions 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/or other members of the University Community. Interim action is preliminary in nature; it is in effect only until the conduct process has been completed. However, violations of interim administrative action may result in additional allegations of the Code of Student Conduct.

1. No Contact Order

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Office of Student Conduct or Dean of Students via the student's official Texas Tech email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Office of Student Conduct. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the no contact order. Failure to comply with the no contact order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of no contact orders may also result in immediate temporary suspension during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

2. Immediate Temporary Suspension - Students

A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Dean of Students, or on recommendation of 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 Dean of Students or designee will notify the Managing Director of the Office of Student Conduct to initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of temporary suspension.

Upon Immediate Temporary Suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the Texas Tech Police Department. Conduct, on or off campus that typically results in immediate temporary suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community;
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation;
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats;
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests;
- Violation of a No Contact Order;
- Retaliatory harm, discrimination, or harassment.
- 3. Other Interim Actions

In the event that the physical or emotional well-being of a student, other students, or members of the University community could be endangered, or if the presence of the student could significantly disrupt the normal operations of the University, other interim actions may be taken to protect the educational environment. These actions include, but are not limited to, temporary removal from University Student Housing, temporary changes in a student's academic schedule, and temporary restrictions from University activities, services and/or buildings.

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 wellbeing of a student or other members of the University community and/or the presence of an individual could significantly disrupt the normal operations of the University, the Office of Student Conduct, in conjunction with the Texas Tech Police Department, will issue a Criminal Trespass to that individual(s).

- 5. Withdrawal of Consent
 - a. Grounds for Removal

The Student Conduct Officer/Investigator or another University agent acting in accordance with his/her duties may recommend to the Dean of Students that, in accordance with the Texas Education Code, the student have his/her consent to remain on the campus withdrawn if, in the judgment of the Student Conduct Officer/Investigator and Dean of Students, it is determined that:

• The student has willfully disrupted the orderly operation of the premises, and;

• The student's presence on the campus or facility constitutes a substantial and material threat to the orderly operation of the premises.

If the Dean of Students 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 Dean of Students and the Texas Tech Police Department. The Dean of Students will notify all parties of the final decision using the written notification procedures outlined in Part I, section A.3 within five (5) University working days.

b. Registration Flag Following Withdrawal of Consent When a student is withdrawn under this section, an administrative hold will be placed on the student's readmission to the University. This administrative hold will remain on the student's records until the student is readmitted.

NOTE: See Texas Education Code, sections 51.233-51.244

2. The Conduct Process

a. Notice of Involvement

A student will be given notice of their involvement in an alleged violation of the *Code* of *Student Conduct* by receipt of a "Notice of Involvement/Need to Talk" Letter. When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Student Conduct Officer/Investigator. In addition to the possible sanctions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Student Conduct Officer/Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent a Student Conduct Officer/Investigator from proceeding with the conduct process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply.

b. Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Student Conduct Officer/Investigator. The Student Rights and Responsibilities document informs the student of their rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has the right to:

1. A prompt, fair, and equitable process;

- 2. Be accompanied by an advisor to any meeting or Hearing. An advisor can be any one of the following: a member of the Texas Tech Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the Hearing on behalf of the University. The Complainant and/or the student accused of alleged misconduct is responsible for presenting their own information, and therefore, advisors are not permitted to speak or participate directly in any Hearing unless authorized by a Student Conduct Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer/Investigator upon written request five (5) University working days in advance of the scheduled Hearing date;
- 3. Refrain from making any statement relevant to the investigation. Students are expected to cooperate with the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

- 4. The opportunity to provide information and evidence in support of his/her case;
- 5. Know if they have been issued any allegations of misconduct;
- 6. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- 7. Know the Texas Tech University conduct policies and procedures, and where to find them;
- Know that any information provided by the student may be used in a conduct proceeding;
- 9. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

It is the student's responsibility to:

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

c. Investigation

The Managing Director of the Office of Student Conduct, or designee will appoint a Student Conduct Officer/Investigator who will conduct a thorough, reliable, and impartial investigation of the reported allegation. Reported allegations of misconduct under the *Code* have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary.

When initial inquiry indicates a concurrent police investigation is occurring, the Student Conduct Officer/Investigator will, where possible, collaborate with the Texas Tech 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 Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the Investigation, Complainants and Respondents are responsible for providing all information or evidence that they believe should be considered.

Once the Investigation is complete, the Student Conduct Officer/Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The 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 Investigation has concluded. In order to protect confidentiality however, students may not be given copies of Investigation Reports and/or investigative materials.

Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation 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. The Student Conduct Officer/Investigator may assign allegation(s) to the respondent based on the information that the Student Conduct Officer/Investigator collected without the student's participation, if appropriate.

d. Informal Resolution

If after the Investigation, the responding student accepts responsibility for the allegations of the *Code of Student Conduct* outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Student Conduct Officer/Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a

student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal.

In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent must agree to both the finding and the sanctions as recommended by the Student Conduct Officer/Investigator. The case will only be reopened if new material, previously unavailable is presented. Mediation will not be used to resolve cases involving Title IX-based allegations. The Informal Resolution, while not considered mediation, will also not be utilized to resolve cases of nonconsensual sexual intercourse.

Written notification of the outcomes and sanctions, if applicable, of the Informal Resolution will be provided to the student and appropriate University Administrators within five (5) University working days of the effectuation of the Informal Resolution.

e. Pre-Hearing Process

In cases involving an Administrative or <u>Panel Hearing</u>, the Pre-Hearing Process will be followed. Once the investigation is complete, the involved parties will participate in the Pre-Hearing Process. During the Pre-Hearing Process, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or <u>Panel Hearing</u>. Other documents reviewed may include notification of Respondent's allegations, <u>Hearing Panel</u> composition, and Hearing Script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in Part I, section A.3 of a date, time, and location of the Hearing. Should students not participate in the Pre-Hearing Process, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or <u>Panel</u> <u>Hearing</u>.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or <u>Panel Hearing</u>, 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 <u>Panel Hearing</u>. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or <u>Panel Hearing</u>. The student conduct process is designed to be non-adversarial. Students will be permitted to question the statements and evidence presented by the other involved parties, but may

not do so directly. After reviewing the investigation report, during the Pre-Hearing, Complainants and Respondents will have the opportunity to question the statements and

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evidence presented by the other involved parties, via the Student Conduct Officer/Investigator, who will pose the questions and supplement the Investigation Report. *NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.*

Students may indicate whether an Administrative Hearing or <u>Panel Hearing</u> is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or <u>Panel Hearing</u> will be held notwithstanding the student's preference.

In cases requiring a <u>Hearing Panel</u>, the Student Conduct Officer/Investigator will share the pool of faculty, staff, and students trained for <u>Hearing Panel</u>s. Students will be given the opportunity to request to strike any member of the <u>Hearing Panel</u> whose impartiality may be in question. In order to strike a member of the <u>Hearing Panel</u>, the student must provide the Student Conduct Officer/Investigator with a reasonable and substantiated rationale for the request. Once the composition of the <u>Hearing Panel</u> is set, the Student Conduct Officer/Investigator will schedule the <u>Panel Hearing</u>.

3. Hearings

Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student, the University may proceed to conduct either an Administrative or a <u>Panel Hearing</u> and issue a finding and accompanying sanctions, if applicable. The Administrative or <u>Panel Hearing</u> 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 <u>Panel Hearing</u>, the Student Conduct Officer/Investigator or the <u>Hearing Panel</u> may consider the information contained in the Investigation Report and render a decision.

Hearings are closed to the public. In cases involving another student (a Complainant) and/or a violation of Part I, section B.2 (Actions against Members of the University Community and Others) of the *Code of Student Conduct*, both the Complainant and the Respondent students have the right to be present at the Hearing; however, they do not have the right to be present during deliberations. Arrangements can be made so that complaining and responding students do not have to physically be in the Hearing room at the same time. To request changes in the scheduled Hearing time, students should contact the Office of Student Conduct prior to the scheduled Hearing.

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 Managing Director of the Office of Student Conduct, or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through

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the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in Part II, section C.5.

Appear Procedures outlined in Part II, section C.5.	
Panel Hearing	Formatted: Font: Times New Roman
For each Panel Hearing, a panel of three (3) members will be chosen from the available	
pool by the Managing Director of the Office of Student Conduct, or designee. The	
Panel will usually be comprised of one student, one faculty member, and one staff	
member or Administrative Hearing Officer. Availability may determine a different	
composition for the Panel. In cases involving Part I, section B.1 (Academic	
Misconduct), the Panel will be comprised only of students and faculty. In cases	
involving Part I, section B.2 (Actions against Members of the University Community	
and Others), or other sensitive issues, the Managing Director of the Office of Student	
Conduct will appoint three Administrative Hearing Officer members for the Panel.	Formatted: Font: Times New Roman
Administrative Hearing Officers who served as Investigators for the case being heard	
by a Hearing Panel may not serve as either a member of the Panel as a voting	
participant or as the non-voting Resource Person, and will participate only as the	
Investigator in the Panel Hearing.	
All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be	
recorded by the University.	
The Managing Director of the Office of Student Conduct, or designee shall appoint a	Formatted: Font: Times New Roman
Resource Person in each Panel Hearing who facilitates the Hearing. The Resource	Formatted: Font: Times New Roman
Person is a non-voting participant in the Hearing and is selected from the pool of	
Administrative Hearing Officers. The Resource Person assures that University/College	
procedures are followed throughout the Hearing. The Panel Resource Person may:	
 Prepare the Administrative Panel Hearing materials; 	
 Record the Administrative Panel Hearing proceedings; 	
 Escort participants into the Hearing room, grant breaks for participants, and 	
distribute evidentiary materials;	
Ensure proper decorum throughout the Administrative Panel Hearing;	
 Ensure the procedural soundness of the Administrative Panel Hearing; 	
 Provide student conduct history of the Respondent during the sanctioning phase, if 	Formatted: Font: Times New Roman
necessary;	
 Transcribe the findings of the Administrative Panel Hearing; 	
Compile the post-Hearing documentation,	
Deliver notification to student parties.	
The Student Conduct Officer/Investigator will present the Investigation Report,	Formatted: Font: Times New Roman
evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and	
Respondent have the right to add or make additional comments about the facts of the	
case. The Panel may ask questions of the Student Conduct Officer/Investigator,	
Complement Despendent and any witnesses. The Complement and Despendent may	

case. The Panel may ask questions of 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 removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as determine any sanctions, if applicable. Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent during deliberations, the

Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the Panel Hearing should be provided to the student(s) in writing within five (5) University working days, or as soon as practical, following the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

4. Sanctions

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

http://www.depts.ttu.edu/studentconduct. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer, or the <u>Hearing Panel</u>. The Student Conduct Officer/Investigator, Administrative Hearing Officer and/or the <u>Hearing Panel</u> may deviate from the grid.

Implementation of the disciplinary sanction(s) will not begin and are not deemed final until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Sanctions agreed upon through the Informal Resolution process are final upon effectuation of the Informal Resolution. When sanctions are final, appropriate University Administrators may be notified of the student's sanctions. Upon the judgment of the Managing Director of the Office of Student Conduct, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

All records related to the disciplinary process will remain on file in the Office of Student Conduct or University Student Housing for a minimum of seven (7) years from the date the case is completed through an Informal Resolution, Administrative Hearing, or <u>Panel Hearing</u> and/or Disciplinary Appeal Procedures in Part I, section C.5. All records related to the disciplinary process resulting in suspension and/or expulsion will remain on file indefinitely.

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

- a. Disciplinary Reprimand
 - The disciplinary reprimand is an official written notification using the notice procedures outlined in Part I, section A.3 to the student that the action in question was misconduct.
- b. Disciplinary Probation

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During the University Discipline Committee Hearing, a designated Committee Chairperson will facilitate the Hearing process. Hearing proceedings, excluding the deliberations of the University Discipline Committee, will be recorded by the University.

The Managing Director of the Office of Student Conduct, or designee will appoint a Committee Resource Person to serve as a non-voting participant in the University Discipline Committee Hearing. The Committee Resource Person will be a trained University staff member who may:¶ Prepare the University Discipline Committee Hearing materials;¶ Record the University Discipline Committee proceedings;¶ Escort participants into the Hearing room, grant breaks for

participants, and distribute evidentiary materials;¶ Ensure proper decorum throughout the University Discipline Committee Hearing;¶

Ensure the procedural soundness of the University Discipline Committee Hearing;¶

Provide student conduct history of the Respondent during the sanctioning phase, if necessary:

sanctioning phase, if necessary,¶ Transcribe the findings of the University Discipline Committee Hearing;¶

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. The Complainant and Respondent have the right to add or make additional comments about the facts of the case. The University Discipline Committee may question the Student Conduct Officer/Investigator, Complainant, Respondent and any witnesses. The Complainant and Respondent do not have the right to question each other or witnesses directly, but may pose questions through the Student Conduct Officer/Investigator. Should new evidence be presented without prior discussion with the Student Conduct Officer/Investigator, the Hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the Hearing. In the event that a student is removed from a Hearing due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct.¶ Following the Hearing, the University Discipline Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if applicable. Should the University Discipline Committee have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent, the University Discipline Committee Hearing wil Deleted: University Discipline Committee

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

c. Deferred Disciplinary Suspension Deferred Disciplinary Suspension is a period of time where a Disciplinary

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

d. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student is not allowed to participate in class or University related activities. The status of Disciplinary Suspension will be shown on the student's academic record, including the transcript. Time-limited disciplinary suspension is noted on the student's transcript by the phrase "Disciplinary Suspension" and will include the period of time in which the student is/was suspended from the University. The notation of disciplinary suspension will remain on the transcript indefinitely. Notification of disciplinary suspension of a student will indicate the date on which it begins and the earliest date the application for student readmission will be considered. The Student Conduct Officer/Investigator may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanction that was imposed prior to application for readmission, the Student Conduct Officer/Investigator may deny readmission to a student. On denial of a student's readmission, the Managing Director of the Office of Student Conduct will set a date when another application for readmission may again be made. An administrative hold will be placed on the student record to prevent registration during the Disciplinary Suspension.

NOTE: For information pertaining to academic courses taken at another higher education institution during time-limited disciplinary suspension, please refer to OP 34.21 located at <u>http://www.depts.ttu.edu/opmanual/OP34.21.pdf</u>

e. Disciplinary Expulsion

Disciplinary Expulsion occurs when the student is permanently withdrawn and separated from the University. The status of Disciplinary Expulsion will be shown permanently on the student's academic record, including the transcript. Disciplinary Expulsion is noted on the student's transcript by the phrase "Disciplinary Expulsion" and the date in which the student's expulsion was effective. An administrative hold will be placed on the student record 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 <u>Hearing Panel</u>. Costs associated with conditions may be the responsibility of the student. Some examples of conditions include, but are not limited to:

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• Personal and/or academic counseling intake session;

- Discretionary educational conditions and/or programs of educational service to the University and/or community;
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities;
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement;
- Monetary assessment owed to the University;
- Completion of an alcohol or drug education program;
- Referral to the BASICS Program for assessment.
- g. Restrictions

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

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

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

- Assignment of a grade for the relevant assignment, exam, or course;
- Relevant make-up assignments;
- No credit for the original assignment;
- Reduction in grade for the assignment and/or course;
- Failing grade on the assignment;
- Failing grade for the course;
- Dismissal from a departmental program;
- Denial of access to internships or research programs;
- Loss of appointment to academically-based positions;
- Loss of departmental/graduate program endorsements for internal and external fellowship support and employment opportunities;
- Removal of fellowship or assistantship support.
- i. Parental Notification

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

5. <u>Conduct Appeal Procedures</u>

A student may appeal the finding or the sanction(s) imposed in an Administrative Hearing or <u>Panel Hearing</u> by submitting a written petition to the designated appeal officer within five (5) University working days of the delivery of the written decision. An appeal may not be filed on behalf of the student by a third party.

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The Dean of Students, or designee, will select an appeal officer in each case. The designated appeal officer will be a trained University staff or faculty member who did not serve as the Student Conduct Officer/Investigator or the Administrative Hearing Officer in the original Conduct Process and will render a neutral, impartial, and unbiased decision.

In cases involving alleged misconduct involving Part I, section B.1 (Academic Misconduct), the designated appeal officer is the Associate Academic Dean of the college where the student is enrolled or the Associate Academic Dean of the college housing the course where the violation occurred. In situations where the Associate Academic Dean participated in the Hearing as the Student Conduct Officer/Investigator or Instructor of Record, the designated appeal officer is the Academic Dean.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the Hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new evidence, unavailable during the original Hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed substantially varies from the range of sanctions normally imposed for similar infractions.

In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for response.

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

If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or <u>Hearing Panel</u>. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:

• Modify the finding and/or increase, decrease, or otherwise modify the sanctions;

- Remand the case to the original Hearing Body; or
- Remand the case to a new Hearing Body.

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The Office of Student Conduct 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) the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days. If necessary, the Designated Appeal Officer will notify the student should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.

If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

6. Former Student Conduct & Readmission

A former student who engages in conduct that is a violation of the *Code of Student Conduct* may be subject to conduct procedures prior to reenrollment, a bar against readmission, revocation of a degree, and withdrawal of a diploma.

A student who has had an administrative hold placed on their records under this section must request readmission from the Managing Director of the Office of Student Conduct at least three (3) weeks prior to any Texas Tech University Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Managing Director of the Office of Student Conduct to submit evidence in writing supportive of his/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 Managing Director for the Office of Student Conduct for the removal of the administrative hold, the student must then complete the regular University readmission procedures.

SECTION D. CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

Upon notice of an alleged violation of the *Code of Student Conduct* by a student organization, the Dean of Students or the Managing Director of the Office of Student Conduct 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 Complainant statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question.

1. Initial Inquiry

An initial inquiry would occur to review information about the alleged misconduct and to evaluate the accuracy, credibility, and sufficiency of the information. When an initial report does not identify victims of misconduct or victims are not available, it can limit the ability to investigate the incident. When the reporting party or complainant is identified but is reluctant to participate in the investigation process or student conduct process, the University will make every attempt to follow the wishes of the complainant while weighing the interests of the campus community and the possibility of continuing inappropriate behavior and threat to the community. If the complainant does not want to participate in the investigative process but has no aversion to the university pursuing the conduct process, the University will proceed to the extent of the information available.

Decision to Document the Incident without Further Investigation

If it is determined that the information reported and available does not warrant an allegation of a conduct violation, a policy warning letter may be issued to clarify the policy that was in question. This may happen in situations where reports received are from anonymous sources with no ability to validate the credibility of the concern and the initial inquiry identifies little to no other information to support the report.

2. <u>Remedies & Resources to Reporting Parties/Complainants</u>

a. The University will take immediate action to eliminate hostile environments, prevent reoccurrence, and address any effects on the Complainant and community prior to the initiation of formal investigation and/or formal conduct 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, victim's advocate assistance, and modifications to on-campus housing, modifications to parking permissions, and modifications to academic schedule Remedies will be evaluated on a case-by-case basis.

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 reporting party is seeking, to identify university and community resources to support the reporting party, and to stop any current inappropriate behavior. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, academic support referrals, and other support services. This is handled by the staff member in the Center for Campus Life, Student Resolution Center, Office of Student Conduct or Dean of Students taking the initial report. This staff member may or may not be the person to investigate the complaint.

3. Interim Actions

Under the Code of Student Conduct, the Dean of Students, Managing Director of the Office of Student Conduct, or designee may impose restrictions, and/or temporarily suspend the registration of a student organization pending the scheduling of a campus Hearing on alleged violation(s) of the Code of Student Conduct when the student organization represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Examples of conduct or incidents that may result in interim suspension are hazing, organization events and activities resulting in allegations of sexual misconduct, criminal felony charges, severe disruption, retaliatory harassment; alcohol/drug policy violations occurring during recruitment or social events; and cease and desist directives from inter/national or regional organizations. A student organization who receives an interim suspension may request a meeting with the Dean of Students, Managing Director of the Office of Student Conduct, or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of the meeting, the University may still proceed with the scheduling of a campus Hearing. During an interim suspension, 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.

4. Notice of Involvement

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

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Involvement/Need to Talk" letter or direct contact by a Student Organization or Fraternity/Sorority Life staff member.

5. Initial Contact to the Student Organization Leadership and Advisor

In most cases, the appropriate Student Organization or Fraternity/Sorority Life staff will ask the student organization President and Faculty/Staff Advisor or Alumni Advisor for an initial response to the information received within a prompt timeframe. At this time, student organization officers and members accused of conduct violations will also receive information about resources that can assist them during the conduct proceedings. When organization leaders are prompt, cooperative and forthcoming with information to assist in the inquiry, it can reduce conduct findings and sanctions. Organizations should be aware that information gathered during this initial contact is documented for use during conduct proceedings. Organizations that fail to comply with or respond to a notice issued as part of conduct procedures and/or failure to appear will not prevent the continuation of the conduct process. Likewise, a student organization that ignores requests for information, misrepresents information, or conceals information can face additional allegations of misconduct and increased sanctions.

6. Notification of the Inter/National or Regional Headquarters (if relevant)

In most cases (with the exception of low-level concerns), Fraternity and Sorority Life staff will notify representatives of the inter/national or regional headquarters of the complaint received and process for reviewing the complaint. TTU believes in an active partnership with inter/national and regional organization staff to resolve concerns. These inter/national and regional staff and volunteers are often better able to identify opportunities to address concerns and may be conducting their own investigation and conduct process. TTU staff will specifically contact inter/national and regional organizations when a reoccurring concern indicates a climate issue for the organization, when the response of the organization is not compliant or timely, when there is an immediate threat to member or others safety, or when the organization has already participated in conduct processes for concerns.

7. <u>Rights & Responsibilities</u>

Prior to the formal investigation process, a student organization will be provided a Student Rights & Responsibilities document to review and sign prior to an interview with the appointed Student Conduct Officer/Investigator. The Rights & Responsibilities document informs the student organization of rights to be exercised before and during the conduct process. Those rights include the right to:

- a. A prompt, fair, and equitable process;
- b. Be accompanied by an advisor at any conduct or related proceeding.
 - An "advisor" can be any one of the following: a member of the Texas Tech community (faculty, staff, or student), a victim's advocate, a parent

or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney.

- An advisor's role is that of support he or she may not speak on behalf of the organization and does not have an active, participatory role in the conduct process. If an advisor for the organization is an attorney, an attorney from TTU Office of General Counsel may attend on behalf of the University.
- In the case of a student organization conduct preceding, the President of the student organization is asked to make a response on behalf of the organization. During these processes, the President is also encouraged to include the faculty/staff advisor for the student organization. In many cases, the President may not be able to speak on behalf of the local advisory board to the student organization, so the inclusion of a local alumni advisor is also allowed.
- In the case of student organizations the current President of the organization, is responsible for presenting information during the formal hearing. The roles of the advisors during formal hearings should be for support and guidance, not to speak or participate directly in the formal hearing unless authorized.
- Student organizations should select an advisor whose schedule allows attendance at the meeting, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the investigator and with advanced notice.
- c. Refrain from making any statement relevant to the investigation.
 - Student organizations are expected to cooperate with the University conduct process, but may elect not to participate in the investigation process, either in part or entirely. However, a student organization's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. In other words, if a student organization chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student organization provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student organization will only be permitted to speak to the information provided, with no additional commentary, The rationale for this policy is to prevent parties from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.
- 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 Texas Tech 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 board members or administrative officers assigned to adjudicate concerns as officials with legitimate educational interest and without written consent for release. Student and student organization records can be subpoenaed in accordance with criminal processes which could include the release of the investigation report to law enforcement officials. The investigation report may also be shared with the inter/national or regional organization headquarters staff to assist with collaborative investigations.
- i. Know that if a student makes any false or misleading statements during the student conduct process, that student could be subject to further disciplinary action.

Student organization responsibilities include:

- j. Be responsive to all communications from the university;
- k. Provide information relevant to the incident or situation;
- 1. Be honest and provide true and accurate information during the investigation
- m. If a student or student organization needs additional time to gather information, please inform your investigator/conduct officer.
- n. Review the Code of Student Conduct in order to fully understand all aspects of the student conduct process.

8. Investigation

- a. The Dean of Students, <u>Managing Director of the Office of Student Conduct</u>, or designee will appoint a Student Conduct Officer/Investigator to conduct a thorough, reliable, and impartial investigation of the reported concern.
- b. Reported allegations of misconduct under the Code of Student Conduct have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary. In student organization incidents there is

the potential for three or more separate investigations to be occurring in a similar time frame.

- TTU Student Organization Conduct Investigation
- Criminal Investigation by Texas Tech, Lubbock or Other Police Departments
- Inter/National or Regional Headquarter Investigation
- Local Student Organization Advisory Board Investigation
- c. When initial inquiry indicates that another concurrent investigation is occurring alongside the TTU student conduct investigation, the appointed investigator(s) will, where possible, collaborate with the other entities conducting investigations. Elements of a collaborative investigation may include coordinated or joint interviews, evidence sharing, and investigation report sharing within the limits of student records policies.
- d. Investigations of student organization conduct may include the requirement for student organization members to attend an investigation meeting as a group or as individuals. Students may be asked to complete written questionnaires related to the investigation. Regardless of the nature of the investigation, students and student organizations should be aware of their rights and responsibilities in the conduct process and recognize that any information shared during the course of the student conduct investigation may be used in formal conduct processes against the student organization or the individual student. Students can always decline to participate in a collaborative investigation meeting and meet only with the student conduct investigator instead of meeting together with other investigators.
- e. During the investigative process, student organization representatives are responsible for providing all information or evidence that they believe should be considered. Once the investigative process is complete, the Student Conduct Officer/Investigator will compile the relevant information and evidence into an Investigation Report, which will include the allegations of the *Code of Student Conduct* and may include a timeline of the event(s), statements from the interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Investigator will document any physical or electronic evidence in a manner that is conducive and unobstructive to concurrent or forthcoming police investigations. Student organization representatives will have access to review the completed Investigation Report and/or investigative materials relevant to the investigation after the Investigation representatives may not be given copies of Investigation Reports and/or investigative materials.
- Allegations of potential violations of the *Code of Student Conduct*, if appropriate, are assigned at the conclusion of the Investigation at which point the Student Conduct Officer/Investigator explains the options for resolution to the involved

parties. Should a student organization not participate in the Investigative Process, the conduct process may continue without their participation. The Student Conduct Officer/Investigator may assign allegation(s) to the respondent based on the information that the Student Conduct Officer/Investigator collected without the student organization's participation, if appropriate.

- f. Student organizations will be asked to provide information about any actions occurring voluntarily by the organization to address concerns or actions occurring related to other conduct processes (intern/national or regional actions, local alumni board actions). This information is used to inform the opportunity for an organization to be eligible for informal resolution processes or the sanctioning portion of a formal hearing if an organization is found responsible for a policy violation.
- g. A student organization will have access to a completed Investigation Report and/or investigative materials relevant to the allegation(s) after the investigative process has concluded. In order to protect confidentiality however, student organizations are not given copies of the Investigation Reports and/or investigative materials.

9. Investigation Report is Completed by Investigator and Pre-Hearing Scheduled

- a. Once the investigation report is completed, the President and his/her advisors for the student organization will be given notice of a Pre-Hearing Meeting. During this meeting, the representatives will be given an opportunity to review the Investigation Report and other documents or evidence that would be used in a formal hearing. If new or previously unavailable information is now available, the investigator will make a determination about the inclusion of the information in the report.
 - If there is not sufficient evidence to proceed to a hearing, a policy warning letter would be issued to the organization and the incident would be closed.
 - If there is sufficient evident to proceed to a hearing, the investigation report will outline the formal allegations against the student organization.
 - A discussion would occur around the opportunity for an informal resolution or a formal hearing.
- b. In cases proceeding to a formal hearing, the student organization representative(s) would review the formal hearing script and the pool of faculty, staff, and students trained for the <u>Hearing Panel</u>.

10. Informal Resolution

a. Upon review of the investigation report and the investigation process, the organization may have the opportunity to resolve the issue informally. The investigator would provide an informal resolution in writing to the organization representatives for their consideration. The organization would agree to the

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outlined findings of responsibility for misconduct and the outlined sanctions, conditions, and restrictions. If there is a complainant, the complainant must also agree to the informal resolution. To participate in the Informal Resolution process, student organizations must accept both the finding and the sanction, condition(s), restriction(s). There is no appeal of signed informal resolutions. Once completed, the informal resolution completes the conduct process. The case will only be reopened if new materials, previously unavailable is presented.

11. Pre-Hearing Process

- a. In cases involving an Administrative or <u>Panel Hearing</u>, the Pre-Hearing Process will be followed. Once the investigative process is complete, the student organization will be given notice of a Pre-Hearing Meeting. Should student organizations not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and the completion of an Administrative or <u>Panel Hearing</u>. During this meeting, student organizations will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or <u>Panel Hearing</u>. Other documents include notification of Respondent's allegations, <u>Hearing Panel composition</u>, and Hearing script. Following the prehearing, student organizations will be notified, via the notification procedures, outlined in Part I, Section A.3 of a date, time, and location of the Hearing.
- b. While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Student Conduct Officer/Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Administrative or Panel Hearing, the student should inform the Student Conduct Officer/Investigator immediately. If the new information is pertinent to the consideration of the case, the Student Conduct Officer/Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Administrative or Panel Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Administrative or Panel Hearing.
- c. The conduct process is designed to be non-adversarial. Student organization representatives will be permitted to question the statements and evidence presented by the other involved parties, but may not do so directly. After reviewing the investigation report, during the Pre-Hearing, complainants and respondents 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.



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NOTE: Questions that are deemed objectionable, inappropriate, and/or irrelevant by the Student Conduct Officer/Investigator may be rejected.

- d. Student organizations may indicate whether an Administrative Hearing or <u>Panel</u><u>Hearing</u> is preferred. However, the Student Conduct Officer/Investigator has the sole discretion in all cases to designate whether an Administrative Hearing or <u>Panel Hearing</u> will be held notwithstanding the student's preference.
- e. In cases requiring a <u>Hearing Panel</u>, the Student Conduct Officer/Investigator will share the pool of faculty, staff, and students trained for <u>Hearing Panels</u>. Student organization representatives will be given the opportunity to request to strike any member of the <u>Hearing Panel</u> whose impartiality may be in question. In order to strike a member of the <u>Hearing Panel</u>, 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 <u>Hearing Panel</u> is set, the Student Conduct Officer/Investigator will schedule the <u>Panel Hearing</u>.

12. Formal Hearings

- a. Upon completion of the initial inquiry/investigation, after the allegation(s) have been assigned, and proper notice has been given to the student organization, the University may proceed to conduct either an Administrative or a <u>Panel Hearing</u> and issue a finding and accompanying sanctions, if applicable. The Administrative Hearing or <u>Panel Hearing</u> may be held and a decision made, regardless of whether the student organization responds, fails to respond, attends the Hearing, or fails to attend the Hearing. Should the student organization fail to attend the Administrative or <u>Panel Hearing</u>, the Student Conduct Officer/Investigator or the <u>Hearing Panel</u> may consider the information contained in the Investigation Report and render a decision. Student organization conduct processes are typically adjudicated by a <u>Hearing Panel</u>.
- b. Hearings are closed to the public. Complainants and respondents have the right to be present at the formal hearing; however, they do not have the right to be present during deliberations. Arrangements will be made so that complaining and responding students are not present in the hearing room at the same time.
- c. Student organizations are typically represented by the current President and an advisor.
- d. In situations where the organization no longer has a current student representing the organization, the conduct process will continue with the information available at the time. Organizations with inter/national, regional, or local advisory staff or volunteers with a long-term interest in the organization's recognition at the University may be allowed to participate in the resolution of conduct processes when a current student is no longer able to represent the organization.
- e. Administrative Hearing

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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 Managing Director of the Office of Student Conduct, or designee. The Administrative Hearing Officer makes the decision of responsibility and assigns a sanctions, as appropriate. Written notification of the outcomes of the Administrative Hearing will be provided to the student within five (5) University working days of the conclusion of the Administrative Hearing. Decisions made through the Administrative Hearing may be appealed by students by utilizing the Disciplinary Appeal Procedures outlined in <u>Part I, Section D.14</u>.

f. Panel Hearing

For each Panel Hearing, a panel of three (3) members will be chosen from the available pool by the Managing Director of the Office of Student Conduct, or designee. The Panel will usually be comprised of one student, one faculty member, and one staff member or Administrative Hearing Officer. Availability may determine a different composition for the Panel. In cases involving Part I, section B.1 (Academic Misconduct), the Panel will be comprised only of students and faculty. In cases involving Part I, section B.2 (Actions against Members of the University Community and Others), or other sensitive issues, the Managing Director of the Office of Student Conduct will appoint three Administrative Hearing Officers for the Panel.

Administrative Hearing Officers who served as Investigators for the case being heard by a Hearing Panel may not serve as either a member of the Panel as a voting participant or as the non-voting Resource Person, and will participate only as the Investigator in the Panel Hearing.

All Hearing proceedings, excluding the deliberations of the Hearing Panel, will be recorded by the University.

The Director of the Office of Student Conduct, or designee, appoints a Resource Person in each Panel Hearing who facilitates the Hearing. The Resource Person is a non-voting participant in the Hearing and is selected from the pool of

Administrative Hearing Officers. The Resource Person assures that

<u>University/College procedures are followed throughout the Hearing. The Panel</u> <u>Resource Person may:</u>

- Prepare the Administrative Panel Hearing materials;
- Record the Administrative Panel Hearing proceedings;
- Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;
- Ensure proper decorum throughout the Administrative Panel Hearing;
- Ensure the procedural soundness of the Administrative Panel Hearing;

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- Provide student conduct history of the Respondent, during the sanctioning phase, if necessary;
- Transcribe the findings of the Administrative Panel Hearing;
- Compile the post-Hearing documentation,
- Deliver notification to student parties.

The Student Conduct Officer/Investigator presents the Investigation Report, evidence, witnesses, allegation(s), and questions for deliberation. The Complainant and Respondent have the right to add or make additional comments about the facts of the case. The Panel may ask questions of 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 removes a student due to misconduct (Complainant, Respondent, or witnesses), the alleged misconduct will be forwarded to the Office of Student Conduct for additional processing, as appropriate.

Following the Hearing, the Hearing Panel will deliberate and render a decision regarding the alleged misconduct, as well as decide any sanctions, if applicable. The investigator would provide information during sanctioning related to any previous conduct history, self-sanctioning occurring with the organization, and general information about the organization's activities and participation at TTU to help inform sanctioning.

Should the Hearing Panel have any questions for the Student Conduct Officer/Investigator, the Complainant, and/or the Respondent during deliberations, the Hearing will reconvene so that all parties have the opportunity to hear and respond to other parties' responses.

Outcomes of the Panel Hearing will be provided to the student(s) in writing within five (5) University working days of the Panel Hearing. Decisions made through the Panel Hearing may be appealed by students utilizing the Disciplinary Appeal Procedures outlined in Part I, section C.5.

13. Sanctions

A Student Conduct Officer/Investigator, Administrative Hearing Officer, or a <u>Hearing</u> <u>Panel</u> may impose sanctions as a result of an Informal Resolution, Administrative Hearing, or <u>Panel Hearing</u>, when a student organization is found responsible. The potential sanctions are listed in the Student Organization Sanction Grid in the Student Handbook Appendix. The grid is provided only as a guideline for administering sanctions by the Student Conduct Officer/Investigator, Administrative Hearing Officer or the <u>Hearing Panel</u>.

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During the University Discipline Committee Hearing, a designated Committee Chairperson will facilitate the Hearing process. Hearing proceedings, excluding the deliberations of the University Discipline Committee, will be recorded by the University.

The Managing Director of the Office of Student Conduct, or designee will appoint a Committee Resource Person to serve as a non-voting participant in the University Discipline Committee Hearing. The Committee Resource Person will be a trained University staff member who may.¶ Prepare the University Discipline Committee Hearing materials;¶

Record the University Discipline Committee proceedings;¶ Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;¶ Ensure proper decorum throughout the University Discipline Committee Hearing;¶

Ensure the procedural soundness of the University Discipline Committee Hearing;¶

Provide student conduct history of the Respondent during the sanctioning phase, if necessary,¶

Transcribe the findings of the University Discipline Committee Hearing;¶

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. The Complainant and Respondent have the right to add or make additional comments about the facts of the case. The University Discipline Committee may question the Student Conduct Officer/Investigator, Complainant, Respondent and any witnesses. The Complainant

and Respondent do not have the right to question each other

Following the Hearing, the University Discipline Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, if

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The cooperation of an organization during the investigation and conduct process as well as any self-sanctioning or other required sanctioning will also be considered in the determination of sanctions.

Implementation of the sanctions will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Upon the judgment of the Managing Director of the Office of Student Conduct, some cases resulting in sanctioning of suspension and expulsion may begin prior to the completion of the disciplinary appeal process.

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

a. Disciplinary Reprimand

The Disciplinary Reprimand is an official written notification that the action in question was misconduct. The disciplinary status of the organization is still good-standing.

b. Disciplinary Probation

Disciplinary Probation is a period of time during which the organization's conduct will be observed and reviewed. The organization must demonstrate the ability to comply with University policies and any other conditions / requirements stipulated for the period of probation. Further instance of misconduct during this time period may result in additional sanctions, conditions, and/or restrictions.

c. Deferred Disciplinary Suspension

Deferred Disciplinary Suspension is utilized for misconduct that could have resulted in suspension, but the suspension is deferred for a period of observation and review. Deferred suspensions are assigned for no less than one semester. Further instances of misconduct during this time period may result in immediate temporary suspension of organization activities and often result in suspension or expulsion. Deferred suspension often includes multiple conditions and restrictions for the organization to continue recognition with the university.

d. Time-Limited Disciplinary Suspension

Time-Limited Disciplinary Suspension is a specific period of time in which a student organization's registration with the university is suspended as well as privileges and benefits of registration. Suspended student organizations may not hold events or activities on campus, may not solicit or utilize University grounds or services to promote organizations or events or to recruit members, and may not utilize any other benefits or services provided to registered student organizations. All activity, on or off campus, official or unofficial, must immediately cease when a student organization is suspended. The time period of the suspension will not begin until all activity of the organization has stopped. Jf

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an inter/national or regional organization suspends the charter of an organization, this results in a sanction no less than time-limited suspension for the time period of the suspended charter. Notification of disciplinary suspension of a student organization will indicate the date on which it begins and the earliest date the student organization's application for registration will be considered. The Student Conduct Officer/Investigator may deny an application for registration if the organization's misconduct during suspension would have warranted additional disciplinary action. If the student organization, the Student Conduct Officer/Investigator for registration, the Student Conduct Officer/Investigator may deny registration, the Student Conduct Officer/Investigator may deny registration to the student organization. On a denial of student organization registration, the Student Officer/Investigator or Managing Director of Campus Life 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 TTU staff, advisory boards, or other appropriate parties
- Requirements for membership to complete online education programs or other activities
- Requirements for community service or other activities beneficial to the membership and associated with remedying the impact of behavior on the community
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement
- Requirements for completion of membership reviews and providing updated rosters
- Requirements to submit information about updated and improved organizational processes such as new member education plans, or social event plans
- g. Restrictions

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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 SGA funding, eligibility to reserve rooms, eligibility to solicit or hold events on campus
- Denial of participation or restrictions associated with participation in university activities as a student organization such as homecoming, intramurals, recruitment activities
- h. Required Notifications,

Some organization misconduct requires additional notifications. Texas Education Code, Chapter 51.936 indicates that institutions of higher education shall distribute to each student during the first three weeks of each semester a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three years.

14. <u>Conduct Appeal Procedures</u>

- A student organization may appeal the decision of a formal hearing or the sanction(s), condition(s), and restriction(s) imposed following a formal hearing by submitting a written petition for appeal to the designated appeal officers with five (5) University working days of receiving the written decision.
- b. The Dean of Students, or designee, will select an appeal officer in each case. The designated officer will be a trained University staff or faculty member who was wholly uninvolved in the original Conduct Process and will render a neutral, impartial, and unbiased decision.
- c. Petitions for appeal must clearly identify the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal.
- d. The only proper grounds for appeal are as follows
 - Procedural or substantive error that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 - Discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
 - The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.
- e. In cases involving alleged misconduct involving Part I, section B.2 (Actions against Members of the University Community and Others), either the

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Complainant or Respondent may appeal the decision of the Office of Student Conduct. In such cases, the Office of Student Conduct will provide the request for appeal to the other party and provide opportunity for response.

- f. The designated appeal officer will first review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final.
- g. If the designated appeal officer determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the appeal identifies a procedural/substantive error or new evidence that was unavailable at the original Hearing, the appeal officer will then determine whether the error or new evidence would have substantially impacted the decision of the Administrative Hearing Officer or <u>Hearing Panel</u>. If the designated appeal officer determines that the error or new evidence would have substantially impacted the decision, they may:
 - Modify the finding and/or increase, decrease, or otherwise modify the sanctions;
 - Remand the case to the original Hearing Body;
 - Remand the case to a new Hearing Body.
- h. The Office of Student Conduct or designee shall make all reasonable efforts to notify the student organization of the status of the appeal throughout the appellate process and shall make all reasonable efforts to notify the student organization of the result of their appeal using the written notification procedures outlined in Part I, section A.3 within ten (10) University working days. If necessary, the Designated Appeal Officer will notify the student organization should they need additional time to determine the outcome of the appeal. The decision of the designated appeal officer is final and cannot be appealed.
- i. If the designated appeal officer remands the decision to a new Hearing Body, the decision of that Hearing Body is final and may not be appealed.

15. Student Organization Records

- a. All records concerning a student organization related to conduct processes will remain on file with the University for a minimum of seven (7) years from the date of the completion of the case via informal resolution, formal hearing, and/or conduct appeal processes.
- b. Student organization records do not impact the content of individual student records for student organization members. Findings of responsibility of misconduct for student organizations does not indicate a finding of responsibility for individual students. Individual students are subject to their own conduct processes separate from the student organization process.

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c. Student organization conduct decisions and finding are shared with the inter/national or regional headquarters of organizations as appropriate.

PART II COMMUNITY POLICIES

SECTION A. ALCOHOL POLICY & INFORMATION

a. Alcoholic Beverage Provisions in the Code of Student Conduct

SECTION B. ACADEMIC INTEGRITY

a. Texas Tech University Statement of Academic Integrity

Academic integrity is taking responsibility for one's own class and/or course work, being individually accountable, and demonstrating intellectual honesty and ethical behavior. Academic integrity is a personal choice to abide by the standards of intellectual honesty and responsibility. Because education is a shared effort to achieve learning through the exchange of ideas, students, faculty, and staff have the collective responsibility to build mutual trust and respect. Ethical behavior and independent thought are essential for the highest level of academic achievement, which then must be measured. Academic achievement includes scholarship, teaching, and learning, all of which are shared endeavors. Grades are a device used to quantify the successful accumulation of knowledge through learning. Adhering to the standards of academic integrity ensures grades are earned honestly. Academic integrity is the foundation upon which students, faculty, and staff build their educational and professional careers. [Texas Tech University ("University") Quality Enhancement Plan, Academic Integrity Task Force, 2010]

b. Academic Dishonesty Definitions

Students must understand the principles of academic integrity, and abide by them in all class and/or course work at the University. Academic Misconduct violations are outlined Part II, section B.2 of the <u>Code of Student Conduct</u>. If there are questions of interpretation of academic integrity policies or about what might constitute an academic integrity violation, students are responsible for seeking guidance from the faculty member teaching the course in question.

c. Instructor Responsibilities

Any person becoming aware of alleged violations of academic integrity should report the allegation to the instructor of record in the course. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. The instructor should contact the Office of Student Conduct to discuss the nature of the violation and the student's record of academic integrity violations. Instructions for reporting allegations of academic dishonesty are available in the <u>Code</u> <u>of Student Conduct</u>. The instructor should attempt to discuss the matter with the student and receive a response from the student about the allegations. Then, the instructor may notify the student of possible academic sanctions including, but not limited to assigning a paper or research project related to academic integrity, make-up assignment that is different than the original assignment, issue no credit for the original assignment, reduce the grade for the assignment and/or course, issue a failing grade on the assignment, and/or issue a failing grade for the course. The academic penalty will not be implemented or assigned until all disciplinary procedures are complete. All academic integrity violations should be referred to the Office of Student Conduct as a central clearinghouse of violations and for adjudication as a *Code of Student Conduct* violation where disciplinary sanctions will be assigned.

d. Withdrawal and Assignment of Grades

- 1. Once a student has been notified of an academic integrity allegation, the student may not drop the course until the academic integrity processes are complete. If a student drops or withdraws, the student will be reinstated to the course in question. A student should continue attending class and participating in course work until the disciplinary process is complete. If it is determined that the student was not responsible for academic integrity violations and/or the referring faculty member allows the student to withdraw from the course, the student may file a request with the Associate Vice Provost for Student Affairs for approval to drop the course or withdraw from the University retroactively.
- 2. If a referring faculty member must submit a final course grade before an Academic Integrity Violation allegation is resolved, the faculty member should notify the Department Chair and the Associate Academic Dean of the intention to assign a grade of F and/or leave the final grade blank. The involved student may be given a temporary grade of X by the Office of the Registrar, which does not affect the student's GPA, until the academic integrity adjudication process is complete. When the academic integrity adjudication process is complete, the final grade will be assigned through the appropriate academic integrity violations should follow the process outlined in Part I, section C.5 (Disciplinary Appeals Procedures).

e. Academic and Disciplinary Penalties

The academic and disciplinary penalties will not be implemented until the disciplinary procedure and appeal process has been exhausted. In cases in which a student is found not responsible for academic dishonesty, the student will be entitled to the grade he/she would have received in the absence of an academic integrity violation. In addition, the student will be allowed to continue in the particular course without prejudice.

f. Referrals to the Office of Student Conduct

In addition to the assignment of academic sanctions by the instructor of record, a referral of the academic integrity violation should also be made to the Office of Student Conduct for the assignment of disciplinary sanctions. Instructions for reporting academic dishonesty violations are available in the <u>Code of Student Conduct</u>. A student referred to the Office of Student Conduct for alleged violations of academic misconduct is entitled to all substantive and procedural guarantees provided in the <u>Code of Student</u> <u>Conduct</u>. Law students are subject to discipline procedures as described in the <u>Honor</u> <u>Code of the School of Law</u>. Instructors of record of the course where the violation occurred and the associate academic dean of the college where the student is enrolled or of the college housing the course where the violation occurred may participate in the adjudication of the violation and assignment of additional sanctions with the Office of Student Conduct as outlined in the *Code of Student* Conduct.

NOTE: Additional Academic Integrity information is available from the <u>Office of Student</u> <u>Conduct</u> and <u>TTU Ethics Center</u>

SECTION C. ANTI-DISCRIMINATION POLICY

 The university does not tolerate discrimination or harassment based on or related to sex.
 race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the university's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases. (http://www.depts.ttu.edu/opmanual/OP40.02.pdf)

2. Discriminatory Harassment

- a. Discriminatory harassment is verbal or physical conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, or other protected categories, classes, or characteristics and is so severe, persistent, or pervasive it adversely affects the victim's education or creates an intimidating, hostile, abusive or offensive educational environment which interferes with the student's ability to realize the intended benefits of the University's resources and opportunities.
- b. Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:
 - Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
 - Display of explicit or offensive calendars, posters, pictures, drawings, screen savers, e-mails, or cartoons in any format that reflects disparagingly upon a class of persons or a particular person;
 - Derogatory remarks about a person's national origin, race or other ethnic characteristic;
 - Disparaging or disrespectful comments if such comments are made because of a person's protected status;
 - Loud or angry outbursts or obscenities in the academic environment directed toward another student, faculty, staff, or visitor; or
 - Disparate treatment without a legitimate business reason.

3. Sexual Harassment

- a. Unwelcome verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with the student's educational experience.
- b. Examples of inappropriate behavior that may constitute unlawful sexual harassment include, but are not limited to:
 - Sexual teasing, jokes, remarks, questions
 - Sexual looks and gestures;
 - Sexual innuendoes or stories;
 - Communicating in a demeaning manner with sexual overtones;
 - Inappropriate comments about dress or physical appearance;
 - Gifts, letters, calls, e-mails, or materials of a sexual nature;
 - Sexually explicit visual material (calendars, posters, cards, software, internet materials);
 - Sexual favoritism;

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Deleted: Texas Tech University does not tolerate discrimination or harassment of students based on or related to sex, race, national origin, religion, age, disability, status as a covered veteran, or other protected categories, classes, or characteristics. While sexual orientation is not a protected category under state or federal law, it is Texas Tech University policy not to discriminate on this basis. Actions related to admission, discipline, housing, extracurricular and academic opportunities shall not be made based on a student's protected status. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed. Individuals who violate these policies and laws are subject to disciplinary action, up to and including expulsion.¶

- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing)
- Non-consensual video or audio-taping of sexual activity;
- Inappropriate discussion of private sexual behavior;
- Exposing one's genitals or inducing another to expose their genitals;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose their genitals;
- Sexual assault; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.
- Note: While not appropriate, not all rude or offensive comments or conduct constitute sexual harassment or unlawful discrimination.

4. <u>Reporting Concerns</u>

<u>Students wishing to report an incident of discrimination or harassment, including</u> <u>gender-based discrimination, sexual harassment, or sexual assault, should contact the</u> <u>Deputy Title IX Coordinator for Students. Additional reporting information can be</u> <u>found at titleix.ttu.edu/students. Students reporting discrimination or harassment in their</u> <u>employment capacity should contact the Office of Equal Employment Opportunity. An</u> <u>online reporting form is also available:</u> <u>https://www.depts.ttu.edu/titleix/students/Report_an_Incident.php</u>

5. Office of Civil Rights Complaints

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

6. Non-retaliation

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, opposes a charge or testifies, or assists or participates in an investigative proceeding or Hearing. Retaliatory harassments is an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a grievance process.

7. Confidentiality

Confidentiality of both Complainant and accused will be honored to such extent as is possible without compromising the University's commitment to investigate allegations of discrimination and harassment and only in instances where there is no credible threat to the safety of the Complainant, Respondent, or others. The willful and unnecessary disclosure of confidential information by anyone, including the alleged victim, regarding discrimination and harassment complaints to any person outside of the investigation process may result in appropriate disciplinary measures against the offending party.

8. Faculty/Staff and Student Relationships

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Deleted: Students complaining of discriminatory and sexual harassment should contact the Deputy Title IX Coordinator for Students, Dean of Students, 201 Student Union, (806) 742-2984. Students complaining of discriminatory and sexual harassment in their employment capacity should contact the Office of Equal Employment Opportunity, 212 Administration Building, (806) 742-3627. The Student Resolution Center is available to assist with these processes. An online reporting form is also available.

Texas Tech University is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean, Provost's Office or the Dean of Students.

9. Grievance or Complaint Processes

A grievance is a formal complaint pertaining to adverse actions taken on the basis of a student's protected status or other violation of law or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. For additional information regarding the complaint process, see TTU Operating Policies 40.02 and 40.03.

10. <u>Grievances and Investigations – Complaints Involving Other Students</u> <u>Grievances and investigations of formal complaints against other student(s) pertaining</u> to adverse actions taken on the basis of the student's protected status or other violation of law or TTU policy are guided by TTU Operating Policies 40.02 and 40.03.

- 11. <u>Grievances and Investigations Complaints Involving Employees, Whether</u> <u>Faculty, Staff, or Students</u>
 - a. This grievance process is applicable to all students who choose to complain about unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is an employee, whether faculty, staff, or student.
 - b. All grievance investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
 - c. The filing of a grievance shall not affect the ability of TTU to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance.
 - d. A student may consult with the Dean of Students or Student Resolution Center to determine if he/she wishes to file a formal grievance. Students wishing to file a grievance should complete the grievance form located at <u>www.deanofstudents.ttu.edu</u>. However, even if a formal grievance is not filed, the Dean may notify key personnel at their discretion about the allegation, and other action may be taken by TTU as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of TTU's policy and educating departments and supervisors as needed on this and other policies.
 - e. If the grievance involves the Dean of Students, the grievance should be presented to the Equal Employment Opportunity Office.

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Deleted: A grievance is a formal complaint pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTU policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law. Additional information about grievance and complaint processes is available here. Complaint processes are outlined in Part II, Section E of the Student Handbook.¶

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Deleted: Grievances and investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTU policy are guided by the Student Conduct Procedures outlined in the <u>Student Handbook</u>. Part I, section B (*Code of Student Conduct*).¶

- f. Student complaints of discrimination or harassment by an employee will be investigated jointly by the Office of the Dean of Students and the Office of Equal Employment Opportunity.
- g. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Dean of Students or the Office of Equal Employment Opportunity. Other administrators may be consulted to assist with the investigation.
- h. After the investigation is complete, the Office of the Dean of Students or the Office of Equal Employment Opportunity or designee will provide a written determination to the student who has filed the grievance, the accused parties, and the appropriate administrators.
- i. The finding of the Office of the Dean of Students or the Office of Equal Employment Opportunity is final and not appealable.
- j. n the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
- k. If either party disagrees with the imposed disciplinary action, or lack thereof, he or she may appeal within 10 business days through procedures established in OP 32.05 for faculty and OP 70.10 for staff.
- 1. Any disciplinary action taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Office of the Dean of Students and the Office of Equal Employment Opportunity at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.
- m. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of Equal Employment Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance has taken place, the student should contact the Dean of Students or the Office of Equal Employment Opportunity, and/or file a grievance for retaliation.
- n. In the event of a finding of a violation of this policy, the Office of Equal Employment Opportunity will follow up with the grievant within 60 days to ensure that the complained of behavior has ceased.

SECTION D. CLASS ABSENCES

1. Class Absences

Responsibility for class attendance rests with the student. Regular and punctual attendance at all scheduled classes is expected, and the University reserves the right to deal at any time with individual cases of non-attendance. In case of an illness requiring an absence from class for more than one week, the student should notify his/her academic dean. Texas Tech University Operating Policy 34.04 provides complete information regarding class attendance and reporting student illness and emergencies.

2. Religious Holy Day Absences

A student who intends to observe a religious holy day should make that intention known in writing to the instructor prior to the absence. More information is available in Texas Tech University Operating Policy 34.19.

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

- a. According to the Undergraduate and Graduate Catalog, faculty, department chairpersons, directors, or others responsible for a student representing the University on officially approved trips should notify the student's instructors of the departure and return schedules in advance of the trip. The instructor so notified must not penalize the student, although the student is responsible for material missed. Students absent because of University business must be given the same privileges as other students (e.g., if other students are given the choice of dropping one of four tests, then students with excused absences must be given the same privilege).
- b. According to Texas Tech University Operating Policy 34.06, students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip.

SECTION E: COMPLAINT PROCESSES

1. <u>Complaints/Grievances</u>

Texas Tech University has various procedures for addressing written student complaints/grievances. Students may seek assistance from the Student Resolution Center as they go through a written complaint/grievance process. The Student Resolution Center helps students understand all of the steps of the process as well as what information they may want to include in their written complaint/grievance.

2. Academic Status Complaints

- Policies and processes related to academic status are found in the Undergraduate/Graduate Academic Catalog as well as in Operating Policy 34.07 Undergraduate Academic Status, Operating Policy 34.15 Grade Replacement Policy, and Operating Policy 64.04 Academic Probation and Suspension of Graduate Students.
- b. Undergraduate students on academic suspension may appeal their academic status to the Associate Academic Dean of their Academic College for review of mitigating factors or the use of grade replacement to impact grade point average. Graduate students may appeal to the Graduate School for review.
- 3. <u>Complaints Against Faculty (Non-Grading and Non-Discrimination)</u> Conduct of University Faculty is outlined in Operating Policy 32.04 Conduct of University Faculty. The processes for complaints against faculty are outlined in the policy and in the Undergraduate/Graduate Academic Catalog. Students should direct complaints to the supervisor of the department or organization housing the faculty member, typically the department chair.
- 4. <u>Conduct Complaints Against Other Students and Student Organizations</u> The *Code of Student Conduct* Part I, Section C and Section D of the TTU Student Handbook outlines the process for filing a conduct complaint against a student or student organization.

5. Discriminatory and/or Sexual Harassment

- <u>a.</u> Texas Tech University has established policies and grievance procedures
 providing for prompt and equitable resolution of student complaints of
 discrimination and harassment, including sexual harassment, sexual violence,
 and other forms of sexual misconduct. In the event a student believes their
 rights under Title IX or other laws have been violated, TTU Operating Policies
 40.02 and 40.03 set forth procedures for filing, investigating, and resolving
 complaints of harassment and discrimination.
- <u>For complaints by a student against another student regarding incidents of</u>
 <u>discrimination or harassment, see Part II, Section H Gender Based Harassment,</u>
 <u>Sexual Misconduct, Discrimination, and Title IX in the TTU Student Handbook.</u>
 <u>c. For complaints by students against faculty or staff regarding incidents of</u>
 <u>discrimination or harassment, see the Anti-Discrimination Policy in Part II,</u>
 <u>Section C of the TTU Student Handbook and Operating Policy 40.03 (formerly</u>
 <u>70.28). d. For complaints against student organizations related to incidents of</u>
 <u>discrimination or harassment, detailed policies and procedures are available in</u>
 <u>Part I, Section B.2 and Section D in the TTU Student Handbook.</u>

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6. **Disability-Related Complaints**

- Complaints related to disabilities are guided by Operating Policy 10.08 Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) and Operating Policy 34.22 Establishing Reasonable Accommodation for Students with Disabilities.
- b. Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by a Student Disability Services counselor may appeal the decision to the Managing Director Managing Director of Student Disability Services. The ADA Campus Coordinator for Students is the Managing Director of Student Disability Services, 335 West Hall, (806) 742-2405.

7. Student Record Complaints & FERPA

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

8. Disciplinary Action

The University disciplinary appeals process is outlined in the <u>Student Handbook</u> Part I, section D. Conduct Procedures relating to the School of Law are contained in the <u>Honor</u> <u>Code of the School of Law</u>. Procedures relating to the School of Medicine, School of Nursing and the School of Allied Health are contained in the <u>School of Medicine</u> <u>Student Handbooks</u>, <u>School of Nursing Student Handbook</u>, and the <u>School of Allied</u> <u>Health Student Handbooks</u>.

9. Employment

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with their immediate supervisor or the person in charge of that department may contact Human Resources or the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the University Operating Policy 70.10 Non-Faculty Employee Complaint Procedures and Operating Policy 40.03 (formerly 70.28) Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws.

10. Grades

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. The complete student grade appeal policy and procedure is listed in Operating Policy 34.03 Student Grade Appeal. A copy of the grade appeal procedures may be obtained from any academic college dean's office or from the Office of the Provost. Also, refer to the <u>Student Handbook</u> Part I, section B.1 (Academic Misconduct).

11. Parking Citations

Students may appeal a campus parking citation online at <u>www.parking.ttu.edu</u>. Transportation & Parking Services rules and a description of the three-tiered appeals process is described in the *Traffic and Parking Regulations* available online at <u>http://www.parking.ttu.edu/resources/pdf/rulesregulations.pdf</u>

Deleted: Texas Tech University has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, Operating Policy 40.02 sets forth procedures for filing, investigating, and remedying complaints of harassment and discrimination.¶ For complaints by a student against another student regarding incidents of discrimination or harassment, see Part II, Section H Gender-Based Harassment, Sexual Misconduct Discrimination, and Title IX in the TTU Student Handbook.¶ For complaints by students against faculty or staff regarding incidents of discrimination or harassment, see the Anti-Discrimination Policy in Part II, Section C of the TTU Student Handbook and Operating Policy 40.03 (formerly 70.28). For complaints against student organizations related to incidents of discrimination or harassment, detailed policies and procedures are available in Part I, Section B.2 and Section D in the TTU Student Handbook.

12. Graduate School Requirements

- a. Graduate student complaints related to academic standing and performance follow processes outlined in Operating Policy 64.07 Graduate Student Appeals. Such matters include, but are not limited to, disputes concerning comprehensive and qualifying examinations, theses and dissertations, academic probation and suspension, and graduate assistantships.
- b. Appeals of course grades are made through the dean of the college in which the course is offered and are guided by process in Operating Policy 34.03 Student Grade Appeal.

13. Housing Complaints

Housing regulations and processes are provided annually in the Housing Contract Guide, on the University Student Housing website. University Student Housing oversees the resolution of complaints related to student housing.

14. Online and Distance Student Complaints

Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at http://www.depts.ttu.edu/elearning/complaint-process/.

15. Tuition, Fee, and Financial Aid Complaints

Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

16. Students enrolled in distance learning courses utilize the same complaint procedures as students enrolled in traditional courses. In accordance with the Higher Education Opportunities Act of 2008, Texas Tech University provides a website related to enrollment in distributed education courses or programs and complaint processes for filing with the accrediting agency and other appropriate state agencies at <u>http://www.depts.ttu.edu/elearning/complaint-process/</u>.

17. Tuition, Fee, and Financial Aid Complaints

18. Tuition, fee, and financial aid complaints are guided by Student Business Services and Student Financial Aid processes. Information is available on both department websites. Students with complaints related to tuition, fee, and financial aid may submit concerns through an online system.

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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, <u>disputed</u> credit card chargebacks, or the nonpayment or delinquent payment of outstanding loans and failure to meet any other financial obligations to the University are considered a lack of financial responsibility. Financial irresponsibility may subject the student to additional fees, fines, suspension of check writing and cashing privileges, denial of registration, withholding of grades and transcripts and adjudication under the *Code of Student Conduct*. A student who fails to make full payment of tuition and mandatory fees, including any incidental fees, but the due date may be prohibited from registering for classes until full payment is made. Students should understand that consequences may result from not resolving one's financial obligations to the University.
- b. Generally, failure to meet financial obligations to the University may result in:
 - Cancellation of the student's registration.
 - Possible criminal prosecution for writing insufficient fund checks.
 - A student who fails to make full payment prior to the end of the semester or term may be denied credit for the work done that semester or term.
 - A hold preventing future registration placed on a student's academic records.
 - A hold on receiving official University transcripts until the obligation is paid.
 - SThe University may report individual student financial problems to a credit agency or a collection agent. Before registering or requesting a transcript, students may check on the presence of holds by accessing their records at <u>www.raiderlink.ttu.edu</u> under the TTU MyTech (for Students) tab.
- c. For more information, please visit the Student Business Services website at <u>www.sbs.ttu.edu</u>.

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SECTION G. FREEDOM OF EXPRESSION

1. Freedom of Expression

a. Information related to freedom of expression policy is available in Part II, Section P Use of University Space.

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	SECTION H. GENDER-BASED HARASSME	INT SEVUAL MISCONDUCT
4	SECTION II. GENDER-DAGED HARASSIII	ANT, BEAUAL MIDCONDUCT,
	DISCRIMINATION. AND TITLE IX	

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, TTU Operating Policies 40.02 and 40.03 set forth procedures for filing, investigating, and resolving complaints of harassment and discrimination. Additional information regarding gender-based harassment, sexual misconduct, discrimination, and Title IX can be found at titleix.ttu.edu

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SECTION I: HOUSING REQUIREMENTS

1. Housing Information

- a. The Texas Tech residence hall system includes a variety of living options and provides convenient and affordable housing for approximately 8,000 students. Learning Communities provide students with the opportunity to live with others of similar interests or major. Carpenter/Wells Complex, which is arranged in three-bedroom townhouses or four-bedroom flats, offers private bedrooms in a suite-style setting.Murray Hall and Talkington Hall offer suite-style accommodations to men and women. Most suites include four private bedrooms, a common living area, and shared bathrooms. Talkington Hall includes a limited number of two bedroom suites. West Village offers apartment style living with full kitchens and washer and dryers. Priority for assignment to Carpenter/Wells complex and West Village A will be given to students of sophomore or higher classification. West Village Bwill be assigned for students that are 21 years of age or older. Gordon Hall, a suite-style residence, is designated as the primary Honors College Residence Hall.
- Ethernet computer connections are provided in each room. <u>All halls will have</u> WiFi throughout the building. Other services include basic cable television service with Showtime, limitless laundry rooms, study lounges, and in hall 24-hour professional office.
- c. An experienced and trained staff of Residence Life Coordinators and Community Advisors manages each residence hall. Each residence hall office provides assistance to residents with concerns, including maintenance requests, room and roommate assignments, and resource information.
- d. The interests of students living on campus are promoted through the Residence Halls Association and individual hall governments. Each hall government sponsors social, cultural, educational, and recreational activities.
- e. Complete information regarding campus housing can be found at <u>housing.ttu.edu</u>. Information regarding residence hall policies can be found at housing.ttu.edu/hall-policies.

2. Housing Policy

a. In support of the Strategic Plan of Texas Tech University, the university requires enrolled first year students to live in the university residence halls. Institutional research suggests that students who live on campus are significantly more inclined to remain in college and achieve higher GPAs in comparison to students living off campus. Compliance with the university housing policy is a condition of enrollment, as set forth in the Student Handbook and the Undergraduate and Graduate Catalog and approved by the Board of Regents.

3. Housing Requirement

a. Subject to verification and authorization by University Student Housing, students who meet one or more of the following criteria may be given permission to live off campus prior to moving in:

> <u>A student is residing and continues to reside in the established</u> primary residence of her/his parents (or legal guardian) if it is

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Student Policies & Procedures

Texas Tech University (TTU) has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct. In the event a student believes their rights under Title IX or other laws have been violated, this policy sets forth procedures for filing, investigating, and remedying complaints of harassment and discrimination.

Student policies and procedures regarding incidents of discriminatory or gender-based harassment, including sexual harassment, sexual assault, sexual exploitation, relationship or domestic violence, or stalking are available at http://sexualviolence.tu.edu.¶

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	within a 60-mile radius of Texas Tech University. The parents
	must have established their primary Lubbock residency at
	least six months prior to the request for an
	exemption. Legal guardianship must have been established by a
	court of law at least one year prior to the request.
0	
<u>Z.</u>	A student presents sufficient evidence of an extreme financial
	hardship_condition based on guidelines similar to those required
0	for Financial Aid.
<u>3.</u>	
	student.
4.	A student is 21 years of age or over on or before the first day of
_	classes of the initial semester of enrollment.
5.	
	semester hours of academic credit prior to the student's
	enrollment or re-enrollment. Credit earned by exam (Advanced
	Placement, CLEP, ACT, and SAT) and hours received from
0	concurrent high school credit are not considered.
6.	
	managed by a university department or college, which minimally
	includes the equivalence of the current academic school year's room, dining plan, tuition, fees, and textbooks (as estimated by the
	Student Financial Aid Office). Upon prior approval from the
	managing department or college, the student may request to be
	exempt from living on campus. The managing department or
	college must provide verification in writing to University Student
	Housing prior to the student's enrollment and/or re- enrollment to
	the university.
7.	
8.	
0.	discharge certificate (DD214).
9.	
<u>v.</u>	condition, as documented by his/her treating physician for which
	on-campus accommodations cannot be made.
10.	
	extreme or unusual hardship that will be intensified by living in
	the residence halls.
11.	A student has completed a full academic year (fall and spring
	terms) of living on campus in the Texas Tech University residence
	halls; or provides sufficient evidence of living on campus at another
	university prior to off-campus residence eligibility.
12.	A student is enrolled in on-line classes only.
13.	A student is taking less than six hours during the academic year.
14.	A student enrolled for a Texas Tech University or Texas Tech
	University Health Sciences Center at a campus other than the
	Lubbock campus.

b. In conjunction with the University's support of academic integrity, evidence of deliberate falsification of information, data, or any materials submitted, or

Deleted: <u><</u><u>→</u>A student is residing and continues to reside in the established primary residence of her/his parents (or legal guardian) if it is within a 60-mile radius of Texas Tech University. The parents must have established their primary Lubbock residency at least six months prior to the request for an exemption. Legal guardianship must have been established by a court of law at least one year prior to the request.¶

A student presents sufficient evidence of an extreme financial hardship condition based on guidelines similar to those required for Financial Aid.¶

A student is married or has dependent children living with the student.¶ A student is 21 years of age or over on or before the first

A student is 21 years of age to over or or before the first day of classes of the initial semester of enrollment.¶ A transfer student has successfully completed 30 or more semester hours of academic credit prior to the student's enrollment or re-enrollment. Credit earned by exam (Advanced Placement, CLEP, ACT, and SAT) and hours received from concurrent high school credit are not considered.¶

A student is awarded a university scholarship/sponsorship that is managed by a university department or college, which minimally includes the equivalence of the current academic school year's room, dining plan, tuition, fees, and textbooks (as estimated by the Student Financial Aid Office). Upon prior approval from the managing department or college, the student may request to be exempt from living on campus. The managing department or college must provide verification in writing to University Student Housing prior to the student's enrollment and/or reenrollment to the university.¶

A student is enrolled in the Graduate School or Law School.¶ A student has served 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 has completed a full academic year (fall and

A student has completed a full academic year (fall and spring terms) of living on campus in the Texas Tech University residence halls; or provides sufficient evidence of living on campus at another university prior to off campus residence elioibility.

campus residence eligibility.¶ A student is enrolled in on-line classes only.¶

A student is taking six or less hours during the academic year.¶ A student enrolled on a TTU or TTUHSC campus other

A student enrolled on a TTU or TTUHSC campus other than the Lubbock campus.¶

providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of up to a semester's room and dining plan fees, or probation, as determined by the Office of Student Conduct and in accordance with the *Code of Student Conduct* of Texas Tech University.

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.

1.	Signing a lease for off-campus housing does not relieve the
	student of contractual obligations that may have been assumed
	with the university for housing in the residence halls. It is
	responsibility of the student to comply with all provisions of the
	contract.
2.	It is the responsibility of the student to update any incorrect
	information, regarding place of residence with the Office of the
	Registrar.
2	No exemptions will be approved once the student has moved

 No exemptions will be approved once the student has moved in to the residence halls.

d. Room and Dining Plan Fees and Advance Payments

- e. Room and dining plan fees are due and payable by the semester and will be billed by Student Business Services. A payment plan is available. Payments must be made by the scheduled due dates to avoid delays in registration or termination of the residence hall contract. 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.
- f. Students with academic year contracts are charged 60 percent of the academic year room and dining plan rate for the fall semester and 40 percent for spring semester. Students entering the residence halls for the spring semester with an academic year contract are charged 50 percent of the academic year rate.
- g. An Advance Payment must be paid prior to reserving a room/space in the residence halls. These fees are applied to the student's billing account at the end of the contract term provided the contract is not cancelled prior to the end date of the contract term.
- h. An Apartment Reservation Fee must be paid prior to reserving a room/space in designated halls. These fees are applied to the student's billing account at the end of the contract term provided the contract is not cancelled prior to the end date of the contract term.
- i. An Initial Deposit (\$400) must be paid prior to reserving a room/space in the residence halls. An Apartment/Suite Deposit (\$250) is required in addition to the Initial Deposit for Carpenter/Wells, Murray Hall, Gordon Hall, Talkington Hall, or West Village. The \$400 Initial Deposit and \$250 Apartment/Suite Deposit will rollover to the next

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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 Texas
Tech University University Student Housing and Hospitality
Services Contract.¶
The student is responsible for updating any incorrect

information including place of residence with the Office of the Registrar. \P

No exemptions will be approved once the student has moved in to the residence halls.¶

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<u>contract term or will be credited to the student's Student Business Services account</u> after the student moves out and damages to the room are assessed. For more information about the Residence Hall Rates visit housing.ttu.edu/rates.

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SECTION J. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

1. General Policy

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

2. Definitions

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

3. <u>University Name, Document and Records</u>

a. The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. Information is also available in Operating Policy 01.06 Use of Texas Tech University Name or Logo for Private Business Purposes, Operating Policy 72.23 Licensing and Use of TTU Registered Names, Logos, and Trademarks, and Operating Policy 68.03 Visual Identity Guidelines.

4. Jurisdiction

- All solicitation requests should be directed to the Outdoor Events Coordinating Committee for review. Complete the Grounds Use/Solicitation Request form at www.depts.ttu.edu/centerforcampuslife/ and return to the Center for Campus Life. Requests must be submitted at least six (6) University working days before intended use.
- b. All regulations pertaining to on-campus solicitations by students and registered organizations shall be administered by the Managing Director of the Center for Campus Life.
- c. All regulations pertaining to on-campus solicitations by University departments and staff shall be administered by the Senior Vice President of Administration and Finance.
- d. All regulations pertaining to on-campus solicitations by academic departments and faculty shall be administered by the Provost and Senior Vice President of Academic Affairs.
- e. Solicitation of all gifts, donations, and non-contractual grants from private philanthropic sources (e.g., individuals, foundations, and corporations) are administered by the Vice Chancellor of Institutional Advancement and in accordance with OP 02.02.

5. Solicitation Processes

- a. Solicitations by registered student organizations and students are prohibited on Texas Tech University grounds and facilities except for:
 - Activities supporting the educational mission of the institution;
 - Promotion of organizational activities consistent with organization mission;
 - Recruitment of members or membership drives;
 - Accepting donations on behalf of altruistic or charitable projects;
 - Scholarship and/or fundraising projects in support of organization mission.
 - The regulating offices may grant special permission for solicitation purposes or places not listed above in exceptional circumstances.
- b. Permission will not be granted for any activity which promotes the use of alcoholic beverages, infers sponsorship by Texas Tech University or violates any federal, state and/or local laws and/or University policies.
- c. In order to solicit in University buildings, authorization is required via the Outdoor Events Coordinating Committee and appropriate building manager.
- d. Registered student organizations may use the University's registered marks when used in connection with a student organization activity, provided items are acquired from a licensed vendor. A sample or drawing needs to be provided showing how the University's registered marks are to be used before production of the merchandise can proceed. This sample will be submitted by the licensed vendor selected by the registered student organization. For additional information on licensing and use of Texas Tech University registered names, logos and trademarks, refer to OP 54.03 or contact the Office of Intercollegiate Athletics External Operations.
- e. Requests for permission to solicit are granted for a specified period. To be eligible to solicit, an individual must present current student identification and submit a Grounds Use/Solicitation request form to the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. A permit to solicit may be revoked if the solicitation violates any of the regulations pertaining to solicitations and advertising or sale, display, or distribution of printed materials.
- f. Decisions by the Outdoor Events Coordinating Committee rejecting or revoking permission of students or registered student organizations to solicit may be appealed to the Director of the Center for Campus Life.
- g. A written appeal describing the objections to the denial to the Director of the Center for Campus Life must be filed no later than five (5) University working days after receipt of notice of denial from the Outdoor Events Coordinating Committee.
- h. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within five (5) University working days from the receipt of the written appeal.
- i. The student or registered student organization may not appeal beyond the Director of the Center for Campus Life.

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6. Advertisements

- a. Advertisements by commercial organizations, either as groups or through student representatives, are not allowed on the campus unless they advertise specific registered student organization functions. This implies sponsorship and/or co-sponsorship, which minimally includes, but is not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations.
- b. Individuals and commercial organizations attempting to display or distribute unauthorized materials on campus, or use campus facilities for such activity, will be removed from the campus by the Texas Tech Police and will be subject to appropriate legal action.
- c. Advertisement is not permitted on the exterior side of residence hall room doors or within public areas of the residence halls.
- d. Amplification equipment may not be used to advertise or promote sales in conjunction with any approved solicitation activity unless authorized in advance by the Outdoor Events Coordinating Committee.

7. Printed Materials & Digital Signage

The following policies apply to the display and distribution of printed materials and digital signage in all areas of the University campus:

- a. Only individuals affiliated with the University (i.e. students or student organizations) may distribute handbills, leaflets or any other type of printed materials, except as provided by law
- b. Students and registered student organizations do not need prior approval concerning the content or distribution of materials such as leaflets and handbills; however, students may be required to provide verification of current student status upon request;
- c. Solicitation and Advertising materials must conform with the provisions stated above;
- d. Student election campaign literature must conform to the procedures outlined in the Student Election Code of the Student Government Association;
- e. Use of the Texas Tech campus that results in the need to utilize University personnel for litter collection, crowd control, repair/replacement of University property, etc., may necessitate repayment to the University by the responsible party;
- f. Printed materials may not be placed on vehicles parked in University parking lots or on vehicles in motion without permission of the vehicle owners;
- g. Printed materials such as handbills and leaflets may not be distributed within University buildings;
- h. Printed materials and digital signage content shall not violate any local, state, or federal law; Printed materials shall not include the use of obscenities, libelous statements, or "fighting words" as defined by law.
- i. Registered student organizations and University departments are allowed to hang banners within the Student Union at the discretion of the <u>Director of the</u> Center for Campus Life. A list of requirements regarding the banners is available in the Center for Campus Life.

8. Use of Bulletin Boards & Digital Signage

a. Posters, signs, and announcements may be displayed only on University announcement bulletin boards and approved digital signage designated specifically for use by students and registered student organizations. The Deleted: Managing

University announcement bulletin boards and approved digital signs may be used only be students, registered student organizations, and University departments. Bulletin boards will be cleared periodically. A list of designated University announcement bulletin boards and digital signs is maintained in the Center for Campus Life.

- b. Posters, signs and announcements shall not exceed a maximum size of 18" x 24", digital signage requirements will differ per location and are available via the coordinator of that signage;
- c. Posters, signs, and announcements shall not promote the use of alcoholic beverages, tobacco, or illegal drugs;
- d. Posters, signs, and announcements shall not promote unauthorized sponsorship by Texas Tech University;
- e. Posters, signs, and announcements shall not violate any local, state or federal law;
- f. Bulletin boards belonging to academic and administrative Departments are for official University use only. Posters, signs, and announcements may not be displayed without consent of the appropriate department; and
- g. Posters, announcements, banners, cards or other campaign material for any individuals seeking student government office may be posted in accordance with the rules and regulations of the Student Government Association.

9. Violations

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

SECTION K. STUDENT IDENTIFICATION

1. <u>Student Identification</u>

- a. The student identification card is the property of the University.
- b. Students shall not allow their student identification to be used by other persons.
- c. Students shall not alter their student identification in any way.
- d. On request, students must present their student identification to any member of the University faculty, staff, administration or police.
- e. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

SECTION L. STUDENT INVOLVEMENT & REPRESENTATION

1. Student Government Association

The Student Government Association (SGA) is the official organization representing student interests and voicing concerns to administration. SGA provides programs and activities directed to enhance and develop premier leadership and career success through education.

2. Student Media

Texas Tech University recognizes the editorial independence and press freedom of all student-edited campus media, specifically *The Daily Toreador* student newspaper and *La Ventana* yearbook. Student editors have the authority to make all content decisions; consequently, they bear the responsibility for the decisions they make. Student media should be operated and published within the canons of responsible journalism and policies as established by the University Student Media Committee and the Department of Student Media. See TTU Operating Police 30.27.

3. Military & Veterans Programs

Military & Veterans Programs (MVP) is here to assist veterans and their families in achieving academic and personal success. The department serves as a resource to connect veterans and their family members to the University and surrounding community. MVP oversees the certification of Veterans Educational Benefits such as:

- a. The exemption for Texas Veterans under the Hazelwood Act which provides an education benefit to honorably discharged or separated Texas veterans and to eligible dependent children and spouses of Texas veterans.
- b. The educational programs such as the various educational benefits offered through the Department of Veteran Affairs.

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SECTION M. STUDENT ORGANIZATIONS

1. Registered Student Organizations

- A registered student organization is a group (president, treasurer, SORC/Organization Representative and a minimum of two members, excluding officers) comprised of at least five students enrolled at Texas Tech University who voluntarily come together under a common purpose. The purposes and activities of the organization shall be lawful and not in conflict with the policies, rules, regulations and standards of the University and/or federal, state and/or local statutes.
- b. Generally, student groups broadly fall under one of the following categories: Advocacy/Lobby, Campus Departmental Support, Cultural/International, Fraternity/Sorority, Graduate, Hobby/Leisure/Recreation, Honor, Law, Professional-Agricultural Sciences and Natural Resources, Professional-Architecture, Professional-Arts and Sciences, Professional-Business, Professional-Education, Professional-Engineering, Professional-Human Sciences, Professional-Media and Communications, Professional-Visual and Performing Arts, Religious, Residential, Service, and Sports Clubs.
- c. All student organization registration is administered by <u>the</u> Center for Campus Life.

2. Sport Clubs

- a. Recreational Sports is responsible for the oversight of the Texas Tech Sports Clubs Program. This program exists to promote and develop interest in sports. Sport club members learn new skills, engage in competition and enjoy the recreational and social fellowship of sport.
- b. A group seeking sports club status must first be a registered student organization, subject to the rules and regulations of the University. Typically, a student organization must be registered with the Center for Campus Life for at least an academic year before full consideration for Sport Club status.
- c. Following the organization registration process, a group should request a meeting with Recreational Sports to initiate the application process for sports club affiliation. After obtaining Sport Clubs status, groups must also comply with the guidelines of Recreational Sports.

3. Social Fraternities/Sororities

- a. The Center for Campus Life is responsible for the oversight of Texas Tech Social Fraternities and Sororities. A group seekin<u>g single-sex</u> social fraternity or sorority status must first be recognized by one of the four governing councils for social fraternities and sororities: Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and Panhellenic Council.
- All student organizations registering as a <u>single-sex</u> social fraternity or social sorority must show proof of their Title IX exemption by attaching to their registration application a letter from their national affiliate with their IRS 501(c) <u>7</u> number.

4. Conditions for Registration of New and Reforming Student Organizations

a. A student organization is eligible for registration if it does not deny membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identify, or gender **Deleted:** (president, treasurer and a minimum of three members, excluding officers)

expression, except that: a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's religious beliefs; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.

- b. Faculty and staff may hold associate memberships to the extent allowed by the student organization's constitution.
- c. The organization shall not duplicate the purposes and functions of a previously or currently registered student organization unless the need for duplication is substantiated with the Center for Campus Life.
- d. All funds allocated to a registered student organization from Universitycontrolled sources must be maintained in a University account. Additional resources acquired by fundraising may be kept in an off-campus organizational account.
- e. The student organization shall show initiative in effectively meeting its stated purpose and be lawful and peaceful in its activities. The Center for Campus Life is available to assist in organizational development.
- f. The student organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/ associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Texas Tech University.
- g. Registered student organizations shall not use the name, logo or symbols of the University in print, online, and on social media as part of its name or in its publications. In addition, the organization shall not advertise or promote functions or activities in a manner that suggest sponsorship by the University. Registered student organizations are permitted to use the word "Tech" as a part of their names or to use the complete statement "a registered student organization at Texas Tech University." Approval of the use of logos or symbols protected by Texas Tech University is under the discretion of the Athletic Department External Operations, Texas Tech University.
- h. Solicitation is prohibited on campus by registered student organizations that may abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials in the Center for Campus Life. Any student organization wishing to solicit on campus must follow the policies and procedures listed in the current <u>Student Handbook</u>.
- i. All registered student organization resources must be used to advance and support the organization's purpose, identified goals, and/or mission.
- j. Must comply with University rules, standards, and policies.
- k. Student organization registration does not imply University approval of either the organization or its functions or activities.

5. <u>Registration of New and Re-Registering Student Organization</u>

<u>A student may submit the "intent to form" request, a new student</u>
 organization application on OrgSync. The student is then required to
 meet with the Student Organization Staff to discuss the registration
 process. After the form has been submitted and the student has met with
 the Student Organization Staff the non-registered group will be placed

on a 30 day temporary status, which will allow the group the privileges of the University facilities and publicity venues common to registered student organizations. The 30-day time period should be used to recruit new members, develop a constitution and by-laws and obtain a

permanent full-time faculty/staff advisor. A student organization may choose to register within the 30-day time period if they have met all of the requirements to register.

- b. Before the "intent to form" expiration deadline, students still interested in permanent status should complete the on-line registration process, and schedule an additional meeting with the Student Organization Staff, if necessary to discuss finalizing their status as a registered student organization. Extensions of the "intent" status are possible under extenuating circumstances and requests should be addressed to the Student Organization Staff. Although re-registration of current groups occurs during the spring, this does not mean that new or reforming groups have to wait until the spring to complete the process.
- c. New and/or re-registering student organizations that desire the benefits of a registered student organization should attend request an appointment with the Student Organization staff to discuss the policy regulating the registration of student organizations.
- d. After attending the meeting or individual appointment and reviewing the policy regulating student organization registration, students who are still interested in re-registering or forming an organization and are in a position to meet the requirements of registered student organizations, must complete the online registration process.
- e. Registration occurs by going to the Student Organization website at <u>http://ttu.orgsync.com</u> and logging in to OrgSync. Students are guided through completing the registration process online. Students will be prompted to create an individual profile if they have not already created one.
- f. To validate the online process, student organizations must provide:
 - List of Officers (must include president and treasurer).
 - List a member of the organization as the Student Organization Representative Council (SORC) representative (either an officer or a general member may be listed) or an Organization representative (for fraternities, sororities, and sport clubs).
 - List of membership, must have a minimum of two members in addition to a president, treasurer and SORC/Organization Representative (total minimum organization size of five).
 - List an on-campus address, also known as a Mail Stop or box number.
 - Submit updated copy of constitution and/or by-laws and constitution and/or by-laws of any other local, state or national affiliate organization (if applicable). An organization's constitution and/or by-laws should address a minimum of these areas: purpose, membership selection and removal, officer titles, duties, election and removal, departmental and/or external relationships, financial procedures, procedures for decision

Deleted: A student organization may submit the "intent to form" a registered student organization application on OrgSync. This is a temporary status, which lasts for 30 days and allows the non-registered group the privileges of University facilities and publicity venues common to registered student organizations. The 30-day time period should be used to recruit new members, develop a constitution and by-laws and obtain a permanent full-time faculty/staff advisor.

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making, advisor selection and expectations, and parliamentary authority. It is recommended to include the organization's risk management policy into the bylaws or upload it to the organization OrgSync files folder.

 New student organizations registering as a single-sex, social fraternity or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must attach a letter from their national affiliate with their IRS 501(c) 7 (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify eligibility for singlesex exemption.

- Provide the title, campus address, telephone number and e-mail address of a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member indicating their willingness to serve as the organization's advisor.
- President, Treasurer, SORC or Organization representative, advisor(s) and two (2) members must sign a "University Policy Agreement" (found within registration in OrgSync and in the OrgSync "files" folder) stating they intend to comply with all University standards, rules and/or policies as well as all federal, state, and/or local laws.
- Submit the signed University Policy Agreement page(s) to complete the registration process. These form(s) should be scanned and uploaded into the OrgSync registration application.
- The registration process must be completed annually for student organizations and sport clubs to maintain registration status. Registration will open up in mid-spring and will need to be completed by the first day of the fall semester. The registration process for fraternities and sororities will take place twice a year needing to be completed by the first day of the fall and spring semesters.
- h. The registration process must be completed annually for student organizations and sport clubs to maintain registration status. Registration will open up in midspring and will need to be completed by the first day of the fall semester. The registration process for fraternities and sororities will take place twice a year.

6. Benefits of Registered Student Organizations

- a. Benefits include: free space reservations in the Student Union, opportunity to reserve rooms in academic space (i.e. classrooms), free mailbox in the Student Union, organization information published online, posting on campus, use of University logo (with permission of Athletics Department External Operations), leadership training, <u>student org resources</u>, and access to Involvement Center, opportunity for free cubicle space through Student Union Main Office, and free webpage via OrgSync.
- b. Registered student organizations may apply for funding through the Student Government Association (SGA) each year provided they are registered as a student organization with the Center for Campus Life and have completed the annual risk management requirement prior to the application deadline for reviewing registered student organization funding and meet other eligibility requirements.
- c. Sport Clubs
 - Sport clubs are entitled to all of the benefits of a registered student organization. In addition, each club receives administrative and financial support from Recreational Sports. However, since the Sport Club program receives its funding from the Student Recreation Fee, organizations that affiliate with Recreational Sports are not eligible for SGA funding.
- 7. Faculty or Staff Advisor

Deleted: <<u>H></u>List of Officers (must include president and treasurer).¶

List of membership, must have a minimum of three members in addition to a president and treasurer (total minimum organization size of five).¶

List a member of the organization as the Student Organization Representative Council (SORC) representative (either an officer or a general member may be listed) or an Organization representative (for fratemities, sororities, and sport clubs).¶

List an on-campus address, also known as a Mail Stop or box number.¶

Submit updated copy of new constitution and/or by-laws and constitution and/or by-laws of any other local, state or national affiliate organization (if applicable). An organization's constitution and/or by-laws should address a minimum of these areas: purpose, membership selection and removal, officer list and duties, departmental and/or external relationships, financial procedures, and advisor selection and expectations. It is recommended to include the organization's risk management policy into the bylaws or upload it to the organization OrgSync files folder.¶ New student organizations registering as a single-sex, social fraternity or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must attach a letter from their national affiliate with their IRS 501(c) (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify eligibility for single-sex exemption.¶

Provide the title, campus address, telephone number and email address of a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member indicating their willingness to serve as the organization's advisor.¶

President, Treasurer, SORC or Organization representative, advisor(s) and two (2) members must sign a "University Policy Agreement" (found within registration in OrgSyne and in the OrgSyne "files" folder) stating they intend to comply with all University standards, rules and/or policies as well as all federal, state, and/or local laws.¶ Submit the signed University Policy Agreement page(s) to complete the registration process. These form(s) should be scanned and uploaded into the OrgSync registration application.¶

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- a. Each registered student organization shall have a full-time University faculty or staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to facilitate incorporating the advisor into the organization's program planning and decision-making. The advisor should certify the organization's expenditures by co-signing all checks or vouchers. The advisor must oversee adherence to University standards, rules and/or policies as well as the organization's constitution and by-laws.
- b. Registered student organizations may have additional advisors, i.e. coaches (typical of sports clubs) or alumni advisors, to the extent permitted by their constitution and/or by-laws; however, one advisor must be a full-time Texas Tech University/Texas Tech Health Science Center faculty or staff member as required and identified in the registration packet.
- c. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Texas Tech employee should also be included when filling out the registration application, complete with names, addresses, telephone numbers and emails.
- d. Registered student organizations have ten (10) University working days to update their Org Profile at http://ttu.orgsync.com with the name, address, telephone number and email of any new or replacement full-time University faculty or staff member appointed as their advisor. Failure to do so may result in suspended privileges.
- e. Certain student organizations do not choose their advisor(s); rather, they are assigned a full-time faculty or staff person by the department to oversee the administration of those areas, groups and resources.
- f. Established full-time University faculty or staff members, who reduce employment hours below full-time status and maintain an office on-campus, may continue to function as the "Primary" advisor of a student organization with the approval of the Center for Campus Life.
- g. Student organization advisors should complete advisor risk management training set by the Student Organization Staff

8. Prerequisites for Maintaining Registration

To maintain its active registration status throughout the academic year, a registered student organization must meet the following criteria:

- a. Organizations must update the "Org Profile" on OrgSync at http://ttu.orgsync.com within ten (10) University working days of any of the following:
- <u>Election of or change in officers and/or SORC/Organization</u> representatives;
- Change of full-time faculty or staff advisor;
- <u>Changes in organization documents (i.e. constitution, membership</u> requirements);
- d. Conduct its affairs in a lawful manner as a collaborative entity, in accordance with the constitution and by-laws it has on file, and applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.

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e. Solicitation on campus by registered student organizations may not

abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Student Organization Staff or designee.

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.

 <u>rules, regulations</u> and standards of the University.
 <u>In accordance with Texas Education Code, Section 51.9361, all registered</u> student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities. Social fraternities and sororities are required to attend the Clay R. Warren Risk Education Programming annually. The Student Organization Staff and/or other designated departments may require other student organizations to attend the Clay

<u>R. Warren Risk Education Programming in order to fulfill this requirement.</u> <u>Student organizations not required to attend will participate in an alternative</u> <u>risk management training opportunity identified by the Student Organization</u> <u>Staff.</u>

- Student organizations will be assigned a tier group based on the guestions they answer in their student organization registration regarding risk.
- The Student Organization Staff will determine any additional risk management training requirements for student organizations.
- Student Organizations are expected to send at least their president to the Student Org Academy each spring to receive needed training to prepare them for next academic school year.
- Center for Campus Life and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the Student Handbook, Part I, Section D

9. Conduct Procedures for Student Organizations

a. Student organization conduct procedures are outlined in Part 1 Code of Student Conduct, Section D, including processes for the temporary suspension and denial of registration for student organizations. Deleted: ≤#>Election of or change in officers and/or SORC/Organization representatives,¶ Change of full-time faculty or staff advisor,¶ Changes in organization documents (i.e. constitution, membership requirements),¶ Conduct its affairs in a lawful manner as a collaborative entity,

conduct its innary in a low in manner in a contabolate on the proin accordance with the constitution and by-laws it has on file, and applicable policies, rules, regulations and standards of the University and/or federal, state, and/or local statutes.¶ Solicitation on campus by registered student organizations may not abridge any contractual agreements of Texas Tech University. To avoid violations, registered student organizations should seek clarification on any solicitation initiatives or materials with the Student Organization Staff or designee.¶

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. ¶ In accordance with Texas Education Code, Section 51.9361, all

In accordance with Texas Education Code, Section 51.9361, al registered student organizations are required to attend training sessions on the topic of risk management as it relates to individuals, organization functions, and/or activities. Social fraternities and sororities are required to attend the Clay R. Warren Risk Education Programming annually. The Student Organization Staff and/or other designated departments may require other student organizations to attend the Clay R. Warren Risk Education Programming in order to fulfill this

requirement. Student organizations not required to attend will participate in an alternative risk management training opportunity identified by the Student Organization Staff.¶ Student organizations will be assigned a tier group based on the questions they answer in their student organization registration regarding risk.¶

The Student Organization Staff or designee will determine any additional risk management training requirements for student organizations.¶

Center for Campus Life and/or Office of Student Conduct may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the <u>Student</u> Handbook, Part I, Section D. ¶

SECTION N. STUDENT RIGHT TO KNOW

In compliance with federal guidelines, Texas Tech University provides all students, employees, and prospective students up-to-date information about campus crime statistics, six-year graduation rates of students and student athletes, and campus services such as tuition and fee rates, housing options, withdrawal procedures, study abroad programs and disability services. Links to current information are available at http://www.depts.ttu.edu/studentconduct/right-to- know.php.

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SECTION O. STUDENT RECORDS

1. General Policy

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

2. Address of Record

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official University requirements. Students should maintain a current local address and telephone number that is used by University officials, and/or student organizations and the campus community. Students may update their contact information at <u>www.raiderlink.ttu.edu</u> via the MyTech (for Students) tab.

3. Student Access to Educational Records

- a. All current and former students of the University have the right to access their educational records as provided by law.
- b. Students may obtain copies of records relating to themselves at their expense. The reproduction charge shall not exceed the actual cost to the University.
- c. The University will respond to all requests for explanations and interpretations of records or information, if the response does not violate the Family Educational Rights and Privacy Act of 1974, as amended.
- d. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards. A student seeking employment through the University Career <u>Center</u> may sign a waiver.
- e. Personally identifiable information such as classification, personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the consent of the student.

4. <u>Records Not Accessible to Students</u>

The following are records not accessible to students:

- a. Instructional, supervisory and administrative personnel records and the student's educational personnel records in the sole possession of the author and not revealed to any person other than a substitute (i.e. grade books, notes of observation and notes for recollection purposes).
- b. Employment records of a University employee who is not a student.
- c. Medical records are maintained for students visiting Student Health Services. Information contained in the medical record is privileged and will not be released to another person or institution without written permission of the student, unless otherwise authorized by law. Medical records are kept on file indefinitely at the Student Wellness Center at the corner of Main and Flint, Lubbock, Texas 79430. Students needing to request a copy of their medical records may contact Student Health Services at (806) 743-2860. While not considered "education" records under the Family Educational Rights and Privacy Act of 1974, as amended, the mentioned

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statue still allows the patient, in most instances, access to his/her records. The general rule of confidentially contains an exception when the patient or someone authorized to act on his/her behalf submits a written consent. Consent must be in writing and signed by the patient (or a parent or legal guardian if the patient is a minor). A physician shall furnish copies of medical records requested in accordance with the consent provided, except if the physician determines that access to the information would be harmful to the physical, mental or emotional health of the patient.

d. Medical and/or psychological information submitted to Student Disability Services for the purpose of determining eligibility and services are not releasable. Students may obtain the original information from the sources.

5. Authorized Non-student Access to Student Records

Educational records (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 to enroll 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 Office of the Registrar.
- i. Appropriate persons, if necessary, to protect the health or safety of the student or other persons.
- j. Individuals requiring such information by means of a judicial order or any lawfully issued subpoena, on condition that the student may be notified by the University of all such orders and subpoenas in advance of compliance.
- k. Emergency contacts as listed in students' educational records may be notified by designated staff upon notice of student hospitalization or transport via emergency personnel.

6. Students' Rights to Challenge Records

Students have the right to challenge records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal procedures are described in the <u>Student Handbook</u>, Part VI, section A.7. The challenge is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed for an appropriate challenge.

- a. Any student wishing to challenge records or information directly relating to him or her must notify the individual responsible for maintaining the records. The notice must be in writing and specifically identify the item challenged and the basis for the custodian of the challenged records.
- b. All initial meetings will be informal and participants will include: the custodian of the challenged records or information, the student and the author (if appropriate) of the material.
- c. If any of the participants (record custodian, student or author) are not satisfied with the results of the informal meeting, a formal Hearing will be conducted under the following procedures:
 - The Hearing will be conducted within seven University working days following the request for the Hearing.
 - The Hearing will be conducted by an institutional official or other party who does not have direct interest in the outcome of the Hearing appointed by the Associate Vice Provost for Student Affairs.
 - The student may present evidence relevant to the content of the educational records to demonstrate how they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The Hearing also provides an opportunity for correction or deletion of any inaccurate, misleading or otherwise inappropriate data contained in the records and for insertion into the records a written explanation by the student requesting the content of the challenged records.
 - A written decision must be delivered in writing to all interested parties within seven University working days after the conclusion of the Hearing.

7. Release of Student Directory Information

- a. The following student information is considered Texas Tech University Directory Information:
 - Student Name
 - Permanent and Local Addresses
 - Place of Birth
 - Classification
 - Major Field of Study
 - Dates of Attendance
 - Degrees, Awards, and Honors Received
 - Specific Enrollment Status
 - Full-time, Part-time, Half-time
 - Undergraduate, Graduate, Law
 - Participation in Officially Recognized Sports and Activities
 - Height/weight of members of Athletic Teams
 - Previous Institution(s) Attended
- b. This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld in writing in West Hall, room 103, or by restricting personal directory information at <u>www.raiderlink.ttu.edu</u> under the MyTech (for Students) tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name.

- c. The publication known as the Texas Tech Campus Directory is one type of printed periodical containing data classified as "directory information." To restrict directory information from appearing in the directory, students must go to Raiderlink and restrict directory information prior to the 12th class day in the fall term. Restricted directory information will remain restricted until the student unrestricts the information.
- d. The personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure under Section 552.021, Government Code.

8. Destruction of Records

The University constantly reviews the "educational records" it maintains and periodically destroys certain records. The University will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Office of Student Conduct. Student Disability Services records are maintained for three years after the last date of enrollment. In cases resulting in Time-Limited Disciplinary Suspension or Expulsion, records will be kept indefinitely.

9. Letters of Recommendation

- a. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.
- b. Appropriate forms are available in University Career Center for students using this service for future employment purposes. These forms are designed to provide the student with several options concerning the use and confidentially of future letters of reference and recommendation.
- c. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

SECTION P. USE OF UNIVERSITY SPACE

1. General Policy

With the exception of free expression activities outlined below, the space and facilities of the University are intended primarily for the support of the instructional programs of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is encouraged for activities that have as their purpose, service or benefit to the Texas Tech University community, and that are sponsored by registered student organizations. University buildings, grounds or property may not be used by individuals or organizations not connected with the University, with the exception of the use of Forum Areas for free expression as set forth in the section below or as otherwise permitted under Texas Tech University or Texas Tech University System policies. An individual who is not a student, faculty, or staff member may attend functions or activities held on University property, but to be eligible for the use of campus facilities, the function or activity must be sponsored by and affiliated with a University department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but not limited to, direct participation in planning, coordination and implementation by members of the sponsoring organizations. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person. Except as otherwise permitted under Texas Tech University or Texas Tech University System policies, non-registered organizations or off-campus groups or persons not sponsored by a department or registered organization will not be permitted to reserve space on campus. State law requires that University facilities and property be used only for state purposes and not for private gain.

2. <u>Reservation Requirements</u>

- a. Reservations must be made for the use of buildings and grounds under the control of the University. Requests for reservations will be granted according to the priorities of the designated area. Requests must be made to the appropriate office. Requests from registered student organizations must be signed by the organization's president and full-time faculty/staff advisor. Requests from individuals must be signed by the person applying for the use of the space or facilities.
- b. If the use of facilities is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

3. Use of Facilities by Student Organizations

- a. Student organizations must be registered to use University facilities or grounds.
- <u>a.</u> A student organization that has petitioned the Center for Campus Life for registration status may hold up to three meetings in the Student Union pending action on the petition.
- b. These meetings must be held within a 30 calendar-day time period from the date the Center for Campus Life Staff notifies the Student Union for the petitioning organization's intent to register. Academic

campus facilities may be reserved by "-petitioning-" student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Petitioning student organizations are also allowed to submit unlimited grounds use requests during the 30 day time period. If the petitioning student organization does not have a faculty/staff advisor yet the staff in the Center for Campus Life can sign off. Additional reservations will not be approved until the student organization is registered.

4. Procedure and Priorities for Designated Facilities

a. Student Union

Priority for use of space in the Student Union is given to programs and activities which are conducted by the various departments within the Student Union. Secondary priority is given to registered student organizations and University departments. Reservations must be made in the Student Union Office Room 203.

b. Academic Buildings

Any registered student organization may request the use of space in academic buildings for specific purposes. These purposes may include, but are not limited to, regular meetings of honorary or professional organizations, lectures, seminars or workshops and special programs and functions. The space must be reserved through the <u>Operations Division Planning and Administration</u>, All requests must be submitted by an active member of the student organization using the online request form in Ad Astra Schedule at <u>http://academicscheduling.ttu.edu/Astra Schedule</u> or in person at the <u>Operations Division Planning and Administration</u>, A link to the scheduling site and complete instructions can be found on the department website at www.depts.ttu.edu/asfr/escheduling. All requests must include the full name, department, and phone number of the student organization's full-time faculty or staff advisor. Recurring space assignments may be made for one semester only.

of the University and of available space. Space assignments for student organizations will not be scheduled on weekends, holidays, or during final examination periods. Academic use by departments and colleges has priority over other uses and organizational assignments may be changed or canceled if conflicts with regular academic programs develop.

Academic space will be assigned on a limited basis if:

- The intended use is in keeping with the educational purposes of the University.
- The intended use does not conflict with the use by academic programs or academic organizations.
- The intended use does not conflict with normal security and maintenance schedules.
- c. Residence Halls

Currently enrolled students who live in the residence halls and participate in the residence hall governments have first priority for use of all residence hall facilities. Facilities may also be provided for individuals or groups whose activities are sponsored by, or affiliated with, University Student Housing. University departments or registered student organizations may use residence

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 day time period from the date the petitioning organization filed its intent to register. Other campus facilities or space may be reserved by "petitioning" student organizations for one meeting only, if their full-time faculty or staff advisor agrees to be present at their event. Additional reservations will not be approved until the student organization is registered.

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hall facilities during the summer, or at times when space is available, for workshops, institutes, short courses and conferences. However, space availability is limited, and requests for the use of residence hall space must be made to the Managing Director of University Student Housing.

d. Intercollegiate Athletic Facilities

The Jones/AT&T Stadium Athletic Complex, Fuller Track and Field, Rip Griffin Park, McLeod Tennis Center, Rocky Johnson Field, John Walker Soccer and other athletic fields are owned and maintained by the University for the primary use and benefit of the intercollegiate athletic programs of the University, of allied non-University athletic activities consistent with such programs and of official academic events of the University. The use of these facilities shall be limited to these purposes unless otherwise authorized by the Intercollegiate Athletics Office. Requests for use of all intercollegiate athletic facilities must be made to the Intercollegiate Athletics Office.

e. Recreational Facilities

The Robert H. Ewalt Recreational Center, Aquatic Center, Leisure Pool, recreation fields, tennis courts, racquetball courts and basketball courts are intended primarily for student recreational and instructional use on an organized group and individual basis. Recreational Sports is responsible for scheduling the use of these facilities.

f. McKenzie-Merket Alumni Center

The McKenzie-Merket Alumni Center, located on the southeastern corner of the Texas Tech campus, directly west of the Kent R. Hance Chapel, is the home for all Texas Tech Alumni and friends. This facility boasts a ballroom that can seat 300-plus for a banquet and more than 500 in a theatre setting. Two separate courtyards provide space for outdoor events. Booking of this facility is coordinated by the Texas Tech Alumni Association at (806) 742-0400.

g. Frazier Alumni Pavilion

The Frazier Alumni Pavilion, situated just southwest of Jones AT&T Stadium is a 6,000-square foot facility designed to host large banquets but can be configured for weddings, press conferences, and other events. It also has a 10,000-square foot outdoor porch area that can be used to increase the size of your event. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

h. Kent R. Hance Chapel

A 6,879-square foot, 250-seat, non-denominational Spanish Renaissance chapel is capable of supporting a broad range of services and events. To book this venue, contact the Texas Tech Alumni Association at (806) 742-0400.

i. United Supermarket Arena

The United Supermarket Arena is a 15,000-seat multi-purpose facility and is host to a variety of entertainment and athletic events, including Texas Tech University basketball and volleyball, commencement ceremonies, concerts and numerous meeting room events. Facilities available for lease within the United Spirit Arena include the four meeting rooms in the City Bank Conference Center, Club Red, the arena concourse, the arena floor and the arena bowl area. Registered student organizations receive rental discount for the City Bank Conference Center meeting rooms. Texas Tech University Commencement, Health Sciences Center Commencement, Texas Tech basketball and volleyball games and major arena events, such as concerts, have priority in booking the United Spirit Arena. Space in the United Spirit Arena is reserved through the Arena Management Office.

5. Use of Campus Grounds

- a. Selected grounds area (other than those described above) are available for activities that are sponsored and approved by University departments, registered student organizations or individual faculty, students and employees. Academic use by departments and colleges has priority and assignments may be changed or canceled if conflicts with regular academic programs develop.
- b. Students or registered student organizations desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304. Faculty, staff, or departments of the University desiring to use campus grounds must register for grounds use with the Outdoor Events Coordinating Committee (OECC) in Student Union Room 304 as well. In accordance with the University's Operating Policy 61.02 regarding Use of University Grounds, Facilities and Amplification, each use must be approved in writing by the Outdoor Events Coordinating Committee (OECC). Requests must be submitted at least two (2) weeks before the intended use. Recurring use assignments shall not be permitted.
- c. The Outdoor Events Coordinating Committee (OECC) will coordinate all grounds use applications and shall grant only grounds use requests that are consistent with applicable University regulations and local, state and federal law.
- d. A permit granting grounds use shall specify the boundaries of the area to be used, the date for which the use is approved, the time at which the proposed activity may begin, the time at which the reservation for the use expires and any special provisions concerning the use of the space. No request will be approved for activities occurring during individual study days and/or final examination period.
- e. Students or registered organizations using a designated area are subject to the following requirements:
 - Use of amplification equipment must comply with the guidelines below.
 - A structure may not be erected on campus grounds without prior written approval that will include arrangements for cleaning up after the event.
 - If any expenses will be incurred in the course of an event, the sponsor or co-sponsor will be required to supply a University account number before the activity can be approved by the Outdoor Events Coordinating Committee.
 - Violations of these campus grounds use regulations are subject to the disciplinary sanctions and procedures outlined in the *Code of Student Conduct*.
 - Students or registered student organizations desiring grounds use may be required to provide evidence of appropriate liability insurance in accordance with recommendations from the General Counsel's Office, Risk Management Office, other University departments or others as necessary prior to approval from the Outdoor Events Coordinating Committee.

- Participants in, and/or sponsors for, events may be required to sign a "Hold Harmless" release.
- The sponsor should contact the Environmental Health and Safety Department to make necessary arrangements for any event that includes concessions or a mobile concession stand. In order for any person, vendor, or organization to operate a temporary food service or mobile unit on Texas Tech property, the Environmental Health and Safety Department must issue a valid Temporary Food Service Permit.
- The sponsor should contact Transportation & Parking Services to make necessary parking arrangements for the event.
- If the use of University grounds is for programs or activities involving minor children, the sponsoring group must comply with Texas Education Code 51.976, which requires sexual abuse and child molestation training, certification, and reporting for program employees. Documentation of timely reporting to the Texas Department of State Health Services of such training should be received before reservation of space or facility will be confirmed.

6. Freedom of Expression Activities and Forum Areas

- a. The open exchange of information, opinions, and ideas between students is an essential element of the campus experience. These policies are intended to protect the interests of all students as well as other members of the University community. These policies presume that students are generally free to engage in freedom of expression activities in those outdoor areas of campus that are common and accessible to all students (such as park-like areas and sidewalks) without the need of prior approval of the University.
- b. Although the Texas Tech University campus is generally an open campus for purposes of student freedom of expression activities, students are encouraged, and persons and groups not affiliated with the University are required, to use the Forum Areas of the campus for freedom of expression activities.
- c. The following are the Forum Areas as currently defined at Texas Tech University. Each location is marked with a plaque that reads, "Forum Area," and may be used on a first-come, first-serve basis.
 - Southwest Collections the outdoor gazebo and concrete octagon surrounding it located immediately east of the Southwest Collections building close to the corner of 15th Street and Boston Avenue.
 - Engineering Key the northern 1/3 of the grassy area of the Engineering Key from the diagonal sidewalk going north to the flowerbed and bound by the street curbs on the east and west sides.
 - Student Union northeast corner (15th Street and Akron Avenue).
 - Student Union/Library Plaza the southern 1/3 of the plaza between the Student Union and Library described as follows: From the southwest raised flowerbed in front of the Library on the west to the black brick border of the flowerbeds on the east; and from the black brick border that stretches from the Library steps to the flowerbed outside the Student Union west entrance on the north to the bollards on the south end.

 College of Media and Communication – the western half of the courtyard between the College of Media and Communication <u>building and the Architecture building as described by the</u> midway sidewalk on the <u>east to the inside of the Flint Avenue sidewalk on the west and the</u> sidewalks on the north and south sides.

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- Jerry S. Rawls College of Business Administration the western half of the courtyard between the College of business Administration building and the Architecture building as described by the midway sidewalk on the east to the inside of the Flint Avenue sidewalk on the west and the sidewalks on the north and south sides.
- Urbanovsky Amphitheater the Urbanovsky Amphitheater bound on the west by the second semicircular sidewalk, on the east by the inside of the sidewalk bordering Flint Avenue, and by the north and south sidewalks.
- d. Students engaged in freedom of expression activities on campus may be required to relocate under the following circumstances:
 - The location selected for the activity is inadequate for the purpose for which it will be used (either too close to buildings, not big enough for the event, etc.);
 - The activity substantially interferes with either vehicular or pedestrian traffic;
 - The activity blocks the ingress or egress to buildings;
 - The space is not available due to prior reservation;
 - The activity conflicts with a previously planned University activity;
 - The activity creates a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University;
 - The activity presents an unreasonable danger to the health or safety of the applicant or other individuals;
 - The activity is prohibited by local, state, or federal law; or
 - The activity prevents fire protection, law enforcement, or emergency medical service providers from access to areas on campus.
- e. Students engaged in freedom of expression activities may be subject to discipline under the *Code of Student Conduct* for the following actions:
 - Activities which are illegal.
 - Activities that deny the rights of other students, faculty and staff of the University.
 - Activities that substantially obstruct or restrict the free movement of persons on any part of the University campus, including the free entry or exit from University facilities.
 - Activities that deny the use of office or other facilities to the students, faculty, staff or guests of the University.
 - Activities that threaten or endanger the health or safety of any person on the University campus.
 - Activities that include the use of obscenities, libelous statements, or "fighting words," as defined by law.
 - Activities that result in damage to or destruction of University property or;
 - Activities that attempt to prevent a University event or other lawful assembly by the threat or use of force or violence.

• Signs, banners, posters, and other displays used for freedom of expression activities must be handheld and must remain in the hands of individuals engaged in the expressive activities at all times.

7. Appeals of Ground Use Request Denials

8. Students of registered student organizations, whose requests for the use of campus grounds or non-academic space are denied, may appeal to the Director of the Center for Campus Life as follows:

- a. A written appeal describing the objections to the denial presented to the Director of the Center for Campus Life must be filed no later than five (5) University working days after the receipt of notice of the denial from the Outdoor Events Coordinating Committee.
- b. The Director of the Center for Campus Life will convey the appeal decision, in writing, to the student or registered student organization and to the Outdoor Events Coordinating Committee within a reasonable time from the receipt of the written appeal.

9. Use of Amplification Equipment

- a. Use of Amplification Equipment for Freedom of Expression Activities
 - Use of Amplification Equipment in Forum Areas. Students and registered student organizations may use amplification equipment for freedom of expression activities within the designated Forum Areas from 8:00 am to 5:00 pm Monday through Friday.
 - Use of Amplification Equipment in All Other Outdoor Areas. Students and registered student organizations may use amplification equipment for freedom of expression activities in all other outdoor areas of the campus after 5:00pm Monday through Friday.
 - Use of amplification equipment is subject to all rules concerning the time, place, and manner of freedom of expression activities and Forum Areas as set forth in section 7 of this policy.
 - Only handheld amplification devices are permitted.
 - No amplification of sound is permitted during the week prior to or the week of final exams.
 - The volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
 - Use of amplification equipment shall not create a sustained or repeated noise disturbance that substantially interferes with the normal activities of the University community.
- b. Other Use of Amplification Equipment
 - The use of loudspeakers, any other type of amplification equipment (e.g. portable stereo devices, portable studios, etc.), or amplified musical instruments on University grounds by students and/or registered student organizations for any purpose other than expressive activities as set forth in section 7, above, is by permission only.
 - Applications from individuals, departments, and organizations for permission to use amplification equipment must be made on the Grounds Use and Solicitation Request form provided by the Outdoor Events

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Coordinating Committee and the management of Operations Division Planning and Administration.

- Applications must be submitted at least two weeks before the intended use.
- The Outdoor Events Coordinating Committee and the Director of Academic Support & Facilities Resources may prescribe rules concerning scheduling, maximum sound levels, location and direction of speakers, and other rules to facilitate the use of amplified sound to mediate any conflict with University functions, classes in session, examinations, other nearby activities, and the campus environment.
- The use of amplification equipment for solicitation purposes must conform to all campus grounds use provisions, as well as policies governing solicitation and commercial activities.
- The use of such equipment or loudspeakers is not permitted in the vicinity of classrooms during regularly scheduled class hours without written permission from Operations Division Planning and Administration.
- Sound equipment must not be disruptive, and the volume and direction of amplification equipment shall be controlled so as not to interfere with classes in session, examinations, or other campus community activities.
- Special events such as dances, pep rallies, ceremonies, or recreational activities that include the use of bands or amplification equipment may be held in approved locations only with prior approval of the Outdoor Events Coordinating Committee (OECC).
- Outdoor dances utilizing sound amplification devices may be held only on Friday and Saturday nights, and must terminate by 1:00 a.m. Bands may use their own equipment on such dates.
- c. Academic Use
 - The appropriate use of loudspeakers for official University activities inside academic buildings, or on the campus as a part of the academic instructional program, is determined and approved by the Office of the Provost.
 - Permission for use of the victory bells or carillon bells in the towers of the Administration Building must be requested through the Office of the Provost at least one University working day before time of intended use. Use of the bells must not interfere with the normal functions and programs of the University. See OP 30.21.

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SECTION Q. WITHDRAWALS

1. Voluntary Withdrawal from the University

- a. According to the Undergraduate and Graduate Catalog and OP 34.05, students who find it necessary to withdraw from the University during a semester or summer term must apply to the Office of the Registrar prior to the term withdrawal deadline. A student wishing to drop to zero hours must withdraw from the institution. If a student withdraws on the 13th class day or after, a W will be recorded for all classes that semester or term, and these W's will not be counted toward the six state-defined permitted drops. International students must receive clearance from the Office of International Affairs as a part of the withdrawal procedure. Student athletes must receive clearance from their Athletic Academic Advisor. Withdrawal and reenrollment procedures vary for School of Law students. Students enrolled in the School of Law and seeking withdrawal information should contact the Associate Dean for Student Affairs at the School of Law for assistance.
- b. Students considering withdrawal for medical reasons may contact the <u>Dean of</u> <u>Students</u> to discuss additional University resources and services.
- c. There may be financial implications to withdrawal. If a student receives financial aid or is living in TTU student housing, he/she should first contact those offices before applying for the withdrawal. If a registration hold exists on the student's record, it must be cleared before the withdrawal can be processed. To check your student record for registration holds, log on at <u>www.raiderlink.ttu.edu</u> and select the MyTech (for Students) tab.
- d. Refunds

The Undergraduate and Graduate Catalog indicate that students withdrawing to zero hours at their request or those who have been withdrawn due to University action may be eligible to receive a refund of paid tuition and fees. A tuition and fee refund schedule is listed in the Undergraduate and Graduate Catalog and at http://www.depts.ttu.edu/registrar/.

e. Returning to the University after a Voluntary Withdrawal Application materials and deadlines for former Texas Tech students are available at www.gototexastech.com. Official transcripts from all institutions attended subsequent to Texas Tech 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 Texas Tech. Please visit the following for more information: http://www.depts.ttu.edu/formertech/.

2. Involuntary Withdrawals

- a. Texas Tech 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.

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c. Notice

Notice regarding students who may be direct threats (both self-reports and thirdparty reports) should be made to the Dean of Students or designee.

- d. A "direct threat" means
 - There is a high probability (not just a slightly increased, speculative, or remote risk)
 - of substantial harm
 - Based on observation of a student's conduct, actions, and statements.
- e. The Dean of Students or designee will review the information presented in the notice, including what attempts, if any, have been made to reduce or eliminate the direct threat, such as the student's voluntary compliance with medical or counseling assistance.
- f. The Dean of Students or designee will notify the student of the concern.
- g. The Dean of Students or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five University working days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
 - Involvement of parents or significant others;
 - Academic progress;
 - Living arrangements;
 - Previously granted accommodations;
 - Confidentiality waivers;
 - Other possible accommodations, care and support resources including medical or counseling assistance; and
 - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.
- h. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via certified mail to the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's University email account. Students not responding to requests for meetings or assessments may be referred to the Office of Student Conduct for allegations of failure to comply with reasonable directives and/or requests of a University official acting in the performance of their duties.
- i. Temporary Suspensions

During the involuntary withdrawal process, if the Vice Provost, Undergraduate Education and Student Affairs or designee determines that an immediate direct threat exists others or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, and had an opportunity to address the concern, and the student is afforded a Hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use University services and/or resources (except those expressly permitted by the Vice Provost, Undergraduate Education and Student Affairs or designee), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the Vice Provost, Undergraduate Education and Student Affairs or designee and the Texas Tech Police Department.

j. Involuntary Withdrawal Assessment

An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the University.

The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the University's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

Within five (5) University working days from the initial meeting with the student or five University working days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a psychiatrist from Student Health Services and a psychologist from the Student Counseling Center.

The student may provide information from other medical professionals as part of the assessment.

If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider.

The assessment will determine:

- The nature, duration, and severity of the risk;
- The probability that the potentially threatening injury will actually occur; and
- Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.
- k. Involuntary Withdrawal Committee

The assessment report will be forwarded to the Involuntary Withdrawal Committee for review.

The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Associate Academic Dean, Director of the Student Counseling Center, Medical Director of Student Health Services, Director of Student Disability Services, and Dean of Students. If the student resides in campus housing, the Director of Student Housing will also serve as a voting member of the committee. The Dean of Students will chair the committee. A nonvoting resource person may be assigned from the Vice Provost for Undergraduate Education and Student Affairs to present information and assist the committee. The Involuntary University Withdrawal Committee will meet with the student in an informal, non-adversarial Hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Committee. The Hearing will be scheduled by the Dean of Students within five (5) University working days of the completion of the individualized assessment. The student will be provided the information to be considered at the Hearing by the Dean of Students in advance of the Hearing. The student may elect to attend the Involuntary Withdrawal Committee Hearing and present information on their behalf. The student may be accompanied by one or more advisors. A non-voting resource person will present information and act as a recorder for the committee. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present. Following the Hearing, the Involuntary Withdrawal Committee will recommend one of the following:

- the student may remain enrolled at the University with no restrictions;
- the student may remain enrolled at the University subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee; or
- The student should be involuntarily withdrawn from the University upon a specific date.
- 1. Review of Committee Recommendation

The Dean of Students will notify the student in writing of the decision within five University working days.

m. Appeals Process

The student may appeal the decision of the Dean of Students by submitting a written appeal to the Associate Vice Provost for Student Affairs within five (5) University working days. The student will be notified in writing of the final decision within five (5) University working days of receipt of the appeal.

n. Final Decision

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use University facilities, must vacate University housing within 48 hours and may not return to campus unless approved by the Vice Provost, Undergraduate Education and Student Affairs. Referrals will be made for the student upon request to appropriate community resources, i.e. medical care and housing. The student may be entitled to refunds of prorated tuition, fees, and room and board charges as a result of involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the Dean of Students, limiting any subsequent registration until approval is given by the Dean of Students.

o. Eligibility for Readmission

Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year. At that time, the student should present documentation to the Dean of Students for review. Documentation may include, but it is not limited to, current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon reenrollment. The documentation shall be presented to the Involuntary Withdrawal Committee for recommendation to the Dean of Students. Readmission requests and documentation must be presented by February 1 for summer enrollment, May 1 for fall enrollment, and October 1 for spring enrollment. Readmission will be contingent upon

demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.

APPENDIX A

DEFINITIONS

Academic Work, Test, Quiz, or Other Assignment

The terms "academic work, test, quiz, or other assignment" includes any required or optional academic work that is assigned. Examples include, but are not limited to, exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold

The term "administrative hold" refers to the indicator placed on a student's record preventing access to such University procedures as registration, release of transcripts, and course add/drops until the student meets the requirements of the University office placing the indicator as described in the Undergraduate/Graduate Catalogs.

Complainant

The term "Complainant" refers to the party reporting the complaint or concern against another party.

Conduct History

The term "conduct history" is a compilation of records related to any student or student organization's behavior that resulted in a finding of Responsible through the University conduct process outlined in the *Code of Student Conduct*.

Consent

The term "consent" means mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission for sexual activity.

Disciplinary Good Standing

The term "disciplinary good standing" is defined as a student not currently on disciplinary probation, deferred disciplinary suspension, or any level of disciplinary suspension/expulsion and who has fulfilled in a timely manner, if any, sanctions imposed.

Discipline Body

The term "discipline body" means any University official or group of officials authorized by the Director of the Office of Student Conduct to determine whether a student has violated the *Code of Student Conduct* and to recommend imposition of sanctions.

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 <u>Panel Hearing</u>.

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Investigation Report

An "investigation report" is a formal or informal report of all of the evidence and/or information gathered by the Student Conduct Officer/Investigator.

Member of the University Community

The term "member of the University community" includes any person who is a student, faculty or staff member, University official or any person employed by the University or campus visitors.

Official Academic Record

The term "official academic record" includes, but is not limited to applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of the Registrar.

Policy

The term "policy" is defined as the written regulations, standards and/or rules of the University.

Policy Warning

The term "Policy Warning" refers to a verbal or written reminder to a student or student organization regarding a *Code of Student Conduct* provision.

Preponderance of Evidence

The term "preponderance of evidence" is the standard of proof used by Student Conduct Hearing Officers, Office of Student Conduct and University Student Housing. It is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

Religious Holy Day

The term "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Texas Tax Code § 11.20.

Respondent

The term "Respondent" refers to the party responding to the complaint or concern reported regarding their behavior or actions.

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.

<u>Student</u>

The term "student" includes all persons admitted to or enrolled in courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies, and/or those who attend postsecondary educational institutions other than Texas Tech University and

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who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

Student/Student Organization Conduct History

The term "student/student organization conduct history" includes, but is not limited to any responsible finding in a conduct proceeding.

Student Conduct Officer/Investigator

The term "Student Conduct Officer/Investigator" means a University designee authorized by the Director of the Office of Student Conduct, Dean of Students and/or the Director of University Student Housing pursuant to the *Code of Student Conduct* 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 Texas Tech University and Texas Tech University Health Sciences Center.

University Official

The term "University official" includes any person employed by Texas Tech University or Texas Tech University Health Sciences Center while performing assigned administrative or professional responsibilities.

University Premises

The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks)

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ATTACHMENT 6

TTUHSC Student Handbook Code of Professional Conduct 2016-2017



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER...

Student Handbook

Code of Professional Conduct 2015-2016 2016-2017

School of Medicine Graduate School of Biomedical Sciences School of Nursing School of Health Professions School of Pharmacy

Rev. 08/15/15 08/01/16

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STATEMENT OF ACCREDITATION

The Texas Tech University Health Sciences Center is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award baccalaureate, masters, doctoral, and professional degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of the Texas Tech University Health Sciences Center. The Commission should be contacted only if there is evidence that appears to support the institution's significant non-compliance with a requirement or standard.

PART I. FOREWORD

A. General Policy

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

The following institutional goals are broad, measurable priorities that will enable TTUHSC to fulfill its mission:

- Train competent health professionals and scientists
- Increase externally funded, peer-reviewed research, especially NIH-funded research, and research focused on aging, cancer, and rural health
- Improve access to quality health care for the TTUHSC's target populations
- Prepare health professions students for an increasingly diverse workforce and patient population
- Provide leadership in the development of partnerships and collaborations to improve community health
- Operate the TTUHSC as an efficient and effective institution

2. A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the TTUHSC Operating Policies and Procedures, and the individual School's catalogs are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center.

3. The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules and/or policies. Enrollment requires students to share this responsibility. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the TTUHSC Operating Policies and Procedures, and the individual Schools' catalogs and any other official University publications. Registered student organizations are required to follow all of these standards, rules and policies.

4. The Texas Tech University Health Sciences Center (TTUHSC or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook do not constitute a contract, express or implied, between any student or faculty member and Texas Tech University System, TTUHSC, or the TTUHSC School of Medicine, School of Health Professions, School of Pharmacy, School of Nursing, or the Graduate School of Biomedical Sciences. (See updates at www.ttuhsc.edu/studentservices)

B. Tobacco-Free Environment

1. According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk for a number of cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration (HSC OP 10.19).

2. As a health care institution, TTUHSC is committed to the establishment and enforcement of a healthier tobacco-free environment. TTUHSC OP 10.19, *Tobacco-Free Environment Policy*, includes regulation and assessment.

C. Authority

1. The authority to enact and enforce regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the

President of the University and any University officials the President designates.

2. All references to the Chancellor and/or President of the University, the Executive Vice President for Academic Affairs or designee shall be interpreted to include persons designated to act on behalf of these officials.

D. Policy on Non-Discrimination

The University brings together, in common pursuit of its educational goals, persons of many backgrounds and experiences. The University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, color, religion, national original, age, sex, disability, genetic information, status as a protected veteran, or any other legally protected category class or characteristic, and that equal opportunity and access to facilities shall be available to all. Non-discrimination is observed in the admission, housing, and education of students and in policies governing discipline, extracurricular life and activities. For more information, visit <u>www.ttuhsc.edu/HSC OP 51.01</u>, *Equal Employment Opportunity Policy and Affirmative Action Plan*.

E. University Name, Documents, and Records

The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement, or any unauthorized use of University documents, records or seal is prohibited. See TTUHSC OP 67.01, *Publication Guidelines*.

F. Definitions

1. "Accused Student" means any student accused of violating the TTUHSC Code of Professional Conduct set forth in Part II of this Handbook. This term may also mean an accused registered student organization. If a registered student organization is alleged to have violated the Student Code, only one student from the organization may appear or act on behalf of the student organization (such as appearing before a Student Conduct Board or Student Conduct Administrator) for purposes of the Student Code.

2. "Business day" means a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.

3. "Complainant" means a member of the University community who submits a Complaint alleging that a student violated the Student Code. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Student Code as are provided to the Complainant, even if the victim is not acting as a Complainant.

4. "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Student Code(s). An anonymous report or a report by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such report may initiate an investigation and/or filing of a Complaint of Misconduct by an appropriate University official.

5. Conduct Board reference F. Definitions, pg. 9, item # 22.

6. "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation; or, a student, whose disciplinary suspension, expulsion or conditions and/or restrictions imposed, if any, have been totally fulfilled in a timely manner.

7. "Faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by University to be a member of its faculty.

8. "Flag" means the indicator placed on a student's official record which may prevent registration and/or the issuance of a transcript until the student meets the requirements of the University office placing the indicator, as described herein and in the Schools' catalogs.

9. "May" is used in the permissive sense.

10. "Member of the University community" means any person who is a volunteer including high school students, an enrolled student, faculty or staff member, and University official, any other person employed by the University or campus visitors.

11. "Policy" means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSC Student Handbook; Texas Tech University Residence Hall Calendar and Handbook, if applicable; School of Nursing handbook and catalog; Gayle Greve Hunt School of Nursing handbook and catalog; School of Medicine catalog; School of Health Professions catalog; School of Pharmacy catalog; Paul L. Foster School of Medicine catalog; the Graduate School of Biomedical Sciences Catalog; and/or the TTUHSC web page and computer use policies.

12. "Department Chair" means the Chair is charged primarily with mentoring and guiding faculty, overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and Texas Tech University Health Sciences Center (TTUHSC). Matters of student misconduct and academic deficiency that are addressed from faculty/program directors etc. are referred to the Department Chair and if not resolved refer to the appropriate student conduct administrator for each school.

13. "Registered student organization" means any number of students who have complied with the formal requirements for University registration.

14. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Vernon's Texas Codes Annotated, and Tax Code. The term "Religious Holy Day" generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Tex. Gov't Code § 62.112.

15. "Representative" means a University official authorized on a case-by-case basis by the Dean of each School to investigate and resolve alleged violations of the Code of Professional and Academic Conduct and the Residence Halls Standards of Student Behavior, if applicable.

16. "School" means School of Medicine, School of Nursing, School of Pharmacy, School of Health Professions, or Graduate School of Biomedical Sciences.

17. "Shall" is used in the imperative sense.

18. "Sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, participation in planning, coordination and implementation directed by members of the sponsoring organizations.

19. "Student" means all persons taking courses at the University, either full-time or part-time, pursing undergraduate, graduate or professional studies, specifically excluding School of Medicine House staff. In addition, for purposes of Part II of this Handbook, persons who withdraw or on leave of absence after alleging violating the Code, who are not officially

enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance may be considered "students."

20. "Student Code" means the TTUHSC Code of Professional Conduct, which is set forth in Part II of this Handbook. Section D, Misconduct, applies to all students, while Section E, Other Professional and Ethical Standards, applies to students in certain TTUHSC Schools. A student must have applied for admission or be enrolled in the applicable School before a School's provisions in Section E apply to the student.

21. "Student Conduct Administrator" means a TTUHSC official authorized by the Dean of each School to receive Complaints and administer the procedures outlined herein. The Student Conduct Administrator will provide technical assistance and support to the Student Conduct Board and may be present at the Student Conduct Board Hearing, but will not be present during the Board's deliberations. In any case in which the Student Conduct Administrator is the Complainant, the Dean or designee of the applicable School will appoint an alternate to serve as Student Conduct Administrator for that case. For each School, appointments are made as follows or as otherwise determined by the Dean.

a. For the Graduate School of Biomedical Sciences, the Assistant Dean.

b. For the School of Medicine, the Associate Dean for Academic Affairs.

c. For the School of Nursing, the Associate Academic Dean for Student Affairs and Education Support Services.

d. For the School of Health Professions, the Associate Dean for Admissions and Student Affairs.

e. For the School of Pharmacy, academic violations--the Assistant Dean for Student Services; professional violations--Associate Dean for Professional Affairs.

22. "Student Conduct Board" or "Board" means any person or persons authorized by the Dean of each School to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Dean shall appoint another person with the same or similar faculty/student status as the person declining to serve. For each School, appointments are made as follows.

a. For the Graduate School of Biomedical Sciences, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:

i. One (1) Faculty member from the membership of the Graduate Council, who shall serve as Chair;

ii. Two (2) other faculty members from the membership of the Graduate Faculty; and,

iii. Two (2) graduate students from the School.

b. For the School of Medicine, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:

i. Two (2) faculty members chosen by the Chair of the School Hearing Committee or designee;
ii. One (1) faculty member chosen by the Chair of the Student Affairs Committee or designee; and,
iii. Two (2) medical students, who will be chosen by the Chair of the Student Affairs Committee from a list of second, third, and fourth year students.

iv. The Board will elect one (1) of the faculty members as its Chair.

c. For the School of Nursing, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:

i. One (1) tenured faculty member, who will serve as Chair;

ii. Two (2) faculty members not directly involved with the Complainant or the Accused Student; and,

iii. Two (2) students not directly involved with the Complaint or the Accused Student.

d. For the School of Health Professions, the Student Conduct Board shall be appointed by the Dean as follows:

i. The Associate Dean for Admissions and Student Affairs serves as the Student Conduct Administrator and he/she will appoint a Student Conduct Board comprised of the following:

ii. One (1) faculty member who will serve as Chair

- iii. Two (2) faculty members not directly involved with the case
- iv. Two (2) students not directly involved with the case

e. For the School of Pharmacy, the Student Conduct Board shall be the appropriate Honor Council members pursuant to the School of Pharmacy OP 77.27.

23. "Student Conduct Board Hearing" or "Hearing" refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Student Code and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student's responsibility related to the alleged violation of the Student Code is valid and appropriate sanctions, if any.

24. "Student Handbook" or "Handbook" means the TTUHSC Student Handbook.

25. "Student organization" means any number of students who have complied with the formal requirements for Texas Tech University Health Sciences Center registration.

26. "University" means Texas Tech University System or Texas Tech University Health Sciences Center (inclusive of all regional sites and their components).

27. "University official" means any person employed by Texas Tech University System, Texas Tech University or Texas Tech University Health Sciences Center while performing their assigned administrative or professional responsibilities.

28. "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

29. "User" means any member of the University community who uses any University computing and/or networking resources.

30. "Will" is used in the imperative sense.

31. State law exclusively refers to the State of Texas

PART II. CODE OF PROFESSIONAL CONDUCT ("STUDENT CODE")

A. General Policy

1. An environment in which the privileges of citizenship are protected and the obligations of citizenship are understood fosters freedom of discussion, inquiry, and expression. Accordingly, the University community has developed standards of behavior pertaining to students and to student organizations.

2. Students and student organizations are subject to disciplinary action according to the provisions of the Student Code and/or any other applicable University rules or regulations.

3. Each student is responsible to become familiar with the various regulations of the University and meet the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools' individual catalogs. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of University officials to take such disciplinary action, including dismissal or expulsion, as may be deemed appropriate for failure to abide by such rules and regulations.

4. Each student is responsible for his/her own integrity, and is likewise responsible for reporting possible violations of this Student Code by other students. Faculty and staff shall take all reasonable steps to prevent violations, and each faculty/ staff member likewise is responsible for reporting violations.

B. Disciplinary Jurisdiction

1. The Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University and/or pursuit of its objectives. On a case-by-case basis, the Dean and his/her designee of each respective School, in his or her sole discretion, shall determine whether the Student Code should be applied to conduct occurring off premises.

2. All students are expected to subscribe to an honor system which is implicit in accepting admission to the University. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to persons who withdraw after alleged violation of the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance.

C. Violation of Law and TTUHSC Discipline

A disciplinary proceeding may be instituted against a student regardless of whether conduct allegedly violates both the criminal and/or civil law and/or this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil and/or criminal proceedings at the discretion of the Dean of each School. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

D. Misconduct

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. Alcoholic Beverages

a. The use, possession, sale, delivery or distribution of alcoholic beverages, except as expressly permitted by University policy or as allowed by law.

b. Being under the influence of alcohol and/or intoxication except as allowed by law.

NOTE: State law will be strictly enforced at all times on all property controlled by the University and is inclusive of all regional sites and its components.

2. Narcotics or Drugs

a. Use, possession, sale, delivery or distribution of any narcotic, drug or medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia, except as expressly permitted by the laws of the State of Texas; or,

b. Being under the influence of narcotics or drugs, except as permitted by law.

c. The failure of a drug test whether required by TTUHSC or any health care facility to which a student is assigned or has any type of patient care, contact or responsibility.

3. Firearms, Weapons, and Explosives

a. Use or possession of firearms, ammunition, explosive weapons, illegal knives and other deadly weapons are prohibited on university property except as specifically authorized by federal, state, or local laws.

b. Campus Carry Policy, TTUHSC OP 10.30

- As a health-related educational institution, TTUHSC facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC 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 is committed to the following principles for the campus environment:
- TTUHSC will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
- Within reasonable effort, TTUHSC will create an environment in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
- TTUHSC will communicate safety policies to stakeholders through all appropriate means.

NOTE: Possession of weapons by licensed holders of concealed handguns is prohibited on University premises. The Texas Tech Police Department provides storage for weapons and firearms.

4. Theft, Damage, or Unauthorized Use

a. Attempted or actual theft of property of the University, students, of members of the University community or campus visitors;

b. Possession of property known to be stolen or belonging to another person without the owner's permission;

c. Attempted or actual damage to property of the University, University students, members of the University community or campus visitors; or,

d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or drivers license number.

5. Actions Against Members of the University Community

a. Physical harm or threat of harm to any person;

b. Intentional or reckless conduct which endangers the health or safety of any person, campus visitor, or volunteer;

c. Behavior that disrupts the normal operation of the University, including its students, faculty, staff or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a student tor students' academic pursuits or a faculty or staff's work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.

d. Sexual conduct that involves:

i. Deliberate touching of another's sexual parts without consent;

ii. Deliberate sexual invasion of another without consent; or,

iii. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at risk of sexual injury; see Part IV Anti-discrimination and Title IX.

e. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile or demeaning environment for an individual's:

- i. Academic pursuits;
- ii. University employment;
- iii. Participation in activities sponsored by the University or organizations or groups related to the University; or,
- iv. Opportunities to benefit from other aspects of University life; see Part IV Anti-discrimination and Title IX.

f. Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.

g. Actions involving free expression activities are covered in Parts VII and VIII of this Handbook.

6. Gambling, Wagering, or Bookmaking

Gambling, wagering, or bookmaking on University premises is prohibited.

7. Hazing

Hazing means any intentional, knowing or reckless act directed against a student, occurring on or off campus, by one or more individuals acting alone or collectively, that endangers the mental or physical health or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose members are, or include, students. Consent or acquiescence by a student or students subjected to hazing is not a defense in a disciplinary proceeding. Hazing includes, but is not limited to:

a. Any type of physical or emotional brutality, or the threat of such activity, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity;

b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;

c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health or safety of a student;

d. Any activity that intimidates or threatens a student with ostracism that subjects a student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this university, or that may reasonably be expected to cause a student to leave the organization or the university rather than submit to acts described above;

e. Any activity in which a person engages in, solicits, encourages, directs, aids or attempts to aid another, directly or indirectly, in hazing; intentionally, knowingly or recklessly permits hazing to occur; having firsthand knowledge of the planning of a specific hazing incident which has occurred; and fails to report the incident in writing to the specific School's student affairs office;

f. Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates or alumni of the organization in committing or assisting in the commission of hazing; or,

g. Any act that is unlawful as designated by local, state, or federal government.

NOTE: Texas Education Code, Sections 37.151-37.157 and Section 51.936

8. False Alarms or Terrorist Threats

Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibulators (AED) or emergency signs on University premises.

9. Financial Irresponsibility

Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds, see also 4d above.

- 10. Unauthorized Entry, Possession or Use
 - a. Unauthorized entry into or use of University facilities;

b. Unauthorized possession or duplication, processing, production, or manufacture of any key or unlocking device or access code for use in any University facility;

c. Unauthorized use of the University name, logotype, registered marks or symbols of the University; or,

d. Use of the University's name to advertise or promote events or activities in a manner which suggests sponsorship by the University without prior written permission.

11. Traffic and Parking

a. Violation of University Traffic and Parking regulations; or,

b. Obstruction of the free flow of vehicle, pedestrian or other traffic on University premises.

12. Housing and Dining Services Regulations

Violation of rules, which govern behavior in the campus residence and/or dining halls as stated in the Residence Hall Handbook and/or other notifications or publications provided by the University Department of Housing and Dining Services.

13. Student Recreation and Aquatic Center Regulations

Violation of rules, which govern behavior as determined by TTU or the University Student Recreation Center and Aquatic Center.

14. Failure to Comply with Reasonable Directions or Requests of University Officials

Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.

15. Failure to Present Student Identification

The failure to present their student identification to any University official upon request and identify himself/herself to any University official acting in the performance of his/her duties. The student identification card is 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.

16. Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer or Network Equipment

a. Unauthorized use of computing and/or networking resources;

b. Use of computing and/or networking resources for unauthorized or non-academic purposes;

c. Unauthorized accessing or copying of programs, records or data belonging to the University or another user or copyrighted software, without permission;

d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources;

e. Attempted or actual use of the University's computing and/or networking resources for personal or financial gain;

f. Attempted or actual transport of copies of University's programs, records or data to another person or computer without written authorization;

g. 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;

h. 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,

i. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

17. Providing False, Misleading or Untrue Statements Misuse of Records

Knowingly providing to the University, or to a University official in the performance of his/her duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of identification. 18. Skateboard, Roller Blades, or Similar Devices

Use of skateboards, roller blades or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property or which disrupts the normal operation of the University.

NOTE: Also refer to TTUHSC OP 76.32, Traffic and Parking Regulations.

19. Academic Misconduct

a. A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part II.D). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with Part II.D.

b. "Academic misconduct" involves any activity that tends to compromise the academic integrity of the University, or subvert the educational process, including, but not limited to, cheating, plagiarism, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student or the attempt to commit such an act.

c. "Cheating" includes, but is not limited to:

i. Using any aid, sources and/or assistance beyond those authorized by the instructor in taking a course, laboratory, field work, quiz, test or examination; writing papers; preparing reports; solving problems; or carrying out assignments;

ii. Failing to comply with instructions given by the person administering the test;

iii. Using, buying, stealing, transporting or soliciting in whole or part the contents of an examination, test key, homework solution or computer program;

iv. Seeking aid, receiving assistance from, or collaborating (collusion) with another student or individual during a course, quiz, test, examination or in conjunction with other assignment (including, but not limited to writing papers, preparing reports, solving problems or making presentations) unless specifically authorized by the instructor;

v. Discussing the contents of an examination with another student who will take the examination;

vi. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room, be returned to or kept by the student;

vii. Substituting for another person, or permitting another person to substitute for oneself to take a course, test or any course-related assignment;

viii. Paying or offering money or other valuable thing to, or coercing another person to obtain an examination, test key, homework solution or computer program, or information about an examination, test key, homework solution or computer program;

ix. Falsifying research data, laboratory reports and/or other academic work offered for credit;

x. Taking, keeping, misplacing or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;

xi. Possession at any time of current or previous test materials without the instructor's permission;

xii. Acquisition or dissemination by any means, without written permission, of tests or other academic material belonging to a member of the University community;

xiii. Alteration of grade records;

xiv. Bribing, or attempting to bribe, a member of the University community or any other individual to alter a grade; xv. Falsification, fabrication, or dishonesty in reporting laboratory and/or research results;

xvi. Submitting substantially the same work to satisfy requirements for one course that has been submitted in satisfaction of requirements for another course, without specific permission of the instructor of the course for which the work is being submitted.

xvii. Possession during an exam of prohibited materials, including but not limited to study/review materials, class notes, review questions, etc.

d. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work (such as words, ideas, expressions, illustrations, or product of another), in whole or in part, and the submission of it as one's own work offered for an academic credit or requirement. When a student presents the works of another (published or unpublished) in his/her academic work, the student shall fully acknowledge the sources according to methods prescribed by his/her instructor.

e. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the University and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the University. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms and reporting forms used by the Office of the Registrar.

f. "Misrepresenting facts" to the University or an agent of the University includes, but is not limited to, providing false grades or resumes, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual, or providing false or misleading information in an effort to injure another student academically or financially.

g. For additional information relating to the School of Medicine Academic Misconduct procedures, please refer to E.1.d.

20. Violation of Published University Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, applicable publications for each TTUHSC School, such as student handbooks, catalogs, professional and ethical standards and course syllabus.

21. Violation of Federal, State, and/or Local Law Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

22. Abuse of the Discipline System

a. Failure by an Accused Student to comply with or respond to a notification to appear before the Dean of his or her School, Dean's representative and/or an official of the University, including, but not limited to, the Student Conduct Administrator, during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Dean or Dean's representative and/or an official of the University from proceeding with disciplinary action; b. Falsification, distortion or misrepresentation of information in disciplinary proceedings;

c. Disruption or interference with the orderly conduct of a disciplinary proceeding;

d. Filing an allegation known to be without merit or cause;

e. Discouraging or attempting to discourage an individual's proper participation in, or use of, the discipline system; f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding;

g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a disciplinary body prior to, during and/or after disciplinary proceeding;

h. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Student Code;

i. Influencing or attempting to influence another person to commit an abuse of the discipline system; or,

j. Retaliation against any person or group who files a Complaint of Misconduct in accordance with the Student Code or files a grievance under the applicable School grievance policy.

E. Other Professional and Ethical School Standards

In addition to the Misconduct identified in Part II.D, the following constitute professional and ethical standards for individual TTUHSC Schools and for the basis of a disciplinary action.

1. School of Medicine

a. All students entering the TTUHSC School of Medicine are required to subscribe to the Medical Student Honor Code, as well as the Student Code. Adherence to the Medical Student Honor Code and the Student Code is considered a requirement for admission to the School of Medicine.

b. TTUHSC School of Medicine students, as well as medical professionals in general, are expected, not only by patients, but also by society as a whole, to possess certain attributes, which include, but are not limited to:

i. Altruism, whereby they subordinate their own interests to take care of their patients;

ii. High ethical and moral standards;

iii. Honesty, integrity, trustworthiness, caring, compassion and respect in their interactions with patients, colleagues and others;

iv. Accountability, not only for their own actions, but also for those of their colleagues, which is the basis for the autonomy of the profession; and,

v. Maintaining confidentiality concerning the patient and the patient's records.

c. Medical Student Honor Code

"In my capacity as a Texas Tech University Health Sciences Center School of Medicine medical student, I will uphold the dignity of the medical profession. I will, to the best of my ability, avoid actions which might result in harm to my patients. I will protect the dignity of my patients and the deceased, and will protect their confidential information in accordance with the prevailing standards of medical practice. I will not lie, cheat, or steal. I will enter into professional relationships with my colleagues, teachers, and other health care professionals in a manner that is respectful and reflective of the high standards and expectations of my profession. I will not tolerate violations of this Code by others and will report such violations to the appropriate authorities."

d. In matters of Academic Misconduct, the student shall refer to the School of Medicine Student Affairs Handbook, Code of Professional and Academic Conduct and Promotions Policy.

2. TTUHSC School of Nursing

a. All students entering into the TTUHSC SON are required to subscribe to the standards and codes of the profession.

b. TTUHSC SON students as nursing professionals, are expected by patients and society as a whole to adhere to:

- i. American Nurses Association (ANA) Code of Ethics for Nurses, and the;
- ii. Texas Board of Nurse Practice/Unprofessional Conduct Rules.

c. Students who fail to uphold and/or comply with the above codes and standards for safe and professional nursing practice will be considered in violation of the law and/or professional nursing standards.

3. School of Pharmacy

a. The following principles of professional conduct are established to guide pharmacists in relationships with patients, fellow practitioners, other health professionals, and the public. A Pharmacist should hold the health and safety of patients to be of first consideration and should tender to each patient the full measure of professional ability as an essential health practitioner. All candidates of the TTUHSC School of Pharmacy shall subscribe to the Student Code. Each candidate implicitly and personally subscribes to the following, as well as the Student Code, in accepting admission to the School of Pharmacy.

i. A Pharmacist should never knowingly condone the dispensing, promoting or distributing of drugs or medical devices, or assist therein, that are not of good quality, that do not meet standards required by law, or that lack therapeutic-value for the patient.

ii. A Pharmacist should always strive to perfect and enlarge professional knowledge. A pharmacist should utilize and make available this knowledge as may be required in accordance with the best professional judgment.

iii. A Pharmacist has the duty to observe the law, to uphold the dignity and honor of the profession, and to meet and maintain ethical principles. A pharmacist should not engage in any activity that will bring discredit to the profession and should expose, without fear or favor, illegal or unethical conduct in the profession.

iv. A Pharmacist should seek at all time's only fair and reasonable remuneration for professional services. A pharmacist should never agree to, or participate in, transactions with practitioners of other health professions or any other person under which fees are divided or that may cause financial or other exploitation in connection with the rendering of professional services.

v. A Pharmacist should respect the confidential and personal nature of professional records; except where the best interest of the patient requires or the law demands, a pharmacist should not disclose such information to anyone without proper patient authorization.

vi. A Pharmacist should not agree to practice under terms or conditions that interfere with or impair the proper exercise of professional judgment and skill, that cause a deterioration of the quality of professional services, or that require consent to unethical conduct. A Pharmacist should strive to provide information to patients regarding professional services truthfully, accurately and fully and should avoid misleading patients regarding the nature, cost or value of those professional services.

vii. A Pharmacist should associate with organizations having as their object the betterment of the profession of pharmacy and should contribute time and funds to carry on the work of these organizations.

viii. Acts of plagiarism or any other acts of academic dishonesty (as defined in Part II.D above) by students on any assignment, quiz or examination shall result in a course grade of zero (0) and may also result in the additional sanctions identified in Part II.G below.

ix. Permanent dismissal of a pharmacy candidate from a professional clerkship or affiliated healthcare system for academic or professional misconduct shall constitute violation of the code and will be subject to further sanctions identified in Part II.G below in addition to a course grade of zero (0) for the course clerkship.

x. Violations of the School of Pharmacy Professional Conduct Code will constitute demonstration of professional misconduct and are subject to sanctions as identified in Part II G below. The student should refer to the School of Pharmacy Professional Conduct Code located at <u>www.ttuhsc.edu/sop/academicinfo/docs/Pro-fessional_Conduct_Code_Final.pdf</u>

-Incidences of academic or professional misconduct as well as violations of the Code, regardless of severity, shall result in a review of the student's disciplinary file by the Student Conduct Administrator and patterns of habitual misconduct, regardless of severity, shall result in escalation of the sanctions administered by the School of Pharmacy as outlined in the School of Pharmacy Procedures for Academic/Professional Misconduct http://www.ttuhsc.edu/studentservices.

xi. Course Failures Resulting from Sanctions Secondary to Academic or Professional Misconduct

A first course failure resulting from sanctions enforced due to academic or professional misconduct will result in the student being placed on academic probation. If the student is in good standing at the time, then the student will be placed on first probation. If the student is already on academic probation, then the failure will raise the student's probation by 1 level (i.e. 1st to 2nd or 2nd to Dismissal).

A second course failure resulting from sanctions due to academic or professional misconduct, regardless of semester, will result in student dismissal from the school.

4. School of Health Professions

Students in the School of Health Professions will not lie, cheat, or steal or tolerate those who do.

F. Disciplinary Procedures Academic issues, such as grading and promotion issues, should be addressed by each school's policies and procedures.

1. Nature of Proceedings. These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under individual School policies.

2. Procedural Deviations. If the Student Conduct Board has not yet been appointed, or in the absence of the Chair of the Student Conduct Board, the parties and the Student Conduct Administrator may agree in advance and in writing to deviations from procedure. If a Student Conduct Board has been appointed, the parties and the Chair of the Student Conduct Board may mutually agree to procedural deviations, such as deadlines for submission of evidence and hearing dates and times.

NOTE: Any notices that are sent by mail will be considered to have been received on the third calendar day after the date of mailing, excluding any intervening Saturday, Sunday or holiday.

3. Filing A Complaint

a. Any faculty, staff, or student of TTUHSC may file a Complaint(s) against a student(s) or a student organization(s) for violation(s) of the Student Code. A preliminary investigation/discussion with a supervisor (program director, chair, etc.) must be done prior to filing a Complaint. If a basis for the Complaint exists, Attachment A shall be completed and delivered by the Complainant to the Student Conduct Administrator. A Complaint shall be submitted no later than twenty (20) business days from the date of the event or when the Complainant becomes aware of the event. Complaints filed more than twenty business days after the event shall include a justification for the delay and will be accepted on a "case by case" basis as determined by the Student Conduct Administrator.

b. When a Complaint is filed, the Student Conduct Administrator will provide the Accused Student with the Complaint of Misconduct filed by the Complainant and will notify the Accused Student in writing that he or she shall appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. The Accused Student shall meet with the Student Conduct Administrator.

c. The Student Conduct Administrator may conduct an informal meeting to determine if the complaint may be disposed prior to a formal hearing. Any informal disposition must be in writing and agreed to by all of the parties. Such disposition shall be final and there shall be no subsequent proceedings. The Student Conduct Administrator will send a written notification of the resolution to all parties involved.

d. If the Complaint is not disposed of administratively under Part II.F.3.c above, the Student Conduct Administrator will meet with the Accused Student to determine if the Accused Student admits or denies violating institutional rules.

i. If the Accused Student admits violating institutional rules, but sanctions are not agreed to, a Student Conduct Board Hearing shall be conducted in accordance with Part II.F.4 but shall be limited to recommending the appropriate sanction(s) Part II.G.

ii. If the Accused Student denies violating University rules, the allegations shall be referred by the Student Conduct Administrator for a Hearing before the Student Conduct Board under Part II.F.4 below.

e. A Student Conduct Board Hearing shall be scheduled within thirty (30) business days after the Accused Student has met with the Student Conduct Administrator under Part II.F.3.d. above. In cases in which an examination period intervenes between the time of the notice to the Accused Student and the Student Conduct Board Hearing date, such Hearing will be held during the first week in which classes are again in session. In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.

4. Student Conduct Board Hearings

a. *Closed Hearing.* A Student Conduct Board Hearing will be conducted in closed session. Any request for an exception must be submitted in writing to the Chair of the Student Conduct Board, who shall render a final written decision.

b. *Hearing Notice.* At least fifteen (15) business days prior to the Student Conduct Board Hearing, the Chair of the Student Conduct Board will provide written notice to the parties of the following:

i. Date, time and place for the hearing,

ii. Name of the members of the Student Conduct Board,

iii. Summary statement of the charge(s), or a copy of the complaint and

iv. That at least five (5) business days prior to the Student Conduct Board Hearing, the Accused Student and the Complainant submit the information outlined herein below.

c. *Challenge*. An Accused Student and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice by submitting their reasons for the challenge to the Student Conduct Administrator. The student shall specificity with and clarity detail each reason for such challenge. Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board Administrator or his or her designee that the member can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and a substitute will be appointed by the Student Conduct Administrator. If such member is removed the Student Conduct Administrator, may in his or her sole discretion choose to reschedule the hearing.

d. *Evidence Submission.* At least ten (10) business days prior to the date scheduled for the Student Conduct Board Hearing, the Complainant and the Accused Student must submit to the Chair of the Student Conduct Board the following information, if applicable. Requests for extensions to file information with the Student Conduct Board shall be submitted to the Chair.

- i. All pertinent records and exhibits:
- ii. Written statements must be notarized (including Impact or Position Statements);
- iii. A list of all witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant

iv. 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.

e. *Evidence Exchange*. At least five (5) business days prior to the hearing, the Chair will provide each party with the information, if any, submitted by the other party.

f. Separate or Joint Hearings. A Student Conduct Board Hearing involving two or more Accused Students, may be conducted separately or jointly as determined by the Student Conduct Administrator. An accused student may request in writing to the Student Conduct Administrator a separate hearing up to three (3) business days after receiving the notice of hearing. The Student Conduct Board Administrator shall notify the student within three (3) business days the determination of the request.

g. *Recordings.* The University shall record, either digitally, through audiotape, or otherwise as deemed appropriate all Student Conduct Board Hearings until such time that the Student Conduct Board begins discussion and deliberation and prepares its' Findings and Recommendations. Deliberations shall not be recorded. The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the Accused Student nor any witnesses are permitted to make any independent record of the proceedings.

h. *Hearing Attendance.* The Complainant, Accused Student and their respective advisor, if any, shall be allowed to attend the portion of the Student Conduct Board Hearing at which information is received, excluding deliberations.

i. *Advisors.* The advisor must be a faculty, staff, or student of TTUHSC. However, if an Accused Student is also the subject of a pending criminal investigation, indictment or charge arising out of the same circumstances, he or she may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate only in the same manner as any other advisor. If an advisor for the Accused Student is an attorney, an attorney from the Office of General Counsel may attend the Student Conduct Board Hearing on behalf of the University. The University will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems it

necessary.

The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly or indirectly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Chair upon written request seven (7) business days in advance of the date scheduled for the Student Conduct Board Hearing.

j. *Witnesses.* Members of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the Accused Student may be limited in the sole discretion of the Chair of the Student Conduct Board for such issues as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and/or providing for the efficient administration of the Hearing. Witnesses are permitted to attend the Student Conduct Board Hearing only during the time they are providing testimony, they are being questioned by the complainant, the accused or the committee unless the Student Conduct Board Chair, in his/her sole discretion determines otherwise.

i. *Parties Witnesses.* The Complainant and the Accused Student may arrange for witnesses to present pertinent information to the Student Conduct Board. The Complainant and the Accused Student are responsible for arranging for the voluntary attendance of his or her own witnesses.

ii. *Board Witnesses.* In its sole discretion, the Student Conduct Board may call other witnesses not identified by the Accused Student or the Complainant. If prior to the hearing the Student Conduct Board anticipates calling additional witnesses, the Board shall notify the Chair of the Student Conduct. The Chair of the Student Conduct Board will then arrange for the voluntary attendance of the witnesses identified by the Student Conduct Board. The Chair of the Student Conduct shall notify the Accused Student and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board intends to present written information to the Board, the Chair of the Student and the Student Conduct Board is responsible for forwarding such information to the Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the Hearing with the Accused Student and Complainant present.

k. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not been appointed, the Student Conduct Administrator will issue a final decision in response to procedural questions.

I. *Deliberations.* If the Student Conduct Board concludes that all pertinent information has been received, the Student Conduct Board shall adjourn the Hearing to discuss, deliberate and prepare Findings and Recommendations. The Student Conduct Board will determine by a simple majority (more than half of the votes cast) of members present at a duly called meeting vote whether the Accused Student has violated any section of the Student Code which the student is charged with violating. If the Student Conduct Board finds a violation(s) of the Student Code, the Student Conduct Board may also recommend all or any of the sanctions identified in Part II.G below.

m. *Failure to Appear.* The Accused Student is expected to attend and participate in the Student Conduct Board Hearing. If the Accused Student or the Complainant elects not to attend a hearing after appropriate written notice Section II.F...4.b above, the charges will be reviewed as scheduled on the basis of the information available, and a recommendation will be made by the Board. Although no inference may be drawn against an Accused Student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the

evidence presented. No decision shall be based solely on the failure of the Accused Student to attend the hearing or answer the charges.

n. *Findings and Recommendations.* The Chair is responsible to prepare the Student Conduct Board's Findings and Recommendations in writing. If the Findings and Recommendations are not unanimous, opinion(s) may be written by those who differ with the Majority's Findings and Recommendations. The Chair will forward the Findings and Recommendations, including differing opinion(s), within ten (10) business days to the Dean, the Student Conduct Administrator, the Accused Student and the Complainant.

o. *Dean's Review.* The Dean will review the Findings and Recommendations of the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing within ten (10) business days from receipt to the Accused Student, the Complainant, the Student Conduct Administrator, and the Chair of the Student Conduct Board. Actions of the Dean are not limited to sanctions recommended by members of the Student Conduct Board. The Dean's decision shall be final.

p. *Appeal.* Within ten (10) business days of receipt of the decision of the Dean, if either party believes that the due process procedures have been violated, an appeal may be made, in writing, to the President of the University. The President will review the case and notify all parties of his decision within ten (10) business days. If a written appeal is not submitted within ten (10) business days following receipt of the Dean's letter, the right to appeal is thereby waived and the Dean's decision is final.

The Accused Student or Complainant may only raise, and the President shall only consider, the following:

a. Whether a procedural deviation occurred that substantially affected the outcome of the case;

b. Whether there is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

The President will review the Findings and Recommendations and, at his or her sole discretion, the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing to the Accused Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Dean. The President's decision shall be final.

G. Sanctions

1. Sanctions which may be recommended by the Student Conduct Board, and imposed by the Dean of the School, upon any student found to have violated this Student Code. include but are not limited to the following:

a. *Failing Grade or Cancellation of Credit.* Failing grade for an examination or assignment or for a course, and/or cancellation of all, or any portion, of a prior course credit.

b. *Censure.* A notice in writing to the student that the student is in violation or has violated institutional regulations. At the Dean's discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

c. *Probation.* A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the likelihood of more severe disciplinary sanctions if the student is found to violate any institutional

regulation(s) during the probationary period.

d. Loss of Privileges. Denial of specified privileges for a designated period of time.

e. *Restitution.* Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. *Discretionary Sanctions*. Assignments may be made at the discretion of the board, such as work assignments, essays, training, service to the University, temporary dismissal from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the students' disciplinary file or other related discretionary assignments.

g. Suspension. Separation of the student from University for a defined (or specific) period of time, after which the student is eligible to return. Conditions for readmission must be specified.

h. *Dismissal With or Without Readmission.* Separation or dismissal of the student from their current program, with or without the option to apply for readmission to the University. The student's transcript will reflect the nature of the dismissal.

i. *Revocation of Admission and/or Degree.* Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation or other violations of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

j. *Withholding Degree.* The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Disciplinary Procedures.

k. *Multiple Sanctions.* More than one of the sanctions listed above may be imposed for any single violation.

I. Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

2. Other than dismissal from the University or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the Office of the Dean for the applicable School.

3. In situations involving both an Accused Student(s) (or a registered student organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim.

4. The following sanctions may be imposed upon registered student organizations and/or members thereof:

a. Those sanctions listed above in Part II.G.1 above.

b. Loss of selected rights and privileges for a specified period of time.

c. *Deactivation.* Loss of all privileges, including University recognition and/or registration, for a specified period of time.

H. Interpretation and Revision

1. Any question of interpretation or application of this Student Code shall be referred to the Dean of the appropriate School or his or her designee for final determination.

2. The Student Code Review Committee (Review Committee) shall conduct an annual review of the Student Code and make recommendations to the President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Student Code. The Review Committee is composed of the Student Affairs representatives from each School. The President may invite recommendations by the President of the Student Government Association. A quorum for the Review Committee is four members.

PART III. WITHDRAWAL OF CONSENT

A. Recommendation to Withdraw Consent During Periods of Disruption

1. The term "period of disruption" is any period in which it reasonably appears that there is any of the following (Texas Education Code § 51.231):

- a. Threat(s) of destruction to University premises;
- b. Physical or emotional injury to human life on University premises; or,
- c. Threat(s) of willful disruption of the orderly operation of the University.

2. During periods of disruption, the Department Chair within the applicable School may recommend to the Dean that prior to a Student Conduct Board Hearing, and in accordance with Texas Education Code, Section 51.233, a student have his/her consent to be in attendance at the University or on University premises be withdrawn when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University premises and that his/her presence on University premises will constitute a substantial and material threat to the orderly operation of the University premises.

3. Withdrawal of Consent shall not be longer than fourteen (14) days from the date on which consent was initially withdrawn.

4. Withdrawal of Consent is specifically provided by state statute (Texas Education Code § 51.233, et seq.). The provisions of Part III do not affect the power of the University to suspend, dismiss, or expel any student or employee at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Student Code, and Withdraw of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.

B. Concurrence by Dean

1. If the Dean concurs with the Department Chair's recommendation, the student will have his/her consent to be in attendance at the University or on University premises withdrawal in writing by the Dean. Texas Education Code § 51.233(a) & 51.234.

2. The written notice by the Dean shall contain all of the following:

a. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed fourteen (14);

b. 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;

c. Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,

d. Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt by the Dean of a request for hearing from the person.

3. Whenever consent is withdrawn by the Dean, the Dean shall submit a written report to the President within twentyfour (24) hours, unless the Dean has reinstated consent for the student. The report shall contain all of the following:

a. Description of the student, including, if available, the student's name, address, and phone number; and,

b. Statement of the facts giving rise to the Withdrawal of Consent.

C. Confirmation by President

1. If the President or his/her designee upon reviewing the written report described above finds that there was reasonable cause to believe that the student has willfully disrupted the orderly operation of the University or university premises, and that his presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, he/she may enter written confirmation upon the report of the action taken by the Dean. Texas Education Code § 51.236 (b).

2. If the President or his/her designee does not confirm the action taken by the Dean within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed to have been made for probable cause.

D. Hearing

1. The student from whom consent to remain on campus has been withdrawn may submit a written request for a hearing to the President, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.

2. The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

a. *Hearing Notice*. Upon receipt of the request for hearing, the President shall grant the request and immediately mail a written notice of the time, place, and date of the hearing, along with pertinent records, exhibits and written statements to the student. A hearing will be conducted not later than three (3) days from the date that the President receives the request for hearing. The Hearing Committee will be appointed by the President and will be comprised of members from the respective schools other than the accused.

b. *Representation.* The student may be represented by counsel. The University will be represented by the Office of General Counsel.

c. *Witnesses.* The student, as well as the Department Chair who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

d. *Evidence*. All matters upon which the decision to withdraw consent may be based shall be introduced into evidence at the hearing. The decision to withdraw consent shall be based solely on the evidence presented at the hearing. At least one (1) day prior the date scheduled for the Hearing, the parties must submit to the Chair of the Hearing Committee the following information, if applicable.

- i. All pertinent records, exhibits and written statements (including Impact or Position Statements);
- ii. A list of witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant, including a

brief summary of the information to be given by each; and,

iii. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4.i.

e. Procedural Questions. All procedural questions are subject to the final decision of the Chair.

f. *Recordings.* University shall record, either digitally or through audiotape, or otherwise as deemed appropriate all Hearings until such time that the Hearing Committee begins discussion and deliberation and prepares Findings and Recommendations. Deliberations shall not be recorded. The record is University property.

g. *Appeal to President.* The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the President. If the student does not appeal the decision by the hearing committee, the decision is final. The president will review and render a decision within seven (7) days.

h. Appeal to the Board of Regents. If the student is not satisfied with the decision by the President, the student may appeal to the Texas Tech Board of Regents by sending a written appeal to the Chairman of the Board of Regents, with a copy to the President, within three (3) days from the date of the President's decision. If the student does not appeal the President's decision, the President's decision is final. If the student appeals to the Texas Tech Board of Regents, the decision by the Board is final.

PART IV. ANTI-DISCRIMINATION and SEXUAL MISCONDUCT POLICY and PROCEDURES (Including TITLE IX)

A. Introduction

Texas Tech University Health Sciences Center (TTUHSC) is an Equal Employment Opportunity employer and ensures compliance with federal and state employment laws and regulations. TTUHSC provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

1. Non-Discrimination and Anti-Harassment Policy (see TTUHSC OP 51.02 for complete policy)

TTUHSC is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. TTUHSC is dedicated to fostering and supporting a culture of mutual respect and communication.

This policy applies to all University students and employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on campus.

TTUHSC does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

TTUHSC expects all members of the University Community to comply with the law. Members of the University Community who violate University policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. See TTUHSC OP 51.02, *Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws* for additional information on TTUHSC's Non-Discrimination and Anti-Harassment Policy. <u>http://www.ttuhsc.edu/hsc/op/op51/op51/02.pdf</u>

2. Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy (see TTUHSC OP 51.03 for complete policy)

TTUHSC is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, the University prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the

University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

See TTUHSC OP 51.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint *Procedure*, for additional information on TTUHSC's policy and information on TTUHSC's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, interpersonal violence and stalking. http://www.ttuhsc.edu/hsc/op/op51/op5103.pdf

3. Definitions

For purposes of this Part IV, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at http://www.ttuhsc.edu/hr/Title9-Home.aspx.

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

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22. 011 (http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011).

b. **Employee** – Any person who receives a W-2 or 1042-S from the University, including full and part-time faculty, staff, and students.

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

d. Interpersonal Violence – An offense that meets the definition of domestic violence or dating violence:

• **Domestic Violence** – Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<u>http://www.statutes.legis.</u> <u>state.tx.us/docs/FA/htm/FA.71.htm#71.004</u>).

• Dating Violence – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined

based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<u>http://www.statutes.legis.</u> <u>state.tx.us/docs/FA/htm/FA.71.htm#71.0021</u>).

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

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

f. **Reporting Party** – A person or entity (in the case of the University) who submits a complaint alleging a violation of this policy.

g. **Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.

h. **Responsible Employee** – A University employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or Title IX Deputy Coordinators; or whom an individual could reasonably believe has this authority or duty.

Responsible Employees include, but are not limited to:

- Administrators;
- Academic advisors;
- · Coaches, and other athletic staff who interact directly with students;
- Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;
- Student services personnel;
- Graduate research assistants;
- Residence life or community advisors;
- Student organization advisors;
- All supervisory personnel;
- Human Resources personnel; and
- The Texas Tech Police Department.

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

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

violence, sexual violence, and other misconduct based on sex.

k. **Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.

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

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

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

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

• **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.

• **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity • **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<u>http://www.statutes.legis.</u> <u>state.tx.us/Docs/PE/htm/PE.22.htm#22.011</u>).

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:

• Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;

- Sexual voyeurism;
- Inducing another to expose one's genitals or private areas;
- Prostituting another; or
- Knowingly exposing someone to or transmitting a sexually transmitted disease.

m. Sexual Harassment – Unwelcome verbal, written, or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;

(2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or

(3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an

intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.

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

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

n. **Stalking** – A course of conduct directed at a specific person that would cause a reasonable person to fear for his/ her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Reporting Party. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (<u>http://www.statutes.legis.state.tx.us/SOT-WDocs/PE/htm/PE.42.htm#42.072</u>).

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

4. Title IX Coordinators

TTUHSC has a Title IX Coordinator who oversees the University's compliance with Title IX, which prohibits discrimination based on sex. TTUHSC has also designated Title IX Deputy Coordinators for students and employees.

The Office of Student Services will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of Sexual Misconduct by or between employees.

CONTACT	PHONE	ADDRESS	EMAIL
TTUHSC Title IX Coordinator Assistant Vice President of Human Resources	806-743-2865	TTUHSC Office of Human Resources, Room 1B100 Office of Human Resources Texas Tech University Health Sciences Center 3601 4th Street Stop 8100 Lubbock, TX 79430	TitleIXCoordinator@ttuhsc.edu
TTUHSC Title IX Deputy Coordinator for Students Assistant Vice President of Student Services	806-743-6426	TTUHSC Office of Student Services, Room 2C400 Office of Student Services Texas Tech University Health Sciences Center 3601 4th Street Stop 8310 Lubbock, TX 79430	TitleIXCoordinator@ttuhsc.edu
TTUHSC Title IX Deputy Coordinator for Employees Managing Director of the Office of Equal Employment Opportunity	806-742-3627	Office of Equal Employment Opportunity TTU Administration Building, Room 210 Box 1073 Lubbock, TX 79409	TitleIXCoordinator@ttuhsc.edu eeo@ttu.edu

5. Reporting Concerns

a. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO.

b. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of Law Enforcement Agencies, please see page 45. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.

c. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services. For more information about the SAFE, see http://hopelaws.org/ or https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors.

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

e. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the University Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.

f. Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.

6. Office of Civil Rights Complaints

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

7. Non-retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. TTUHSC will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

8. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

9. Faculty/Staff and Student Relationships

TTUHSC is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean or the Assistant Vice President for Student Services.

10. Grievance or Complaint Processes

A grievance is a formal complaint pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law.

a. Grievances and Investigations - Complaints Involving Employees, Whether, Faculty, Staff, or Students

1. This grievance process is applicable to all students who choose to complain about Sexual Misconduct, unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the Responding Party is an employee, whether faculty, staff or student.

2. All grievance investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.

3. The filing of a grievance shall not affect the ability of TTUHSC to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance.

4. A student may consult with the Assistant Vice President for Student Services to determine if he/ she wishes to file a formal grievance. Students wishing to file a grievance should complete the grievance form located at <u>www.ttuhsc.edu/studentservices</u>. However, even if a formal grievance is not filed, the Assistant Vice President for Student Services may notify key personnel at his or her discretion about the allegation, and other action may be taken by TTUHSC as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of TTUHSC's policy and educating departments and supervisors as needed on this and other policies.

5. If the grievance involves the Assistant Vice President for Student Services, the grievance should be presented to the Equal Employment Opportunity Office.

6. Student complaints of Sexual Misconduct, discrimination or harassment by an employee will be investigated jointly by the Assistant Vice President for Student Services or his/her designee, and the Office of Equal Opportunity.

7. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant

individuals. The extent of

the investigation and its procedures will be determined by and at the discretion of the Assistant Vice President for Student Services or the Equal Employment Opportunity Office or other administrators may be consulted to assist with the investigation.

8. After the investigation is complete, the Assistant Vice President for Student Services or Equal Employment Opportunity Office or designee will provide a written determination to the student who has filed the grievance, the accused parties, and the appropriate administrators.

9. The findings of the Assistant Vice President for Student Services or the Office of Equal Employment Opportunity is final and not appealable.

10. In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.

11. Any disciplinary taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Assistant Vice President for Students and the Office of Equal Employment Opportunity at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via copy of a counseling or other written disciplinary action, resignation, termination document, etc.

12. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Officer of Equal Employment Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance has taken place the student should contact the Vice President for Student Services or the Office of Equal Employment Opportunity, and/or file a grievance for retaliation.

13. In the event of a finding of a violation of this policy, the Office of Equal Employment Opportunity will follow up with the grievant within 60 days to ensure that the complained of behavior has ceased.

- 14. In addition, in complaints of Sexual Misconduct against employees the provisions of TTUHSC OP 51.03 (5)
- (b) shall apply and control.
- b. Grievances and Investigations Complaints Involving Other Students

Grievances and investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC policy are guided by the Student Conduct Procedures outlined in the Student Handbook, Part II and Part IV, B, as applicable. Section B of this Part IV of the Student Handbook contains the processes and procedures pertaining to Sexual Misconduct involving other Students.

B. Sexual Misconduct Complaints Involving Other Students

1. Jurisdiction.

a. Part IV of the Student Handbook shall apply to conduct that occurs on TTUHSC premises, at TTUHSC sponsored activities, and to off-campus conduct that adversely affects TTUHSC and/or pursuit of its objectives. On a case-by-case basis, the Deputy Title IX Coordinator for Students and/or his/her designee, in his or her sole discretion, shall determine whether this Part IV of the Student Handbook should be applied to conduct occurring off premises. Part IV may be applied to behavior conducted online, via email, or other electronic medium. Students

should also be aware that online postings such as blogs, web postings, chats and social networking sites are in

the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. TTUHSC does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

b. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Part IV of the Student Handbook shall apply to persons who withdraw after alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with TTUHSC, or who have been notified of their acceptance.

c. This Part IV. B. of the Student Handbook refers to processes and procedures pertaining to Sexual Misconduct. For all other types of misconduct, refer to Part II of the Student Handbook.

2. Timelines

It is recommended that reports of Sexual Misconduct should be received by the Deputy Title IX Coordinator for Students within ten (10) university working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays

3. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in TTUHSC proceedings in Part IV. B. of the Student Handbook is the preponderance of evidence. The term "preponderance of evidence" is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

4. Reporting Allegations of Sexual Misconduct

To file allegation(s) of Sexual Misconduct against student(s) or student organization(s), individuals must complete a Complaint of Sexual Misconduct form that can be found as Appendix A in the Student Handbook. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at 3601 4th Street, Room 2C400 located in the Office of Student Services.

5. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding

Party, may affect the integrity of the investigation.

Students may make confidential reports to the University Student Counseling Center. Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

6. Anonymity

TTUHSC understands the sensitive nature of incidents involving Sexual Misconduct. Further, the University is mindful of Reporting Parties' desire, in some cases, to report an incident without disclosing their name or other identifying information. TTUHSC will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can oftentimes make it more difficult to thoroughly and effectively investigate an incident. TTUHSC will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

7. Reporting Criminally

Some instances of Student Misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. TTUHSC administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

Nothing in this policy shall limit a person from seeking assistance or filing a complaint with an outside agency.

Administrative Agencies:

CONTACT	PHONE	ADDRESS
U.S. Equal Employment Opportunity Commission	1-800-669-4000	300 E. Main Dr. Suite 500 El Paso, Texas 79901
Texas Workforce Commission	512-463-2222	101 E. 15th Street Austin, Texas 78778
U.S. Department of Education, Office of Civil Rights	214-611-9600	1999 Bryan Street Suite 1620 Dallas, Texas 75201

Law Enforcement Agencies:

CONTACT	PHONE	ADDRESS
TTU Police Department	806-742-3931	413 Flint Avenue Lubbock, Texas 79409
Lubbock Police Department	806-775-2865	916 Texas Avenue Lubbock, Texas 79401
Lubbock County Sheriff's Department	806-775-1400	811 Main Street P.O. Box 10536 Lubbock, Texas 79407
Texas Department of Public Safety	512-424-2000	5805 North Lamar Blvd. Austin, Texas 78752

8. Amnesty Provisions

TTUHSC will provide educational options in lieu of conduct proceedings in certain situations. Victims of misconduct who were engaging in minor policy violations, such as underage drinking or drug use, at the time of the incident. Examples of the amnesty provision include, but are not limited to: • Students who offer assistance to others by calling medical personnel or law enforcement.

• Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the Code of Student Conduct. Amnesty does not preclude students from being charged with allegations of misconduct related to Actions against Members of the University Community and Others. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, or actions required to comply with professional ethic requirements. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling. The Deputy Title IX Coordinator for Students can assist with questions related to amnesty provisions.

- 9. Conduct Procedures for Sexual Misconduct
 - a. Intake and Initial Inquiry

Upon notice of an alleged-Sexual Misconduct, the Deputy Title IX Coordinator for Students will appoint a Title IX Investigator to review allegations of Sexual Misconduct. The Deputy Title IX Coordinator for Students, in his or her sole discretion, may appoint more than one Title IX Investigator or co-investigators to review an allegation of Sexual Misconduct. Reported allegations of misconduct have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary. The Title IX Investigator will inquire, gather and review information about the reported student Sexual Misconduct and will evaluate the accuracy, credibility, and sufficiency of the information. Incidents will not be forwarded for to a hearing officer unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Reporting Party statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to any individual involved to clarify the policy that was in question. Unsupported allegation with no credible information will not be forwarded to a hearing. When an initial report of misconduct by a third party does not identify the victim or the victim is not available, the Title IX Investigator will investigate the reported incident to fullest extent of the information available. When a Reporting Party is identified but is reluctant and/or refuses to participate in the investigative process and/or the Sexual Misconduct process entirely, TTUHSC will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the university community and the possibility of a continuing threat. If the Reporting Party does not want to participate in the investigative process but has no aversion to TTUHSC pursuing conduct action with respect to the named Responding Party, TTUHSC will proceed with the Sexual Misconduct process to the extent of the information available.

- b. Remedies and Resources
 - i. Remedies

TTUHSC will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This may include immediate steps to protect Reporting Parties even before the final outcome of the investigations, including prohibiting the Reporting Party from having any contact with

the Responding Party. These steps will attempt to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, modifications to parking assignments, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

ii. No Contact Orders

When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Deputy Title IX Coordinator via the student's official TTUHSC email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Deputy Title IX Coordinator for Students. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in possible violation(s) under Part II of the Student Handbook, and/or a referral to the Texas Tech Police Department during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

iii. Resources

Sexual Violence. TTUHSC has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or Lubbock Police Department, counseling services, medical assistance, student legal services, academic support referrals, and other support services.

c. Interim Actions

Immediate Temporary Suspension - Students

A student may be temporarily suspended and/or referred to the Texas Tech Police Department pending completion of conduct procedures if, in the judgment of the Deputy Title IX Coordinator for Students, or on recommendation of a Title IX Investigator, the physical or emotional well-being of a student or other students or members of the university community could be endangered or if the presence of the student could significantly disrupt the normal operations of TTUSHC. The Deputy Title IX Coordinator for Students or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university working days from the date of temporary suspension. A student who receives an interim suspension may request a meeting with the Deputy Title IX Coordinator for Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. Upon immediate temporary suspension, the student may no longer attend classes, use TTUHSC or TTU services and/or resources, and is not allowed to be on campus until the conduct proceedings under Part IV have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Deputy Title IX Coordinator for Students and the Texas Tech Police Department. Conduct, on or off campus that typically results in interim suspension under Part IV include but is not limited to:

i. A significant and articulable threat to the health or safety of a student or other member(s) of the university community.

ii. Sexual Assault, other forms of Sexual Misconduct that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation.

- iii. Violation of a No Contact Order
- iv. Retaliatory harm, discrimination or harassment
- d. Notice of Involvement.

When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Title IX Investigator. In addition to other possible sanctions, conditions and/or restrictions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Title IX Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent the Deputy Title IX Coordinator for Students from proceeding with disciplinary process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply in Part II of the Student Handbook.

e. Student Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Title IX Investigator. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has a right to:

i. A prompt, fair, and equitable process;

ii. Be accompanied by an advisor to any meeting or Hearing an "advisor" can be any one of the following: a member of TTUHSC Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General C o u n s e I m a y attend the hearing on behalf of TTUHSC. The Reporting Party and/ or Responding Party is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by the Hearing Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Hearing Officer upon written request five (5) University working days in advance of the scheduled hearing date.

iii. Students are expected to cooperate with the University Sexual Misconduct process, but may elect not to participate in the investigation process, either in part or entirely. In other words, if a student chooses not to provide information during the investigation, they will not be allowed to present new information during the

Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

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

v. The opportunity to provide information and evidence in support of his/her case;

vi. Know if they have been issued any allegations of misconduct;

vii. Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;

viii. Know the TTUHSC conduct policies and procedures, and where to find them;

ix. Know that any information provided by the student may be used in a conduct proceeding;

x. Know that if a student makes any false or misleading statement(s) during the investigation or Hearing the student will be subject to further disciplinary action under Part II of the Student Handbook.

It is the student's responsibility to:

- 1. Be responsive to all correspondence from the University;
- 2. Provide information relevant to the incident or situation;
- 3. Be honest and provide true and accurate information during the investigation;
- 4. Review the Code of Student Conduct in order to fully understand all aspects of the student conduct process.

f. Initial Inquiry/Formal Investigation

A trained Title IX Investigator will conduct a thorough, reliable, and impartial investigation of the reported incidents including meeting with the party bringing the Complaint to finalize the Reporting Party's statement, interview witnesses, collect evidence, create timelines, and receive information from the Responding Party.

When initial inquiry indicates a concurrent police investigation is occurring, the Title IX Investigator will, where possible, collaborate with the Texas Tech Police Department during investigation. Elements of this collaborative investigation may include the Title IX Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Title IX Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the investigative process, Reporting Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Title IX Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility

considerations. The Title IX Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations.

A student will have access to the completed Investigation Report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, students are not given copies or Investigation Reports and/or investigative materials.

If after the Initial Inquiry/Investigation, the Responding Party accepts responsibility for the allegations of the Code of Student Conduct outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Title IX Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no appeal. The case will only be reopened if new material, previously unavailable is presented. The Informal Resolution, or any other form of mediation will not be utilized to resolve cases involving Title IX allegations, such as sexual harassment, sexual violence, or other forms of Sexual Misconduct.

g. Prehearing/Formal Allegations Assigned

Once the investigative process is complete, the student will be given notice of a Pre-Hearing Meeting scheduled outside of the student's academic schedule. Should students not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and Hearing. During this meeting, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or University Discipline Hearing. Other documents include notification of Responding Party's allegations, name of Hearing Officer, and Hearing script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in in the Student Handbook of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Title IX Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the student should inform the Title IX Investigator immediately. If the new information is pertinent to the consideration of the case, the Title IX Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Hearing.

Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are assigned for deliberation in the Hearing by the Hearing Officer to determine the student's responsibility for misconduct. An Allegation Letter will be provided to the student in the Pre-Hearing Meeting or via other methods of notice. Title IX Investigator will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Deputy Title IX Coordinator for Students upon consultation with the involved student(s).

h. Hearing

After proper notice has been given to the students, TTUHSC may proceed to conduct a hearing and deliver a

decision or recommendation respectively. The Deputy Title IX Coordinator for Students shall appoint a Hearing Officer to conduct a Hearing under Part IV of the Handbook. The Hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. Should the student fail to attend the Hearing, the Hearing Officer may consider the information and render a decision.

Hearings are closed to the public. Both the Reporting Party and Responding Party have the right to be present at the Hearing; however, they do not have the right to be present during the deliberation. Arrangements can be made so that Reporting Party and Responding Party do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, students should contact the Deputy Title IX Coordinator for Students not less than three (3) days prior to the scheduled hearing.

The Title IX Investigator presents the investigation report, evidence, witnesses, allegations, and questions for deliberation. The Hearing Officer may question the Title IX Investigator, Reporting Party, Responding Party and any witnesses. The Reporting Party and Responding Party do not have the right to question each other nor witnesses directly but may do so through the Title IX Investigator. The Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. The Hearing Officer may ask questions to all parties through the Title IX Investigator. Should new evidence be presented without prior discussion with the Title IX Investigator, the hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officer removes a student due to misconduct (Reporting Party, Responding Party, or witnesses) the alleged misconduct will be forwarded to the Deputy Title IX Coordinator for Students or his/her designee. In regard to removal of the student, the Deputy Title IX Coordinator for Students or his/her designee will forward the alleged misconduct to the appropriate student conduct administrator, who will follow the conduct process in Part II of the Student Handbook in regard to adjudication of the alleged misconduct.

Following the hearing, the Hearing Officer will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. The Hearing Officer will inform the Deputy Title IX Coordinator for Students in writing within five (5) University working days of the decision(s). Outcomes of the Hearing will be provided to the student(s) in writing within five (5) University working days of the conclusion of the Hearing.

Either the Reporting Party or Responding Party may utilize Disciplinary Appeal Procedures outlined in sub-section j below.

i. Conduct Outcomes/Findings (Sanctions, Conditions, Restrictions)

The Hearing Officer may impose sanctions, including but not limited to those described in Part II of the Student Code, conditions and/or restrictions as a result of a Hearing where the student is found responsible.

If the allegation involves a student organization, the Hearing Officer may meet with a University staff member whose professional capacity involves the advising of the organization. This staff member may provide information relevant to potential sanctions, conditions, and restrictions for the Hearing Officer.

All records concerning a student or student organization related to the disciplinary process will remain on file with the Deputy Title IX Coordinator for Students for a minimum of seven (7) years from the date the case is completed through a Hearing and/or disciplinary appeal procedures.

j. Conduct Appeal Procedures

A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officer by submitting a written appeal to the Executive Vice President of Academic Affairs or his/her designee within five (5) University working days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

i. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)

ii. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and

iii. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

Either the Reporting Party or Responding Party may appeal the decision of the Hearing Officer. The Deputy Title IX Coordinator for Students will provide the request for appeal to the other party and provide opportunity for response.

The Executive Vice President of Academic Affairs will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If an appeal is granted, the results of the appellate process as outlined below will be final. If the designated appeal officer determines that new evidence should be considered, he/she may return the complaint to the original Hearing Officer to reconsider the new evidence, or may order a new Hearing. If new evidence is considered, the Hearing Officer or designee will notify the student of the outcome using the written notice procedures within eight (8) University working days of the decision. The decision is final and may not be appealed. If a new Hearing is ordered, all hearing Conduct Procedures within five (5) University working days of the decision. The decision of the new Hearing Officer working days of the appeal officer is final and may not be appealed.

If the Executive Vice President of Academic Affairs or designee determines that a material procedural or substantive error has occurred, he/she may return the complaint to the original hearing officer with instructions for another hearing in light of the appellate findings. All hearing Conduct Procedures described in Part IV will be followed. The original Hearing Officer will notify the student in writing of the outcome using the written notification procedures within five (5) University working days of the decision. This decision is final and may not be appealed. In those cases in which the error cannot be cured by the original Hearing Officer(i.e., some cases of bias), the Executive Vice President of Academic Affairs or designee may order a new hearing with a new Hearing Officer. If a new Hearing is ordered, all hearing Conduct Procedures in Part IV will be followed. The new Hearing Officer or designee will notify the student in writing of the outcome within five (5) University of the outcome within five (5) University of the decision. The new Hearing Officer or designee will notify the student in writing of the outcome within five (5) University working days of the decision. The decision of the new Hearing Officer is final and may not be appealed.

If the Executive Vice President of Academic Affairs determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the Executive Vice President of Academic Affairs or designee may then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead

of returning the case to the original Hearing Officer or convening anew Hearing. The Executive Vice President of Academic Affairs will notify the student in writing of the outcome using the written notification procedures within five (5) University working days of the decision. The decision of the Executive Vice President of Academic Affairs is final and cannot be appealed.

The Deputy Title IX Coordinator for Students shall make all reasonable efforts to timely notify the student(s) of the status of the appeal throughout the appellate process, and shall make all reasonable efforts to notify the students as to the result of the appeal within five (5) University working days after the final decision is rendered. The appeals officer's decision is final.

PART V. STUDENT RECORDS

A. General Policy

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

B. Address of Record

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official university requirements. Students should maintain a current local address and telephone number that is used by university officials, and/or student organizations and the campus community.

C. Student Access to Educational Records

All current and former students of the university have the right to access their educational records as provided by law.

Notification of Rights under FERPA for Postsecondary Institutions the Family Educational Rights and Privacy ACT (FERPA) afford eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Texas Tech University Health Sciences Center receives a request for access. A student should submit to the Office of the Registrar a request by completing and submitting HSC OP 77.13 Attachment B that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

a. 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.

b. Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.

2. The right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the [School] in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the

[School] who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the [School].

[Optional] Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO POSTSECONDARY INSTITUTION: FERPA requires a school to make a reasonable attempt to notify each student of these disclosures unless the school states in its annual notification that it intends to forward records on request.]

3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Center U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

4. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.

5. Personally identifiable information such as rank in class, personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

D. Records Not Accessible to Students

The following are records not accessible to students:

1. Records of instructional, administrative and educational personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

2. Records of the Texas Tech Police Department, subject to the provisions of 34 C.F.R. 99.8;

3. Records relating solely to an employee of TTUHSC 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 –

• To other school officials, including teachers, within Texas Tech University Health Sciences Center whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))

• 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. 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. (\S 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's Request to Amend Records

Students have the right to request an amendment of their educational records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student Handbooks for each School and the TTUHSC Student Handbook/Code of Professional Conduct. The request is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed to amend the records.

1. Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.

2. If the result of the informal discussion with the Office of the Registrar is not satisfactory to the Student, and the Student still wishes to have the record corrected, the Student should submit a <u>Student Request to Amend</u> <u>Education Records form</u> HSC OP 77.13 to the Executive Vice President for Academic Affairs or designee. The request shall clearly identify the part of the record the Student believes should be changed, and specify why it should be changed, i.e., why the Student believes the record is inaccurate, misleading or in violation of his/her privacy rights. [Note: The substantive judgment of a faculty member regarding a Student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for Students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student handbooks for each School and the TTUHSC Student Handbook/ Code of Professional Conduct.]

3. After receiving the written request from the Student for a change in his/her Education Records, the Executive Vice President for Academic Affairs ("EVPAA") or designee shall request, and the Office of the Registrar shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the Office of the Registrar, the SVPAA or designee will provide written notification to the Student whether or not TTUHSC will implement the change. If not, the SVPAA or designee will notify the Student of the right to a hearing to challenge the information believed by the Student to be inaccurate, misleading, or in violation of the Student's rights.

4. Upon receiving a written request from the Student for a hearing, the SVPAA or designee shall arrange for a hearing and provide written notice to the Student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:

a. The hearing shall be conducted by a hearing official or committee appointed by the President or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the Student or the Office of the Registrar.

b. At least five (5) days prior to the date scheduled for the hearing, the Student and the Office of the Registrar, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The Student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. If the Student

has an advisor, the Office of General Counsel shall represent the University. The Student and the Office of the Registrar are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the Parties are not permitted to speak or participate directly in the hearing.

c. At the hearing, the Student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the Student.

d. Any additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.

e. Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the Student, the Office of the Registrar, and the S EVPAA or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the Student, the Student will be notified of the right to place a statement in the record contesting the information in the record or stating why the Student disagrees with the decision of the agency or institution, or both. Any statement provided by the Student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

G. Release of Student Directory Information

The following student information is considered Texas Tech University Health Sciences Center Directory Information:

- 1. Student Name
- 2. Permanent and Local Addresses
- 3. Telephone Numbers
- 4. Classification
- 5. Major Field of Study
- 6. Dates of Attendance
- 7. Degrees, Awards, and Honors Received
- 8. Specific Enrollment Status
 - a. Full-time, Part-time, Half-time
 - b. Undergraduate, Graduate
- 9. Participation in Officially Recognized Sports and Activities
- 10. Previous Institution's Attended
- 11. Postgraduate Training/Clinical sites for R.N., M.D., or Ph.D. graduates and degree candidates

This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld by submitting a completed HSC OP 77.13 Attachment A, <u>Student Consent to Release Education Records</u>, or by restricting personal directory information at WebRaider.ttuhsc.edu on the MyTech tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name. The publication known as the Texas Tech Campus Directory is one type of printed periodical containing data classified as "directory information". To restrict directory information from appearing in the printed directory, students must go to WebRaider and restrict directory information prior to the 12th class day in the fall term. Restricted directory information will remain restricted until the students unrestricts the information.

H. Destruction of Records

The university constantly reviews the "educational records" it maintains and periodically destroys certain records. The university will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Student Judicial Programs office. Student Disability Services records are maintained for three years after the last date of enrollment.

I. Letters of Recommendation

1. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.

2. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

J. Medical Records

Medical records are maintained for students seen by a Student Health Services provider. Information contained in the medical record is completely confidential and will not be released to another person or institution without written permission of the student unless otherwise authorized by law. Students needing to request a copy of their medical records may contact Student Health Services at (806) 743-2860.

PART VI. REGISTRATION OF STUDENT ORGANIZATIONS

A. Conditions for Registration

1. Student organizations wishing to register with the Texas Tech University Health Sciences Center must file an application with the Office of HSC Student Services. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center.

2. This application shall contain, but not be limited to, the following information:

a. A statement of the organization's purposes;

b. Any present or intended relation the organization may have to any other local, state, or national organization;

c. The organization's proposed activities;

d. A list of the organization's officers;

e. A copy of the organization's constitution/bylaws;

f. A copy of the constitution/bylaws of any related organization if any; and,

g. The signature, title, and campus address of a full-time member of the faculty or staff indicating his or her willingness to serve as the advisor to the organization.

3. Membership in the organization shall be open only to students of Texas Tech University Health Sciences Center without regard to race, religion, sex, handicap or national origin, except in cases of designated fraternal organizations which are exempted by federal law from Title IX regulations concerning discrimination on the basis of sex. Faculty and staff may hold adjunct memberships in accordance with the organization's constitution.

4. The organization shall not duplicate the purposes and functions of a previously registered organization unless need for such duplication is substantiated.

5. All funds allocated to the organization from TTUHSC controlled sources must be maintained in a TTUHSC account.

6. The organization shall show promise of effectively meeting its stated objectives, be free from control by any other organization and be lawful and peaceful in its activities.

7. The organization shall not use the name of the Texas Tech University Health Sciences Center, logotype, or symbols of TTUHSC as part of its name of in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC. The organization is permitted to use the word "TTUHSC Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC." Requests to use logos or symbols protected by TTUHSC, Texas Tech University or the Texas Tech University System shall be submitted to Office of the Vice Chancellor for Institutional Advancement.

8. Registration of an organization results from compliance with these regulations; it does not imply TTUHSC approval of the organization or its activities.

B. Faculty or Staff Advisor

Each registered organization shall have a TTUHSC full-time faculty or staff advisor to be available to the officers and members for consultation about the organization's affairs, to attend organization meetings and functions as often as possible, to certify the expenditures of the organization by co-signing checks or vouchers, to offer suggestions regarding the operations of the organization and to oversee adherence to TTUHSC regulations and the organization's constitution and bylaws.

C. Conditions for Maintaining Registration

1. In order to maintain its registration, a student organization shall comply with the following requirements:

a. The organization shall file a list of its current officers and advisor within one (1) month of the first day of classes of the fall semester each year. The current president of the organization, or his or her designated representative shall file notification of subsequent changes, when such changes occur.

b. The organization shall submit to the Office of TTUHSC Student Services for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds or changes in membership requirements.

c. The organization shall maintain its funds in accordance with Section A of this part and be in good standing with the Texas Tech University Health Sciences Center.

d. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose as stated on the application.

e. The organization shall conduct its affairs in a lawful manner, in accordance with the constitution and bylaws it has on file, and in accordance with applicable Texas Tech University Health Sciences Center regulations and state statutes.

f. The organization shall be responsible for the observance of all applicable TTUHSC regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.

g. The Office of TTUHSC Student Services may withdraw the registration of an organization for non-compliance with University policies and procedures.

D. Denial of Registration

1. No student organization will be officially registered with the Texas Tech University Health Sciences Center if the Office of TTUHSC Student Services determines that the organization's actions or activities are detrimental to the educational purposes of the University or not in accordance to the Student Handbook.

2. If registration is denied, the designated president and advisor of the applying organization shall be notified of the decision by the Office of TTUHSC Student Services in writing. The applying organization may appeal in writing to the Executive Vice President for Academic Affairs within five (5) business days from the date of the denial letter. The decision of the Senior Vice President for Academic Affairs is final.

PART VII. USE OF UNIVERSITY SPACE, FACILITIES AND AMPLIFICATION EQUIPMENT

1. Space and Facilities

a. The space and facilities of the University are intended primarily for the support of the instructional program of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is permitted and encouraged for activities which are intended to serve or benefit the entire University community.

b. TTUHSC buildings, grounds, or property may not be used by individuals or organizations not connected with TTUHSC.

c. Outside individuals or groups who are not faculty, staff or a currently enrolled student may attend functions held on TTUHSC property, but to be eligible for use of campus facilities, the function must be sponsored or cosponsored by, and affiliated with, a recognized TTUHSC department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, participation in, planning, coordination, and implementation directly by members of the sponsoring organizations. Sponsors are directly responsible for ensuring that activities and events comply with TTUHSC requirements for liability insurance, hold-harmless agreements, financial responsibility for property damage, etc.

d. Permission to use campus space facilities may be granted only by the offices designated by TTUHSC OP 61.07, Use of TTUHSC Premises and Amplification Equipment. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non-registered organization or off-campus group or person.

e. TTUHSC reserves the right to move the location of any assembly should it appear that the activity might interfere with the normal operations of TTUHSC or interfere with the rights of others. The use of buildings, grounds or TTUHSC property must conform to these regulations and to local, state and federal law.

f. Although TTUHSC is generally an open campus for purposes of student, faculty and staff free expression activities, students, faculty and staff are encouraged, and person and groups not affiliated with TTUHSC are required, to use the Forum Areas of the campus for free expressions activities. Forum Areas for each campus are set forth in TTUHSC OP 61.07, Use of TTUHSC Premises and Amplification Equipment.

g. With the exception of free expression activities mentioned above, reservations must be made for the use of TTUHSC premises and must be in accordance with TTUHSC OP 61.07, Use of TTUHSC Premises and Amplification Equipment. The term "TTUHSC premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by TTUHSC (including adjacent streets and sidewalks).

PART VIII. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

Solicitation and sales and services on University premises or in University-owned or University-controlled buildings are prohibited without prior written approval from the Office of Student Services. This includes financial planners, mortgage vendors and other financial services. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on University premises is also prohibited without prior approval from the Office of Student Services.

PART IX. STUDENT TRAVEL POLICY

A. TTUHSC OP 77.08, Student Travel Policy

1. TTUHSC OP 77.08 regulates any travel undertaken by one or more students presently enrolled at TTUHSC to an activity or event that is located more than 25 miles from the campus of TTUHSC. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC, 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.

2. Modes of travel by students to events or activities as defined above include:

- a. personally-owned vehicles;
- b. rental cars, vans, chartered buses;
- c. commercial airlines; and
- d. use of TTUHSC-owned vehicle.

3. The purpose of this policy is to help minimize the risks of liability connected with motor vehicle travel by University students. The policy applies to the use of the above modes of travel to any activities directly related to the academic, research and/or administrative responsibility of the department involved. This policy also applies to travel undertaken by one or more students presently enrolled at the University to reach a University-related activity located more than 25 miles from the University. It applies to travel required by a registered student organization.

B. Travel Using University Owned Vehicles

1. Appropriate Use. Only persons who are acting within the course and scope of University-related activities should use University vehicles.

2. *Drivers.* Because of the risks of personal injury, it is required that only those persons whose names appear on the approved driver's list be asked or allowed to use University-owned motor vehicles. If students will be using state-owned or rental vehicles, the following is required:

a. The requesting department or unit must place students who drive on behalf of the University on the approved driver's list.

b. Qualifications for drivers of all University or rental vehicles are as follows:

i. Must possess a valid (Texas or other U.S. state) driver's license, be at least 18 years of age and have held a valid license for at least two years;

ii. Must have available documentation of current personal insurance;

iii. Must sign a disclosure statement;

iv. Must not have any moving violations within the last 18 months,

v. Are required to report any driving violations to their immediate supervisor as soon as possible. This includes violations that occur while driving a vehicle not owned by the University; and

vi. Must not have had any violations for drunk driving, driving under the influence of drugs or reckless driving. Must not have had a reinstated license in effect for less than one year after a revocation.

c. Additional qualifications for drivers of vans equipped for 15 passengers are:

i. Must be at least 21 years of age;

ii. Must comply with Motor Vehicle check on an annual basis;

iii. Must successfully complete a driver training course;

iv. Must attend retraining annually; and

v. Must not have any moving violation in the last 18 months.

3. Operator Conduct.

a. Operators of University vehicles must take a 15-minute break every 3 hours and may drive no more than 10 hours in a 24-hour period. When the vehicle driven is a van with passengers, a second person must remain awake at all times and ride in the front passenger seat.

b. Those who operate a University vehicle represent the University to the general public. The image conveyed does affect the University; therefore:

i. DO NOT use University vehicles for personal transportation or business;

ii. DO NOT allow alcoholic beverages or narcotics to be transported or consumed in any University vehicle;

iii. DO NOT pick up hitchhikers or transport family members;

iv. **DO NOT** allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public;

v. DO observe all traffic rules and regulations;

vi. DO drive carefully, safely, and courteously;

vii. **DO** require driver and all passengers to use seat belts and other appropriate occupant restraints at all times the vehicle is being operated;

viii. DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints; and,

ix. **DO NOT** allow the number of passengers to exceed the authorized capacity of the vehicle.

c. When a vehicle is damaged through operator misuse or operated by a person under the influence of alcohol or narcotics, the operator shall provide a complete statement of the circumstances and a copy of the police report to the department head for appropriate administrative action. Citations for all parking and traffic violations will be the personal responsibility of the operator.

d. Use common sense when driving. For road trips of 100 miles or more, share the driving, if possible, and take frequent breaks.

4. Accidents. The following procedures should be followed whenever a University vehicle is involved in an accident, regardless of the extent of damage.

a. Stop immediately and notify local police so that an official report can document the accident;

b. Take necessary steps to prevent another accident;

c. Use the motor pool card with instructions on the front and numbers to call on the back;

d. Call a doctor, ambulance, or emergency medical team, if necessary. Render aid to the injured until help arrives;

e. Get names and addresses of all witnesses;

f. Provide all required information to the police officer;

g. Notify the department head or supervisor (if you are unable to contact or reach someone, contact the Texas Tech Police Department); and,

h. Refer to TTUHSC OP 76.34, Accidents Involving University Vehicles, for the completion of required vehicle accident documentation.

C. Travel Using Personal Vehicles

1. *Transportation Generally.* The University recognizes that students occasionally use personal vehicles while engaged in University-related activities on campus and in the local area. Because personal automobile insurance will be looked to first in the event of an accident, all persons who use their personal vehicles while conducting University business should be made aware of the possibility of personal liability related to such use. No University coverage for personal injuries is available to students if they drive their personal vehicles on university-related activities as defined hereinabove.

2. *Reimbursement for Costs.* Mileage costs related to any significant use of personal vehicles to conduct University-related business unrelated to required academic experiences, e.g. clinical rotations, clerkships, etc. will not be reimbursed.

3. Use of Personal Vehicles Not Required. No individual shall be required to use a personal vehicle to perform University-related activities with the exception of clinical affiliation sites.

4. Policy Concerning Use of Personal Vehicles by Students.

a. Use of personal vehicles by students to drive to University-related activities is discouraged.

b. If students use their personal vehicles, and/or transport other students as passengers, their personal insurance will be primarily responsible for any liability that may arise from such use.

c. No University coverage for personal injuries is available to students if they drive their personal vehicles on

University-related activities as defined here in above.

D. Policy Concerning Student Releases and Medical Authorization

Each student who travels by any form of transportation to participate in a University-related activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non-academic activities, must, prior to such activities, execute a copy of the Release and Indemnification Agreement and the Authorization for Emergency Medical Treatment.

E. Guidelines Concerning Safe Travel Practices

1. Each administrative unit approving University-related travel, especially travel that involves students, is encouraged to promulgate guidelines that encourage safe driving and minimize risks of injury during that travel.

2. Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the students' own risk. If personal injury or accident should occur to students or other persons during such activities, TTUHSC, Texas Tech University or Texas Tech University System will assume no responsibility, financial or otherwise.

3. Faculty and staff sponsors and organization officers are urged to take all possible pre-cautions to ensure the safety and well-being of all persons participating in off-campus activities.

4. There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips sponsored by student organizations. Students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip. Instructors may set their own requirements for class work missed under such circumstances: they must grant students an opportunity to make up all course work missed while participating in an official off-campus trip.

5. Please refer to the TTUHSC Office of International Affairs for information regarding travel abroad.

PART X. MISCELLANEOUS POLICIES

A. Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures and student employment may be referenced in the various Schools' student handbooks and/or catalogs.

1. Absences

Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

2. Academic Requirements

Academic requirements vary with each TTUHSC School and particular degree program in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog for specific details.

3. Admissions and Applicants

The educational policies of the TTUHSC are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC is an upper-level, graduate, and professional study institution. The application and admissions policies for TTUHSC are outlined in the individual Schools' catalogs.

Most programs at TTUHSC have a deadline for receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

4. Adding and Dropping Courses

Consult with your academic department for deadline dates for adding and/or dropping courses. Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the School's program. Please refer to the individual Schools' catalogs and/or handbooks for more specific details relating to your program.

5. Affiliation

The Student Government Association is the official organization representing students. Students may identify with offcampus programs and activities as individuals, but not as representatives of the student body.

6. Attendance

The faculty member responsible for the course determines attendance requirements for each course. A student who fails to attend any class for any reason is responsible for the material presented in class, assignments, examinations, announcements, etc. to the same extent as though the student had attended the class. Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

7. Bacterial Meningitis

a. General. Meningococcal disease is a potentially life-threatening infection caused by the bacterium Neisseria meningitidis. Bacterial meningitis is an inflammation of the membranes that surround the brain and spinal cord. This disease affects approximately 3000 Americans each year, including 100-125 people on college campuses, leading to

5-15 deaths per year among college students.

b. Risks and Exposures. The organism is spread from person-to-person through the exchange of respiratory and throat secretions such as coughing and kissing. Sharing cigarettes, water bottles, eating utensils and food, may increase your exposure. Resident Hall-style living may also play a role as crowded environments facilitate the spread of the infection.

c. Symptoms and Diagnosis. Early diagnosis is important. Your healthcare provider may use a combination of clinical symptoms and laboratory tests to diagnose the disease. Seek medical attention immediately if one or more of these symptoms appear:

i. High fever
ii. Severe Headaches
iii. Vomiting
iv. Light sensitivity
v. Stiff neck
vi. Nausea
vii. Lethargy
viii. Seizures
ix. Confusion and sleepiness
x. Rash or purple patches on skin

d. Possible Treatment and Consequences If NOT Treated. Antibiotic treatment may be effective if exposure and disease is detected early. Possible consequences of the disease, include, but are not limited to:

i. Permanent brain damage
ii. Kidney failure
iii. Learning disability
iv. Gangrene
v. Coma
vi. Convulsions
vii. Hearing loss
viii. Blindness
ix. Limb damage that may require amputation
x. Death

e. Prevention. Vaccinations may be effective against 4 of the 5 most common bacterial types that cause 70% of the disease in the United States. Vaccinations typically take 7-10 days to become effective, with protection lasting 3-5 years. The vaccination is generally safe--most common side effects may include redness and minor pain at the injection site for up to two days.

f. Information. If you have more questions contact:

- i. Your healthcare provider
- ii. Your local or regional Texas Department of Health
- iii. TTUHSC Family Practice Clinic at 806-743-2757
- iv. Visit these web sites for more information http://www.cdc.gov/ncird/dbd.html or www.acha.org

Medical and Religious Exemptions 2010-2011 Texas Vaccine Exemption Information

The state of Texas in law grants and acknowledges the right of parents to exempt their children from vaccination requirements for day care, school, and college for reasons of conscience including a religious belief or for medical reasons. In 2003, the Texas legislature passed changes to the statutes expanding the reasons a parent can claim an exemption but the Health Department has questionably also increased the bureaucratic red tape necessary for claiming the exemption. There are specific procedures for requesting an official state form and submitting it to the school or for completing a medical exemption that all take some time so please don't wait until the last minute to get your papers in order.

For everyone claiming an exemption for the first time after 9/1/03, you must comply with the new law. If you've submitted an old religious exemption prior to 9/1/03, you are grandfathered under the old law (see notes below) and do not need a new form. The vaccine exemption forms for reasons of conscience including a religious belief are only for students claiming a vaccine exemption for the first time after 9/1/03 when the new law went into effect. If you need to request forms from the state health department, you can do it by fax, mail, personal visit, or through an online submission form. If you send your request by mail, we suggest sending it registered mail with a receipt so you can keep track of your request. If you send it by fax, set your fax machine to print out a delivery receipt. We would like to keep track of the Health Department's processing time.

According to the Texas Dept. of State Health Services: Online requests must be made through the web submission form posted at <u>https://corequest.dshs.texas.gov/</u>.

8. Required Immunizations

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC requires **all entering students** to provide documentation of all immunizations as listed below. Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2012 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC), and the U.S. Advisory Committee for Immunization Practices (ACIP). The meningitis requirement must be sent in immediately and all other requirements must be met prior to orientation.

I. Tuberculosis Surveillance

Tuberculosis surveillance for Covered Individuals is based on current U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) Recommendations and Reports (December 30, 2005, 54 (#RR-17):1-147), Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.

II. Exposure Management

Institutional management of exposure to: (1) blood-borne pathogens, (2) body fluids and, (3) other miscellaneous exposures is based on regulations, guidelines and recommendations available as of October, 2012 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC).

- 9. Working with Affiliated Entities-Student Drug Screenings, HSC OP 77.15
 - 1. Defined Terms

For purposes of this policy the term "Student" does not include residents in the Schools of Medicine or School of Pharmacy.

2. Background

TTUHSC enters into affiliation agreements with various health care clinical entities ("Affiliated Entities"), such as hospitals and other facilities, in order to provide clinical experience opportunities for its students enrolled in TTUHSC clinical education programs.

Affiliated Entities may establish more stringent standards for students who wish to do a clinical rotation at the affiliated entity, than those required by TTUHSC as part of its admission process. Affiliated Entities may require students, among other things, to undergo and satisfactorily pass additional background checks and/or drug screenings as a pre-requisite to participating in a clinical rotation at the Affiliated Entity.

Clinical rotations are an essential element in certain degree programs' curricula. Students who cannot participate in clinical rotations due to a positive drug screening may be unable to fulfill the requirements of a degree program. TTUHSC schools may NOT mandate this requirement for all students. It applies solely to those students who must fulfill the requirement for participation in a clinical rotation at an Affiliated Entity.

3. Clinical Placement.

Placements at Affiliated Entities for clinical rotations will be based on the learning objectives as defined by each program consistent with the learning objectives of each student. Determination of unacceptable results of a drug screening will be made by the Affiliated Entity. Any student placed with an Affiliated Entity that requires additional background checks and/or drug screens, who cannot meet these requirements, must discuss all available options with their School's Office of Student Affairs or their designee.

Affiliated entities may conduct their own drug screening. If the student fails the drug test and is consequently denied externship placement, s/he shall be subject to disciplinary action in accordance with the TTUHSC policies.

4. Responsibility of the School The student's School shall:

a. Notify the student of the Affiliated Entity's requirements for a drug screen, to include the type(s) of drug screen required by the Affiliated Entity, deadlines to meet the Affiliated Entity's requirements, a list of approved drug screen testing vendors, and a completed Authorization, Attachment "A," for signature by the student.

b. Receive the student's drug screen test results, which shall be maintained in a confidential, locked file separate from the student's primary educational records.

c. Notify and ensure the Affiliated Entity that all students prior to their clinical rotation have met their drug screening requirements.

5. Responsibility of the Student

a. The student shall pay for the cost of any and all drug screening required by an Affiliated Entity that is designated for student matriculation by TTUHSC provided articles b, c, d, below are met. The student shall be responsible for the cost of any necessary re-test or subsequent tests at TTUHSC designated Affiliated Entity(s)

and any drug screening required by an Affiliated Entity selected for matriculation by the student.

b. The student shall complete the drug screen prior to the deadlines provided by the School and meet the guidelines of the Affiliated Entity. Failure to complete the drug test prior to the deadlines may result in an additional expense to the student, and/or delay in, or denial of, rotation in the Affiliated Entity.

c. The student shall use a drug screen vendor from the designated vendors provided to the student by his/her School and/or the Affiliated Entity. 1) Results from a vendor NOT on designated by the School and/or Affiliated Entity will not be accepted and the student shall be required to have the drug screening test(s) conducted by an approved vendor.

d. The student will be required to sign a valid consent and authorization, Attachment "A," consenting to the drug screening and giving the vendor performing the test permission to provide the drug screen test results to the person designated by the School to receive student drug screen tests results under this policy.

6. Student Refusal to Consent to Drug Screen

Any student who fails or refuses to consent to a drug screen required by an Affiliated Entity to which the student has been assigned by his/her School shall be subject to disciplinary action in accordance with the TTUHSC Student Handbook/Code of Professional and Academic Conduct, the Schools' written policies, if any, and this policy.

7. Period of Validity - Drug Screen Results

a. Unless otherwise required by an Affiliated Entity, drug screen test results will generally be valid for the time the student is in the program within the School unless there is a break in enrollment, defined as not enrolled for one full semester.

b. Students may be required to undergo drug screening more than once depending on the requirements of each Affiliated Entity in which the student is placed to meet their learning objectives or the number of Affiliated Entities at which the student is placed.

8. Drug Screen Results

a. Diluted Specimen. Should the vendor report that the screening specimen was diluted, thereby precluding an accurate drug screen test, the student, at his/her expense, will be required to complete and successfully pass a new drug screen test.

b. Negative Drug Screen Results. The School which receives the a student's drug screen test results, may release negative drug screen test results to the student, provided the student has signed the appropriate release form, Attachment A.

c. Positive Drug Screen Results.

1) A positive drug screen is any instance in which a drug screen report shows a positive test for one or more of the drugs on the panel required by the Affiliated Entity.

2) Any student with a positive drug screen will not be placed in any clinical facility pending review and outcome of appeal with the vendor.

3) The student has the right, at his/her expense, to request an independent review of any positive drug screen, by an independent Medical Review Officer, provided by the vendor. There will be an additional charge if review by the Medical Review Officer is requested, and the student is responsible for all costs related to this review.

4) Any appeal based on a positive drug screen is solely between the student, the Medical Review Officer and the vendor. The student's School will not become involved in the appeal of a positive drug screen.

5) If, after review by the independent Medical Review Officer, there is no valid medical basis which would cause or contribute to the positive drug screen, the test results will stand, at which point the student will be referred to the School's Office of Student Affairs for disciplinary action in accordance with this policy and the School's written policies.

9. Confidentiality of Records

Drug screening reports and all records pertaining to the results are considered confidential information with restricted access to the extent allowed by law.

10. Re-admission

a. Any student who is withdrawn due to a positive drug screen without medical validation will only be eligible for readmission to any TTUHSC program of study in accordance with the School's readmission policies.

b. If accepted for readmission after the required period of time, the student must, at his/her own expense, provide a negative drug test and satisfactory documentation of completion of any remedial action required by the School.

11. Right to Change Policy.

TTUHSC reserves the right to change, modify, amend or rescind this policy in whole, or in part at any time.

10. Credit by Exam

Specific credit by examination policies may be found in each of the Schools' catalogs and/or student handbooks; however, the School of Nursing does not offer Credit by Exam. Pass or fail grades earned on examinations for these courses will not be considered in determining grade-point averages. TTUHSC Schools may elect not to accept credit by examination, where it is determined that such academic achievement may hinder the success on national licensure exams/certifications.

11. Disabilities (Students)

TTUHSC OP 10.15 complies with the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified and competitive individual with a disability shall be denied access to or participation in services, programs and activities of TTUHSC solely on the basis of the disability.

Students with grievances related to discrimination on the basis of a disability should review the Student Handbook, Part IV Anti-Discrimination. The grievance process would include the ADA Compliance Officer for Students. Any student seeking accommodations on the basis of disability must register as a disabled student with the ADA Compliance Officer for Students in the Office of Student Services and must provide all required documentation of disability. Students seeking accommodations must complete an application for disability services and provide supporting documentation. For more information, visit <u>www.ttuhsc.edu/HSC_OP10.15.pdf</u>.

12. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. Grievances related to discrimination on the basis of race, religion, national origin or age should be pursued through regular administrative channels. Academic problems are to be handled in the academic administrative structure culminating in review by the individual School's Dean. The individual Schools as noted in their Schools' catalogs should direct non-academic student matters to the Office of Student Services. For more information, visit https://www.ttuhsc.edu/hsc/op/op51/op5101.pdf, Equal Employment Opportunity Policy and Affirmative Action Plan.

13. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the TTUHSC OP 70.10, *Non-faculty Employee Complaint and Grievance Procedures*. The procedures manual may be reviewed in the Office of Equal Employment Opportunity.

14. Exams

Please refer to the individual School's catalogs for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register as a disabled student with the ADA Compliance Office for Students in the Office of Student Services and must provide all required documentation of disability. Appropriate and reasonable accommodations, if any, will be determined by the ADA Compliance Office for Students in the Office of Student Services.

15. Financial Policies

Students must meet all financial responsibilities due the University. The writing of checks on accounts with insufficient funds, the non-payment or delinquent payment of outstanding loans, and failure to meet any other financial obligations to the University, are considered a lack of financial responsibility. Financial irresponsibility can subject the student to action by TTUHSC, including, but not limited to, denial of registration, withholding of grades and transcripts and possible adjudication under the Code of Professional and Academic Conduct. In addition, 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 12th class day and 20th class day (4th class day and 15th class day in summer), or if a returned check given in payment of tuition and fees is not redeemed by that time;

b. Loss of University check writing privileges and possible criminal prosecution for writing insufficient fund checks and for failure to pick up a returned check;

c. A flag placed on a student's academic records preventing future registration (before registering or requesting a transcript, students may check on the presence of flags on their records by contacting the Office of the Registrar); and/or,

d. Reporting of financial problems to a credit agency or a collection agent.

16. Grades/Grading

a. The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.

b. The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. A student must file a formal written appeal within 5 days of the beginning of the next semester in accordance with the individual Schools' policy regarding student grade appeals. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved. After a degree has been posted, no further adjustments can be made on the record except under extraordinary circumstances as determined by the Dean of the School the student is enrolled under.

17. Graduation Procedures

a. Degree requirements are published in the individual School's catalogs.

b. Prior to graduation, all candidates for TTUHSC degrees are required to:

i. Complete all graduation requirements set forth by the applicable School;

ii. Complete and return to the Office of Student Services the University's Intent to Graduate form in the semester before anticipated graduation (the student's "diploma name" as requested in the Intent to Graduate form is printed on her/his diploma, and information provided by the student is used in commencement programs);

iii. Be registered in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;

iv. Attend an Exit Interview session scheduled by the Student Financial Aid Office for students who have received financial assistance, which must be repaid after graduation.

18. Health Services and Health Insurance Information

a. The Texas Tech Physicians Family & Community Medicine clinic provides health services to TTUHSC students who are currently enrolled and have paid the Student Health Fees as part of tuition and fees. To receive health services, you must present a Student I.D. card at the time of the appointment. If you also have private insurance in addition to Student Health Services, you will need to submit your receipt for the co-pay to your insurance company for reimbursement.

The Student Health Fee covers only those services provided by the Family & Community Medicine clinic and specific laboratory and radiology service performed at cooperating locations. **All other charges incurred are your**

responsibility.

b. Clinic Procedures

Please call to make an appointment. If you need to be seen for a sudden illness, please call that day as early as possible. If you need to be seen after clinic hours, call your campus's clinic phone number and ask to leave a message for the on-call physician. When you check in, please inform the receptionist that you are a TTUHSC student. If you come to the clinic without an appointment, it may be necessary for you to wait for a physician. Immunizations, paper work, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested. If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed for your campus under "Clinic Locations." Visits to an emergency room that generate a charge from either TTUHSC or the hospital are your responsibility.

c. If the student receives a bill from the Health Sciences Center for services covered by the medical service fees, please contact the Office of Student Services at (806) 743-2300.

d. Students are expected to have hospitalization insurance coverage for each semester enrolled. Students should be prepared to provide proof of coverage at the time of registration.

e. TTUHSC will make available information on student health insurance providers for all registered students in the University. Students may investigate other insurance plans. Insurance information can be found on the Office of Student Services, www.ttuhsc.edu/studentservices.

19. Interprofessional Education

All TTUHSC students, regardless of school affiliation, will be required to complete a non-credit, online course in interprofessional education. Implementation of this requirement will vary across schools and degree programs. Students should consult their academic/program advisor and/or school catalog for additional information.

20. Notification of Student Death

The Office of Student Services is the Office of the Chancellor's liaison regarding notification of any student deaths. Schools must notify the Assistant Vice President for Student Services immediately in the event of any student death.

21. Program of Assistance for Students

Personal counseling services are available to all TTUHSC students through the Program of Assistance for Students (PAS). Through the PAS, licensed counselors are available to assist students with all types of problems, including stress associated with academic, legal, or financial concerns; depression, anxiety, and/or other emotional problems; family and relationship issues; alcohol and drug abuse; and other mental health and wellness issues. For more information or to request assistance, please call 1-806- 743-1327 or 1-800-327-0328. In after-hours situations, these PAS phone numbers serve as a 24-hour crisis line. In the event of an emergency, the answering service will connect the student with the counselor who is on call. Through PAS, TTUHSC students and their dependents are eligible to receive five free counseling sessions per year. Additional information about PAS services is published in a brochure that is available from student affairs personnel on all campuses and is also posted on the Office of Student Services website at the following address: http://www.ttuhsc.edu/studentservices/documents/PAS_Document.pdf.

22. Student Emergency Contact Information

Students must keep their Emergency Contact Information current. To do so, visit <u>webraider.ttuhsc.edu</u> and sign in. Select the "MyTech (for Students)" tab and look in the "Personal Information" box. Click "Update Emergency Contacts" and fill in your information.

23. Student Publications

a. The Daily Toreador student newspaper and La Ventana yearbook are free of arbitrary and capricious censorship and advance-copy approval, when operated and published within the canons of responsible journalism as established by the University Committee on Student Publications.

b. All aspects of TTU\TTUHSC Student Publications shall be the responsibility of the President of the appropriate component institution and therefore under his/her direction.

24. Registration

a. Registration is coordinated by the Office of the Registrar in cooperation with the School in which the student enrolls. Tuition and fees are payable in full at the time of registration unless other arrangements have been completed. Registration for new students is completed as a step in the orientation process, or with the assistance of the Schools' Student Affairs or Coordinators office.

b. To be eligible for registration, the student must have been officially admitted as a new student, or officially readmitted following an absence, and must have satisfied all admission requirements, or must be a continuing student who is eligible to continue as a student at the University. Any student deemed ineligible due to academic, administrative or disciplinary sanction will be barred from registration. Students must provide all final transcripts to the Office of the Registrar by the end of the first semester in which they are enrolled or a hold will be place preventing registration in future semesters. *See Student Record and Transcript Policy located at http://www.ttuhsc.edu/registrar/documents/student.record.transcript.policy.pdf

c. *Late Registration.* Students are expected to register at their earliest opportunity. A student who registers late is assessed a charge. Consult the Office of the Registrar for deadline dates for registration.

25. Religious Holy Days

a. A student who intends to observe a Religious Holy Day should provide written notice, at the earliest possible date prior to the absence, to the following: (1) the instructor of each affected class and (2) the Director of Student Affairs of his/her School. A student will be excused from attending class (es), examinations, or other required activities for the observance of a Religious Holy Day, including travel for that purpose. A student whose absence is excused under this section will be allowed to take an examination or complete an assignment within a reasonable time and at the sole discretion of the instructor of record and/or the Director of Student Affairs before or after the absence.

b. A student who is excused under the above provision may not be penalized for the absence; however, the instructor may appropriately respond if the student fails to satisfactorily complete the missed assignment or examination within the above-stated time.

c. Any disputes regarding this policy should be submitted in writing to the TTUHSC President or his/her designee. Any decision by the President or his/her designee regarding the dispute shall be final.

d. This policy does not apply to any student absence for a Religious Holy Day which may interfere with patient responsibilities or patient care.

26. State Residency Classification

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar.

27. Sexual Harassment Policy

Harassment of students of the basis of sex is a violation of §106.31 of Title IX of the Education Amendments of 1972. The Deputy Title IX Coordinator for Students is the Assistant Vice President for Student Services, 2C400 Academic Classroom Building, (806) 743-2300. Student concerns about sexual harassment which include faculty, staff, or students should be directed to the individual School's Dean.

28. Tuition and Fees Installment Payment Options

a. Texas Education Code, Section 54.007, provides that state-supported institutions of higher education shall provide students with the election to pay tuition and fees during the fall, spring, or long summer semesters in installments. TTUHSC offers the following payment alternatives:

i. Full payment of tuition and fees in advance of the beginning of the semester; or

ii. One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.

b. TTUHSC shall develop procedures which will provide that students may elect to pay tuition and fees using the payment alternative.

c. TTUHSC is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively so that required payments have been received and student records have been appropriately updated on the dates required by law.

d. If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment alternative. The rates of the fee shall be approved by the Board of Regents.

e. If a student who has elected to pay tuition by installment fails to pay in full all amounts of tuition, other registration fees, installment option fee, late payment fees, and other authorized fees by the end of the business day of the last day of the semester, then he or she will be dropped from School for failure to pay.

f. TTUHSC shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.

g. Annual Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from Texas Tech University Health Sciences Center (TTUHSC) and Texas Tech University (TTU) students. The amounts to be collected are presented in a Global Fee Document to the Board of Regents annually for approval.

29. Tuition and Fees Refund Policies

Withdrawal / Refund Policies Refund Policies (Institutional and Title IV Withdrawal / Refund Policies)

Detailed information about the impact of decreasing course load on:

✓ Institutional Refund Policy - All students who withdraw from TTUHSC or drop all courses during a term

✓ Additional considerations for students who received financial aid and withdraw from TTUHSC or drop all courses during a term

Institutional Refund Policy

Refund Policies for Tuition and Fees. Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution calendar for the school, not the specific course dates.

Students who drop a	a course, b	out remain	enrolled at	the institution	will be	refunded a	t the following rate:
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Term	Class Day	Percent of Refund of Charges	
Summer - More than 5 weeks but less	1st class day through 4th class day	100%	
than 10 weeks in duration		None	
	After the 4th day of class		
Fall, Spring or Summer - Duration of 10 weeks or longer	1st class day through 4th day of class	100%	
	After the 4th day of class	None	

Students who withdraw from the institution (zero semester credit hours) are required to pay tuition and fees according to the following schedule based on their official withdrawal date:

Term	Class Day	Percent of Refund of Charges
Summer - More than 5 weeks but less than 10	Before the 1st class day	100%
weeks in duration		80%
	1st, 2nd, or 3rd class day	
	4th, 5th, or 6th class day	50%
	7th class day or later	None

Term	Class Day	Percent of Refund of Charges
Fall, Spring or Summer -	Before the 1st class day	100%
Duration of 10 weeks or longer	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 or drop all courses during a term that receive(d) financial aid.

It's important for students who receive financial aid and withdraw or drop all courses during the term to be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or drop all courses during a term are determined by the Higher Education Title IV refund regulations.

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.

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 <u>www.studentaid.ed.gov</u>.

In order to keep all the financial aid issued in each term, students must be enrollment for at least 60% of the term. After this point in the term students have earned 100% of the Title IV funds released for the term. Therefore, it is in your best interest to maintain attendance and complete at least one class each term that you receive federal aid to avoid repayment of funds

How the calculation works:

1) Number of days attended ÷ Days in semester = % of semester completed

2) Total \$ disbursed X % completed = Earned \$

3) Total \$ disbursed - Earned \$ = \$ to be returned

Once it is determined that you owe money back to any of the federal aid programs, you will be ineligible to receive further federal aid at TTUHSC or any other institution, until this debt is cleared.

To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of two categories: (1) grade point average on hours attempted (qualitative) and (2) hours successfully completed (quantitative) based on hours enrolled. As a general rule, a student must successfully pass 75% of the hours they attempt (hours as of the census date). You can find more information here: <u>http://www.ttuhsc.edu/financialaid/faq.aspx</u>

PART XI. STUDENT COMPLAINT OR GRIEVANCE POLICIES AND PROCEDURES

The following narrative summarizes TTUHSC's student complaint or grievance policies and procedures. Links to specific policies and procedures are provided on the Office of Student Services website: <u>http://www.ttuhsc.edu/studentservices/Student_Grievances.aspx</u>. The online complaint and grievance forms are provided at the following website: <u>https://www.ttuhsc.edu/studentservices/grievanceforms/</u>.

It is the policy of the Texas Tech University Health Sciences Center 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 students or by TTUHSC 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
- · Complaints regarding grades or grading
- Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

The Student Resolution Center, which is located on the Texas Tech University campus in Lubbock, serves as a neutral, objective third party to provide students in the Texas Tech University System including TTUHSC with informal assistance in resolving student-related problems, conflicts, and disputes. The Student Resolution Center is available by phone to assist all TTUHSC students in identifying appropriate complaint-resolution procedures and resources.

A. Complaints regarding the general or academic misconduct of another student

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Student Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

B. Complaints regarding discrimination

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the TTUHSC Operating Policies and Procedures. The following list identifies key institutional policies governing complaints regarding discrimination:

- HSC OP 10.15, Americans with Disabilities Act
- HSC OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan

C. Complaints regarding student records

HSC OP 77.13, Student Education Records, provides detailed information about filing complaints relating to student records.

D. Complaints regarding employment at TTUHSC

Information about employment grievances for students who are employed at TTUHSC is provided in HSC OP 70.10, *Non-faculty Employee Complaint and Grievance Procedures.* This policy covers complaints concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar

matters involving management decisions concerning the employee.

E. Complaints regarding grades or grading

The processing of formal grade appeal procedures is the responsibility of the school which administers the course. Relevant school policies are listed below:

- School of Health Professions: Student Complaint Resolution and Hearing Policy (addresses academic and non-academic issues, including grade appeals)
- School of Medicine–Lubbock: Student-Faculty Dispute Resolution Policy, Grading Policy, Promotions Policy , and policies and procedures for Challenging Student Records or Grades
- TTUHSC School of Nursing: Academic Grade Challenges/Appeals
- School of Pharmacy: Grade Grievance Resolution
- Graduate School of Biomedical Sciences: Grade Appeals Policy

F. Complaints regarding other types of mistreatment

Students who feel that they have been mistreated in a manner that is not directly addressed by any of the specific policies identified above are encouraged to refer to the policies and procedures governing student complaints, grievances, and appeals within their school. Relevant school policies include the following:

• School of Health Professions: Student Complaint Resolution and Hearing Policy (addresses academic and nonacademic issues, including grade appeals) and Academic Misconduct Policy (addresses academic complaints against a student)

• School of Medicine–Lubbock: Student-Faculty Dispute Resolution Policy, Student-Student Dispute Resolution Policy, Part IV Anti-Discrimination and Title IX,

- School of Nursing: Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- School of Pharmacy: Nontrade Grievance Resolution
- Graduate School of Biomedical Sciences: Appeals Policy for Students and Grade Appeals Policy

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:

- School of Health Professions: Associate Dean for Admissions and Student Affairs
- School of Medicine-Lubbock: Assistant Dean for Student Affairs
- TTUHSC School of Nursing: Assistant Academic Dean for Education Support and Student Affairs
- School of Pharmacy: Assistant Dean for Student Services
- Graduate School of Biomedical Sciences: Assistant Dean

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC Office of Student Services in accordance with the following institutional-level student complaint procedures. These procedures are also published on the Office of Student Services website.

G. Other Institutional-Level Student Complaint Procedures

The procedures defined below apply to student complaints that fall outside the scope of other institutional and schoolbased policies and procedures governing specific types of student complaints (Student Complaint or Grievance Policies and Procedures), including, for example, student complaints against staff members employed at the institutional level or against TTUHSC administrators. The TTUHSC Office of Student Services will administer this institutional policy and will insure that due process is afforded to all concerned.

1. Early Resolution

a. Prior to contacting the TTUHSC Office of Student Services, the student shall attempt to resolve the issue with the individual(s) involved. If the student is not satisfied with the outcome after meeting with the individual or does not feel comfortable talking to the administrator or staff member involved, the student may contact the Assistant Vice President for Student Services. The student shall address the issue and initiate action under this policy within 30 days of the event giving rise to the complaint.

b. The Assistant Vice President for Student Services may counsel the student to discuss the issue with the involved administrator or staff member. If the student does not feel comfortable talking to the person involved, the Assistant Vice President of Student Services will investigate the complaint, attempt to reconcile differences, and propose a solution. The Assistant Vice President for Student Services will provide a written statement of his or her recommendation to all parties within ten working days following the initial receipt of the student's report of the complaint. All involved parties will then have ten working days to respond. Every effort should be made to resolve the issue without going beyond this level. The Assistant Vice President of Student Services will attempt to facilitate a resolution before proceeding with a hearing, as described below. (If the complaint is against the Assistant Vice President for Student Services, the student should meet with the Executive Senior Vice President for Academic Affairs, who will follow the procedures outlined here.)

2. Filing a Hearing Request

a. If the student is not satisfied with the recommendation of the Assistant Vice President for Student Services, he/ she may file a request for a hearing by submitting a written complaint to the Assistant Vice President for Student Services. The hearing request must include a specific statement of the student's complaint, an explanation of what remedy the student seeks, and a copy of the Assistant Vice President for Student Services' recommended resolution.

b. If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within 15 working days.

3. Hearing Procedure

Upon receipt of a written request for a hearing, the Assistant Vice President for Student Services will appoint a Hearing Committee according to the following procedure:

a. Each party will propose in writing a list of four TTUHSC faculty, staff, and/or students to serve on the Hearing Committee. The Assistant Vice President for Student Services will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC faculty or staff member) and

these individuals will comprise the Hearing Committee. This group will select a chair from among themselves. b. The Assistant Vice President for Student Services will provide technical assistance and support to this committee.

c. 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.

d. At least three days prior to the hearing, all parties will provide to the chair of the Hearing Committee and the Assistant Vice President for Student Services a list of the names of any witnesses or counsel who will attend the hearing. If the student will be represented by counsel, the University may be represented by the Office of General Counsel. The student and the involved individuals(s) shall have access to all information to be considered by the Hearing Committee, including the names of all persons giving evidence.

e. The student and the involved parties shall attend the hearing and be offered an opportunity to state their positions and present testimony and other evidence relevant to the case. The responsibility of establishing the validity of the complaint rests with the student.

f. The Hearing Committee chair may keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials).

4. Committee Decision

a. After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written recommendation. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five working days.

b. The appeal must be made, in writing, within three working days, to the Executive Vice President for Academic Affairs.

c. The Executive Vice President for Academic Affairs will review the complaint resolution and render a decision within five working days. The decision of the Executive Vice President for Academic Affairs is final.

d. If the Executive Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five working days. The decision of the President is final.

PART XII. CONTACT INFORMATION FOR STUDENT SERVICES PERSONNEL

Student Business Services	(806) 743-7867
Office of Student Services	(806) 743-2300
Office of Student Financial Aid	(806) 743-3025
Office of the Registrar	(806) 743-2300
Graduate School of Biomedical Sciences	(806) 743-2560
School of Health Professions Admissions and Student Affairs	(806) 743-9025
School of Medicine Student Affairs	(806) 743-3005
School of Nursing Student Affairs	(806) 743-2025
School of Pharmacy Student Services	(806) 414-9393
Deputy Title IX Coordinator for Students	(806) 743-6426
Title IX Coordinator for TTUHSC	(806) 743-2865

ATTACHMENTS A-D

General Conduct Incident

This form serves as an official charge against a TTUHSC student or student organization for alleged violations of the Code of Professional and Academic Conduct (referred to as the "Student Code") in the TTUHSC Student Handbook. This form is to be submitted to the Student Conduct Administrator for the applicable TTUHSC School. A separate Complaint of Misconduct must be completed for each student or student organization accused of violations of the Student Code.

Please complete the following:

Your Full Name (you may write Anonymous):
Your Position/Title: Your Phone Number:
Your Physical Address:
Nature of this Report: (circle one) General Conduct University Student Housing Police Student Organization
Urgency of this Report: (circle one) Normal Critical
Date of Incident: Time of Incident:
Location of Incident:
Name of Involved Individuals/Organization:
Please provide an R# for student(s) involved or SSN/Drivers License number if a non-student(s) if available.
Please provide a detailed description of the incident/concern using specific concise, objective language (who, what, where, when, why, and how).

Were policed involved? Yes No

Sexual Assault Form

Please fill out the following to the best of your ability, and do not hesitate to contact university administrators if you have questions or if you would like to make a report in person. We are here to help. You can contact us from 8 a.m 5 p.m. at (806) 742-SAFE (7233). You will be contacted within 24 hours of receipt of this report to discuss. If it is after hours and you need immediate assistance, please contact the Texas Tech Police Department at (806) 742-2000.
Please complete the following:
Your Full Name:
Your Phone Number: Your Email Address:
Type of Complaint: (circle one) Sexual Assault Sexual Harassment Sexual Voyerism ("peeping tom") Other form of Sexual Misconduct
Urgency of this Report: I'm reporting an incident I'm in fear of imminent harm (myself or others)
Date of Incident: Time of Incident:
Location of Incident:
Name of Involved Individuals:
Please provide an R# for student(s) involved or SSN/Drivers License number if a non-student(s) if available.

In order for TTUHSC to effectively investigate the incident, we need to know as much about what happened as possible. The information you provide will be kept confidential and shared only with necessary and essential student affairs administrators. During the course of the investigation process, this information may be shared with the alleged perpetrator. However, this will not occur without first consulting the victim as to his or her preferred approach to handling the situation.

Describe the incident(s) or event(s), including date, times, locations, and any potential witnesses to the behavior. Please include as much detail as possible.

If you are the victim of misconduct, please describe how you would prefer the University to respond to the situation. (You will not be held to this response, it just gives us a starting point).

Student of Concern Form

IF THIS IS AN EMERGENCY, PLEASE CALL 911 or TEXAS TECH UNIVERSITY POLICE DEPARTMENT AT (806) 742-3931 Texas Tech strives to protect the reporter's confidentiality, whenever possible. Additionally, a report may be completed anonymously by omitting the reporter's name and contact information from the form (completing the items with an asterisk). Reporters should be aware, however, that this may restrict the team from completing a thorough investigation.

Please complete the f	ollowing:				
Your Full Name:					
Your Phone Number:					
Your Email Address: _					
Date of Incident:	t: Time of Incident:				
Location of Incident: _					
Name of Involved Ind	ividuals/Organization:				
Please provide an R#	for student(s) involved of	or SSN/Drivers	License number if a non-	student(s) if available.	
Distress Concern (Ci	ircle all applicable)				
Grief	Homicidal Ideation	Su	iicidal Ideation	Suicide Attempt	
Wellness	Other				
Actions Against Othe	ers (Check all applicable	e boxes)			
Disruptive Conduct Threat		atening or End	angering Conduct	Sexual Misconduct	
Discriminatory	Harassment	Hazing	Retaliation	Other	
Health (Check all app	licable boxes)				
Medical	Alcohol and Drugs	M	ental Health Concerns	Other	
in assisting with these	behaviors.			nd any action steps you have taken	

Student Organization Misconduct Form

TTUHSC understands that reporting violations against a student organization can be difficult and will provide options for reporting parties to assist with concerns such as retaliation. Upon receipt of this online form, a TTUHSC staff member will contact you to discuss options and resources based on your report. While you can report anonymously, the inability to validate the source of the complaint does limit TTUHSC's ability to investigate and respond.

Please complete the following:				
Your Full Name:				-
Your Phone Number:				
Your Email Address:				
Nature of Report: (circle one) Hazing Other	Alcohol Concern	Drug Concern	Social Event Concern	Financial
Date of Incident:	Time of Inc	cident:		
Location of Incident:				
Name of Involved Individuals/Organizat	ion:			
Please provide an R# for student(s) invo				le.
Provide detailed information about what				

ATTACHMENT 7

TTUHSC EI Paso Institutional Student Handbook: Code of Professional and Academic Conduct 2016-2017



Institutional Student Handbook: Code of Professional and Academic Conduct

2016-2017

Paul L. Foster School of Medicine Gayle Greve Hunt School of Nursing Graduate School of Biomedical Sciences

Rev. April 14, 2016

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STATEMENT OF ACCREDITATION

The Texas Tech University Health Sciences Center is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award baccalaureate, masters, doctoral, and professional degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of the Texas Tech University Health Sciences Center. The Commission should be contacted only if there is evidence that appears to support the institution's significant non-compliance with a requirement or standard.

PART I. FOREWORD

A. General Policy

1. The mission of TTUHSCEP is to improve the lives of people in our community by focusing on the unique health care needs of socially and culturally diverse border populations through excellence in integrated education, research, and patient care.

The following institutional goals are broad, measurable priorities that will enable TTUHSCEP to fulfill its mission:

- Train competent health professionals and scientists
- Increase externally funded, peer-reviewed research, especially NIH- funded research, with an emphasis on cancer, infectious disease, neuropsychiatric disorders and diabetes.
- Improve access to quality health care for TTUHSCEP's target populations
- Prepare health professions students for an increasingly diverse workforce and patient population
- Provide leadership in the development of partnerships and collaborations to improve community health
- Operate TTUHSCEP as an efficient and effective institution
- 2. A University, like any community, must have regulations and/or standards by which its members abide and procedures by which its components function. The standards should provide order and an atmosphere conducive to intellectual and personal development. This Student Handbook, the TTUHSCEP Operating Policies and Procedures, and the individual School's catalogs are intended to serve these purposes in the interest of all components of the Texas Tech University Health Sciences Center at El Paso.
- 3. The University has a responsibility to maintain order within the University community and to discipline those who violate its standards, rules and/or policies. Enrollment requires students to share this responsibility. Students agree to abide by the standards, rules and/or policies set forth in this Student Handbook, the TTUHSCEP Operating Policies and Procedures, and the individual Schools' catalogs and any other official University publications. Registered student organizations are required to follow all of these standards, rules and policies.
- 4. The Texas Tech University Health Sciences Center at El Paso (TTUHSCEP or the University) reserves the right to change, modify, amend, or rescind, in whole or in part, this Handbook at any time without prior notice. This Handbook supersedes all previous editions. The provisions of this Handbook do not constitute a contract, expressed or

implied, between any student or faculty member and Texas Tech University System, TTUHSCEP, Paul L. Foster School of Medicine, Gayle Greve Hunt School of Nursing or the Graduate School of Biomedical Sciences.

B. Tobacco-Free Environment

- 1. According to the United States Surgeon General, tobacco use is the single largest preventable cause of premature death and disability. Tobacco users are at substantially increased risk for a number of cancers, cardiovascular disease, and lung disease. Environmental smoke can cause discomfort and disease in non-smokers. Institutions with smokers suffer from lost productivity, conflict, and plant deterioration (HSCEP OP 10.19).
- 2. As a health care institution, TTUHSCEP is committed to the establishment and enforcement of a healthier tobacco-free environment. TTUHSCEP OP 10.19, Tobacco- Free Environment Policy, includes regulation and assessment.

C. Authority

- The authority to enact and enforce regulations of the University is vested in the Texas Tech University System Board of Regents. The responsibility for enforcing regulations and imposing penalties is delegated to the Chancellor and/or the President of the University and any University officials the President designates.
- 2. All references to the Chancellor and/or President of the University, the Vice President of Academic Affairs or Assistant Vice President for Student Services or designee shall be interpreted to include persons designated to act on behalf of these officials.

D. Policy on Non-Discrimination

The University brings together, in common pursuit of its educational goals, persons of many backgrounds and experiences. The University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, color, religion, national origin, age, sex, disability, genetic information, status as a protected veteran, or any other legally protected category class or characteristic, and that equal opportunity and access to facilities shall be available to all. Non- discrimination is observed in the admission, housing, and education of students and in policies governing discipline, extracurricular life and activities. For more information, visit www.ttuhsc.edu/HSC OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan.

E. University Name, Documents, and Records

The use by any person or organization of the University's name in connection with any program or activity, without the prior written permission of the Office of the Vice Chancellor for Institutional Advancement or designee, or any unauthorized use of University documents, records or seal is prohibited. See TTUHSCEP OP 67.01, *Publication Guidelines*.

F. Definitions

- "Accused Student" means any student accused of violating the TTUHSCEP Code of Professional Conduct set forth in Part II of this Handbook. This term may also mean an accused registered student organization. If a registered student organization is alleged to have violated the Student Code, only one student from the organization may appear or act on behalf of the student organization (such as appearing before a Student Conduct Board or Student Conduct Administrator) for purposes of the Student Code.
- 2. "Business day" means a day in which the University normally carries on business or business operations, but excludes weekends and official University holidays.
- 3. "Complainant" means a member of the University community who submits a Complaint alleging that a student violated the Student Code. When a student believes that he or she has been a victim of another student's misconduct, the student who believes that he or she has been a victim will have the same rights under the Student Code as are provided to the Complainant, even if the victim is not acting as a Complainant.
- 4. "Complaint of Misconduct" or "Complaint" means a formal, written charge against a student(s) or student organization(s) alleging violation(s) of the Student Code(s). The form for a Complaint of Misconduct is attached to this Handbook as Attachment A. An anonymous report or a report by a person who is not a member of the University community shall not constitute a Complaint of Misconduct. However, such report may initiate an investigation and/or filing of a Complaint of Misconduct by an appropriate University official.
- 5. Conduct Board reference F. Definitions, pg. 9, item # 22.
- 6. "Disciplinary good standing" is defined as relating to a student not currently on disciplinary probation; or, a student, whose disciplinary suspension, expulsion or conditions and/or restrictions imposed, if any, have been totally fulfilled in a timely manner.
- 7. "Faculty member" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by University to be a member of its faculty.
- 8. "Flag" means the indicator placed on a student's official record which may prevent

registration and/or the issuance of a transcript until the student meets the requirements of the University office placing the indicator, as described herein and in the Schools' catalogs.

- 9. "May" is used in the permissive sense.
- 10. "Member of the University community" means any person who is a volunteer including high school students, an enrolled student, faculty or staff member, University official, any other person employed by the University or campus visitors.
- 11. "Policy" means the written regulations, standards and/or rules of the University as found in, but not limited to, the TTUHSCEP Student Handbook; Gayle Greve Hunt School of Nursing handbook and catalog; Paul L. Foster School of Medicine catalog; the Graduate School of Biomedical Sciences Catalog; and/or the TTUHSCEP web page and computer use policies.
- 12. "Department Chair" means the Chair is charged primarily with mentoring and guiding faculty, overseeing Department administrative support, and serving as an interface between faculty and the administration of the School and Texas Tech University Health Sciences Center at El Paso (TTUHSCEP). Matters of student misconduct and academic deficiency that are addressed from faculty/program directors etc. are referred to the Department Chair, and if not resolved referred to the appropriate student conduct administrator for each school.
- 13. "Registered student organization" means any number of students who have complied with the formal requirements for University registration.
- 14. "Religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Vernon's Texas Codes Annotated, Tax Code. The term "Religious Holy Day" generally means a day on which the tenets of said religion prohibit class attendance or the completion of specific assignments on designated dates. See Tex. Gov't Code § 62.112.
- 15. "Representative" means a University official authorized on a case-by-case basis by the Dean of each School to investigate and resolve alleged violations of the Code of Professional and Academic Conduct.
- 16. "School" means Gayle Greve Hunt School of Nursing, Paul L. Foster School of Medicine, or Graduate School of Biomedical Sciences.
- 17. "Shall" is used in the imperative sense.
- 18. "Sponsorship and/or co-sponsorship" is defined as minimally including, but not limited to, participation in planning, coordination and implementation directed by members of the sponsoring organizations.

19. "Student" means all persons taking courses at the University, either full-time or part- time, pursing undergraduate, graduate or professional studies, specifically excluding Paul L. Foster School of Medicine House staff (residents). In addition, for purposes of Part II of this Handbook, persons who withdraw or on a leave of absence after alleging violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance may be considered "students."

- 20. "Student Code" means the TTUHSCEP Code of Professional Conduct, which is set forth in Part II of this Handbook. Section D, Misconduct, applies to all students, while Section E, Other Professional and Ethical Standards, applies to students in certain TTUHSCEP Schools. A student must have applied for admission or be enrolled in the applicable School before a School's provisions in Section E apply to the student.
- 21. "Student Conduct Administrator" means a TTUHSCEP official authorized by the Dean of each School to receive complaints and administer the procedures outlined herein. The Student Conduct Administrator will provide technical assistance and support to the Student Conduct Board and may be present at the Student Conduct Board Hearing, but will not be present during the Board's deliberations. In any case in which the Student Conduct Administrator is the Complainant, the Dean or designee of the applicable School will appoint an alternate to serve as Student Conduct Administrator for that case. For each School at TTUHSCEP, the Assistant Vice President for Student Services will serve as the Student Conduct Administrator.
- 22. "Student Conduct Board" or "Board" means any person or persons authorized by the Dean of each School to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. All persons serving on the Student Conduct Board must acknowledge an ability to be able to serve objectively and shall decline to serve if there is a conflict of interest or an appearance of a conflict of interest with either the Accused Student or the Complainant. When a person declines to serve because of a conflict of interest, or appearance thereof, the Dean shall appoint another person with the same or similar faculty/student status as the person declining to serve. For each School, appointments are made as follows.
 - a. For the Graduate School of Biomedical Sciences, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:
 - i. One (1) Faculty member from the membership of the Graduate Council, who shall serve as Chair;

ii. Two (2) other faculty members from the membership of the Graduate Faculty; and,

iii. Two (2) graduate students from the School.

b. For the Gayle Greve Hunt School of Nursing, the Student Conduct Board shall

be appointed by the Student Conduct Administrator as follows:

i. Three (3) (faculty members not directly involved with the Complainant or the Accused Student; and,

- ii. Two (2) students not directly involved with the Complainant or the Accused Student.
 - iii. The Board will elect one (1) of the faculty members as its Chair
- c. For the Paul L. Foster School of Medicine, the Student Conduct Board shall be appointed by the Student Conduct Administrator as follows:

iv. Two (2) faculty members chosen by the Chair of the Grievance Committee or designee;

v. One (1) faculty member chosen by the Chair of the Student Affairs Committee or designee; and,

vi. Two (2) medical students, who will be chosen by the Chair of the Student Affairs Committee from a list of second, third, and fourth year students.

vii. The Board will elect one (1) of the faculty members as its Chair.

- 23. "Student Conduct Board Hearing" or "Hearing" refers to an administrative process whereby a student contests the facts upon which charges of inappropriate conduct, violations of the Student Code and/or sanctions resulting from an alleged violation(s) are based. At the hearing, information is presented to the Student Conduct Board in order to determine whether a student's responsibility related to the alleged violation of the Student Code is valid and appropriate sanctions, if any.
- 24. "Student Handbook" or "Handbook" means the TTUHSCEP Student Handbook.
- 25. "Student organization" means any number of students who have complied with the formal requirements for Texas Tech University Health Sciences Center at El Paso registration.
- 26. "University" means Texas Tech University System or Texas Tech University Health Sciences Center at El Paso (inclusive of all regional sites and their components).
- 27. "University official" means any person employed by Texas Tech University System, Texas Tech University or Texas Tech University Health Sciences Center at El Paso while performing their assigned administrative or professional responsibilities.
- 28. "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

- 29. "User" means any member of the University community who uses any University computing and/or networking resources.
- 30. "Will" is used in the imperative sense.

PART II. CODE OF PROFESSIONAL CONDUCT ("STUDENT CODE")

A. General Policy

- 1. An environment in which the privileges of citizenship are protected and the obligations of citizenship are understood fosters freedom of discussion, inquiry, and expression. Accordingly, the University community has developed standards of behavior pertaining to students and to student organizations.
- 2. Students and student organizations are subject to disciplinary action according to the provisions of the Student Code and/or any other applicable University rules or regulations.
- 3. Each student is responsible to become familiar with the various regulations of the University and meet the various requirements outlined below. Written policies are described in University publications such as this Handbook and the Schools' individual catalogs and student affairs handbooks. Each student, in accepting admission, indicates a willingness to subscribe to and be governed by the rules and regulations of University officials to take such disciplinary action, including dismissal or expulsion, as may be deemed appropriate for failure to abide by such rules and regulations.
- 4. Each student is responsible for his/her own integrity, and is likewise responsible for reporting possible violations of this Student Code by other students. Faculty and staff shall take all reasonable steps to prevent violations, and each faculty/staff member likewise is responsible for reporting violations.

B. Disciplinary Jurisdiction

- 1. The Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University and/or pursuit of its objectives. On a case-by-case basis, the Dean and his/her designee of each respective School, in his or her sole discretion, shall determine whether the Student Code should be applied to conduct occurring off premises.
- 2. All students are expected to subscribe to an honor system which is implicit in accepting admission to the University. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual

awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code shall apply to persons who withdraw after alleged violation of the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance.

C. Violation of Law and TTUHSCEP Discipline

A disciplinary proceeding may be instituted against a student regardless of whether conduct allegedly violates both the criminal and/or civil law and/or this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution.

Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil and/or criminal proceedings at the discretion of the Dean of each School. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal and/or civil law defendant.

D. Misconduct

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s) and/or restriction(s). Misconduct or prohibited behavior includes, but is not limited to:

1. Alcoholic Beverages

a. The use, possession, sale, delivery or distribution of alcoholic beverages, except as expressly permitted by University policy as allowed by law.

b.Being under the influence of alcohol and/or intoxication except as allowed by law.

NOTE: State law will be strictly enforced at all times on all property controlled by the University and is inclusive of all regional sites and its components.

2. Narcotics or Drugs

a.Use, possession, sale, delivery or distribution of any narcotic, drug or medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia, except as expressly permitted by the laws of the State of Texas; or,

b. Being under the influence of narcotics or drugs, except as permitted by law.

b.The failure of a drug test whether required by TTUHSCEP or any health care facility to which a student is assigned or has any type of patient care, contact or responsibility.

- 3. Firearms, Weapons, and Explosives
 - a. Use or possession of firearms, ammunition, explosive weapons, illegal knives and other deadly weapons are prohibited on university property except as specifically authorized by federal, state, or local laws.
 - b. Campus Carry Policy, TTUHSC EP OP 10.30 As a health-related educational institution, TTUHSC EI Paso facilitates a complex composition of activities, which include education, patient care, research, and community engagement. As such, TTUHSC EI Paso campus 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 EI Paso is committed to the following principles for the campus environment:
 - i. TTUHSC EI Paso will comply with all necessary laws and regulatory requirements regarding safety and security on its campuses;
 - ii. Within reasonable effort, TTUHSC EI Paso will create an environment in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
 - iii. TTUHSC EI Paso will communicate safety policies to stakeholders through all appropriate means.
- NOTE: The Texas Tech Police Department provides storage for weapons and firearms.
- 4. Theft, Damage, or Unauthorized Use

a. Attempted or actual theft of property of the University, students, of members of the University community or campus visitors;

b. Possession of property known to be stolen or belonging to another person without the owner's permission;

c. Attempted or actual damage to property of the University, University students, members of the University community or campus visitors; or,

d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card and/or personal check; alteration, forgery or misrepresentation of any form of identification including, but not limited to, a social security number or driver's license number.

5. Actions Against Members of the University Community

a.Physical harm or threat of harm to any person;

b.Intentional or reckless conduct which endangers the health or safety of any person, campus visitor, or volunteer;

c. Behavior that disrupts the normal operation of the University, including its students, faculty, staff or volunteers; or conduct that otherwise interferes with or creates a hostile or intimidating environment for a student or students' academic pursuits or a faculty or staff's work environment. Such conduct does not necessarily have to be in violation of the law to violate this section.

d. Sexual conduct that involves:

i.Deliberate touching of another's sexual parts without consent;

- ii. Deliberate sexual invasion of another without consent; or,
- iii. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at risk of sexual injury; see Part IV Anti-discrimination and Title IX.

e.Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile or demeaning environment for an individual's:

i.Academic pursuits;

ii. University employment;

iii. Participation in activities sponsored by the University or organizations or groups related to the University; or,

iv. Opportunities to benefit from other aspects of University life; see Part IV Anti- discrimination and Title IX.

f. Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to recruit, initiate, retain or otherwise intimidate a student for membership in an organization.

g. Actions involving free expression activities are covered in Parts VII and VIII of this Handbook.

6. Gambling, Wagering, or Bookmaking

Gambling, wagering, or bookmaking on University premises is prohibited.

7. Hazing

Hazing means any intentional, knowing or reckless act directed against a student, occurring on or off campus, by one or more individuals acting alone or collectively, that endangers the mental or physical health or safety of a student for the purpose of

pledging or associating, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose members are, or include, students. Consent or acquiescence by a student or students subjected to hazing is not a defense in a disciplinary proceeding. Hazing includes, but is not limited to:

a. Any type of physical or emotional brutality, or the threat of such activity, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity;

b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;

c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health or safety of a student;

d. Any activity that intimidates or threatens a student with ostracism that subjects a student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this university, or that may reasonably be expected to cause a student to leave the organization or the university rather than submit to acts described above;

e. Any activity in which a person engages in, solicits, encourages, directs, aids or attempts to aid another, directly or indirectly, in hazing; intentionally, knowingly or recklessly permits hazing to occur; having firsthand knowledge of the planning of a specific hazing incident which has occurred; and fails to report the incident in writing to the specific School's student affairs office;

f. Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates or alumni of the organization in committing or assisting in the commission of hazing; or,

g. Any act that is unlawful as designated by local, state, or federal government.

NOTE: Texas Education Code, Sections 37.151-37.157 and Section 51.936

8. False Alarms or Terrorist Threats

Intentionally or recklessly sounding a false alarm of any kind or character; making a false emergency call or terrorist threat; issuing a bomb threat; constructing mock explosive devices; improperly possessing, tampering with or destroying fire equipment, Automatic External Defibulators (AED) or emergency signs on University premises.

9. Financial Irresponsibility

Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds see also 4d above.

10. Unauthorized Entry, Possession or Use.

a.Unauthorized entry into or use of University facilities;

b.Unauthorized possession or duplication, processing, production, or manufacture of any key or unlocking device or access code for use in any University facility;

c. Unauthorized use of the University name, logotype, registered marks or symbols of the University; or,

d.Use of the University's name to advertise or promote events or activities in a manner which suggests sponsorship by the University without prior written permission.

11. Traffic and Parking

a. Violation of University Traffic and Parking regulations; or,

b.Obstruction of the free flow of vehicle, pedestrian or other traffic on University premises.

12. Student Recreation Regulations

Violation of rules, which govern behavior in the student lounges or exercise areas.

13. Failure to Comply with Reasonable Directions or Requests of University Officials.

Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.

14. Failure to Present Student Identification

The failure to present their student identification to any University official upon request and identify himself/herself to any University official acting in the performance of his/her duties. The student identification card is the property of the university. Students shall neither allow their student identification card to be used by other persons, nor shall they alter their student identification in any way. A student must pay a replacement charge for lost, stolen or damaged student identification cards.

15. Abuse, Misuse or Theft of University Computer Data, Programs, Time, Computer

or Network Equipment

a. Unauthorized or non-academic use of computing and/or networking resources;

b. Unauthorized accessing copying, or removing of programs, records or data belonging to the University or another user or copyrighted software

c. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources;

d. Attempted or actual use of the University's computing and/or networking resources for personal or financial gain;

e. Attempted or actual transport of copies of University's programs, records or data to another person or computer without written authorization;

f. Attempted or actual destruction or modification of programs, records or data belonging to the University or another user or destruction of the integrity of computer-based information;

g. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the University's computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer); or,

h. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above.

i. Attempted or actual addition/modification/removal/circumventing of Institutionally-approved computer security products/processes.

j. Participate in any computer-related activity that may cause TTUHSCEP to incur legal liability, or embarrassment.

k. Violate any policy defined in the TTUHSCEP IT Security Policies List (<u>http://www.depts.ttu.edu/infotech/security/docs/index.php?</u>).

16. Providing False, Misleading or Untrue Statements or Misuse of Records

Knowingly providing to the University, or to a University official in the performance of his/her duties, either verbally, or through forgery, alteration or misuse of any University document, record or instrument of identification.

17. Skateboard, Roller Blades, or Similar Devices

Use of skateboards, roller blades or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property or which disrupts the normal operation of the University.

NOTE: Also refer to TTUHSCEP OP 76.32, Traffic and Parking Regulations,

18. Academic Misconduct

a.A student who witnesses academic misconduct or who is approached with an offer to gain unfair advantage or commit academic misconduct is obligated to report that violation to the appropriate authority (See Part II.D). Failure to do so may result in disciplinary action. Faculty and staff are likewise responsible to report academic misconduct in accordance with Part II.D.

b."Academic misconduct" involves any activity that tends to compromise the academic integrity of the University, or subvert the educational process, including, but not limited to, cheating, plagiarism, falsifying academic records, misrepresenting facts and any act designed to give unfair academic advantage to the student or the attempt to commit such an act.

c. "Cheating" includes, but is not limited to:

i. Using any aid, sources and/or assistance beyond those authorized by the instructor in taking a course, laboratory, field work, quiz, test or examination; writing papers; preparing reports; solving problems; or carrying out assignments;

ii. Failing to comply with instructions given by the person administering the test;

iii. Using, buying, stealing, transporting or soliciting in whole or part the contents of an examination, test key, homework solution or computer program;

iv. Seeking aid, receiving assistance from, or collaborating (collusion) with another student or individual during a course, quiz, test, examination or in conjunction with other assignment (including, but not limited to writing papers, preparing reports, solving problems or making presentations) unless specifically authorized by the instructor;

v. Discussing the contents of an examination with another student who will take the examination;

vi. Divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructor has designated that the examination is not to be removed from the examination room, be returned to or kept by the student;

vii. Substituting for another person, or permitting another person to substitute for oneself to take a course, test or any course-related assignment;

viii. Paying or offering money or other valuable thing to, or coercing another person to obtain an examination, test key, homework solution or computer program, or information about an examination, test key, homework solution or computer program;

ix. Falsifying research data, laboratory reports and/or other academic work offered for credit;

x. Taking, keeping, misplacing or damaging the property of the University, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;

xi. Possession at any time of current or previous test materials without the instructor's permission;

xii. Acquisition or dissemination by any means, without written permission, of tests or other academic material belonging to a member of the University community;

xiii. Alteration of grade records;

xiv. Bribing, or attempting to bribe, a member of the University community or any other individual to alter a grade;

xv. Falsification, fabrication, or dishonesty in reporting laboratory and/or research results;

xvi. Submitting substantially the same work to satisfy requirements for one course that has been submitted in satisfaction of requirements for another course, without specific permission of the instructor of the course for which the work is being submitted.

xvii. Possession during an exam of prohibited materials, including but not limited to study/review materials, class notes, review questions, etc.

d. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work (such as words, ideas, expressions, illustrations, or product of another), in whole or in part, and the submission of it as one's own work offered for an academic credit or requirement. When a student presents the works of another (published or unpublished) in his/her academic work, the student shall fully acknowledge the sources according to methods prescribed by his/her instructor.

e. "Falsifying academic records" includes, but is not limited to, altering or assisting in the altering, of any official record of the University and/or submitting false information or omitting requested information that is required for, or related to, any academic record of the University. Academic records include, but are not limited to, applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms and reporting forms used by the Office of the Registrar.

f. "Misrepresenting facts" to the University or an agent of the University includes, but is not limited to, providing false grades or resumes, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual, or providing false or misleading information in an effort to injure another student academically or financially.

g. For additional information relating to the Paul L. Foster School of Medicine Academic Misconduct procedures, please refer to E.2.d.

19. Violation of Published University Policies, Rules, or Regulations

Violation of any published University policies, rules, or regulations that govern student or student organization behavior, including, but not limited to, applicable publications for each TTUHSC School, such as student handbooks, catalogs, professional and ethical standards and course syllabus.

20. Violation of Federal, State, and/or Local Law

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

21. Abuse of the Discipline System

a. Failure by an Accused Student to comply with or respond to a notification to appear before the Dean of his or her School, Dean's representative and/or an official of the University, including, but not limited to, the Student Conduct Administrator, during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Dean or Dean's representative and/or an official of the University from proceeding with disciplinary action;

b. Falsification, distortion or misrepresentation of information in disciplinary proceedings;

c. Disruption or interference with the orderly conduct of a disciplinary proceeding;

d. Filing an allegation known to be without merit or cause;

e. Discouraging or attempting to discourage an individual's proper participation in, or use of, the discipline system;

f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the disciplinary proceeding;

g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a disciplinary body prior to, during and/or after disciplinary proceeding;

h. Failure to comply with the sanction(s), condition(s) and/or restriction(s) imposed under this Student Code;

i. Influencing or attempting to influence another person to commit an abuse of the discipline system; or,

j. Retaliation against any person or group who files a Complaint of Misconduct in accordance with the Student Code or files a grievance under the applicable School grievance policy.

E. Other Professional and Ethical School Standards

In addition to the Misconduct identified in Part II.D, the following constitute professional and ethical standards for individual TTUHSCEP Schools and for the basis of a disciplinary action.

1. Gayle Greve Hunt School of Nursing

a. All students entering into the Gayle Greve Hunt School of Nursing are required to subscribe to the standards and codes of the profession.

b. GGHSON students as nursing professionals, are expected, not only by patients, but also by society as a whole to adhere to:

i. American Nurses Association (ANA) Code of Ethics for Nurses, and the; <u>http://www.nursingworld.org/codeofethics</u>

ii. Texas Board of Nurse Practice/Unprofessional Conduct Rules https://www.bon.state.tx.us/practice_nursing_practice.asp

c. Students who fail to uphold and/or comply with the above codes and standards for safe and professional nursing practice will be considered in violation of the law and/or professional nursing standards.

2. Paul L. Foster School of Medicine

a. All students entering the Paul L. Foster School of Medicine are required to subscribe to the Medical Student Honor Code, as well as the Student Code. Adherence to the Medical Student Honor Code and the Student Code is considered a requirement for admission to the Paul L. Foster School of Medicine.

b. Paul L. Foster School of Medicine students, as well as medical professionals in general, are expected, not only by patients, but also by society as a whole, to possess certain attributes, which include, but are not limited to:

i. Altruism, whereby they subordinate their own interests to take care of their patients;

ii. High ethical and moral standards;

iii. Honesty, integrity, trustworthiness, caring, compassion and respect in their interactions with patients, colleagues and others;

iv. Accountability, not only for their own actions, but also for those of their colleagues, which is the basis for the autonomy of the profession; and,

v. Maintaining confidentiality concerning the patient and the patient's records.

c. Medical Student Honor Code

"In my capacity as a Paul L. Foster School of Medicine medical student, I will uphold the dignity of the medical profession. I will, to the best of my ability, avoid actions which might result in harm to my patients. I will protect the dignity of my patients and the deceased, and will protect their confidential information in accordance with the prevailing standards of medical practice. I will not lie, cheat, or steal. I will enter into professional relationships with my colleagues, teachers, and other health care professionals in a manner that is respectful and reflective of the high standards and expectations of my profession. I will not tolerate violations of this Code by others and will report such violations to the appropriate authorities."

d. In matters of Academic Misconduct, the student shall refer to the Paul L. Foster School of Medicine Student Affairs Handbook, Code of Professional and Academic Conduct and Promotions Policy.

F. Disciplinary Procedures Academic issues, such as grading and promotion issues, should be addressed by each school's policies and procedures.

1. Nature of Proceedings. These proceedings are part of an educational process whereby the University applies its values to establishing the best possible learning environment for its students. These proceedings are not intended to follow, or be restricted by, courtroom or judicial procedures, including the rules of evidence. In addition, these proceedings are not intended for grading and promotions issues, which should be addressed under individual School policies.

2. Procedural Deviations. If the Student Conduct Board has not yet been appointed, or in the absence of the Chair of the Student Conduct Board, the parties and the Student Conduct Administrator may agree in advance and in writing to deviations from procedure. If a Student Conduct Board has been appointed, the parties and the Chair of the Student Conduct Board may mutually agree to procedural deviations, such as deadlines for submission of evidence and hearing dates and times.

NOTE: Any notices that are sent by mail will be considered to have been received on the third calendar day after the date of mailing, excluding any intervening Saturday, Sunday or holiday.

3. Filing A Complaint

a. Any faculty, staff, or student of TTUHSCEP may file a Complaint(s) against a student(s) or a student organization(s) for violation(s) of the Student Code. A preliminary investigation/discussion with a supervisor (program director, chair, etc.) must be done prior to filing a Complaint. If a basis for the Complaint exists, Attachment A shall be completed and delivered by the Complainant to the Student Conduct Administrator. A Complaint shall be submitted no later than twenty (20) business days from the date of the event or when the Complainant becomes aware of the event. Complaints filed more than twenty business days after the event shall include a justification for the delay and will be accepted on a "case by case" basis as determined by the Student Conduct Administrator.

b. When a Complaint is filed, the Student Conduct Administrator will provide the Accused Student with the Complaint of Misconduct filed by the Complainant and will notify the that the Accused Student in writing that he or she shall appear before the Student Conduct Administrator to discuss the Complaint within five (5) business days from the date of the letter. The Accused Student shall meet with the Student Conduct Administrator.

c. The Student Conduct Administrator may conduct an informal meeting to determine if the complaint may be disposed prior to a formal hearing. Any informal disposition must be in writing and agreed to by all of the parties. Such disposition shall be final and there shall be no subsequent proceedings. The Student Conduct Administrator will send a written notification of the resolution to all parties involved.

d. If the Complaint is not disposed of administratively under Part II.F.3.c above, the Student Conduct Administrator will meet with the Accused Student to determine if the Accused Student admits or denies violating institutional rules.

i. If the Accused Student admits violating institutional rules, but sanctions are not agreed to, a Student Conduct Board Hearing shall be conducted in accordance with Part II.F.4 but shall be limited to recommending the appropriate sanction(s) Part II.G.

ii. If the Accused Student denies violating University rules, the allegations shall be referred by the Student Conduct Administrator for a Hearing before the Student Conduct Board under Part II.F.4 below.

A Student Conduct Board Hearing shall be scheduled within thirty (30) business days after the Accused Student has met with the Student Conduct Administrator under Part II.F.3.d. above. In cases in which an examination period intervenes between the time of the notice to the Accused Student and the student Conduct Board Hearing date, such Hearing will be held during the first week in which classes are again in session. In the case of inclement weather, the chair of the Student Conduct Board will notify all parties of any cancellations or schedule changes.

4. Student Conduct Board Hearings

a. *Closed Hearing*. A Student Conduct Board Hearing will be conducted in closed session. Any request for an exception must be submitted in writing to the Chair of the Student Conduct Board, who shall render a final written decision.

Hearing Notice. At least fifteen (15) business days prior to the Student Conduct Board Hearing, the Chair of the Student Conduct Board will provide written notice to the parties of the following:

- i. Date, time and place for the hearing,
- ii. Name of the members of the Student Conduct Board,
- iii. Summary statement of the charge(s), or a copy of the complaint and
- iv. Request in writing that at least five (5) business days prior to
- the Student Conduct Board Hearing, the Accused Student and
- the Complainant submit the information outlined herein below.

b. *Challenge*. An Accused Student and/or Complainant may challenge in writing the impartiality of any member of the Student Conduct Board up to three (3) business days after receiving the Hearing Notice by submitting their reasons for the challenge to the Student Conduct Administrator.

Any member of the Student Conduct Board whose participation is challenged shall be required to establish to the Student Conduct Board Administrator or his or her designee that the member can serve with fairness and objectivity. If the member cannot establish his or her fairness and objectivity to the satisfaction of the Student Conduct Board Administrator, the member in question shall be removed and a substitute will be appointed by the Student Conduct Administrator. If such member is removed the Student Conduct Administrator, may in his or her sole discretion choose to reschedule the hearing.

c. *Evidence Submission*. At least ten (10) business days prior to the date scheduled for the Student Conduct Board Hearing, the Complainant and the Accused Student must submit to the Chair of the Student Conduct Board the following information, if applicable. Requests for extensions to file information with the Student Conduct Board shall be submitted to the Chair.

i. All pertinent records and exhibits

ii. Written statements must be notarized (including Impact or Position Statements);

iii. A list of all witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant,; and,

iv. 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.

d. Evidence Exchange. At least five (5) business days prior to the hearing, the

Chair will provide each party with the information, if any, submitted by the other party.

e. Separate or Joint Hearings. A Student Conduct Board Hearing involving two or more Accused Students, may be conducted separately or jointly as determined by the Student Conduct Administrator. An accused student may request in writing to the Student Conduct Administrator a separate hearing up to three (3) business days after receiving the notice of hearing. The Student Conduct Board Administrator shall notify the student within three (3) business days the determination of the request.

f. *Recordings.* The University shall record, either digitally, through audiotape, or otherwise as deemed appropriate all Student Conduct Board Hearings until such time that the Student Conduct Board begins discussion and deliberation and prepares its' Findings and Recommendations. Deliberations shall not be recorded. The record is University property. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, the student will be allowed to review, but not to copy, the hearing record. 34 C.F.R. § 99.10 (2003). Neither the Complainant, the Accused Student nor any witnesses are permitted to make any independent record of the proceedings.

g. *Hearing Attendance.* The Complainant, Accused Student and their respective advisor, if any, shall be allowed to attend the portion of the Student Conduct Board Hearing at which information is received, excluding deliberations.

h. *Advisors.* The advisor must be a faculty, staff, or student of TTUHSC EP. However, if an Accused Student is also the subject of a pending criminal investigation, indictment or charge arising out of the same circumstances, he or she may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate only in the same manner as any other advisor. If an advisor for the Accused Student is an attorney, an attorney from the Office of General Counsel may attend the Student Conduct Board Hearing on behalf of the University. The University will provide legal counsel for the Student Conduct Board as the Student Conduct Board Chair deems it necessary.

The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly or indirectly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Chair upon written request seven (7) business days in advance of the date scheduled for the Student Conduct Board Hearing.

i. *Witnesses.* Members of the Student Conduct Board may question all witnesses, followed by the parties. Questioning by the Complainant and the

Accused Student may be limited in the sole discretion of the Chair of the Student Conduct Board for such issues as preserving the civility of the hearing, avoiding redundant and irrelevant questioning, and/or providing for the efficient administration of the Hearing. Witnesses are permitted to attend the Student Conduct Board Hearing only during the time they are providing testimony, they are being questioned by the complainant, the accused or the committee unless the Student Conduct Board Chair, in his/her sole discretion determines otherwise.

i. *Parties Witnesses.* The Complainant and the Accused Student may arrange for witnesses to present pertinent information to the Student Conduct Board. The Complainant and the Accused Student are responsible for arranging for the voluntary attendance of his or her own witnesses.

ii. *Board Witnesses.* In its sole discretion, the Student Conduct Board may call other witnesses not identified by the Accused Student or the Complainant. If prior to the hearing the Student Conduct Board anticipates calling additional witnesses, the Board shall notify the Chair of the Student Conduct. The Chair of the Student Conduct Board will then arrange for the voluntary attendance of the witnesses identified by the Student Conduct Board. The Chair of the Student Conduct shall notify the Accused Student and the Complainant of the additional witnesses. If any witness called by the Student Conduct Board, the Chair of the Student Conduct Board is responsible for forwarding such information to the Complainant, the Accused Student and the Student Conduct Board prior to the Hearing. No Board members shall have communication with any witnesses, except in the Hearing with the Accused Student and Complainant present.

j. *Procedural Questions.* All procedural questions are subject to the final decision of the Chair of the Student Conduct Board. If a Student Conduct Board has not been appointed, the Student Conduct Administrator will issue a final decision in response to procedural questions.

k. Deliberations. If the Student Conduct Board concludes that all pertinent information has been received, the Student Conduct Board shall adjourn the Hearing to discuss, deliberate and prepare Findings and Recommendations. The Student Conduct Board will determine by a simple majority (more than half of the votes cast) of members present at a duly called meeting vote whether the k.Accused Student has violated any section of the Student Code which the student is charged with violating. If the Student Conduct Board finds a violation(s) of the Student Code, the Student Conduct Board may also recommend all or any of the sanctions identified in Part II.G below.

I. *Failure to Appear.* The Accused Student is expected to attend and participate in the Student Conduct Board Hearing. If the Accused Student or the complainant elects not to attend a hearing after appropriate written notice Section II.F.4.b

above, the charges will be reviewed as scheduled on the basis of the information available, and a recommendation will be made by the Board. Although no inference may be drawn against an Accused Student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the Accused Student to attend the hearing or answer the charges.

m. *Findings and Recommendations.* The Chair is responsible to prepare the Student Conduct Board's Findings and Recommendations in writing. If the Findings and Recommendations are not unanimous, opinion(s) may be written by those who differ with the Majority's Findings and Recommendations. The Chair will forward the Findings and Recommendations, including differing opinion(s), within ten (10) business days to the Dean, the Student Conduct Administrator, the Accused Student and the Complainant.

n. *Dean's Review.* The Dean of the school will review the Findings and Recommendations of the record from the Student Conduct Hearing and supporting documents, and transmit his or her decision in writing within ten (10) business days from receipt to the Accused Student, the Complainant, the Student Conduct Administrator, and the Chair of the Student Conduct Board. Actions of the Dean are not limited to sanctions recommended by members of the Student Conduct Board. The Dean's decision shall be final.

o. *Appeal.* Within ten (10) business days of receipt of the decision of the Dean, if either party believes that the *due process* procedures have been violated, an appeal may be made, in writing, to the President of the University. The President will review the case and notify all parties of his decision within ten (10) business days. If a written appeal is not submitted within ten (10) business days following receipt of the Dean's letter, the right to appeal is thereby waived and the Dean's decision is final. In the event that the same individual serves as both Dean of the School and President of the University, the Vice President for Academic Affairs is designated to hear any such appeal.

The Accused Student or Complainant may only raise, and the President shall only consider, the following:

a. Whether a procedural deviation occurred that substantially affected the outcome of the case;

b. Whether there is new information sufficient to alter the Findings or other relevant facts not available or mentioned in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

The President will review the Findings and Recommendations and, at his or her sole discretion, the record from the Student Conduct Hearing and supporting

documents, and transmit his or her decision in writing to the Accused Student, the Complainant, the Student Conduct Administrator, the Chair of the Student Conduct Board, and the Dean. The President's decision shall be final.

If the Vice President for Academic Affairs reviews the appeal and finds no procedural deviation and no new information, then the Dean's determination is final. If there has been a procedural deviation or new information sufficient to alter findings, then the case will be referred back to the hearing committee for further deliberation. That decision will be transmitted to the dean as described in "o" above and the Dean's decision is final.

G. Sanctions

1. Sanctions which may be recommended by the Student Conduct Board, and imposed by the Dean of the School, upon any student found to have violated this Student Code. include but are not limited to the following:

a. *Failing Grade or Cancellation of Credit*. Failing grade for an examination or assignment or for a course, and/or cancellation of all, or any portion, of a prior course credit.

b. *Censure*. A notice in writing to the student that the student is in violation or has violated institutional regulations. At the Dean's discretion, the censure may remain permanently in the student's disciplinary file or be removed at graduation if certain conditions are met.

c. *Probation.* A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the likelihood of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

d. Loss of Privileges. Denial of specified privileges for a designated period of time.

e. *Restitution*. Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. *Discretionary Sanctions*. Assignments may be made at the discretion of the board, such as work assignments, essays, training, service to the University, temporary dismissal from a class or rotation site, an unexcused absence, a letter of unprofessional behavior in the students disciplinary file or other related discretionary assignments.

g. *Suspension*. Separation of the student from University for a defined (or specific) period of time, after which the student is eligible to return. Conditions for readmission must be specified.

h. *Dismissal With or Without Readmission*. Separation or dismissal of the student from their current program, with or without the option to apply for readmission to the University. The student's transcript will reflect the nature of the dismissal.

i. *Revocation of Admission and/or Degree*. Admission to or a degree awarded by the University may be revoked for fraud, misrepresentation or other violations of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

j. *Withholding Degree*. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Disciplinary Procedures.

k. *Multiple Sanctions*. More than one of the sanctions listed above may be imposed for any single violation.

I. Any other sanction(s) which may be appropriate under the particular circumstances of the violation.

2. Other than dismissal from the University or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent education record, but shall become part of the student's disciplinary record which is maintained in the Office of the Dean or designee for the applicable School.

3. In situations involving both an Accused Student(s) (or a registered student organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim.

4. The following sanctions may be imposed upon registered student organizations and/or members thereof:

a. Those sanctions listed above in Part II.G.1 above.

b. Loss of selected rights and privileges for a specified period of time.

c. *Deactivation*. Loss of all privileges, including University recognition and/or registration, for a specified period of time.

H. Interpretation and Revision

1. Any question of interpretation or application of this Student Code shall be referred to the Dean of the appropriate School or his or her designee for final determination.

2. The Student Code Review Committee (Review Committee) shall conduct an annual review of the Student Code and make recommendations to the President regarding omission, clarifications, constructive changes and other matters relevant to the interpretation and operation of the Student Code. The Review Committee is composed of the Student Affairs representatives from each School. The President may invite recommendations by the President of the Student Government Association. A quorum for the Review Committee is four members.

PART III. WITHDRAWAL OF CONSENT

A. Recommendation to Withdraw Consent During Periods of Disruption

1. The term "period of disruption" is any period in which it reasonably appears that there is any of the following (Texas Education Code § 51.231):

- a. Threat(s) of destruction to University premises;
- b. Physical or emotional injury to human life on University premises; or,
- c. Threat(s) of willful disruption of the orderly operation of the University.

2. During periods of disruption, the Associate Dean for Student Affairs within the applicable School may recommend to the Dean that prior to a Student Conduct Board Hearing, and in accordance with Texas Education Code, Section 51.233, a student have his/her consent to be in attendance at the University or on University premises be withdrawn when there is reasonable cause to believe that the student has willfully disrupted the orderly operation of University premises and that his/her presence on University premises will constitute a substantial and material threat to the orderly operation of the University premises.

3. Withdrawal of Consent shall not be longer than fourteen (14) days from the date on which consent was initially withdrawn.

4. Withdrawal of Consent is specifically provided by state statute (Texas Education Code § 51.233, et seq.). The provisions of Part III do not affect the power of the University to suspend, dismiss, or expel any student or employee at the University in accordance with the procedures set forth in Part II of this Handbook. If a person is alleged to have violated the Student Code, and Withdraw of Consent also occurs, the procedures set forth in Parts II and III may occur concurrently.

B. Concurrence by Dean

1. If the Dean concurs with the Associate Dean's recommendation, the student will have his/her consent to be in attendance at the University or on University premises withdrawal in writing by the Dean. Texas Education Code § 51.233(a) & 51.234.

2. The written notice by the Dean shall contain all of the following:

a. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed fourteen (14);

b. 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;

c. Brief statement of the activity or activities resulting in the Withdrawal of Consent; and,

d. Notification that the student is entitled to a hearing on the withdrawal not later than three (3) days from the date of receipt by the Dean of a request for hearing from the person.

3. Whenever consent is withdrawn by the Dean, the Dean shall submit a written report to the President within twenty-four (24) hours, unless the Dean has reinstated consent for the student. The report shall contain all of the following:

a. Description of the student, including, if available, the student's name, address, and phone number; and,

b. Statement of the facts giving rise to the Withdrawal of Consent.

C. Confirmation by President

1. If the President or his/her designee upon reviewing the written report described above finds that there was reasonable cause to believe that the student has willfully disrupted the orderly operation of the University or University premises, and that his presence on University premises will constitute a substantial and material threat to the orderly operation of the campus or facility, he/she may enter written confirmation upon the report of the action taken by the Dean. Texas Education Code § 51.236 (b).

2. If the President or his/her designee does not confirm the action taken by the Dean within 24 hours after the time that consent was withdrawn, the Withdrawal of Consent shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

D. Hearing

1. The student from whom consent to remain on campus has been withdrawn may

submit a written request for a hearing to the President, within the fourteen (14) day period of withdrawal. The written request must state the address to which notice of hearing is to be sent.

2. The student shall be entitled to the following procedures in accordance with the Texas Education Code, Sections 51.234 and 51.243.

Hearing Notice. Upon receipt of the request for hearing, the President shall grant the request and immediately mail a written notice of the time, place, and date of the hearing, along with pertinent records, exhibits and written statements to the student. A hearing will be conducted no later than three (3) days from the date that the President receives the request for hearing. The Hearing Committee will be appointed by the President and will be comprised of members from the respective schools other than the accused.

a. *Representation.* The student may be represented by counsel. The University will be represented by the Office of General Counsel.

b. *Witnesses*. The student, as well as the Department Chair who recommended consent be withdrawn, have the right to call and question witnesses and to cross-examine witnesses at the hearing. Members of the Hearing Committee may also question the witnesses. Witnesses are permitted to attend the Hearing only when they are providing information, unless the Hearing Committee, in its sole discretion, allows otherwise. The student shall be advised of the content of the statements, and the names of the persons who made them, at the hearing.

c. *Evidence*. All matters upon which the decision to withdraw consent may be based shall be introduced into evidence at the hearing. The decision to withdraw consent shall be based solely on the evidence presented at the hearing. At least one (1) day prior the date scheduled for the Hearing, the parties must submit to the Chair of the Hearing Committee the following information, if applicable.

i. All pertinent records, exhibits and written statements (including Impact or Position Statements);

ii. A list of witnesses, if any, who will be speaking on behalf of the Accused Student or Complainant, including a brief summary of the information to be given by each; and,

iii. The name of the advisor, if any, who may be present in an advisory capacity at the hearing. See Part II.F.4.i.

d. *Procedural Questions*. All procedural questions are subject to the final decision of the Chair.

e. *Recordings*. University shall record, either digitally or through audiotape, or otherwise as deemed appropriate all Hearings until such time that the Hearing Committee begins discussion and deliberation and prepares Findings and

Recommendations. Deliberations shall not be recorded. The record is University property.

f. *Appeal to President*. The student may appeal the decision within three (3) days from the date of the decision by sending a written appeal to the President. If the student does not appeal the decision by the hearing committee, the decision is final. The president will review and render a decision within seven (7) days.

g. Appeal to the Board of Regents. If the student is not satisfied with the decision by the President, the student may appeal to the Texas Tech Board of Regents by sending a written appeal to the Chairman of the Board of Regents, with a copy to the President, within three (3) days from the date of the President's decision. If the student does not appeal the President's decision, the President's decision is final. If the student appeals to the Texas Tech Board of Regents, the decision by the Board is final.

PART IV. Anti-Discrimination and Sexual Misconduct Procedures (Including Title IX)

A. Introduction

Texas Tech University Health Sciences Center at El Paso (TTUHSC EP) is an Equal Employment Opportunity employer and ensures compliance with federal and state employment laws and regulations. TTUHSC EP provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution. Non-Discrimination and Anti-Harassment Policy (see TTUHSC EP OP 51.02 for complete policy)

Anti-Discrimination Policy

- TTUHSC EP is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. TTUHSC EP is dedicated to fostering and supporting a culture of mutual respect and communication.
- 2. This policy applies to all University students and employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on campus.
- 3. TTUHSC EP does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on these bases.

- 4. Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.
- 5. TTUHSC EP expects all members of the University Community to comply with the law. Members of the University Community who violate University policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events. See TTUHSC EP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws for additional information on TTUHSC EL PASO's Non-Discrimination and Anti-Harassment Policy. <u>http://www.TTUHSC EL</u> Paso.edu/hsc/op/op51/ op5102.pdf

2. Sexual Harassment, Sexual Assault, Sexual Misconduct and Title IX Policy (see TTUHSC EP OP 51.03 for complete policy)

TTUHSC EP is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, the University prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed. See TTUHSC EP OP 51.03, <u>http://elpaso.ttuhsc.edu/opp/documents/</u> <u>51/OP5103.pdf</u> Sexual Harassment, Sexual Assault, Sexual Misconduct, and *Title IX Policy and Complaint Procedure*, for additional information on TTUHSC EP's policy and information on TTUHSC EP's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, intrapersonal violence and stalking. <u>http://www. TTUHSC EL Paso.edu/hsc/op/op51/op5103.pdf</u>

3. Definitions

For purposes of this Part IV, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at <u>http://www.TTUHSC EL Paso.edu/hr/Title9-Home.aspx</u>.

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

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22. 011 (<u>http://www.statutes.legis.state.tx.us/Docs/PE/htm/ PE.22.htm#22.011</u>).

b. **Employee** – Any person who receives a W-2 or 1042-S from the University, including full and part-time faculty, staff, and students.

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

d. Interpersonal Violence – An offense that meets the definition of domestic violence or dating violence:

• Domestic Violence – Abuse or violence committed by a current or

former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<u>http://www.statutes.legis.</u> <u>state.tx.us/docs/FA/htm/FA.71.htm#71.004</u>).

Dating Violence – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined
based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<u>http://www.statutes.legis.</u> state.tx.us/docs/FA/htm/FA.71.htm#71.0021).

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

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

f. **Reporting Party** – A person or entity (in the case of the University) who submits a complaint alleging a violation of this policy.

g. Responding Party – Generally, the Responding Party is the person who is

alleged to be responsible for the prohibited conduct alleged in a complaint.

h. **Responsible Employee** – A University employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or Title IX Deputy Coordinators; or whom an individual could reasonably believe has this authority or duty.

Responsible Employees include, but are not limited to:

- Administrators;
- Academic advisors;
- · Coaches, and other athletic staff who interact directly with students;
- Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;
- Student services personnel;
- Graduate research assistants;
- Residence life or community advisors;
- Student organization advisors;
- All supervisory personnel;
- Human Resources personnel; and
- The Texas Tech Police Department.

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

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

k. **Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.

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

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

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

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

- **Rape** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- Incest Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Fondling The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Statutory Rape** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<u>http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.</u> htm#22.011).

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

- Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's full knowledge or consent;
- Sexual voyeurism;
- Inducing another to expose one's genitals or private areas;
- Prostituting another; or
- Knowingly exposing someone to or transmitting a sexually transmitted

disease.

m. **Sexual Harassment** – Unwelcome verbal, written, or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;

(2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or

(3) Such conduct has the purpose or effect of interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an

(3) Intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.

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

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

n. **Stalking** – A course of conduct directed at a specific person that would cause a reasonable person to fear for his/ her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A "course of conduct" means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and similarly situated to the Reporting Party. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (http://www.statutes.legis.state.tx.us/SearchResults.aspx?CP=1&Code=PE&Phr ase=Chapter+42%2c+Section+42.072)

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

4. Title IX Coordinators

TTUHSC EP has a Title IX Coordinator who oversees the University's compliance with Title IX, which prohibits discrimination based on sex. TTUHSC EP has also designated a Title IX Deputy Coordinator for students.

The Office of Student Services will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of Sexual Misconduct by or between employees.

CONTACT	PHONE	ADDRESS	EMAIL
Rebecca Salcido TTUHSC EP Title IX Coordinator Executive Director of Human Resources	915-215-4140	TTUHSC EP Office of Human Resources, 200 N. Concepcion El Paso, TX 79905	<u>Rebecca.salcido@</u> <u>ttuhsc.edu</u>

Kathryn Horn, M.D. TTUHSC EP Title IX Deputy Coordinator for Students Assistant Vice President for Student Services	915-215-4786	TTUHSC EP Office of Student Services 5001 El Paso Dr. MEB 2140E El Paso, TX 79905	<u>Kathryn.horn@</u> <u>ttuhsc.edu</u>
TTUHSC EP Title IX Deputy Coordinator for Employees Managing Director of the Office of Equal Employment Opportunity	806-742-3627	Office of Equal Employment Opportunity TTU Administration Building, Room 210 Box 1073 Lubbock, TX 79409	<u>eeo@ttu.edu</u>

a. Reporting Concerns

- i. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO.
- ii. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of Law Enforcement Agencies, please see page 45. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- iii. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services. For more information about the SAFE, see http://hopelaws.org/ or

https://www.texasattorney general.gov/victims/sapcs.shtml#survivors.

- iv. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- v. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the University Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.
- vi. Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.
- b. Office of Civil Rights Complaints

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

c. Non-retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. TTUHSC EP will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

d. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

e. Faculty/Staff and Student Relationships

TTUHSC EP is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty members class or with whom the faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's Academic Dean or the Assistant Vice President for Student Services.

f. Grievance or Complaint Processes

A grievance is a formal complaint pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC EP policy. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law.

- i. Grievances and Investigations Complaints Involving Employees, Whether, Faculty, Staff, or Students
 - 1. This grievance process is applicable to all students who choose to complain about unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is an employee, whether faculty, staff or student.
 - 2. All grievance investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
 - 3. The filing of a grievance shall not affect the ability of TTUHSC EP to pursue

academic and disciplinary procedures for reasons other than the student's filing of a grievance.

- 4. A student may consult with the Assistant Vice President for Student Services to determine if he/she wishes to file a formal grievance. Students wishing to file a grievance should complete the grievance form located at <u>http://elpaso.ttuhsc.edu/fostersom/studentaffairs/</u>. However, even if a formal grievance is not filed, the Assistant Vice President for Student Services may notify key personnel at his or her discretion about the allegation, and other action may be taken by TTUHSC EP as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of TTUHSC EP's policy and educating departments and supervisors as needed on this and other policies.
- 5. If the grievance involves the Assistant Vice President for Student Services, the grievance should be presented to the Equal Employment Opportunity Office.
- 6. Student complaints of Sexual Misconduct, discrimination or harassment by an employee will be investigated jointly by the Assistant Vice President for Student Services and the Office of Equal Opportunity.
- 7. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Assistant Vice President for Student Services or the Equal Employment Opportunity Office or other administrators may be consulted to assist with the investigation.
- 8. After the investigation is complete, the Assistant Vice President for Student Services or Equal Employment Opportunity Office or designee will provide a written determination to the student who has filed the grievance, the accused parties, and the appropriate administrators.
- 9. The findings of the Assistant Vice President for Student Services or the Office of Equal Employment Opportunity is final and not appealable.
- 10. In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
- 11. Any disciplinary action taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Assistant Vice President for Students and the Office of Equal Employment Opportunity at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via copy of a counseling or other written disciplinary action, resignation, termination document, etc.
- 12. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Officer of Equal Employment Opportunity. Likewise, in the event the student believes unlawful retaliation for filing a grievance has taken place the student

should contact the Vice President for Student Services or the Office of Equal Employment Opportunity, and/or file a grievance for retaliation.

- 13. In the event of a finding of a violation of this policy, the Office of Equal Employment Opportunity will follow up with the grievant within 60 days to ensure that the complained of behavior has ceased.
- 14. In addition, in complaints of Sexual Misconduct against employees the provisions of TTUHSC EP OP 51.03 (5) (b) shall apply and control.
- j. Grievances and Investigations Complaints Involving Other Students grievances and investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or TTUHSC EP policy are guided by the Student Conduct Procedures outlined in the <u>Student Handbook</u>, Part II and Part IV, B, as applicable. Section B of this Part IV of the Student Handbook contains the processes and procedures pertaining to sexual misconduct.

B. Sexual Misconduct Complaints Involving Other Students

1. Jurisdiction.

Part IV of the Student Handbook shall apply to conduct that occurs on TTUHSC EP premises, at TTUHSC EP sponsored activities, and to off-campus conduct that adversely affects TTUHSC EP and/or pursuit of its objectives. On a caseby-case basis, the Deputy Title IX Coordinator for Students and/or his/her designee, in his or her sole discretion, shall determine whether this Part IV of the Student Handbook should be applied to conduct occurring off premises. Part IV may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

a. Each student shall be responsible for his/her conduct from the time of the application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Part IV of the Student Handbook shall apply to persons who withdraw after alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with TTUHSC EP, or who have been notified of their acceptance.

b. This Part IV. B. of the Student Handbook refers to processes and procedures pertaining to Sexual Misconduct. For all other types of misconduct, refer to Part II of the Student Handbook.

2. Timelines

It is recommended that reports of Sexual Misconduct should be received by the Deputy Title IX Coordinator for Students within ten (10) university working days of the alleged incident to initiate conduct procedures. There is no time limit on reporting violations; however, the longer someone waits to report an offense, the more difficult it becomes to obtain information and evidence regarding the incidents.

Incidents should be resolved within 60 days of notice regarding the incident, not including appeal. This timeline may vary depending on the availability of individuals participating in the process, availability of evidence, delays for concurrent criminal investigations, breaks between academic semesters, and other delays

3. Standards of Evidence

The proceedings are not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in TTUHSC EP proceedings in Part IV. B. of the Student Handbook is the preponderance of evidence. The term "preponderance of evidence" is defined as a circumstance in which the evidence as a whole shows that the fact(s) for which proof is being sought are more likely than not.

4. Reporting Allegations of Sexual Misconduct

To file allegation(s) of sexual misconduct against student(s) or student organization(s), individuals must complete a *Complaint of Sexual Misconduct* form that can be found as Appendix B in the Student Handbook. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of the Assistant Vice President for Student Services at 5001 El Paso Dr., MEB Rm. 2140, El Paso, TX 79905 915-215-4786

5. Confidentiality

TTUHSC EP

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

The willful and unnecessary disclosure of confidential information by anyone,

including the Reporting Party or Responding Party, may affect the integrity of the investigation.

Students may make confidential reports to the Program for Assistance to Students. Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

6. Anonymity

TTUHSC EP understands the sensitive nature of incidents involving Sexual Misconduct. Further, the University is mindful of Reporting Parties' desire, in some cases, to report an incident without disclosing their name or other identifying information.

TTUHSC EP will always attempt to protect a student's anonymity if that is the student's request. Doing so, however, can often times make it more difficult to thoroughly and effectively investigate an incident. The University will work with each student on a case-by-case basis to find the approach that best fits the student's wants and needs.

7. Reporting Criminally

Some instances of student misconduct may also constitute a violation of state, federal, or local law. Students have the option to report misconduct to the University, to local law enforcement, or to both. TTUHSC EP administrators are happy to assist students in making a report to law enforcement, and will even accompany the student if he or she wishes.

Administrative Agencies:

CONTACT	PHONE	ADDRESS
U.S. Equal Employment Opportunity Commission	1-800-669-4000	300 E. Main Dr. Suite 500 El Paso, Texas 79901
Texas Workforce Commission	512-463-2222	101 E. 15th Street Austin, Texas
U.S. Department of Education, Office of Civil Rights	214-611-9600	1999 Bryan Street Suite 1620 Dallas, Texas 75201

Law Enforcement Agencies:

CONTACT	PHONE	ADDRESS
TTUHSC EP Police Department	915-215-7111	200 N. Concepcion – MS 18 El Paso, Texas 79905
El Paso Police Department	915-212-4000	911 N. Raynor Street El Paso, Texas 79930
El Paso County Sheriff's Department	915-538-2292	3850 Justice El Paso, TX 79938
Texas Department of Public Safety	915-751-6455	4505 Hondo Pass Drive El Paso, Texas 79904

8. Amnesty Provisions

The University will provide educational options in lieu of conduct proceedings in certain situations. Victims of misconduct who were engaging in minor policy violations, such as underage drinking or drug use, at the time of the incident. Examples of the amnesty provision include, but are not limited to:

- Students who offer assistance to others by calling medical personnel or law enforcement.
- Students who bring their own use, addiction, or dependency to alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports.

Abuse of amnesty provisions can result in a violation of the Code of Student Conduct. Amnesty does not preclude students from being charged with allegations of misconduct related to Actions against Members of the University Community and others. The amnesty provisions do not impact criminal proceedings or charges, mandatory reporting to state licensing boards, or actions required to comply with professional ethic requirements. Amnesty does not preclude students from being required to meet with University staff and to participate in conditions such as counseling. The Deputy Title IX Coordinator for Students can assist with questions related to amnesty provisions.

9. Conduct Procedures for Sexual Misconduct

a. Intake and Initial Inquiry

Upon notice of an alleged-Sexual Misconduct, the Deputy Title IX Coordinator for Students will appoint a Title IX Investigator to review allegations of Sexual Misconduct. The Deputy Title IX Coordinator for Students, in his or her sole discretion, may appoint more than one Title IX Investigator or co-investigators to review an allegation of Sexual Misconduct. Reported allegations of misconduct have varying degrees of complexity and severity. Therefore, the investigation procedures described below may vary. The Title IX Investigator will inquire, gather and review information about the reported student Sexual Misconduct and will evaluate the accuracy, credibility, and sufficiency of the information. Incidents will not be forwarded for to a hearing officer unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or Reporting Party statement. If it is determined that the information reported does not warrant an allegation, a policy warning letter may be issued to any individual involved to clarify the policy that was in question. Unsupported allegation with no credible information will not be forwarded to a hearing. When an initial report of misconduct by a third party does not identify the

victim or the victim is not available, the Title IX Investigator will investigate the reported incident to fullest extent of the information available. When a Reporting Party is identified but is reluctant and/or refuses to participate in the investigative process and/or the Sexual Misconduct process entirely, TTUHSC EP will make every attempt to follow the wishes of the Reporting Party while weighing the interests of the university community and the possibility of a continuing threat. If the Reporting Party does not want to participate in the investigative process but has no aversion to TTUHSC EP pursuing conduct action with respect to the named Responding Party, TTUHSC EP will proceed with the Sexual Misconduct process to the extent of the information available.

b. Remedies and Resources

i. Remedies

TTUHSC EP will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community. This may include immediate steps to protect Reporting Parties even before the final outcome of the investigations, including prohibiting the Reporting Party from having any contact with the Responding Party. These steps will attempt to minimize the burden on the Reporting Party while respecting due process rights of the Responding Party. Remedies for students may include, but are not limited to counseling services, victim's advocate assistance, modifications to parking assignments, and modifications to academic schedule. Remedies will be evaluated on a case-by-case basis.

ii. TTUHSC EP No Contact Orders

TTUHSC EP When initial inquiry indicates persistent and potentially escalating conflict between two members of the University Community, a No Contact Order may be issued as a remedial, non-punitive deterrent to further conflict or situational complication. A No Contact Order will be issued by the Deputy Title IX Coordinator via the student's official TTUHSC EP email. The notice serves as an official directive that the student(s) have no contact with the other listed parties. Contact cannot occur in person, by telephone, email, text message or other electronic means of communication, or through a third party (other than an attorney). Should contact need to occur, the student should coordinate with the Deputy Title IX Coordinator for Students. This notice may also come with other information related to changes in class schedule or other restrictions to facilitate the No Contact Order. Failure to comply with the No Contact Order is considered retaliation and will result in disciplinary action, including possible suspension or expulsion. Violations of No Contact Orders may also result in possible violation(s) under Part II of the Student Handbook, and/or a referral to the Texas Tech Police

Department during the completion of the conduct process. The term of a No Contact Order is indefinite, unless otherwise stated in the Order.

iii. Resources

Sexual Violence. TTUHSC EP has a variety of resources to assist students involved in conduct processes or experiencing concerns related to other student conduct. Resources include, but are not limited to assistance in reporting criminal behavior to the Texas Tech Police Department or El Paso Police Department, counseling services, medical assistance, student legal services, academic support referrals, and other support services.

c. Interim Actions

Immediate Temporary Suspension – Students

A student may be temporarily suspended and/or referred to the Texas Tech Police Department pending completion of conduct procedures if, in the judgment of the Deputy Title IX Coordinator for Students, or on recommendation of a Title IX Investigator, the physical or emotional well-being of a student or other students or members of the university community could be endangered or if the presence of the student could significantly disrupt the normal operations of TTUSHC EP. The Deputy Title IX Coordinator for Students or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) university working days from the date of temporary suspension. A student who receives an interim suspension may request a meeting with the Deputy Title IX Coordinator for Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus Hearing. Upon immediate temporary suspension, the student may no longer attend classes, use TTUHSC EP or TTU services and/or resources, and is not allowed to be on campus until the conduct proceedings under Part IV have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Deputy Title IX Coordinator for Students and the Texas Tech Police Department. Conduct, on or off campus that typically results in interim suspension under Part IV include but is not limited to:

- i. A significant and articulable threat to the health or safety of a student or other member(s) of the university community.
- ii. Sexual Assault and other forms of Sexual Misconduct that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation.
- iii. Violation of a No Contact Order.
- iv. Retaliatory harm, discrimination or harassment.

d. Notice of Involvement.

When preliminary information indicates that certain, identifiable student(s) are associated with the reported incident, those student(s) will be asked to meet with a Title IX Investigator. In addition to other possible sanctions, conditions and/or restrictions, and in the event that a student fails to respond to written notification, an administrative hold may be placed on the student's record to prevent further registration and transcript receipt. The administrative hold will remain until such time as the Title IX Investigator receives an appropriate response. Failure to comply with or respond to a notice issued as part of conduct procedure and/or failure to appear will not prevent the Deputy Title IX Coordinator for Students from proceeding with disciplinary process. Likewise, failure of a student to respond to notification to appear may result in additional alleged violations and result in a charge of Failure to Comply in Part II of the Student Handbook.

e. Student Rights and Responsibilities

Prior to the formal investigative process, a student will be provided a Student Rights and Responsibilities document. This document will be reviewed and signed by the student prior to an interview with the Title IX Investigator. The Student Rights and Responsibilities document informs the student of his or her rights to be exercised before and during the investigative process. Information gathered during the course of the investigation and student conduct process may only be shared with faculty, staff, students, and/or advisors who are directly involved in the incident or necessary to the student conduct process. Information gathered may also be disclosed in compliance with a judicial order or lawfully issued subpoena.

A student has a right to:

i. A prompt, fair, and equitable process;

ii. Be accompanied by an advisor to any meeting or Hearing. An "advisor" can be any one of the following: a member of the TTUHSC EP Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the hearing on behalf of the TTUHSC EP.

The Reporting Party and/ or Responding Party is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing unless authorized by the Hearing Officer. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Hearing Officer upon written request five (5) University

working days in advance of the scheduled hearing date.

iii. Students are expected to cooperate with the University sexual misconduct process, but may elect not to participate in the investigation process, either in part or entirely. In other words, if a student chooses not to provide information during the investigation, they will not be allowed to present new information during the Hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the Investigator's questions but not others), then during the Hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary. The rationale for this policy is to prevent either party from presenting new evidence at the Hearing that was available during the investigative process for the purpose of disadvantaging the other party.

- iv.NOTE: See Pre-Hearing Process, below, for details on inclusion of new, previously unavailable information after conclusion of the investigative process.
- v. The opportunity to provide information and evidence in support of his/her case;
- vi. Know if they have been issued any allegations of misconduct;
- vii.Know the range of sanctions that may be imposed for a conduct violation, if one is alleged and found to have occurred;
- viii.Know the TTUHSC EP conduct policies and procedures, and where to find them;
- ix.Know that any information provided by the student may be used in a conduct proceeding;
- x.Know that if a student makes any false or misleading statement(s) during the investigation or Hearing the student will be subject to further disciplinary action under Part II of the Student Handbook.

It is the student's responsibility to:

- 1. Be responsive to all correspondence from the University;
- 2. Provide information relevant to the incident or situation;
- 3. Be honest and provide true and accurate information during the investigation;
- 4. Review the Code of Student Conduct in order to fully understand all aspects of the student conduct process.

f. Initial Inquiry/Formal Investigation

A trained Title IX Investigator will conduct a thorough, reliable, and impartial investigation of the reported incidents including meeting with the party bringing the Complaint to finalize the Reporting Party's statement, interview witnesses, collect evidence, create timelines, and receive information from the Responding Party.

When initial inquiry indicates a concurrent police investigation is occurring, the Title IX Investigator will, where possible, collaborate with the Texas Tech Police Department during investigation. Elements of this collaborative investigation may include the Title IX Investigator coordinating with responding officers at the scene of the incident, joint interviews with police detectives, and evidence sharing. The Title IX Investigator will never take physical custody of any physical or electronic evidence, but will work closely with the Texas Tech Police Department to inspect, analyze, and incorporate physical or electronic evidence into the Investigative report.

During the investigative process, Reporting Parties and Responding Parties are responsible for providing all information or evidence that they believe should be considered.

Once the investigative process is complete, the Title IX Investigator will compile the relevant information and evidence into an Investigation Report, which may include a timeline of the event(s), statements from interviews, physical and electronic evidence, a breakdown of the discrepancies in the various interviews, and credibility considerations. The Title IX Investigator will document any physical or electronic evidence in a manner that is conducive and un-obstructive to concurrent or forthcoming police investigations.

A student will have access to the completed Investigation Report and/or investigative materials relevant to the allegation(s) after the formal investigative process has concluded. In order to protect confidentiality, students are not given copies or Investigation Reports and/or investigative materials.

If after the Initial Inquiry/Investigation, the Responding Party accepts responsibility for the allegations of the Code of Student Conduct outlined in an Investigation Report, the student can choose to resolve the issue informally. Should the student wish to participate in the Informal Resolution Process, the Title IX Investigator conducting the initial inquiry/investigation will inform the student of the appropriate sanctions for the misconduct. To participate in the Informal Resolution process, a student must accept both the finding and the sanctions. If accepted, the process ends, the finding is final, and there is no

appeal. The case will only be reopened if new material, previously unavailable is presented. The Informal Resolution or any other form of mediation will not be utilized to resolve cases involving Title IX allegations, such as sexual harassment, sexual violence, or other forms of Sexual Misconduct.

g. Prehearing/Formal Allegations Assigned

Once the investigative process is complete, the student will be given notice of a Pre-Hearing Meeting scheduled outside of the student's academic schedule. Should students not participate in the Pre-Hearing, the conduct process may continue without their participation, including the assignment of allegations and Hearing. During this meeting, students will be given the opportunity to review the Investigation Report, relevant evidence, and other documents to be used in the Administrative or University Discipline Hearing. Other documents include notification of Responding Party's allegations, name of Hearing Officer, and Hearing script. Following the Pre-Hearing, student(s) will be notified, via the notification procedures, outlined in in the Student Handbook of a date, time, and location of the Hearing.

While students may identify errors in their own statements during the Pre-Hearing, they are not able to add additional information to the Investigation Report unless that information, in the judgment of the Title IX Investigator, was unavailable during the investigative process and is pertinent to the consideration of the case. If a student discovers new, previously unavailable information during the time after the Pre-Hearing but before the Hearing, the student should inform the Title IX Investigator immediately. If the new information is pertinent to the consideration of the case, the Title IX Investigator will determine whether the new information should be included in the Investigation Report or presented verbally during the Hearing. If there is new evidence introduced, other involved parties would also be given the opportunity to provide a response to any new evidence that will be presented in the Hearing.

Formal Allegations will be assigned during the Pre-Hearing per the information and evidence gathered during investigation. Allegations are assigned for deliberation in the Hearing by the Hearing Officer to determine the student's responsibility for misconduct. An Allegation Letter will be provided to the student in the Pre-Hearing Meeting or via other methods of notice. Title IX Investigator will schedule the Final Hearing no sooner than five (5) university working days from the date of the last Pre-Hearing. The five-day period can be waived by the Deputy Title IX Coordinator for Students upon consultation with the involved student(s).

h. Hearing

After proper notice has been given to the students, TTUHSC EP may proceed to conduct a hearing and deliver a decision or recommendation respectively. The Deputy Title IX Coordinator for Students shall appoint a Hearing Officer to conduct a Hearing under Part IV of the Handbook. The Hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. Should the student fail to attend the Hearing, the Hearing Officer may consider the information and render a decision.

Hearings are closed to the public. Both the Reporting Party and Responding Party have the right to be present at the Hearing; however, they do not have the right to be present during the deliberation. Arrangements can be made so that Reporting Party and Responding Party do not have to be in the hearing room at the same time. To request changes in the scheduled hearing time, students should contact the Deputy Title IX Coordinator for Students not less than three (3) days prior to the scheduled hearing.

The Title IX Investigator presents the investigation report, evidence, witnesses, allegations, and questions for deliberation. The Hearing Officer may guestion the Title IX Investigator, Reporting Party, Responding Party and any witnesses. The Reporting Party and Responding Party do not have the right to question each other nor witnesses directly but may do so through the Title IX Investigator. The Reporting Party and Responding Party have the right to add or make additional comments about the facts of the case. The Hearing Officer may ask questions to all par- ties through the Title IX Investigator. Should new evidence be presented without prior discussion with the Title IX Investigator, the hearing may be halted to consider the inclusion of this information. Impact statements will also be halted if they are shared prior to the sanctioning phase of the hearing. In the event the Hearing Officer removes a student due to misconduct (Reporting Party, Responding Party, or witnesses) the alleged misconduct will be forwarded to the Deputy Title IX Coordinator for Students or his/her designee. In regard to removal of the student, the Deputy Title IX Coordinator for Students or his/her designee will forward the alleged misconduct to the appropriate student conduct administrator, who will follow the conduct process in Part II of the Student Handbook in regard to adjudication of the alleged misconduct.

Following the hearing, the Hearing Officer will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. The Hearing Officer will inform the Deputy Title IX Coordinator for Students in writing within five (5) University working days of the decision(s). Outcomes of the Hearing will be provided to the student(s) in writing within five (5) University working days of the decision five (5) University working days of the decision (5).

Either the Reporting Party or Responding Party may utilize Disciplinary Appeal Procedures outlined in sub-section j below.

i. <u>Conduct Outcomes/Findings (Sanctions, Conditions, Restrictions)</u>

The Hearing Officer may impose sanctions, including but not limited to those described in Part II of the Student Code, conditions and/or restrictions as a result of a Hearing where the student is found responsible.

If the allegation involves a student organization, the Hearing Officer may meet with a University staff member whose professional capacity involves the advising of the organization. This staff member may provide information relevant to potential sanctions, conditions, and restrictions for the Hearing Officer.

All records concerning a student or student organization related to the disciplinary process will remain on file with the Deputy Title IX Coordinator for Students for a minimum of seven (7) years from the date the case is completed through a Hearing and/or disciplinary appeal procedures.

j. Conduct Appeal Procedures

A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Hearing Officer by submitting a written appeal to the Vice President of Academic Affairs or his/her designee within five (5) University working days of receiving the written decision. The appeal must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal, and the only issues that may be considered on appeal are as follows:

i. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)

ii. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and

iii. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

Either the Reporting Party or Responding Party may appeal the decision of the Hearing Officer. The Deputy Title IX Coordinator for Students will provide the request for appeal to the other party and provide opportunity for response.

The Vice President of Academic Affairs will review the appeal to determine if the appeal is timely and properly sets forth the appropriate grounds for appeal, with adequate accompanying evidence. If any of these requirements are not met, the appeal will be dismissed, and the decision will be final. If an appeal is granted, the results of the appellate process as outlined below will be final. If the designated appeal officer determines that new evidence should be considered, he/she may return the complaint to the original Hearing Officer to reconsider the new evidence, or may order a new Hearing. If new evidence is considered, the Hearing Officer may increase, decrease, or otherwise modify the sanctions, conditions, and/or restrictions. The Hearing Officer or designee will notify the student of the outcome using the written notice procedures within eight (8) University working days of the decision. The decision is final and may not be appealed. If a new Hearing is ordered, all hearing Conduct Procedures in Part IV will be followed. The Hearing Officer will notify the student of the outcome using the written notification procedures within five (5) University working days of the decision. The decision of the new Hearing Officer is final and may not be appealed.

If the Vice President of Academic Affairs or designee determines that a material procedural or substantive error has occurred, he/she may return the complaint to the original hearing officer with instructions for another hearing in light of the appellate findings. All hearing Conduct Procedures described in Part IV will be followed. The original Hearing Officer will notify the student in writing of the outcome using the written notification procedures within five (5) University working days of the decision. This decision is final and may not be appealed. In those cases in which the error cannot be cured by the original Hearing Officer (i.e., some cases of bias), the Vice President of Academic Affairs or designee may order a new hearing with a new Hearing Officer. If a new Hearing is ordered, all hearing Conduct Procedures in Part IV will be followed. The new Hearing Officer or designee will notify the student in writing of the outcome within five (5) University working days of the decision of the decision. The decision of the new Hearing Officer is final and may not be appealed.

If the Vice President of Academic Affairs determines that the sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions, the Vice President of Academic Affairs or designee may then increase, decrease or otherwise modify the sanctions, conditions, and/or restrictions instead of returning the case to the original Hearing Officer or convening a new Hearing. The Vice President of Academic Affairs will notify the student in writing of the outcome using the written notification procedures within five (5) University working days of the decision. The decision of the Vice President of Academic Affairs is final and cannot be appealed.

The Deputy Title IX Coordinator for Students shall make all reasonable efforts to timely notify the student(s) of the status of the appeal throughout the appellate process, and shall make all reasonable efforts to notify the students

as to the result of the appeal within five (5) University working days after the final decision is rendered. The appeals officer's decision is final.

PART V. STUDENT RECORDS

A. General Policy

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

B. Address of Record

Students must maintain an accurate permanent address with the Office of the Registrar. The address is used for official notifications including billing and notification of official university requirements. Students should maintain a current local address and telephone number that is used by university officials, and/or student organizations and the campus community.

C. Student Access to Educational Records

All current and former students of the university have the right to access their educational records as provided by law.

Notification of Rights under FERPA for Postsecondary Institutions The Family Educational Rights and Privacy ACT (FERPA) afford eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

- 1. The right to inspect and review the student's education records within 45 days after the day Texas Tech University Health Sciences Center El Paso receives a request for access.
- 2. A student should submit to the Office of the Registrar a request by completing and submitting HSCEPOP 77.13 Attachment B that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

a. 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.

b. Official copies of academic records or transcripts will not be released for students who have a delinquent or unpaid financial obligation to the University, have a "hold" at the University, or have an unresolved disciplinary action pending at the University, provided that applicable law does not otherwise require disclosure of the records.

 The right to provide written consent before the university discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the [School] in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the [School] who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the [School]. [Optional] Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO POSTSECONDARY INSTITUTION: FERPA requires a school to make a reasonable attempt to notify each student of these disclosures unless the school states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

- 5. A student may waive the right of access to confidential letters of recommendation in the areas of admissions, job placement and receipt of awards.
- 6. Personally identifiable information such as rank in class, personal conduct, grade point average, academic progress, etc., shall not be released to non-authorized personnel without the written consent of the student.

D. Records Not Accessible to Students

The following are records not accessible to students:

- 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 EP 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 –

 To other school officials, including teachers, within Texas Tech University Health Sciences Center whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31 (a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31 (a)(1))

• 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. (\S 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))

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• 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's Request to Amend Records

Students have the right to request an amendment of their educational records and information directly relating to them. This section does not include procedures for students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student Handbooks for each School and the TTUHSC EP Student Handbook/Code of Professional Conduct. The request is limited to inaccurate, misleading or otherwise inappropriate records and information. The procedures set forth below shall be followed to amend the records.

- 1. Student who believes that his/her Education Records are inaccurate or misleading, or that the records violate his/her privacy rights, must first request an informal discussion regarding the questionable item with the Office of the Registrar, who may or may not honor the request.
- 2. If the result of the informal discussion with the Office of the Registrar is not satisfactory to the Student, and the Student still wishes to have the record corrected, the Student should submit a Student Request to Amend Education Records form HSC OP 77.13 (Attachment C) to the Assistant Vice President for Student Services or designee. The request shall clearly identify the part of the record the Student believes should be changed, and specify why it should be changed, i.e., why the Student believes the record is inaccurate, misleading or in violation of his/her privacy rights. [Note: The substantive judgment of a faculty member regarding a Student's work, expressed in grades or evaluations, is not within the purview of the right to seek amendment of Education Records under this section. This section does not include procedures for Students challenging individual grades. Grade appeal and grievance procedures are set forth in the individual Student handbooks for each School and the TTUHSC EP Student Handbook/ Code of Professional Conduct.]
- 3. After receiving the written request from the Student for a change in his/her Education Records, the Assistant Vice President for Student Services or designee shall request, and the Office of the Registrar shall provide, a written statement that explains why the request for the change in the Education Record was denied at the informal stage. After reviewing the request by the Student and the response of the

Office of the Registrar, the Assistant Vice President for Student Services or designee

- will provide written notification to the Student whether or not TTUHSC EP will implement the change. If not, the SVPAA or designee will notify the Student of the right to a hearing to challenge the information believed by the Student to be inaccurate, misleading, or in violation of the Student's rights.
- 4. Upon receiving a written request from the Student for a hearing, the Assistant Vice President for Student Services or designee shall arrange for a hearing and provide written notice to the Student reasonably in advance of the date, time and place of the hearing. The hearing will be conducted according to the following procedures:

a. The hearing shall be conducted by a hearing official or committee appointed by the President or designee. Such individual(s) must have no direct interest in the outcome of the case and shall decline to serve if a conflict of interest, or an appearance of a conflict of interest, exists with either the Student or the Office of the Registrar.

b. At least five (5) days prior to the date scheduled for the hearing, the Student and the Office of the Registrar, shall submit to each other, as well as to the hearing official or committee, any and all pertinent documents and a list of witnesses and advisors who are to be involved in the hearing process. The Student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. If the Student has an advisor, the Office of General Counsel shall represent the University. The Student and the Office of the Registrar are each responsible for presenting relevant information. Therefore, the advisors and/or attorneys for the Parties are not permitted to speak or participate directly in the hearing.

c. At the hearing, the Student shall have the opportunity to present evidence to support his/her position that the content of the relevant educational record is inaccurate, misleading and/or otherwise in violation of the privacy rights of the Student.

d. Any additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.

Within seven (7) business days after the conclusion of the hearing, the hearing officer or chair of the hearing committee, if applicable, will transmit the decision in writing to the Student, the Office of the Registrar, and the Assistant VP for Student Services or designee. The decision must include a summary of the evidence and the reasons for the decision. If, as a result of the hearing, the hearing official or committee determines that the information in the Education Record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the Student, the Student will be notified of the right to place a statement in the record contesting the information in the record or stating why the Student disagrees with the decision of the agency or institution, or both. Any

statement provided by the Student shall be maintained with the contested portion of the record for as long as the record is maintained. In the event the contested portion of the record is later requested, the statement shall be disclosed with the record to the extent it pertains to the contested portion.

G. Release of Student Directory Information

The following student information is considered Texas Tech University Directory Information:

- 1. Student Name
- 2. Permanent and Local Addresses
- 3. Telephone Numbers
- 4. Classification
- 5. Major Field of Study
- 6. Dates of Attendance
- 7. Degrees, Awards, and Honors Received
- 8. Specific Enrollment Status
 - a. Full-time, Part-time, Half-time
 - b. Undergraduate, Graduate
- 9. Participation in Officially Recognized Sports and Activities
- 10. Previous Institutions Attended
- 11. Postgraduate Training/Clinical sites for R.N., M.D., or Ph.D. graduates and degree candidates

This information will be released by various campus offices periodically, or on request, unless the student stipulates that directory information (as defined above) be withheld. Students may request that directory information be withheld by submitting a completed HSC OP 77.13 Attachment A, Student Consent to Release Education Records, or by restricting personal directory information at WebRaider. TTUHSC EL Paso.edu on the MyTech tab. Students should select the Directory Profile link located under Personal Information and uncheck the box next to their name. The publication known as the Texas Tech Campus Directory is one type of printed periodical containing data classified as "directory information". To restrict directory information from appearing in the printed directory, students must go to WebRaider and restrict directory information will remain restricted until the students unrestricts the information.

H. Destruction of Records

The university constantly reviews the "educational records" it maintains and periodically destroys certain records. The university will not destroy records if prohibited by state or federal law. The student's basic scholastic record is kept and maintained permanently in the Office of the Registrar. Disciplinary records are maintained for at least seven years in the Associate Dean for Student Affairs office. Student Disability Services records are maintained for three years after the last date of enrollment.

I. Letters of Recommendation

1. Students may review recommendations used in application for employment or for admission to any educational agency or institution, or information concerning honors awarded, except when the student waives, in writing, the privilege of examination.

2. Under the Family Educational Rights and Privacy Act 1974, as amended, the student does not have access to confidential letters and statements of recommendation which were placed in the educational records before January 1, 1975, if the letters or statements are used for purposes for which they were specifically intended.

J. Medical Records

Medical records are maintained for students seen by a Texas Tech faculty at Texas Tech Physicians at Hague or other Texas Tech clinics. Information contained in the medical record is completely confidential and will not be released to another person or institution without written permission of the student unless otherwise authorized by law. Students needing to request a copy of their medical records should contact the office where they received care.

PART VI. REGISTRATION OF STUDENT ORGANIZATIONS

A. Conditions for Registration

1. Student organizations wishing to register with the Texas Tech University Health Sciences Center at El Paso must file an application with the Office of Student Services. The purposes and activities of the organization shall be lawful and not in conflict with regulations published by the Texas Tech University Health Sciences Center at El Paso.

2. This application shall contain, but not be limited to, the following information:

a. A statement of the organization's purposes;

b. Any present or intended relation the organization may have to any other local, state, or national organization;

c. The organization's proposed activities;

- d. A list of the organization's officers;
- e. A copy of the organization's constitution/bylaws;

f. A copy of the constitution/bylaws of any related organization if any; and,

g. The signature, title, and campus address of a full-time member of the faculty or staff indicating his or her willingness to serve as the advisor to the organization.

The purposes and activities of the organization shall be lawful and not in conflict with regulations published by TTUHSC EP.

3. Membership in the organization shall be open only to students of Texas Tech University Health Sciences Center at El Paso without regard to race, religion, sex, handicap or national origin, except in cases of designated fraternal organizations which are exempted by federal law from Title IX regulations concerning discrimination on the basis of sex. Faculty and staff may hold adjunct memberships in accordance with the organization's constitution.

4. The organization shall not duplicate the purposes and functions of a previously registered organization unless need for such duplication is substantiated.

5. All funds allocated to the organization from TTUHSC EP controlled sources must be maintained in a TTUHSC EP account.

6. The organization shall show promise of effectively meeting its stated objectives, be free from control by any other organization and be lawful and peaceful in its activities.

7. The organization shall not use the name of the Texas Tech University Health Sciences Center El Paso, logotype, or symbols of TTUHSC EP as part of its name in its publications. In addition, the organization shall not advertise or promote events or activities in a manner, which suggests sponsorship by TTUHSC EP. The organization is permitted to use the word "TTUHSC EP Chapter" as part of its name or to use the complete statement "a registered student organization at TTUHSC EP." Requests to use logos or symbols protected by TTUHSC EP, Texas Tech University or the Texas Tech University System shall be submitted to Office of Institutional Advancement and Marketing.

Registration of an organization results from compliance with these regulations; it does not imply TTUHSC EP approval of the organization or its activities. The organization shall agree to adhere to the policies, rules, and regulations of TTUHSC EP.

B. Faculty or Staff Advisor

Each registered organization shall have a TTUHSC EP full-time faculty or staff advisor to be available to the officers and members for consultation about the organization's affairs, to attend organization meetings and functions as often as possible, to certify the expenditures of the organization to offer suggestions regarding the operations of the organization and to oversee adherence to TTUHSC EP regulations and the organization's constitution and bylaws.

C. Conditions for Maintaining Registration

1. In order to maintain its registration, a student organization shall comply with the following requirements:

a. The organization shall file a list of its current officers and advisor within one (1) month of the first day of classes of the fall semester each year. The current president of the organization, or his or her designated representative shall file notification of subsequent changes, when such changes occur.

b. The organization shall submit to the TTUHSC EP Office of Student Services for approval, all changes in documents on file in that office relating to the organization, such as revisions in its constitution, changes in its statement of purpose, changes in procedures for handling organization funds or changes in membership requirements.

c. The organization shall maintain its funds in accordance with Section A of this part and be in good standing with the Texas Tech University Health Sciences Center at El Paso.

d. The organization shall demonstrate by its activities that it is conducting business to achieve its purpose as stated on the application.

e. The organization shall conduct its affairs in a lawful manner, in accordance with the constitution and bylaws it has on file, and in accordance with applicable Texas Tech University Health Sciences Center at El Paso regulations and state statutes.

f. The organization shall be responsible for the observance of all applicable TTUHSC EP regulations by off-campus individuals or organizations whose appearance on campus is sponsored by the organization.

g. The Office of TTUHSC EP Student Services may withdraw the registration of an organization for non-compliance with University policies and procedures.

D. Denial of Registration

1. No student organization will be officially registered with the Texas Tech University Health Sciences Center El Paso if the Office of Student Services determines that the organization's actions or activities are detrimental to the educational purposes of the University or not in accordance to the Student Handbook.

2. If registration is denied, the designated president and advisor of the applying

organization shall be notified of the decision by the Office of Student Services in writing. The applying organization may appeal in writing to the Assistant Vice President for Student Services within five (5) business days from the date of the denial letter. The decision of the Assistant Vice President for Student Services is final.

PART VII. USE OF UNIVERSITY SPACE, FACILITIES AND AMPLIFICATION EQUIPMENT

1. Space and Facilities

a. The space and facilities of the University are intended primarily for the support of the instructional program of the institution. Second priority is given to programs sponsored and conducted by University academic and administrative departments or organizations affiliated with those departments. Beyond these two priorities, use of campus space and facilities is permitted and encouraged for activities which are intended to serve or benefit the entire University community.

b. Outside individuals or groups who are not faculty, staff or a currently enrolled student may attend functions held on TTUHSC EP property, but to be eligible for use of campus facilities, the function must be sponsored or cosponsored by, and affiliated with, a recognized TTUHSC EP department or registered student organization. Sponsorship and/or co-sponsorship minimally include, but are not limited to, participation in, planning, coordination, and implementation directly by members of the sponsoring organizations. Sponsors are directly responsible for ensuring that activities and events comply with TTUHSC EP requirements for liability insurance, hold-harmless agreements, financial responsibility for property damage, etc.

c. Permission to use campus space facilities may be granted only by the offices designated by TTUHSC EP OP 61.07, *Use of TTUHSC EP Premises and Amplification Equipment*. A department, student or registered student organization may not reserve space or facilities on campus and permit it to be used by a non- registered organization or off-campus group or person.

d. TTUHSC EP reserves the right to move the location of any assembly should it appear that the activity might interfere with the normal operations of TTUHSC EP or interfere with the rights of others. The use of buildings, grounds or TTUHSC EP property must conform to these regulations and to local, state and federal law.

e.Although TTUHSC EP is generally an open campus for purposes of student, faculty and staff free expression activities, students, faculty and staff are encouraged, and person and groups not affiliated with TTUHSC EP are required, to use the Forum Areas of the campus for free expressions activities. Forum Areas for each campus are set forth in TTUHSC EP OP 61.07, *Use of TTUHSC EP Premises and Amplification Equipment*.

f. With the exception of free expression activities mentioned above, reservations must be made for the use of TTUHSC EP premises and must be in accordance with TTUHSC EP OP 61.07, Use of TTUHSC EP Premises and Amplification Equipment. The term "TTUHSC EP premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by TTUHSC EP (including adjacent streets and sidewalks).

PART VIII. SOLICITATIONS, ADVERTISEMENTS AND PRINTED MATERIALS

Solicitation and sales and services on University premises or in University-owned or University- controlled buildings are prohibited without prior written approval from the Office of Student Services. This includes financial planners, mortgage vendors and other financial services. The distribution of advertising leaflets or handbills or the use of sound trucks and equipment to promote sales on University premises is also prohibited without prior approval from the Office of Student Services.

PART IX. STUDENT TRAVEL POLICY

A. TTUHSC EL PASOEP OP 77.08, Student Travel Policy

1. TTUHSC EP OP 77.08 regulates any travel undertaken by one or more students presently enrolled at TTUHSC EP to an activity or event that is located more than 25 miles from the campus of TTUHSC EP. This Operating Policy (OP) applies to any event or activity which is organized, sponsored and/or funded by TTUHSC EP, 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 EP.

- 2. Modes of travel by students to events or activities as defined above include:
 - a. personally-owned vehicles;
 - b. rental cars, vans, chartered buses;
 - c. commercial airlines; and
 - d. use of TTUHSC EP-owned vehicle.

3. The purpose of this policy is to help minimize the risks of liability connected with motor vehicle travel by University students. The policy applies to the use of the above modes of travel to any activities directly related to the academic, research and/or administrative responsibility of the department involved. This policy also applies to travel undertaken by one or more students presently enrolled at the University to reach a University-related activity located more than 25 miles from the University. It applies to travel required by a registered student organization.

B. Travel Using University-Owned Vehicles

1. Appropriate Use. Only persons who are acting within the course and scope of University-related activities should use University vehicles.

2. Drivers. Because of the risks of personal injury, it is required that only those persons whose names appear on the approved driver's list be asked or allowed to use University-owned motor vehicles. If students will be using state-owned or rental vehicles, the following is required:

a. The requesting department or unit must place students who drive on behalf of the University on the approved driver's list.

b. Qualifications for drivers of all University or rental vehicles are as follows:

i. Must possess a valid (Texas or other U.S. state) driver's license, be at least 18 years of age and have held a valid license for at least two years;
ii. Must have available documentation of current personal insurance;
iii. Must sign a disclosure statement:

iii. Must sign a disclosure statement;;

iv. Must not have any moving violations within the last 18 months,v. Are required to report any driving violations to their immediate supervisor as soon as possible. This includes violations that occur while driving a vehicle not owned by the University; and

vi. Must not have had any violations for drunk driving, driving under the influence of drugs or reckless driving. Must not have had a reinstated license in effect for less than one year after a revocation.

vii. Must be able to provide documentation of current personal automobile liability insurance

- c. Additional qualifications for drivers of vans equipped for 15 passengers are:
 - i. Must be at least 21 years of age;
 - ii. Must comply with Motor Vehicle check on an annual basis;
 - iii. Must successfully complete a driver training course;
 - iv. Must attend retraining annually; and
 - v. Must not have any moving violation in the last 18 months.
 - vi.must successfully pass a drug test
- 3. Operator Conduct.

a. Operators of University vehicles must take a 15-minute break every 3 hours and may drive no more than 10 hours in a 24-hour period. When the vehicle driven is a van with passengers, a second person must remain awake at all times and ride in the front passenger seat.

b. Those who operate a University vehicle represent the University to the general public. The image conveyed does affect the University; therefore:

i. DO NOT use University vehicles for personal transportation or business;

ii. DO NOT allow alcoholic beverages or narcotics to be transported or consumed in any University vehicle;

iii. DO NOT pick up hitchhikers or transport family members;

iv. DO NOT allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public;

v. DO observe all traffic rules and regulations;

vi. DO drive carefully, safely, and courteously;

vii. DO require driver and all passengers to use seat belts and other appropriate occupant restraints at all times the vehicle is being operated;

viii. DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints; and,

ix. DO NOT allow the number of passengers to exceed the authorized capacity of the vehicle.

x. Are restricted the use of a cell phone use while operating vehicle

c. When a vehicle is damaged through operator misuse or operated by a person under the influence of alcohol or narcotics, the operator shall provide a complete statement of the circumstances and a copy of the police report to the department head for appropriate administrative action. Citations for all parking and traffic violations will be the personal responsibility of the operator.

d. Use common sense when driving. For road trips of 100 miles or more, share the driving, if possible, and take frequent breaks.

4. Accidents.

The following procedures should be followed whenever a University vehicle is involved in an accident, regardless of the extent of damage.

a. Stop immediately and notify local police so that an official report can document the accident;

b. Take necessary steps to prevent another accident;

c. Use the motor pool card with instructions on the front and numbers to call on the back;

d. Call a doctor, ambulance, or emergency medical team, if necessary. Render aid to the injured until help arrives;

e. Get names and addresses of all witnesses;

f. Provide all required information to the police officer;

g. Notify the department head or supervisor (if you are unable to contact or reach someone, contact the Texas Tech Police Department); and,

h. Refer to TTUHSC EL PASOEP OP 76.34, *Accidents Involving University Vehicles*, for the completion of required vehicle accident documentation.

C. Travel Using Personal Vehicles

1. Transportation Generally. The University recognizes that students occasionally use personal vehicles while engaged in University-related activities on campus and in the local area. Because personal automobile insurance will be looked to first in the event of an accident, all persons who use their personal vehicles while conducting University business should be made aware of the possibility of personal liability related to such use. No University coverage for personal injuries is available to students if they drive their personal vehicles on university-related activities as defined hereinabove.

2. Reimbursement for Costs. Mileage costs related to any significant use of personal vehicles to conduct University-related business unrelated to required academic experiences, e.g. clinical rotations, clerkships, etc. will not be reimbursed.

3. Use of Personal Vehicles Not Required. No individual shall be required to use a personal vehicle to perform University-related activities with the exception of clinical affiliation sites.

4. Policy Concerning Use of Personal Vehicles by Students.

a. Use of personal vehicles by students to drive to University-related activities is discouraged.

b. If students use their personal vehicles, and/or transport other students as passengers, their personal insurance will be primarily responsible for any liability that may arise from such use.

c. No University coverage for personal injuries is available to students if they drive their personal vehicles on University-related activities as defined here in above.

D. Policy Concerning Student Releases and Medical Authorization

Each student who travels by any form of transportation to participate in a Universityrelated activity, including but not limited to academically-related field trips, courses, competitions, or contests, or non-academic activities, must, prior to such activities, execute a copy of the Release and Indemnification Agreement and the Authorization for Emergency Medical Treatment.

E. Guidelines Concerning Safe Travel Practices

1. Each administrative unit approving University-related travel, especially travel that

involves students, is encouraged to promulgate guidelines that encourage safe driving and minimize risks of injury during that travel.

2. Registered student organizations are free to make such off-campus trips as are deemed worthwhile by the membership and sponsors of the organization. Students and their parents should understand that participation in such off-campus trips and activities is at the students' own risk. If personal injury or accident should occur to students or other persons during such activities, TTUHSC EP, Texas Tech University or Texas Tech University System will assume no responsibility, financial or otherwise.

3. Faculty and staff sponsors and organization officers are urged to take all possible pre-cautions to ensure the safety and well-being of all persons participating in off-campus activities.

4. There is no official registration procedure for official off-campus trips, and there are no official excused class absences for students who participate in off-campus trips sponsored by student organizations. Students will be responsible for making their own individual arrangements with instructors for class work missed while participating in an off-campus trip. Instructors may set their own requirements for class work missed under such circumstances: they must grant students an opportunity to make up all course work missed while participating in an official off-campus trip.

5. Please refer to the TTUHSC EP Travel Office and the Office of Global Health for information regarding travel abroad.

PART X. MISCELLANEOUS POLICIES

A. Policies and procedures for certain items, including, but not limited to, academic advisement, academic review, appeals, attendance in academic courses, auditing courses, clinical attire, grades, promotions/dismissal, grievance procedures and student employment may be referenced in the various Schools' student handbooks and/or catalogs.

1. Absences

Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

2. Academic Requirements

Academic requirements vary with each TTUHSC EP School and particular degree program in which the student is enrolled. Students should consult with their respective School's academic/program advisor and/or School's catalog for specific details.

3. Admissions and Applicants

The educational policies of the TTUHSC EP are founded upon the regulations of the Board of Regents of the Texas Tech University System. TTUHSC EP is an upper-level, graduate, and professional study institution. The application and admissions policies for TTUHSC EP are outlined in the individual Schools' catalogs.

Most programs at TTUHSC EP have a deadline for receipt of applications and supporting documents. These deadlines vary by program and application year. Applicants are advised to contact the program to which they are seeking admission for specific deadline dates.

4. Adding and Dropping Courses

Consult with your academic department for deadline dates for adding and/or dropping courses. Students should make an appointment with his/her advisor to complete appropriate documentation. Students dropping a course to the point of zero hours of enrollment are considered to be withdrawing from the School's program. Please refer to the individual Schools' catalogs and/or handbooks for more specific details relating to your program.

5. Affiliation

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

6. Attendance

The faculty member responsible for the course determines attendance requirements for each course. A student who fails to attend any class for any reason is responsible for the material presented in class, assignments, examinations, announcements, etc. to the same extent as though the student had attended the class. Please refer to the individual School's catalogs and/or handbooks for more specific details relating to your program.

7. Bacterial Meningitis

a. *General.* Meningococcal disease is a potentially life-threatening infection caused by the bacterium *Neisseria meningitides*. Bacterial meningitis is an inflammation of the membranes that surround the brain and spinal cord. This disease affects approximately 3000 Americans each year, including 100-125 people on college campuses, leading to 5-15 deaths per year among college students.

b. *Risks and Exposures*. The organism is spread from person-to-person through the exchange of respiratory and throat secretions such as coughing and kissing. Sharing cigarettes, water bottles, eating utensils and food, may increase your exposure. Resident Hall-style living may also play a role as crowded environments facilitate the spread of the infection.

c. *Symptoms and Diagnosis*. Early diagnosis is important. Your healthcare provider may use a combination of clinical symptoms and laboratory tests to diagnose the disease. Seek medical attention immediately if one or more of these symptoms appear:

i. High fever
ii. Severe Headaches
iii. Vomiting
iv. Light sensitivity
v. Stiff neck
vi. Neurose

- vi. Nausea
- vii. Lethargy
- viii. Seizures
- ix. Confusion and sleepiness
- x. Rash or purple patches on skin

d. *Possible Treatment and Consequences If NOT Treated.* Antibiotic treatment may be effective if exposure and disease is detected early. Possible consequences of the disease, include, but are not limited to:

- i. Permanent brain damage
- ii. Kidney failure
- iii. Learning disability
- iv. Gangrene
- v. Coma
- vi. Convulsions
- vii. Hearing loss
- viii. Blindness
- ix. Limb damage that may require amputation
- x. Death

e. Prevention. Vaccinations may be effective against 4 of the 5 most common bacterial types that cause 70% of the disease in the United States. Vaccinations typically take 7-10 days to become effective, with protection lasting 3-5 years. The vaccination is generally safe--most common side effects may include redness and minor pain at the injection site for up to two days.

f. Information. If you have more questions contact:

i. Your healthcare provider
ii. Your local or regional Texas Department of Health
iii. Texas Tech Physicians at Hague 915-215-5810
iv. TTUHSC EP Office of Occupational Health 915-215-4429.
v. Visit these web sites for more information www.cdc.gov/ncidod/dbmd/diseaseinfo or www.acha.org

Medical and Religious Exemptions 2010-2011 Texas Vaccine Exemption Information

State of Texas law grants and acknowledges the right of parents to exempt their children from vaccination requirements for day care, school, and college for reasons of conscience including a religious belief or for medical reasons. In 2003, the Texas legislature passed changes to the statutes expanding the reasons a parent can claim an exemption but the Health Department has questionably also increased the bureaucratic red tape necessary for claiming the exemption. There are specific procedures for requesting an official state form and submitting it to the school or for completing a medical exemption that all take some time so please do not wait until the last minute to get your papers in order.

For everyone claiming an exemption for the first time after 9/1/03, you must comply with the new law. If you've submitted an old religious exemption prior to 9/1/03, you are grandfathered under the old law (see notes below) and do not need a new form. The vaccine exemption forms for reasons of conscience including a religious belief are only for students claiming a vaccine exemption for the first time after 9/1/03 when the new law went into effect. If you need to request forms from the state health department, you can do it by fax, mail, personal visit, or through an online submission form. If you send your request by mail, we suggest sending it registered mail with a receipt so you can keep track of your request. If you send it by fax, set your fax machine to print out a delivery receipt. We would like to keep track of the Health Department's processing time.

According to the Texas Dept. of State Health Services: Online requests must be made through the web submission form posted at <u>http://webds.dshs.state.tx.us/immco/affidavit.shtm</u>.

8. Required Immunizations

In order to protect the health of our students and the health of the patients with whom they come in contact, TTUHSC EP requires **all entering students** to provide documentation of all immunizations as required by their respective schools. Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2012 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC), and the U.S. Advisory Committee for Immunization Practices (ACIP). The meningitis requirement must be sent in immediately and all other requirements must be met prior to orientation

I. Tuberculosis Surveillance

Tuberculosis surveillance for Covered Individuals is based on current U. S. Department of Health and Human Services, *Centers for Disease Control and Prevention (CDC) Recommendations and Reports(December 30, 2005, 54 (#RR-17):1-147), Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.*

II. Immunizations

Immunization requirements are based on regulations, guidelines and recommendations available as of October, 2009 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC), and the U.S. Advisory Committee for Immunization Practices (ACIP). See attached CDC *Healthcare Worker Vaccination Recommendations* (2011).

III. Exposure Management

Institutional management of exposure to: (1) blood-borne pathogens, (2) body fluids and, (3) other miscellaneous exposures is based on regulations, guidelines and recommendations available as of October, 2009 from the Texas Administrative Code (TAC), Texas Department of State Health Services (DSHS), the U.S. Centers for Disease Control and Prevention (CDC)."

9. Working with Affiliated Entities-Student Drug Screenings, HSC OP 77.15

1. Defined Terms

For purposes of this policy, the term "Student" does not include residents in the Paul L. Foster School of Medicine

2. Background

TTUHSC EP enters into affiliation agreements with various health care clinical entities ("Affiliated Entities"), such as hospitals and other facilities, in order to provide clinical experience opportunities for its students enrolled in TTUHSC EP clinical education programs.

Affiliated Entities may establish more stringent standards for students who wish to do a clinical rotation at the affiliated entity, than those required by TTUHSC EP as part of its admission process. Affiliated Entities may require students, among other things, to undergo and satisfactorily pass additional background checks and/or drug screenings as a pre-requisite to participating in a clinical rotation at the Affiliated Entity.

Clinical rotations are an essential element in certain degree programs' curricula. Students who cannot participate in clinical rotations due to a positive drug screening may be unable to fulfill the requirements of a degree program. TTUHSC EP schools may NOT mandate this requirement for all students. It applies solely to those students who must fulfill the requirement for participation in a clinical rotation at an Affiliated Entity.

3. Clinical Placement.

Placements at Affiliated Entities for clinical rotations will be based on the learning objectives as defined by each program consistent with the learning objectives of each student. Determination of unacceptable results of a drug screening will be made by the Affiliated Entity. Any student placed with an Affiliated Entity that requires additional background checks and/or drug screens, who cannot meet these requirements, must discuss all available options with their School's Office of Student Affairs or their designee.

Affiliated entities may conduct their own drug screening. If the student fails the drug test and is consequently denied externship placement, s/he shall be subject to disciplinary action in accordance with the TTUHSC EP policies.

4. Responsibility of the School The student's School shall:

a. Notify the student of the Affiliated Entity's requirements for a drug screen, to include the type(s) of drug screen required by the Affiliated Entity, deadlines to meet the Affiliated Entity's requirements, a list of approved drug screen testing vendors, and a completed Authorization, for signature by the student.

b. Receive the student's drug screen test results, which shall be maintained in a confidential, locked file separate from the student's primary educational records.

c. Notify and ensure the Affiliated Entity that all students prior to their clinical rotation have met their drug screening requirements.

5. Responsibility of the Student

a. The student shall pay for the cost of any and all drug screening required by an Affiliated Entity that is designated for student matriculation by TTUHSC EP provided articles *b*, *c*, *d*, below are met. The student shall be responsible for the cost of any necessary re-test or subsequent tests at TTUHSC EP designated Affiliated Entity(s) and any drug screening required by an Affiliated Entity selected for matriculation by the student.

b. The student shall complete the drug screen prior to the deadlines provided by the School and meet the guidelines of the Affiliated Entity. Failure to complete the drug test prior to the deadlines may result in an additional expense to the student, and/or delay in, or denial of, rotation in the Affiliated Entity.

c. The student shall use a drug screen vendor from the designated vendors provided to the student by his/her School and/or the Affiliated Entity. 1) Results from a vendor NOT on designated by the School and/or Affiliated Entity will not be accepted and the student shall be required to have the drug screening test(s) conducted by an approved vendor.

d. The student will be required to sign a valid consent and authorization, consenting to the drug screening and giving the vendor performing the test permission to provide the drug screen test results to the person designated by the School to receive student drug screen tests results under this policy.

6. Student Refusal to Consent to Drug Screen

Any student who fails or refuses to consent to a drug screen required by an Affiliated Entity to which the student has been assigned by his/her School shall be subject to disciplinary action in accordance with the TTUHSC EP Student Handbook/Code of Professional and Academic Conduct, the Schools' written policies, if any, and this policy.

7. Period of Validity – Drug Screen Results

a. Unless otherwise required by an Affiliated Entity, drug screen test results will generally be valid for the time the student is in the program within the School unless there is a break in enrollment, defined as not enrolled for one full semester.

b. Students may be required to undergo drug screening more than once depending on the requirements of each Affiliated Entity in which the student is placed to meet their learning objectives or the number of Affiliated Entities at which the student is placed.

8. Drug Screen Results

a. Diluted Specimen. Should the vendor report that the screening specimen was diluted, thereby precluding an accurate drug screen test, the student, at his/her expense, will be required to complete and successfully pass a new drug screen test.

b. Negative Drug Screen Results. The School which receives the a student's drug screen test results, may release negative drug screen test results to the student, provided the student has signed the appropriate release form, Attachment A.

c. Positive Drug Screen Results.

- i. A positive drug screen is any instance in which a drug screen report shows a positive test for one or more of the drugs on the panel required by the Affiliated Entity.
- ii. Any student with a positive drug screen will not be placed in any clinical facility pending review and outcome of appeal with the vendor.
- iii. The student has the right, at his/her expense, to request an independent review of any positive drug screen, by an independent Medical Review Officer, provided by the vendor. There will be an additional charge if review by the Medical Review Officer is

requested, and the student is responsible for all costs related to this review.

- iv. Any appeal based on a positive drug screen is solely between the student, the Medical Review Officer and the vendor. The student's School will not become involved in the appeal of a positive drug screen.
- v. If, after review by the independent Medical Review Officer, there is no valid medical basis which would cause or contribute to the positive drug screen, the test results will stand, at which point the student will be referred to the School's Office of Student Affairs for disciplinary action in accordance with this policy and the School's written policies.

9. Confidentiality of Records

Drug screening reports and all records pertaining to the results are considered confidential information with restricted access to the extent allowed by law.

10. Readmission

a. Any student who is withdrawn due to a positive drug screen without medical validation will only be eligible for readmission to any TTUHSC EP program of study in accordance with the School's readmission policies.

b. If accepted for readmission after the required period of time, the student must, at his/her own expense, provide a negative drug test and satisfactory documentation of completion of any remedial action required by the School.

11. Right to Change Policy.

TTUHSC EP reserves the right to change, modify, amend or rescind this policy in whole, or in part. at any time.

10. Credit by Exam

Specific credit by examination policies may be found in each of the Schools' catalogs and/or student handbooks; however, the Gayle Greve Hunt School of Nursing does not offer Credit by Exam. Pass or fail grades earned on examinations for these courses will not be considered in determining grade-point averages. TTUHSC EP Schools may elect not to accept credit by examination, where it is determined that such academic achievement may hinder the success on national licensure exams/certifications.

11. Disabilities (Students)

TTUHSC EP OP 10.15 complies with the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Under these laws, no otherwise qualified and competitive individual with a disability shall be denied access to or participation in services, programs and activities of TTUHSC EP solely on the basis of the disability.

Students with grievances related to discrimination on the basis of a disability should review the Student Handbook, Part IV Anti-Discrimination. The grievance process would include the Director of Academic and Disability Support Services. Any student seeking accommodations on the basis of disability must register with the Office of Student Services/Disability Support Services and must provide all required documentation of disability. Students seeking accommodations must complete an application for disability services and provide supporting documentation. For more information, visit <u>www.TTUHSC EL</u><u>Paso.edu/HSC OP10.15.pdf</u>.

12. Discrimination/Equal Opportunity

No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored by TTUHSC EP on any basis prohibited by applicable law, including but not limited to, race, color, national origin, religion, sex, veteran status or disability. Grievances related to discrimination on the basis of race, religion, national origin or age should be pursued through regular administrative channels. Academic problems are to be handled in the academic administrative structure culminating in review by the individual School's Dean. The individual Schools as noted in their Schools' catalogs should direct non-academic student matters to the Office of Student Services. For more information, visit www.TTUHSC EL Paso.edu/HSC OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan.

13. Employment Grievance

A student wishing to pursue a grievance concerning employment with the University and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Equal Employment Opportunity in accordance with the grievance procedures outlined in the TTUHSC EP OP 70.10, Non-faculty Employee Complaint and Grievance Procedures. The procedures manual may be reviewed in the Office of Equal Employment Opportunity.

14. Exams

Please refer to the individual School's catalogs for more specific exam details relating to your program. Any student seeking exam accommodations on the basis of disability must register as a disabled student with the ADA Compliance Office for Students in the Office of Student Services and must provide all required documentation of disability. Appropriate and reasonable accommodations, if any,

will be determined by the ADA Compliance Office for Students in the Office of Student Services.

15. Financial Responsibility

Students must meet all financial responsibilities due to the University. The writing of checks on accounts with insufficient funds, issuance of stop pays, fraudulent 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 privileges, denial of registration, withholding of grades and transcripts and adjudication under the Code of Professional 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. 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.

Generally, failure to meet financial obligations to the University may result in:

a. Cancellation of the student's enrollment if tuition and registration fees are not paid by the dates provided by Student Business Services or if a returned check given in payment of tuition and fees is not redeemed by that time.
b. Possible criminal prosecution for writing insufficient fund checks.
c. A hold preventing future registration placed on a student's academic records.
d. A hold on receiving official University transcripts until the obligation is paid

d. A hold on receiving official University transcripts until the obligation is paid. e. Students should understand that consequences may result from not resolving one's financial obligations to the University. The University may report individual student financial problems to a credit agency or a collection agent. Before registering or requesting a transcript, students may check on the presence of holds by accessing their records at <u>http://portal.texastech.edu</u> under the HSC MyTech El Paso (for Students) tab.

For more information, please visit the Student Business Services website at http://elpaso.ttuhsc.edu/fiscal/businessaffairs/studentbusserv/

16. Grades/Grading

- a. The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance.
- b. The processing of formal appeal procedures is the responsibility of the School which administers the course. A copy of the grade appeal procedures may be found in the individual Schools' catalogs and/or handbooks. A student must file a formal written appeal within 5 days of the beginning of the next

semester in accordance with the individual Schools' policy regarding student grade appeals. A grade can be formally appealed only when there is demonstrable evidence that prejudice, arbitrary or capricious action on the part of the instructor has influenced the grade. The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the responsible academic dean. Earlier grades and other academic grievances may be discussed with the instructor involved and with the chair of the department or division involved. After a degree has been posted, no further adjustments can be made on the record except under extraordinary circumstances as determined by the Dean of the School the student is enrolled under.

- 17. Graduation Procedures
 - a. Degree requirements are published in the individual School's catalogs.
 - b. Prior to graduation, all candidates for TTUHSC EP degrees are required to:

i. Complete all graduation requirements set forth by the applicable School;

ii. Complete and return to the Office of Student Services the University's *Intent to Graduate* form in the semester before anticipated graduation (the student's "diploma name" as requested in the *Intent to Graduate* form is printed on her/his diploma, and information provided by the student is used in commencement programs);

iii. Be registered in the semester the certificate or degree is to be conferred unless the student is granted an exception by the dean of their school;

iv. Attend an Exit Interview session scheduled by the Student Financial Aid Office for students who have received financial assistance, which must be repaid after graduation.

- c. Information on invitations, academic regalia and class rings is available through the Office of Student Services website.
- d. Individual photos of each graduate receiving her/his diploma or certificate will be taken at graduation ceremonies. Students will be mailed proofs from which they may order copies from the photography company.
- 18. Health Services and Health Insurance Information
 - a. The Texas Tech Physicians at Hague provides health services to TTUHSC EP students who are currently enrolled and have paid the Student Health Fees as part of tuition and fees. To receive health services, you must present a Student I.D. card at the time of the appointment. If you also have

private insurance in addition to Student Health Services, you will need to submit your receipt for the co-pay to your insurance company for reimbursement.

The Student Health Fee covers only those services provided by the Texas Tech Physicians at Hague and specific laboratory and radiology service performed at cooperating locations. **All other charges incurred are your responsibility.**

b. Clinic Procedures

Please call to make an appointment. If you need to be seen for a sudden illness, please call that day as early as possible. If you need to be seen after hours, call the office at Hague and ask to leave a message for the on- call physician. When you check in, please inform the receptionist that you are a TTUHSC EP student. If you come to the office without an appointment, it may be necessary for you to wait for a physician. Immunizations, paper work, and routine procedures are not ordinarily considered urgent care, and may not be taken care of on the same day as requested. If you have a health emergency that requires you to be seen at a hospital emergency room, go to the hospital listed as a provider on your insurance. *Visits to an emergency room that generate a charge from either TTUHSC EP or the hospital are your responsibility.*

- c. If the student receives a bill from the Texas Tech Physicians at Hague for services covered by the medical service fees, please contact the Office of Student Affairs at (915) 215-4370.
- d. Students are expected to have hospitalization insurance coverage for each semester enrolled. Students should be prepared to provide proof of coverage at the time of registration.
- e. TTUHSC EP will make available information on student health insurance providers for all registered students in the University. Students may investigate other insurance plans. Insurance information can be found on the Office of Student Services website at <u>http://elpaso.TTUHSC EL</u> <u>Paso.edu/elpaso/studentservices/</u>
- 19. Interprofessional Education

All TTUHSC EP students, regardless of school affiliation, will be required to complete a non-credit, online course in Interprofessional education. Implementation of this requirement will vary across schools and degree programs. Students should consult their academic/program advisor and/or school catalog for additional information.

20. Notification of Student Death

The Office of Student Services is the Office of the Chancellor's liaison regarding notification of any student deaths. Schools must notify the Assistant Vice President for Student Services immediately in the event of any student death.

21. Program of Assistance for Students

Personal counseling services are available to all TTUHSC EP students through the Program of Assistance for Students (PAS) or through the Employee Assistance Program (EAP). Through the PAS, licensed counselors are available to assist students with all types of problems, including stress associated with academic, legal, or financial concerns; depression, anxiety, and/or other emotional problems; family and relationship issues; alcohol and drug abuse; and other mental health and wellness issues. For more information or to request assistance, please call 1-800-327-0328 or the 24-hour crisis line through the Emergence Health Network at (915) 779-1800. In the event of an emergency, the answering service will connect the student with the counselor who is on call. Through PAS, TTUHSC EP students and their dependents are eligible to receive five free counseling sessions per year. Additional information about PAS services is published in a brochure that is available from student affairs personnel on all campuses and is also posted on the Office of Student Services website at the following address: http://elpaso.TTUHSC EL Paso.edu/elpaso/studentservices/.

22. Student Emergency Contact Information

Students must keep their Emergency Contact Information current. To do so, visit webraider. TTUHSC EL Paso.edu and sign in. Select the "MyTech (for Students)" tab and look in the "Personal Information" box. Click "Update Emergency Contacts" and fill in your information.

23. Student Publications

All aspects of TTUHSC EP Student Publications shall be the responsibility of the President of the appropriate component institution and therefore under his/her direction.

24. Registration

a. Registration is coordinated by the Office of the Registrar in cooperation with the School in which the student enrolls. Tuition and fees are payable in full at the time of registration unless other arrangements have been completed. Registration for new students is completed as a step in the orientation process, or with the assistance of the Schools' Student Affairs or Coordinator's office. b. To be eligible for registration, the student must have been officially admitted as a new student, or officially readmitted following an absence, and must have satisfied all admission requirements, or must be a continuing student who is eligible to continue as a student at the University. Any student deemed ineligible due to academic, administrative or disciplinary sanctions will be barred from registration.
Students must provide all final transcripts to the Office of the Registrar by the end of the first semester in which they are enrolled or a hold will be place preventing registration in future semesters.

*See Student Record and Transcript Policy located at http://www.TTUHSCELPaso.edu/registrar/documents/student.record.trans cript.policy.pdf

- *c. Late Registration.* Students are expected to register at their earliest opportunity. A student who registers late is assessed a charge. Consult the Office of the Registrar for deadline dates for registration
- 25. Religious Holy Days
 - a. A student who intends to observe a Religious Holy Day should provide written notice, at the earliest possible date prior to the absence, to the following: (1) the instructor of each affected class and (2) the Director of Student Affairs of his/her School. A student will be excused from attending class(es), examinations, or other required activities for the observance of a Religious Holy Day, including travel for that purpose. A student whose absence is excused under this section will be allowed to take an examination or complete an assignment within a reasonable time and at the sole discretion of the instructor of record and/or the Director of Student Affairs before or after the absence.
 - b. A student who is excused under the above provision may not be penalized for the absence; however, the instructor may appropriately respond if the student fails to satisfactorily complete the missed assignment or examination within the above-stated time.
 - c. Any disputes regarding this policy should be submitted in writing to the TTUHSC EP President or his/her designee. Any decision by the President or his/her designee regarding the dispute shall be final.
 - d. This policy does not apply to any student absence for a Religious Holy Day, which may interfere with patient responsibilities or patient care.
- 26. State Residency Classification

Students are responsible for registering under the proper residence classification and for providing documentation as required by the institution. If there is any question about the right to classification as a resident of Texas, it is the student's obligation, prior to the time of enrollment, to ask for an official determination by the Office of the Registrar. Non-residents who live in Texas taking only online courses are charged non-resident tuition and fees. An applicant whose classification as a resident of the State of Texas is not clearly established should request a Residency Questionnaire from the Office of the Registrar.

27. Sexual Harassment Policy

Harassment of students of the basis of sex is a violation of §106.31 of Title IX of the Education Amendments of 1972. The Deputy Title IX Coordinator for Students is the Assistant Vice President for Student Services, Medical Education Building 2140, (915) 215-4786. Student concerns about sexual harassment which include faculty, staff, or students should be directed to the individual School's Dean

- 28. Tuition and Fees Installment Payment Options
 - a. Texas Education Code, Section 54.007, provides that state-supported institutions of higher education shall provide students with the election to pay tuition and fees during the fall, spring, or long summer semesters in installments. TTUHSC EP offers the following payment alternatives:

i. Full payment of tuition and fees in advance of the beginning of the semester; or

ii. One-half payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the sixth and eleventh class weeks, respectively.

- b. TTUHSC EP shall develop procedures that will provide that students may elect to pay tuition and fees using the payment alternative.
- c. TTUHSC EP is authorized to establish payment due dates in advance of the beginning of a semester and prior to the sixth and eleventh class weeks respectively so that required payments have been received and student records have been appropriately updated on the dates required by law.
- d. If a student elects to pay tuition and fees using the payment alternative, he or she shall be assessed an installment option fee in addition to the required payment of tuition and fees. The fee developed and recommended for approval shall reflect all costs incurred in operating and handling payments under the installment alternative. The rates of the fee shall be approved by the Board of Regents.

- e. If a student who has elected to pay tuition by installment fails to pay in full all amounts of tuition, other registration fees, installment option fee, late payment fees, and other authorized fees by the end of the business day of the last day of the semester, then he or she will be dropped from School for failure to pay.
- f. TTUHSC EP shall develop procedures so that students are notified of the requirements, provisions, and penalties of the installment payment options.
- g. Annual Approval of Student Fees: The Board of Regents shall approve the assessment and collection of fees from Texas Tech University Health Sciences Center at El Paso (TTUHSC EP). The amounts to be collected are presented in a Global Fee Document to the Board of Regents annually for approval.
- 29. Tuition and Fees Refund Policies

Withdrawal / Refund Policies

Refund Policies (Institutional and Title IV Withdrawal / Refund Policies)

Detailed information about the impact of decreasing course load on:

- Institutional Refund Policy All students who withdraw from TTUHSC EP or drop all courses during a term
- Additional considerations for students who received financial aid and withdraw from TTUHSC EP or drop all courses during a term

Institutional Refund Policy

Refund Policies for Tuition and Fees. Texas Education Code, Section 54.006, provides the amount of tuition and fees to be refunded to students who drop courses or withdraw from the institution. Class day count is based on the official institution calendar for the school, not the specific course dates.

Students who drop a course, but remain enrolled at the institution will be refunded at the following rate:

Term	Class Day	Percent of Refund of Charges
Summer - 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

Fall, Spring or Summer - 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	Percent of Refund of Charges
Summer - More than 5 weeks	Before the 1st class day	100%
but less than 10 weeks in	1st, 2nd, or 3rd class day	80%
duration	4th, 5th, or 6th class day	50%
	7th class day of later	None
Fall, Spring or Summer -	Before the 1st class day	100%
duration of 10 weeks or longer	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 EP or drop all courses during a term that receive(d) financial aid

It is important for students who receive financial aid and withdraw or drop all courses during the term to be aware of the refund policies and to understand the impact they will have on the aid released and the continued financial aid eligibility. Current refund policies for students who withdraw or drop all courses during a term are determined by the Higher Education Title IV refund regulations.

Any refund due to a student will be after calculation of the amount of tuition and fees due at the time of withdrawal. If the student has paid less than the amount due at the time of withdrawal, the student will be required to pay the percentage due.

Federal Refund and Repayment calculations must be performed for students who receive Title IV (Pell, FSEOG, Perkins and/or Stafford Loans) funds and officially withdraw from all courses, drop out of all courses, are expelled, take an unapproved leave of absence, or fail to return from an approved leave of absence prior to the 60% date of the term. All "unearned aid" must be returned to the federal aid programs as determined by the Federal Refund and Repayment calculations.

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 <u>https://studentaid.ed.gov/sa/.</u>

In order to keep all the financial aid issued in each term, students must be enrollment for at least 60% of the term. After this point in the term students have earned 100% of the Title IV funds released for the term. Therefore, it is in your best interest to maintain attendance and complete at least one class each term that you receive federal aid to avoid repayment of funds.

How the calculation works:

- 1. Number of days attended ÷ Days in semester = % of semester completed
- 2. Total \$ disbursed X % completed = Earned \$
- 3. Total \$ disbursed Earned \$ = \$ to be returned Once it is determined that you owe money back to any of the federal aid programs, you will be ineligible to receive further federal aid at TTUHSC EP or any other institution, until this debt is cleared.

Please note, your failure to complete a semester or term could impact your Satisfactory Academic Progress and your future eligibility for financial aid. To remain eligible for financial aid, a student must maintain satisfactory academic progress. This consists of three categories: (1) grade point average on hours attempted (qualitative), (2) hours successfully completed (quantitative) based on hours enrolled and (3) time to degree. You must complete your program of study within 150% of the normal time required for the program.

You can find more detailed SAP information here: <u>www.TTUHSC EL</u> <u>Paso.edu/financialaid</u>.

PART XI. STUDENT COMPLAINT OR GRIEVANCE POLICIES AND PROCEDURES

The following narrative summarizes TTUHSC EP's student complaint or grievance policies and procedures. Links to specific policies and procedures are provided on the Student Services website.

It is the policy of the Texas Tech University Health Sciences Center at El Paso to affirm the right of its students to a prompt and fair resolution of a complaint or grievance involving allegations of inappropriate behavior by other TTUHSC EP students or by TTUHSC EP 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 EP
- Complaints regarding grades or grading
- Complaints regarding other types of mistreatment
- Other institutional-level student complaint procedures

The Student Resolution Center, which is located on the Texas Tech University campus in Lubbock, serves as a neutral, objective third party to provide students in the Texas Tech University System including TTUHSC EP with informal assistance in resolving student-related problems, conflicts, and disputes. The Student Resolution Center is available by phone to assist all TTUHSC EP students in identifying appropriate complaint-resolution procedures and resources.

A. Complaints regarding the general or academic misconduct of another student

Policies and procedures governing complaints regarding the general or academic misconduct of students are defined in the Code of Professional and Academic Conduct (Student Code), which is published as Part II of this handbook. Students, faculty, and staff are all encouraged to report violations of the Student Code in accordance with the Disciplinary Procedures outlined in the Student Code.

B. Complaints regarding discrimination

This handbook identifies several policies intended to ensure the fair and equitable treatment of all members of the university community. The processes for filing complaints are detailed in the TTUHSC EP Operating Policies and Procedures. The following list identifies key institutional policies governing complaints regarding discrimination:

- HSC OP 10.15, Americans with Disabilities Act
- HSC OP 51.01, Equal Employment Opportunity Policy and Affirmative Action Plan

C. Complaints regarding student records

HSC OP 77.13, Student Education Records, provides detailed information about filing complaints relating to student records.

D. Complaints regarding employment at TTUHSC EP

Information about employment grievances for students who are employed at

TTUHSC EP is provided in HSC OP 70.10, Non-faculty Employee Complaint and Grievance Procedures. This policy covers complaints concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

E. Complaints regarding grades or grading

The processing of formal grade appeal procedures is the responsibility of the school that administers the course. Relevant school policies are listed below:

- Paul L. Foster School of Medicine at El Paso: Challenging Student Records or Grades
- Gayle Greve Hunt School of Nursing: Academic Grade Challenges/Appeals
- Graduate School of Biomedical Sciences: Grade Appeals

F. Graduate School of Biomedical Sciences: Grade Appeals Procedure Complaints regarding other types of mistreatment

Students who feel that they have been mistreated in a manner that is not directly addressed by any of the specific policies identified above are encouraged to refer to the policies and procedures governing student complaints, grievances, and appeals within their school. Relevant school policies include the following:

- Paul L. Foster School of Medicine at El Paso: Appropriate Treatment of Medical Students; Student – Faculty Dispute Resolution Policy; Student-Student Dispute Resolution Policy, Part IV Anti-Discrimination and Title IX
- GGHSON : Academic Grade Challenges/Appeals and Complaint or Grievance Resolution (Non-Grade Related)
- Graduate School of Biomedical Sciences: Student Complaint Procedure (Grade and Non Grade Complaints) <u>http://www.TTUHSC EL</u> <u>Paso.edu/gsbs/documents/14_15Catalog_CourseList_FINALRev3.pdf</u>

Students should process their complaints or appeals through the appropriate channels. Procedures are delineated in the policies identified above. Students are required to bring their concerns to the designated student affairs officer of their school. The student affairs officer in each school is as follows:

- Paul L. Foster School of Medicine in El Paso: Associate Dean for Student Affairs
- Gayle Greve Hunt School of Nursing: Associate Dean for Academic Programs
- Graduate School of Biomedical Sciences: Dean

The deans of the schools have final authority in resolving disputes related to academic issues, such as grading and promotion, and in non-academic issues involving the school's faculty and staff.

Every effort should be made to resolve complaints against faculty and other school personnel at the school level. If the complaint is about personnel or services at the institutional level, the student is advised to contact the TTUHSC EP Office of Student Services in accordance with the following institutional-level student complaint procedures. These procedures are also published on the Office of Student Services website.

G.Other Institutional-Level Student Complaint Procedures

The procedures defined below apply to student complaints that fall outside the scope of other institutional and school-based policies and procedures governing specific types of student complaints (Student Complaint or Grievance Policies and Procedures), including, for example, student complaints against staff members employed at the institutional level or against TTUHSC EP administrators. The TTUHSC EP Office of Student Services will administer this institutional policy and will insure that due process is afforded to all concerned.

1. Early Resolution

Prior to contacting the TTUHSC EP Office of Student Services, the student shall attempt to resolve the issue with the individual(s) involved. If the student is not satisfied with the outcome after meeting with the individual or does not feel comfortable talking to the administrator or staff member involved, the student may contact the Assistant Vice President for Student Services. The student shall address the issue and initiate action under this policy within 30 days of the event-giving rise to the complaint.

a. The Assistant Vice President for Student Services may counsel the student to discuss the issue with the involved administrator or staff member. If the student does not feel comfortable talking to the person involved, the Assistant Vice President for Student Services will investigate the complaint, attempt to reconcile differences, and propose a solution.
b. The Assistant Vice President for Student Services will provide a written statement of his or her recommendation to all parties within ten working days following the initial receipt of the student's report of the complaint. All involved parties will then have ten working days to respond. Every effort should be made to resolve the issue without going beyond this level. The Director of Student Services will attempt to facilitate a resolution before proceeding with a hearing, as described below.

(If the complaint is against the Assistant Vice President for Student Services, the student should meet with the Vice President for Academic Affairs, who will follow the procedures outlined here.)

2. Filing a Hearing Request

a. If the student is not satisfied with the recommendation of the Assistant Vice President for Student Services, he/she may file a request for a hearing by submitting a written complaint to the Assistant Vice President for Student Services The hearing request must include a specific statement of the student's complaint, an explanation of what remedy the student seeks, and a copy of the Assistant Vice President for Student Services' recommended resolution.

b. If the student files a request for a hearing, a Student Hearing Committee as defined below must convene within 15 working days.

3. Hearing Procedure

Upon receipt of a written request for a hearing, the Assistant Vice President for Student Services will appoint a Hearing Committee according to the following procedure:

a. Each party will propose in writing a list of four TTUHSC EP faculty, staff, and/or students to serve on the Hearing Committee. The Assistant Vice President for Student Services will contact one person from each list in order of the submitting party's preference to determine the person's willingness to serve. Through this process, one person will be selected from each list. The two people selected will then select a third member (a TTUHSC EP faculty or staff member) and these individuals will comprise the Hearing Committee. This group will select a chair from among themselves.

b. The Assistant Vice President for Student Services will provide technical assistance and support to this committee.

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.

c. At least three days prior to the hearing, all parties will provide to the chair of the Hearing Committee and the Assistant Vice President for Student Services a list of the names of any witnesses or counsel who will attend the hearing. If the student will be represented by counsel, the University may be represented by the Office of General Counsel. The student and the involved individuals(s) shall have access to all information to be considered by the Hearing Committee, including the names of all persons giving evidence.

d. 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.

e. The Hearing Committee chair shall keep a recording of the hearing, which shall include date, time, and location of the hearing, names of those present, and any evidence introduced (e.g., records, written testimony, duplicated materials).

4. Committee Decision

a. After completion of the hearing, the Hearing Committee shall meet in closed session and prepare a written recommendation. Copies of the Hearing Committee chair's report shall be forwarded to the involved parties within five working days.

b. The appeal must be made, in writing, within five working days, to the Vice President for Academic Affairs.

c. The Vice President for Academic Affairs will review the complaint resolution and render a decision within five working days. The decision of the Vice President for Academic Affairs is final.

d. If the Vice President for Academic Affairs is serving as a mediator in the case, then the President or his designee will review the complaint resolution and render a decision within five working days. The decision of the President is final.

PART XII. CONTACT INFORMATION FOR STUDENT SERVICES PERSONNEL

Deputy Title IX Coordinator for Students	(915) 215-4786
Title IX Coordinator for TTUHSCEP	(915) 215-4140
Student Business Services	(915) 215-5723
Office of Student Services	(915) 215-4370
Office of Student Financial Aid	(915) 215-4370
Office of the Registrar	(915) 215-4370
Graduate School of Biomedical Sciences	(915) 215-4157
Gayle Greve Hunt School of Nursing Student Affairs	(915) 215-6124
Paul L. Foster School of Medicine Student Affairs	(915) 215-4370

ATTACHMENT A

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER (TTUHSC EL PASO)

General Conduct Incident

This form serves as an official charge against a TTUHSC EL PASO student or student organization for alleged violations of the Code of Professional and Academic Conduct (referred to as the "Student Code") in the TTUHSC EL PASO Student Handbook. This form is to be submitted to the Student Conduct Administrator for the applicable TTUHSC EL PASO School. A separate Complaint of Misconduct must be completed for each student or student organization accused of violations of the Student Code.

Please complete the following:

Your Full Name (you may write Anonymous):
Your Position/Title: Your Phone Number:
Your Physical Address:
Nature of this Report: (circle one) General Conduct - University Student Housing
Police - Student Organization
Urgency of this Report: (circle one) Normal Critical
Date of Incident:Time of Incident:
Location of Incident:
Name of Involved Individuals/Organization:
Please provide a R# for student(s) involved or SSN/Driver's License number if a non- student(s) if available.

Please provide a detailed description of the incident/concern using specific concise, objective language (who, what, where, when, why, and how).

Were policed involved? Yes No

If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER (TTUHSC EL PASO)

Sexual Misconduct Form

Please fill out the following to the best of your ability, and do not hesitate to contact university administrators if you have questions or if you would like to make a report in person. We are here to help. You can contact us from 8 a.m. - 5 p.m. at (806) 742-SAFE (7233). You will be contacted within 24 hours of receipt of this report to discuss. If it is after hours and you need immediate assistance, please contact the Texas Tech Police Department at (806) 742-2000.

Please complete the following:

student(s) if available.

Your Full Name:	
Your Phone Number:	Your Email Address:
Type of Complaint: (circle one) Sexua	al Assault Sexual Harassment
Sexual Voyeurism ("peeping tom")	Other form of Sexual Misconduct
Urgency of this Report: I'm reporting (myself or others)	g an incident I'm in fear of imminent harm
Date of Incident:Time	<u>e o</u> f Incident:
Location of Incident:	
Name of Involved Individuals:	
Please provide a R# for student(s) inv	volved or SSN/Driver's License number if a non-

In order for TTUHSC EL PASO to effectively investigate the incident, we need to know as much about what happened as possible. The information you provide will be kept confidential and shared only with necessary and essential student affairs administrators. During the course of the investigation process, this information may be shared with the alleged perpetrator.

However, this will not occur without first consulting the victim as to his or her preferred

approach to handling the situation.

Describe the incident(s) or event(s), including date, times, locations, and any potential witnesses to the behavior. Please include as much detail as possible.

If you are the victim of misconduct, please describe how you would prefer the University to respond to the situation. (You will not be held to this response, it just gives us a starting point).

If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER (TTUHSC EL PASO)

Student of Concern Form

IF THIS IS AN EMERGENCY, PLEASE CALL 911 or TEXAS TECH UNIVERSITY POLICE DEPARTMENT AT (915) 215-7111 Texas Tech strives to protect the reporter's confidentiality, whenever possible. Additionally, a report may be completed anonymously by omitting the reporter's name and contact information from the form (completing the items with an asterisk). Reporters should be aware, however, that this may restrict the team from completing a thorough investigation.

Please complete the following: Your Full Name: _____ Your Phone Number: _ Your Email Address: Date of Incident: Time of Incident: Location of Incident: Name of Involved Individuals/Organization: Please provide a R# for student(s) involved or SSN/Driver's License number if a nonstudent(s) if available. **Distress Concern** (Circle all applicable) Grief Homicidal Ideation Suicidal Ideation Suicide Wellness Other Actions Against Others (Check all applicable boxes) Disruptive Conduct Threatening or Endangering Conduct Sexual Misconduct Retaliation Discriminatory Harassment Hazing Other

Health (Check all applicable boxes)

Medical Alcohol and

Mental Health Concerns Other

Description/Narrative - Please describe in details the behaviors you have observed and any action steps you have taken in assisting with these behaviors.

If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER (TTUHSC EL PASO)

Student Organization Misconduct Form

TTUHSC EL PASO understands that reporting violations against a student organization can be difficult and will provide options for reporting parties to assist with concerns such as retaliation. Upon receipt of this online form, a TTUHSC EL PASO staff member will contact you to discuss options and resources based on your report. While you can report anonymously, the inability to validate the source of the complaint does limit TTUHSC EL PASO's ability to investigate and respond.

Please complete the following:

Your Full Name:		
Your Phone Number:		-
Your Email Address:		
Nature of Report: (circle one)	Hazing Alcohol C Social Event Concern	•
Date of Incident:	Time o	f Incident:
Location of Incident:		
Name of Involved Individuals/	Organization:	
Please provide a R# for stude student(s) if available.	ent(s) involved or SSN/Dri	iver's License number if a non-

Provide detailed information about what misconduct occurred.

If you have any pictures, video, email or other supporting documents of this misconduct please include it with this form and turn it into the Office of Student Services.

ATTACHMENT 8

ASU Traffic and Parking Regulations 2016-2017

ANGELO STATE UNIVERSITY TRAFFIC AND PARKING REGULATIONS 20165-20176

The Board of Regents of the Texas Tech University System, in accordance with *V.T.C.A., Education Code*, Section 51.202, is authorized to promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other property of Angelo State University.

In addition to these Angelo State University Traffic and Parking Regulations, *V.T.C.A., Education Code,* Section 51.201, provides that: "All of the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state," and all persons are responsible for compliance with these laws. Angelo State University personnel who are commissioned as peace officers by the Board of Regents of the Texas Tech University System are vested with all of the powers, privileges and immunities of peace officers in the enforcement of these regulations and the general and criminal laws of the State of Texas.

The use of a motor vehicle on the Angelo State University campus is a privilege, and the university is not obligated to furnish parking space to accommodate all vehicles. However, the university will attempt to provide a reasonable number of parking spaces in keeping with resources and available sites.

The university will make every reasonable effort to render protection to vehicles parked on campus, but cannot assume the responsibility for any damages or losses. The university recommends that you properly secure your vehicle and any valuables contained therein. The university holds each operator responsible for the proper registration and use of his or her vehicle.

Pursuant to *V.T.C.A., Education Code,* Section 51.202, a person who violates any provision of this regulation is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.00.

These regulations apply to all persons who operate vehicles on university property. Repeated violations of these regulations or the failure of faculty, staff, or students to respond to a violation citation may result in appropriate disciplinary or other action in accordance with the *Regents' Rules*.

The university further reserves the right to close or re-zone lots due to construction, traffic congestion and special events. All changes will be made available through the Parking Services Web page http://www.angelo.edu/parking or can be obtained upon request from the University Police Department and/or Parking Services Office. All reasonable means shall be used to alert the campus community in advance to lot closures or re-zoning. The Traffic and Parking Regulations are a publication of Angelo State University. Its purpose is to provide students with general information regarding the policies, rules, and regulations concerning traffic and parking. The policies, rules, and regulations are subject to change at any time without notice. Students are expected to be familiar with the regulations contained herein and to conduct themselves in a manner consistent with them.

Parking Services is located at 1825 South Johnson in the West Office <u>Aannex complex</u>. For phone or e-mail inquiries, please call (325) 486-6435 or e-mail your question to parking@angelo.edu.

Angelo State University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, and sex. These rules and regulations shall be reviewed to ensure their viability and continued adherence to the university's goals and mission.

- I. **Definitions** for the purpose of this document, the following definitions are used:
 - A. "**Campus**" is all lands owned, managed, or otherwise controlled by the university, herein called "Angelo State University."
 - B. "**Impoundment**" refers to the actual towing of a vehicle or immobilizing a vehicle by means of an "Auto-Boot."
 - C. "Visitor" is an individual with no official connection with Angelo State University as a student, faculty member, or staff member.
 - D. "Valid Parking Space" is an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.
 - E. "Vehicle" is a device used for transporting people or goods, such as a car, truck or motorcycle but is not limited to these descriptive terms.
 - F. "**Non-university Employees**" are individuals working on campus for entities with term contracts with the university (excluding construction) and are not considered university faculty or staff, (i.e., bookstore, food service, bank services).
 - G. **"General Use"** parking lots marked "A/B/C" are designated as general use lots. Anyone with a <u>valid ASU</u> parking permit may park in these lots at any time.
 - H. "**Reserved**" is any parking space or area, permanent or temporary that either requires a special permit or is otherwise marked. Examples would include, but not be limited to, "D" zones, visitor spaces, disabled spaces, service or maintenance spaces.
 - Alternative Fuel Vehicle" is any vehicle that runs on a fuel other than "traditional" petroleum fuels (gasoline or diesel). This would include electric, hybrid electric & flexfuel vehicles. The United States Department of Energy officially recognizes the following as alternative fuels: biodiesel, electricity, ethanol, hydrogen, natural gas & propane. Ethanol blends must be 15% or greater to be considered an alternative fuel.

II. Angelo State University Police Department

- A. Angelo State University police officers are duly commissioned peace officers of the State of Texas. Upon request of a university police officer, any person on the campus is required to provide proper identification.
- B. All thefts, accidents, or other offenses that occur on campus should be immediately reported to the University Police Department. One-vehicle accidents and inoperable vehicles must be promptly reported. Keys or valuables should not be left in vehicles while parked on campus. ALWAYS KEEP YOUR VEHICLE LOCKED. The majority of property loss in vehicles can be traced back to an unlocked vehicle.
- C. Angelo State University is concerned about the protection of persons and property and places a high priority on Traffic and Parking Regulations in striving to maintain a safe environment for students, faculty, staff, and visitors. The university, however, cannot guarantee the absolute safety of any one individual. Personal safety must begin with individual responsibility.
- D. University Police enforce speed limits on campus and adjacent public streets using RADAR and/or LIDAR. Appropriate citations are issued to speeding violators.
- E. *V.T.C.A., Penal Code*, Section 46.03, provides that a person commits a felony offense, if the person carries a firearm, illegal knife, club, or other prohibited weapon listed in Section 46.05(a) on the physical premises of an educational institution.

III. VehicleRegulations

- A. In order to operate or benefit from the use of a motor vehicle on campus, each member of the Angelo State community must obtain and display, in his or her name, a vehicle registration permit. No person may register a motor vehicle in his or her name which belongs to another student, faculty, or staff member, or is not a member of that person's immediate family. Violation of the Traffic and Parking Regulations is prohibited by the *Student Handbook* and Angelo State University policy. To benefit from the use of parking spaces designed for persons with disabilities, an eligible faculty member, staff member or student MUST display a state issued placard or license plate as well as a university parking permit.
- B. Students are required to register each motor vehicle to be operated on campus at the time they register for school or at the time they commence operating a motor vehicle on campus. Valid parking permits are required regardless of the number of hours for which a student may be enrolled.
- C. Faculty and staff are required to register their motor vehicles on or before the date they commence operating a motor vehicle on campus.
- D. Faculty and staff, whose dependents are students, may allow those dependents to register a commonly operated motor vehicle for a student permit in addition to the faculty/staff permit. If the faculty or staff member has two motor vehicles registered, and if both motor vehicles are on campus at the same time, the motor vehicle with the student permit must be parked in the designated student parking area and not in a faculty/staff parking area.
- E. A faculty/staff permit is to be used by the registering faculty or staff member only, and its use is not transferrable to another person for any reason. If your vehicle is being repaired or is inoperable, you may transfer your hang tag to the vehicle you will be driving temporarily or obtain a temporary permit from the University Police Department.
- F. Any person giving false information when registering a vehicle is subject to the appropriate disciplinary action and revocation of their motor vehicle registration permit and related parking privileges.
- G. Angelo State University issues the following parking permits:
 - 1. "A" zone All faculty and regular staff employees
 - 2. "B" zone Commuters (all students living off campus in non-university-owned housing)
 - 3. "C" zone Residence hall students (all students living on campus in university residence halls)
 - 4. "D" zone Reserved parking (commuter students with special permits only) includes:
 - a. Academic Building (Upper Lot P-39), permits marked 39 only.
 - b. Carr Education-Fine Arts Building (Lot P-42b), permits marked 42 only.
 - c. "General Use" Lots (lots marked A/B/C)

Vehicles found illegally parked in a reserved parking lot shall be subject to immediate towing at the owner's expense.

5. "S" zone - Special vendor parking or contracted parking.

- 6. "Temporary" Permits may be issued for:
 - a. Students enrolled in the Extended Studies Program. ("B" zone parking only)
 - b. Trailers to park in designated areas as established by the University Police Department only after obtaining permission.
 - c. Special disability situations that are limited to individuals with temporary disabilities who are not eligible to park in handicapped spaces. Special disability parking permits are valid only on university property and shall not exceed two weeks in duration. Individuals seeking a temporary disabled permit beyond two weeks must provide a written doctor's excuse.
 - d. Special circumstances as deemed necessary by the parking services manager and/or the chief of university police.
 - e. All temporary or special permits may be obtained at the Parking Services Office.
- H. All permits are for the exclusive use of the registrant. Permits may not be sold, exchanged, given away or purchased from any person or agency other than Angelo State University.
- I. Misuse of a permit could result in it being confiscated, parking privileges being revoked and appropriate fines assessed. Students suspected of misusing their permit or parking privileges, may be referred to the Student Life office for disciplinary action.
- J. Permits remain the property of Angelo State University and may be recalled at any time.
- K. Any expired Angelo State University parking permits must be removed from the motor vehicle(s) prior to use of the current year permit.
- L. Lost or stolen permits should be reported as soon as possible to the Parking Services Office or the University Police Department. The recovery of a lost or stolen permit should be <u>immediately</u> reported <u>immediately</u>.
- M. A \$5 fee will be charged for each replacement permit.
- N. Upon termination of employment, an employee's parking privileges are revoked. The faculty/staff permit must be returned to the Parking Services Office or to the Office of Human Resources at the time of his/her exit interview.
- O. With the exception of ASU maintenance and emergency vehicles, motor vehicles may only be parked in the designated parking areas and are prohibited at all times from being parked on the turf, sidewalks, pedestrian traffic zones or any other place not clearly designated for parking. Motorcycles shall park in designated motorcycle parking areas if available. If no space is available, motorcycles may park in any available space within the appropriate zone.
- P. Anyone who changes permit status or vehicles, must on the following class day, update the information at the Parking Services Office.
- Q. Scooters that are not required by state law to obtain vehicle registration and inspection stickers are not required to obtain a parking permit and are not allowed to park in motorcycle or vehicle parking spaces. Individuals operating scooters on campus must adhere to the regulations pertaining to bicycle use.

- R. Trailers must be registered with the Parking Services Office, before they may be parked on the campus. A temporary permit may be issued on a space available basis without charge for a period not to exceed two weeks. Trailer permits for periods to exceed two weeks shall be on a space available basis at the rate established for second vehicles. Trailer parking, if approved, will be limited to a specific area as designated by the University Police Department.
- S. Permits are not issued for mobile homes or for mobile units in which overnight accommodations are intended.

IV. VehicleRegistration

A. Permits are issued for a full academic year (August to August) or on a semester basis.

Vehicle registration fees are as follows:

Fulltime Faculty/Staff "A" Zone and Non-University Employees

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

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

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

Part Time /Temporary/Casual Employees "A" Zone and Non-University Employees

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

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

Commuter Students "B" Zones

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

Residential Students "C" Zones

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

Student Reserved Parking "D" Zones

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

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

Student Two Vehicle Permits

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

Reserved "D" Zones Not Offered in Combination

Two Vehicles	
\$150.00	
\$80.00	
\$130.00	
\$80.00	
\$80.00	
-	

B. Additional or Replacement Permits

Students/Faculty/Staff additional permits are priced the same as applicable permits. Replacement or lost permits are \$5.00.

• Faculty/Staff and Non-University Employees

Lost or stolen "A" zone permits must be reported immediately to the University Police Department.

Students

Window decal parking permits are not transferable to another vehicle. Decal permit holders, wishing to transfer a permit to another vehicle or make zone changes, must scrape off the current decal and present it to the Parking Services Office at the time of the requested change. Failure to present the scraped current decal will result in a replacement fee being assessed. Hang tags, if applicable, are transferable to another vehicle operated by the student only. Lost or stolen hang tags will result in an appropriate replacement fee being assessed.

Anyone wishing to exchange a permit must surrender the old permit. A \$5.00 administrative fee will be assessed for any permits being exchanged.

C. Refunds

- 1. Withdrawing students may be eligible for a refund in accordance with current academic catalog refund policies. Refunds may only be given for the semester in which the permit was purchased and if the unused permit is returned. No other refunds will be honored.
- 2. A request for a refund will not be honored when a person's privilege to park on campus has been suspended or other debts remain unpaid.

3. The following chart details the university refunds policy:

Refunds Fall and Spring Semester	
Prior to the first class day	100%
During the 1st, 2nd, 3rd, 4th and 5th class days	80%
During the 6th, 7th, 8th, 9th and 10th class days	70%
During the 11th, 12th, 13th, 14th and 15th class days	50%
During the 16th, 17th, 18th, 19th and 20th class days	25%
After the 20th class day	0%

Refunds Summer Semester	
Prior to the first class day	100%
During the first class day	80%
During the second class day	50%
After the third class day and thereafter	0%

V. Permit Regulations

- A. All faculty and staff parking or standing a motor vehicle on campus shall have a valid "A" zone permit displayed at all times. A student working part time for the university is not eligible for an "A" zone permit and shall have a valid student parking permit displayed at all times while parked on campus. Graduate students do not qualify as faculty. Teaching Assistants may be issued a temporary "A" zone permit on a semester-by-semester basis. Teaching Assistants must have their instructor submit a written request to the Parking Services Office and purchase a student permit to obtain a temporary A permit.
 - 1. Hang tag parking permits may be used on any vehicle driven by the person to whom the permit is issued; however, it is a violation to loan a permit to another person to be used in any manner.
 - 2. A permit holder is responsible for any parking violations incurred if someone else is using their permit. It is a violation to allow someone else to use a permit not issued to him/her. Such violators may also be charged with unauthorized use of a parking permit. Both parties involved are subject to being charged with this violation.
 - 3. Any and all old or invalid ASU parking permits shall be removed from vehicles being operated or parked on campus.
- B. Parking permits shall be displayed as follows:

1. Faculty/Staff – hang tags

- A. Hang tags shall be displayed unobstructed, on rearview mirror with front side facing windshield. Permit number and parking zone must be clearly visible from outside the front of the vehicle in order for permit to be valid.
- B. Faculty/Staff driving convertible type vehicles may obtain a motorcycle decal to place on the front windshield above the vehicle registration/ safety inspection sticker(s).

- 2. Students window decals and/or hang tags
 - A. Window decals shall be permanently affixed to the driver's side, lower left outside portion of the front windshield. It must be affixed in a manner as to not interfere with the visibility of the state registration and/or inspection sticker.
 - B. Students driving convertible type vehicles may obtain a motorcycle decal to place on the front windshield above the vehicle registration/ safety inspection sticker(s).
 - C. Hang tags, shall be displayed unobstructed, on rearview mirror with front side facing windshield. Permit number and parking zone must be clearly visible from outside the front of the vehicle in order for permit to be valid.
- 3. Motorcycles window decals

Shall be affixed to the yoke, windshield or other conspicuous place.

All parking permits shall be visible and easily read from the front/rear of the vehicle, where applicable, to be considered valid.

VI. Parking Zones

- A. Faculty, staff, and students MUST have a valid university parking permit displayed to p a r k on campus. Failure to display a permit in accordance with these rules will result in a parking citation.
- B. Faculty and staff employees will park in areas designated as "A" zone.
- C. Commuting students will park in "B" zone.
- D. Students living in all campus housing shall park in "C" zone specific lots.
- E. Students purchasing a "D" reserved zone permit must park in the lot number specified on the permit or in any General Use zone on campus. They may **NOT** park in the other reserved lots or "B" zones.

F. <u>PARKING IN A RESERVED "D" ZONE WITHOUT THE PROPER VALID "D" ZONE</u> <u>PERMIT MAY RESULT IN A CITATION BEING ISSUED AND/OR A VEHICLE BEING</u> <u>TOWED AT THE OWNER'S EXPENSE.</u>

- G. "A" and "C" zones are in effect and enforced between 7:30 a.m. and 4:30 p.m., Monday through Friday. After 4:30 p.m., "A" and "C" zones are open for general use, unless otherwise specified.
- H. "B" and "D" zones are in effect and enforced from 7:30 a.m. to 1:00 p.m., Monday through Friday. After 1:00 p.m., "B" and "D" zones are open for general use with a valid parking permit.
- I. "A/B/C/D" zones are "general use" parking lots. Any person having a valid campus parking permit may park in general use lots. These lots are open and have no restricted times, unless otherwise specified.
- J. Faculty, staff, and students with a valid parking permit may park in any zone when the parking regulations specified above are not in effect. A valid parking permit is required whenever any vehicle is parked on campus. Students must have an appropriate, valid parking permit anytime they are attending afternoon or evening classes or any other university function requiring parking.

- K. Disabled or handicapped individuals must display a valid approved State of Texas permit on their motor vehicle to legally park in a designated handicapped parking space. This special permit must be obtained at the County Tax Assessor's Office. This permit must be displayed in conjunction with a valid ASU parking permit. In accordance with V.T.C.A, *Transportation Code*, Section 681.008, disabled veterans with valid State of Texas Disabled Veteran license plates may park in designated handicapped spaces without displaying a valid university parking permit. The Parking Services Office is authorized to issue temporary disabled permits, which allow for parking in disabled spaces on campus. **Such permits are only valid on the ASU campus**. Violation of this law may result in a Justice of the Peace citation or an ASU citation, at the officer's discretion.
- L. Faculty, staff, and students shall not park at any time in spaces designated for visitors.
- M. Motorcycles may be parked in designated Motorcycle Zones or in a valid parking space only within the appropriate parking lot.
- N. Vehicles must be parked, nose-first, in all parking spaces. BACKING IN OR PULLING THROUGH A PARKING SPACE IS PROHIBITED ON CAMPUS.
- O. All yellow curbs denote "NO PARKING ZONES."
- P. Spaces marked for "Alternative Fuel" vehicles are reserved for vehicles that meet the definition of alternative fuel. Vehicle parking in these spaces must also abide by the lot zone designation. Currently these spaces are only available in lot P-13 and are zoned for "C" parking permit holders.

VII. Parking areas for visitors

- A. Visitors must obtain and display a proper visitor's pass when parked on campus. Visitor's parking passes are free and may be issued for up to six months. Visitor's passes may be issued and obtained at the Parking Services Office or the University Police Department.
- B. Guests of students residing in campus housing or apartments are permitted to park in "C" zones provided they have obtained a proper visitor's pass from the Parking Services Office.
- C. Visitors to the university residence halls and apartments may also be required at any time to identify themselves and specify the names and locations of students whom they are visiting.
- D. A university police officer may deny parking to any visitor and/or may require the visitor to leave the campus anytime it is believed his/her presence on campus is disruptive.

VIII. Towing of vehicles

- A. Any vehicle illegally parked on university property is subject to towing at the owner's expense.
- B. The university reserves the right to impound or have impounded any vehicle that is parked in a manner dangerous to vehicular or pedestrian traffic or in flagrant violation of university parking regulations. Any person receiving four or more unresolved citations shall be considered in flagrant violation of university parking regulations, and his or her vehicle may be impounded. If the need arises to impound a vehicle, a local independent wrecker service will be utilized. Charges for this service will be at the discretion of the wrecker operator, and the vehicle owner shall bear all costs associated with the impoundment.

- C. The university reserves the right to remove and impound an abandoned or disabled vehicle or any vehicle found on its property without a valid parking permit, an expired vehicle inspection sticker, or without valid license plates.
- D. A vehicle found to be disabled or not in working order for an extended period may be subject to towing at the owner's expense.
- E. The university reserves the right to attach an "auto cuff" to any vehicle illegally parked on campus. The driver of the vehicle will be advised by a temporary adhesive sign to report to the Parking Services Office for removal of the cuff. A fine of \$30.00 will be charged in addition to the scheduled violation fee(s). The cuff will not be removed until all fines have been paid. Vehicles remaining cuffed longer than 72 hours shall be towed from the campus at the owner's expense.
- F. Any vehicle found illegally parked in a designated student "reserved" parking lot shall be subject to immediate towing at the owner's expense.

IX. General requirements

- A. Each operator must possess a valid operator's license at the time a permit is issued. If a person's driving privileges are suspended, the permit immediately becomes null and void.
- B. Every person operating a vehicle on the Angelo State University campus is responsible for obeying all university rules and regulations, the City of San Angelo traffic ordinances, and the State of Texas laws regulating traffic and parking.
- C. In all cases in which a vehicle is parked, the position shall be such that the whole vehicle is within the boundaries of the parking space. The fact that other vehicles are parked improperly will not constitute an excuse for improper parking of any vehicle.
- D. Each operator of a vehicle must, upon request by a university police officer, display a valid operator's license. If the operator is a university student, he or she may also be required to present an Angelo State University I.D. card.
- E. Car washing and car servicing or repairs are prohibited on the Angelo State University campus.
- F. The Parking Services Office will not issue any campus parking permit to individuals with outstanding fines.
- G. Non-university employees shall comply with all campus parking rules and regulations.

X. Violations/Fines

- A. An individual issued a parking permit shall be responsible for all violations of the parking rules and regulations. If a vehicle is not registered with the university, and a family member is currently enrolled, it shall be presumed that the student is the operator of the vehicle and is therefore responsible for all parking violations incurred.
- B. No person shall drive, cause or permit a vehicle to be driven on Angelo State University property at a speed greater than is reasonable and prudent under the existing circumstances. Any speed in excess of posted limits shall be prima facie evidence that the speed is not reasonable and is unlawful.

Speed Limits

1. Campus Streets: 25mph, unless otherwise posted.

2. Parking Lots: 10mph, unless otherwise posted.

C. Citations may be issued for any of the following violations or for other violations of city traffic ordinances or the State of Texas laws regulating traffic and parking:

Violation Fees	
Refusal to display driver's license and/or ASU I.D. card to any	
university police officer	\$25.00
Failure to stop or heed instructions from a university police officer	\$25.00
Unauthorized use of a parking permit	\$200.00
Parking in or blocking DISABLED space	\$ <u>200</u> 150
Parking/Standing in Fire Lane	\$50.00
Blocking a dumpster	\$35.00
Parking with no permit, expired permit, or fail to display permit	\$35.00
Parking/Standing in No Parking Zone	\$35.00
Parking/Standing in Driveway/Right of Way	\$35.00
Parking/Standing in Maintenance/Loading Zone	\$40.00
Parking/Standing in a Reserved Area	\$40.00
Parking/Standing in a Wrong Zone	\$30.00
Parking/Standing on a Sidewalk	\$25.00
Parking/Standing on the Grass/Lawn Area	\$25.00
Not in a designated space/using (2) two spaces	\$20.00
Parking/Standing in a Barricaded/Prohibited Area	\$40.00
Backing or pulling through Parking Space	\$15.00
Bicycles secured to Railing, Trees or Posts	\$20.00
Parking with improperly displayed/Obscured permit	\$20.00
Auto cuff fee	\$30.00
Providing inaccurate vehicle registration information	\$50.00
All other violations/including traffic violations	\$25.00

Fines are applicable to all persons operating motor vehicles on Angelo State University property.

- D. All violations <u>not</u> issued through the Justice of the Peace must be cleared at the Parking Services Office. Holds are placed immediately on a student's record upon receipt of a <u>university</u> citation. Failure to pay the amount owed by the end of the semester may result in any or all of the following:
 - 1. Withholding of future registration privileges
 - 2. Withholding the issuance of an official certified transcript
 - 3. Withholding the conferring of a degree
- E. Justice of the Peace citations may be issued for illegally parking in a handicap space. County citations must be paid at the Justice of the Peace Pct. 4 Building, 124 W. Beauregard. The penalty for illegally parking in a designated handicap space is a fine of not less than \$250.00 or more than \$1,000.00. In addition to the parking citation, illegally parked vehicles may be towed at the owner's expense.

- F. The University Police Department may issue citations to appear before a Justice of the Peace for violations of the traffic code, state laws, or *Regents' Rules* as provided by the *V.T.C.A. Education Code*, Section 51.202.
- G. Stealing or defacing a parking permit may result in criminal prosecution and/or a university citation. Using a stolen or altered permit or allowing the use of such a permit may result in a university fine of \$200.00.
- H. Parking permits remain the property of Angelo State University and shall not be transferred or gifted to anyone. Valid permits must be surrendered to the University Police Department upon separation from the university either by terminating your study or employment with the university. Expired permits are not required to be returned.
- I. <u>Using the permit of another person will result in a fine of \$200.00. The permit holder is also subject to the same fine for allowing its use.</u>

Such violations will be referred to Student Life and Student Services Office for appropriate disciplinary action.

XI. Appeals

- A. The Traffic Appeals Committee will review all appeals of traffic violations. The committee will review traffic grievances and has the authority to void citations on the basis of substantive evidence to support such action.
- B. Appeals are only accepted in cases where there is significant dispute over the facts or when there are <u>major extenuating circumstances</u>. Not agreeing with a valid parking regulation, being late to class, bad weather, not being able to find a parking space, or only parking in violation for a short period of time are **NOT** grounds for an appeal.
- C. An appeal form must be completed and returned to the Parking Services Office within ten (10) days after a citation has been issued. The written appeal form will be reviewed by the chief of university police, or designee, who will make a ruling on the appeal based on the information available. If the violation is overturned on appeal, the citation will be voided. If the citation is upheld on appeal, the violator will be expected to submit appropriate payment of the fine. Individuals whose appeal is denied by the Chief of University Police or designee, may request further appeal to the university Traffic A p p e a I s Committee. The chairperson of the Traffic Appeals Committee shall then contact the person making the appeal and advise him/her as to the date, time, and the place the appeal will be heard. Appeal forms may be obtained from the Parking Services Web site at: http://www.angelo.edu/parking.

XII. Bicycles

- A. Students are encouraged to use bicycles as a mode of transportation on campus. Parking racks are conveniently located around campus for bicycles. Individuals shall not chain bicycles to buildings, signs, railings, light standards, trees, or shrubs, or park bicycles in any location, area, or space not specifically designated for bicycle parking. Bicycles found secured to trees, posts, hedges, buildings, on hand rails and in buildings may be impounded by the University Police Department. Replacement locks and storage fees will be the responsibility of the owner. Any bicycle left on campus after residence halls close at the end of the spring semester will be considered abandoned, unless prior arrangements have been made with the University Police Department or the ASU Office of Residential Programs. All abandoned property is subject to impoundment.
- B. It is recommended that students take advantage of the engravers located at the University Police Department to mark their bicycles with their driver's license numbers.

Operation ID is a free service provided by the University Police Department's Crime Prevention Unit.

XIII. Skates and Skateboards

- A. No person may skate or use a skateboard on or in any university building, structure, stairway, elevated sidewalk, access ramp, step, retaining wall, handrail, mall, bench or other architectural element.
- B. Skates and skateboards are prohibited on streets or in parking areas.
- C. Skates and skateboards must be operated in a controlled and safe manner. Such individuals must yield the right-of-way to pedestrians, bicyclists, motor vehicles and any device designed to assist in the transportation of persons with disabilities.

XIV. Lost and Found

- A. *V.T.C.A., Education Code,* Section 51.213, "Abandoned Personal Property," states: "The governing board of each state institution of higher education, including public junior colleges, is authorized to promulgate rules and regulations providing for the disposition of abandoned and unclaimed personal property coming into the possession of the campus security personnel where the personal property is not being held as evidence to be used in any pending criminal case."
- B. All abandoned personal property should be turned-in to the University Police Department. All unclaimed or abandoned personal property of every kind, which shall remain unclaimed for a period of 30 days, shall be transferred to the university property m a n a g e r, who will arrange to pick up the property and, thereafter, handle it in accordance with established procedure for the disposal of surplus property.
- C. The University Police Department offers a searchable online lost and found. This service allows individuals to search all property currently in our lost and found. To view the online lost and found, please visit our Web page at <u>asupd.angelo.edu.</u>

Anyone claiming property from lost and found must present a valid photo identification before **claiming** property. Individuals claiming property may also be requested to provide additional descriptions of the item being claimed.

XV. Money Saving Tips

- A. Purchase/pick up and properly display your parking permit.
- B. Plan ahead, do not wait until the last minute to arrive for class.
- C. DO NOT PARK OR STAND IN: FIRE LANES, VISITOR AREAS, DISABLED SPACES OR RESERVED PARKING AREAS.
- D. Do not back or pull through a parking space.
- E. Display a valid university parking permit **anytime** your vehicle is parked on campus.
- F. Respond immediately if you have been issued a citation.
- G. Notify the Parking Services Office of any changes in your permit status or vehicles.
- H. Do not hang any other items from your mirror other than your valid parking permit or handicap placard.

- I. Be sure you provide accurate information when registering your vehicle. Do not guess on any information provided. Providing incorrect information will result in a fine being assessed.
- J. Do not park in a designated "reserve" parking lot without the appropriate permit or your vehicle will be towed at the owner's expense.
- K. If you need to have a permit replaced, the old permit must be returned to the Parking Services Office. Failure to do so will require the purchase of a new permit.

ATTACHMENT 9

TTUS Proposed amendments to the *Regents' Rules*

Proposed: 04-28-2016

The proposed amendments to Chapters <u>07 (Fiscal Management)</u>, <u>03 (Personnel)</u> and <u>02 (Administration)</u>, *Regents' Rules*, herein address the following issues:

STATE CONTRACTING POLICIES:

S.B. 20 ... adopted by the 84th Legislature (2015) and effective September 1, 2015 ... requires state agencies, including public institutions of higher education, to abide by certain requirements when entering into contracts. These new statutory mandates are intended to "enhance reporting requirements and increase transparency and accountability so that there is knowledge about and confidence in the way state government is spending tax dollars."

To comply with these new contracting statutes, amendments to <u>Chapters 07, 03 and 02</u> were adopted by the Board in October 2015. After further review, additional changes in these three *Regents' Rules* chapters are recommended for selected provisions relating to contracting.

AUDIT PROVISIONS:

The provisions in <u>Chapter 07</u> that govern audit practices need to be updated to reflect the new mission of internal auditing that was recently adopted by the Institute of Internal Auditors in its International Professional Practices Framework, which also addresses the code of ethics and standards for auditing.

EMERGENCY APPROVAL OF A BUDGET ADJUSTMENT OR A CONTRACT:

Provisions in <u>Chapter 07</u> allow the Board chair or the chair of the Finance & Administration Committee to approve budget adjustments and contracts when an emergency exists. The changes proposed include:

- conforming the budget adjustment provision to the contract provision so they both use the same "emergency <u>or exigent circumstances</u>" language; and
- for the approval of such budget adjustments and contracts, require that the proposals be submitted to the two chairs by the Chancellor or the Chancellor's designee.

'EARLY START' CLAUSE FOR "OVER \$25,000" CONSULTING CONTRACTS:

A <u>Chapter 07</u> provision allows the Board chair and the chair of the Finance & Administration Committee to authorize an 'early start' for an "over \$25,000" consulting contract, with such contracts not progressing beyond the 'early start' stage unless approved by the Board. The proposed amendment would require that such 'early start' proposals must be submitted to the two chairs by the Chancellor or the Chancellor's designee.

E.E.O. POLICIES:

The personnel policies in <u>Chapter 03</u> relating to Equal Employment Opportunity need to be revised to match the updated provisions of Title IX and Title VII of the federal Education Amendments Act of 1972, as well as U.S. Executive Order 11246, regarding the definition of an employee's legally protected status.

OUTSIDE EMPLOYMENT:

A provision in <u>Chapter 03</u> requires "*authorization from <u>the TTU system</u>"* for any employee who wishes to be self-employed or have outside employment in addition to their employment with Texas Tech. Because it is unclear as to who the approving entity for this authorization must be (the Board? the Chancellor?), it is proposed that:

-- the Chancellor, or the Chancellor's designee, is the approving authority unless

-- the outside employment is for the Chancellor or a President, in which case the Board is the entity that grants the authorization.

Chapter 07 -- Fiscal Management

Section 07.02, Regents' Rules, is proposed to be amended as follows:

07.02 Audits.

07.02.1

"IIA rec." = as newly recommended by the Institute of Internal Auditors (IIA) in its International Professional Practices Framework. Mission statement. The <u>mission of the</u> Office of Audit Services (OAS) is to [assist the board and other units of the TTU system in identifying, avoiding, and mitigating risks] enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

07.02.2 Objectives. The OAS shall:

- a. provide independent, objective assurance and consulting services designed to add value and improve the operations of the TTU system; and
- b. assist the TTU system in accomplishing its objectives by [bringing] using a systematic, disciplined, and risk-based approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Scope of work. The comprehensive scope of work of the OAS is to determine if the TTU system's network of risk management, control, and governance processes is functioning in a manner that will enable goals and objectives of the TTU system to be met and to evaluate and improve the effectiveness of the TTU system's risk management, control, and governance processes [related to contracts and to perform risk based testing of contract administration]. Specifically, the scope of work shall provide reasonable assurance that such processes are designed and operating in a manner to ensure:

- a. risks are effectively identified and managed;
- b. [the system of] risk management processes and internal control [is] systems are adequate, effective, and efficient;

IIA rec.

07.02.6

The language being deleted was added in 2015 in response to SB 20. But, since Audit Services already considers contracts and contract administration as part of their annual risk assessments and performs risk-based contract testing as required by SB 20, it does not need to be separately stated

here.

IIA rec.

c. organizational performance management and accountability systems are effective;

IIA rec.

- d. the governance process facilitates <u>sound decision making</u>, organizational effectiveness, appropriate communications, and promotion of ethics and values;
- e. financial, managerial, and operating information is accurate, reliable, and timely;
- f. employees' actions are in compliance with policies, standards, procedures, and applicable statutes and regulations;
- g. resources are acquired economically, used efficiently, and adequately protected;
- h. programs, plans, and objectives are achieved; and
- i. systems are designed and implemented with proper control structures.
- 07.02.7 Accountability and responsibility. The CAE, in the discharge of his or her duties, shall be responsible and accountable to the board through the Audit Committee to:
 - a. develop a flexible annual audit plan using appropriate riskbased methodology and submit the plan to the board through the Audit Committee for review and approval; the CAE shall consider for inclusion in the plan any risks or control concerns identified by management, and consider the scope of work of <u>internal and</u> external [auditors and regulators] assurance and <u>consulting service providers</u>, as appropriate, for the purpose of providing optimal audit coverage to the TTU system at a reasonable overall cost;
 - b. oversee the execution of the annual audit plan;
 - report significant issues related to the risk management, control, and governance processes of the TTU system, including potential improvements to those processes, and provide information concerning the resolution of such issues;



- d. report annually to the board, the chancellor, the governor, and state agencies, as required by the Act, on the activities of the OAS;
- e. provide information periodically on the status and results of the annual audit plan and the sufficiency of department resources, including OAS personnel, to address identified risks within a reasonable time frame;
- f. coordinate with other control and monitoring functions (including, but not limited to, the Office of the General Counsel, the police departments of the component institutions, the State Auditor's Office, [and external auditors] other state agencies, and external assurance and consulting providers) to maximize the efficient and effective use of audit resources;
- g. maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the audit mission and objectives;
- h. establish a quality assurance and improvement program to ensure compliance with professional standards, consistency, and quality in OAS operations;
- i. consider performing advisory services to assist management in meeting its objectives, examples of which may include facilitation, process design, training, and other advisory services;
- j. evaluate significant new or changing services, processes, operations, systems, and control processes coincident with their development, implementation, and/or expansion;
- k. report to the Audit Committee when the CAE has reason to believe that senior management has accepted a level of residual risk that may be unacceptable;
- 1. keep the Audit Committee informed of emerging trends and successful practices in internal auditing;
- m. assist in the investigation of suspected fraudulent activities within the TTU system and keep appropriate management, the chancellor, and the board, through the Audit Committee, informed of such investigations; <u>and</u>



..... The language being deleted was added in 2015 in response to SB 20. But, there are many statutorilyrequired audits that must be performed annually, biennially, or under other timeframes, and none of these other audits are specifically referenced in the Regents' Rules. The recommendation is that we not "muddy up" Board policies with this level of detail.

- n. coordinate any external audit or investigative effort performed by certified public accountants, the state auditor's office, or other auditors; this coordination may include scheduling of entrance and exit conferences, assisting with fieldwork, and/or reviewing management responses to findings and recommendations of the external auditors. [; and]
- [o. annually assess whether the TTU system has adopted the rules and policies required by Section 51.9337, *Texas Education Code*, and submit a report of findings to the Texas State Auditor's Office.]

Section 07.03, *Regents' Rules*, is proposed to be amended as follows:

07.03 Fraud policy.

. . .

The TTU system is committed to the highest standards of moral and ethical behavior. These standards and the subject of appropriate behavior are outlined in the operating policies of the component institutions and in various TTU system and board policies, which shall be observed by all TTU system students and employees. All officers, employees, and students are expected to obey all federal, state, and local laws and may be subject to disciplinary action for a violation of those laws.

SB 20 added this to §51.9337(c)(1), *Texas Education Code*, and it should be included in our *Regents' Rules*.

•••

Section 07.04, Regents' Rules, is proposed to be amended as follows:

- 07.04 Budget rules and procedures.
 - • •

07.04.4 Budget adjustments. Budget adjustments to the annual operating budget or to other expenditures requiring board approval are defined in the following sections. Budget adjustments may not be divided to fall within lower levels of approval. Approvals must be obtained prior to the effective date of action for the following:

- a. Board approval:
 - (1) Board approval is required for:
 - (a) adjustments that establish a new budget <u>in excess of</u>
 <u>\$1,000,000</u> or increase an existing budget [by] to an amount of more than \$1,000,000; and
 - (b) non-statutory adjustments to the salary of the chancellor.
 - (2) Emergency and exigent circumstances approvals. [In] When an emergency or exigent circumstances exist, the chair or the chair of the Finance and Administration Committee may approve a proposal submitted by the chancellor, or the chancellor's designee, for budget adjustments [of more than] which establish a new budget in excess of \$1,000,000 or increase an existing budget to an amount in excess of \$1,000,000 [may be approved by either the chair of the board or chair of the Finance and Administration Committee], with subsequent notification to the board at the next regular board meeting.

A change that more clearly states the intention of this provision.

These changes

(1) Conform the provision for emergency approvals of budget adjustments to:

- the "emergency <u>or exigent</u> <u>circumstances</u>" language of the emergency contract approval provision; and
- add a requirement that emergency approvals for budget adjustments be submitted to the two chairs by the Chancellor or the Chancellor's designee (a change that's also proposed for the emergency contract approval provision).

(2) Make the same clarifying change that's proposed in Subsection (1)(a).

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Section 07.12, Regents' Rules, is proposed to be amended as follows:

07.12 Contracting policies and procedures.

- 07.12.1 General.
 - a. This policy shall establish the authority for the board and authorized TTU system personnel to approve, sign, and execute contracts committing the TTU system to any approved act.
 - b. Written contracts shall be executed whenever a TTU system component enters into a binding agreement with another party which involves any material consideration.
 - c. Contracts include, but are not limited to: letter agreements, cooperative agreements, memorandums of understanding, interagency contracts, grants, loans, easements, licenses, leases, permits and restrictions on acceptances of gifts and bequests. Other parties include, but are not limited to: federal, state and local agencies, nonprofit organizations, private businesses, corporations, <u>limited liability entities</u>, partnerships and individuals.

d. Applicability of policy.

- (1) This policy shall apply to all contracts for the initial periods and for amendments or extensions thereto. For the purpose of determining whether a contract requires the approval of the board, any option(s) to extend or renew a contract shall be counted in the overall term of the contract. For example, a contract for a lease of land for three years that has an option to extend the lease for an additional three years shall be considered to be a lease of land for more than four years.
- (2) This policy shall also apply to, but not be limited to: cooperative agreements with affiliated and nonaffiliated hospitals and other health care agencies, private corporations, sole proprietorships, federal agencies, private partnerships, limited liability entities and individuals.

General Counsel's office recommended this addition to complete the list of commonly used entities.

SB 20 added this to §51.9337(c)(6), *Texas Education Code*, and it should be included in our *Regents' Rules*.

SB 20 added this to §51.9337(b)(2-3) and (d), *Texas Education Code*, and it should be included in our *Regents' Rules*.

SB 20 added this to §51.9337(b)(5), *Texas Education Code*, and it should be included in our *Regents' Rules*.

- e. <u>Officers and employees of the TTU system are prohibited from</u> <u>acting as an agent for another person in the negotiation of the</u> <u>terms of an agreement relating to the provision of money, ser-</u> <u>vices, or property to the TTU system.</u>
- <u>f.</u> <u>The TTU system and its component institutions shall develop a</u> <u>contract management handbook that provides consistent con-</u> <u>tracting policies and practices and contract review procedures,</u> <u>including risk analysis and a contract review checklist. The pro-</u> <u>visions in this handbook shall be consistent with state and fed-</u> <u>eral contracting laws, rules, and regulations.</u>
- <u>g.</u> TTU system personnel involved in procurement or contract management shall receive training and continuing education, including ethics training.
- h. In the event a contract executed under other provisions of this policy is subsequently found to be required by law or by this policy to be approved by and/or executed by the board, the contract shall continue to be in full force and effect, but shall be submitted for ratification at the next available board meeting.
- i. [f.] Approval and signature execution of a contract pursuant to the provisions of this policy constitutes approval to establish an operating budget, which shall not exceed the consideration of the contract. The operating budget then shall be considered approved in accordance with the provisions of Section 07.04, *Regents' Rules*, and related implementing procedures.
- j. [g-] Contracts shall not be divided to fall within lower levels of approval.

07.12.2 <u>Prohibited contracts.</u>

SB 20 added this to §2261.252(b)-(c), *Texas Government Code*, and it needs to be included in our *Regents' Rules*.

- a. <u>Neither the TTU system nor its component institutions may en-</u> ter into a contract for the purchase of goods or services with a private vendor with whom any of the following employees or <u>officials have a financial interest:</u>
 - (1) the chancellor, vice chancellor and general counsel, president of the institution involved in the contract, chief procurement officer or equivalent employee responsible for procuring goods and services for the institution involved in the contract; or
 - (2) <u>a family member related to the employees and officials</u> listed above within the second degree of affinity or consanguinity.
- b. An employee or official has a financial interest in a private vendor if the employee or official:
 - (1) owns or controls, directly or indirectly, an ownership interest of at least one percent in the private vendor, including the right to share in profits, proceeds, or capital gains; or
 - (2) could reasonably foresee that a contract with the private vendor could result in a financial benefit to the employee or official.

07.12.3 Board approval.

SB 20 added this to §2261.254(d), *Texas Government Code*, and it needs to be included in our *Regents' Rules*. See also Sec. 07.12.4

[AS RENUMBERED HEREIN], for existing delegations of authority.

SB 20 added this to §51.9337(f), *Texas Education Code*, and it should be included in our *Regents' Rules*.

SB 20 added this to §2261.255, Texas
<i>Government Code,</i> and it needs to be
and it needs to be
included in our
Regents' Rules.

- a. Upon recommendation of the chancellor, board approval is required for contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the entire term of the contract, unless a different consideration is specified by this policy. This requirement is applicable to both cash and non-cash considerations. <u>The board may delegate the approval and signa-</u> <u>ture authority for such contracts to the chancellor or component</u> <u>president.</u>
- b. <u>The board must approve any amendment, extension, or renewal</u> of a contract with a value that exceeds 25% of the value of the original contract approved by the board or that increases the value of the original contract to more than \$1,000,000 unless the authority to exceed the approved amount is expressly delegated by the board or an exception is expressly adopted by the board for that contract.
- <u>c.</u> For each contract for the purchase of goods and services with a value exceeding \$5,000,000, the applicable chief procurement of-ficer 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.

- d. Contracts involving a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.
 - (1) Upon recommendation of the chancellor, board approval is required for the following contracts or agreements:
 - (a) contracts that involve:
 - i. a sale or purchase of land and/or improvements thereon by a TTU system entity, or
 - a lease of land and/or improvements thereon for more than four years, where a TTU system entity is either the lessor or the lessee;
 - (b) contracts that involve a commitment of funds or other resources for more than four years.
 - (2) Contracts that may be terminated without cause with notice of 120 days or less are excepted from the requirements of Section [07.12.2.b(1)] 07.12.3.d(1), *Regents' Rules*.

e. [e.] Employment contracts and agreements.

- (1) Employment contracts or agreements include but are not limited to letters of agreement and memoranda of under-standing.
- Except as provided in Section [07.12.2.c(3)] 07.12.3.e(3)
 herein, employment agreements that contain one or more of the following provisions must be approved by the board:
 - (a) employment contracts having a total [compensation]
 value (including cash and non-cash considerations)
 over the entire term of the contract of more than
 \$1,000,000;
 - (b) employment contracts having a term longer than four (4) years;
 - (c) employment contracts that allow for settlement or other payments on the termination of the contract to

account for a section that was renumbered.

A conforming change to

A conforming change to account for a section that was renumbered.

A conforming change to match wording used throughout SB 20. exceed an amount equal to the discounted net present cash value of the contract on termination at the U.S. Treasury rate that matches the remaining term of the contract;

- (d) employment contracts allowing for development leave that is inconsistent with Section 04.05, *Regents' Rules*, and/or institutional operating policies; or
- (e) employment contracts awarding tenure in any way that varies from the applicable operating policies on the award of tenure.
- (3) The following are excepted from the requirements of Sec-

tion [07.12.2.c(2)] 07.12.3.e(2), Regents' Rules, but to the extent any excepted contract has a value exceeding \$1,000,000, the board delegates approval and signature authority for the contract to the president of the applicable component institution or to the chancellor for TTUSA contracts:

- (a) Employment agreements for the chancellor or presidents shall be governed by Sections 02.01.2 and 02.03.1.b(2) of the *Regents' Rules*, respectively.
- (b) Athletic employment agreements.
 - Athletic directors and head coaches. Employi. ment contracts and employment contract modifications and extensions for athletic directors and head coaches of intercollegiate athletics programs do not require the approval of the board if: the total [compensation] value (including cash and non-cash considerations) over the entire term of the contract is \$2,000,000 or less; and the term of the contract does not exceed five (5)years. For athletic directors, such contracts, modifications, and extensions shall receive the final approval of the president, with prior notification to the chancellor. For head coaches, such contracts, modifications, and extensions shall have the recommendation of the athletic director

 A conforming change to account for a section that was renumbered.
 SB 20 added this new language to §2261.254(d), *Texas Government Code*, and it needs to be included in our *Regents' Rules*.

SB 20 conforming change

and receive the final approval of the president, with prior notification to the chancellor.

- ii. Assistant coaches. Employment contracts and employment contract modifications and extensions for assistant coaches of intercollegiate athletics programs do not require the approval of the board if: the total [compensation] value (including cash and non-cash considerations) over the entire term of the contract is \$1,000,000 or less; and the term of the contract does not exceed three (3) years. Such contracts, modifications, and extensions shall have the recommendation of the athletic director and receive the final approval of the president, with prior notification to the chancellor.
- (c) Health-related institution faculty employment contracts. [For such contracts, only the portion of the faculty member's salary that is funded by the State of Texas shall be counted in the compensation total.] Further, for such contracts that would require the approval of the board under Section [07.12.2.c(2)] 07.12.3.e(2), when it is not feasible or practical to delay action until the next scheduled regular or special called meeting of the board and upon the recommendation of the chancellor, approval of the contract may be given by the chair or the chair of the Finance and Administration Committee. Contracts approved in this manner shall be reported to the board as an information item at the next board meeting.
- f. [d.] Upon recommendation of the chancellor, board approval is required for contracts involving the initial placement of vending machines, games, or any other coin operated food, refreshment and amusement devices placed in service in any facility owned, operated, or controlled by the TTU system. The president, or the president's designee, is delegated the authority to determine and approve the location of vending machines, games, or other coin operated food, refreshment and amusement devices placed in all buildings and property under the charge and control of the president's institution.

Does not comply with the new provisions of SB 20.

SB 20 conforming change

A conforming change to account for a section that was renumbered. For emergency approval of a contract, a requirement is added that the proposed contract must be submitted to the two chairs by the Chancellor or the Chancellor's designee, rather than be "recommended" by the Chancellor. (*This same change is proposed for the emergency approval of a budget adjustment.*) g. [e.] Unless prohibited by law [and upon recommendation of the

chancellor], 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 a contract proposal submitted by the chancellor, or the chancellor's designee, by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approved in this manner shall be presented to the board as an information item at the next board meeting.

<u>h.</u> [f.] Contracts approved by the board shall be executed as specified in the board order.

07.12.4 [07.12.3] Board delegation of authority.

Conforming changes to account for a section that was renumbered.

In Ch. 08, Board approval is required for **major** construction projects, and the Chancellor and Presidents are delegated the authority to approve **minor** construction projects.

Under the proposed change to §07.12.4.c, the Board will continue to approve contracts for major projects, with the change simply clarifying that the Chancellor/Presidents may <u>execute</u> the contracts for all construction projects that have been approved in accordance with Ch. 08 rules.

- a. Notwithstanding Section [07.12.2.a] 07.12.3.a, *Regents' Rules*, contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000 shall be approved by the chancellor or president, as appropriate. This requirement is applicable to both cash and non-cash considerations.
- b. Notwithstanding Section [07.12.2.a] 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.
- c. The board delegates to the chancellor and the presidents the authority to execute and sign contracts related to [minor] construction projects for TTUSA and the component institutions, respectively, as [defined by Section 08.01.4] provided by Chapter 08, Regents' Rules.

SB 20 added this to §51.9337(f), *Texas Education Code*, and it should be included in our *Regents' Rules*. d.

The board delegates to the chancellor and the presidents the authority to execute and sign any amendment, extension, or renewal of a contract for their respective institution that increases the value of the original contract to more than \$1,000,000. A list of such amendments, extensions, and renewals shall be provided to the board as an information item at the next regular board meeting.

- e. Contracts that provide for the services of a consultant.
 - (1) Consulting contracts with an initial consideration in excess of \$25,000:
 - (a) Upon recommendation of the chancellor, board approval is required prior to the execution of a consulting contract with an initial consideration in excess of \$25,000 and prior to the execution of all modifications that increase the consideration of such a contract.
 - (b) [Upon recommendation of the chancellor, a] A consulting contract with an initial consideration in excess of \$25,000 may be executed prior to approval by the board if:
 - i. the contract includes a provision that limits the total amount to be paid to the consultant to no more than \$25,000 unless and until such time as the board has approved the agreement; and
 - the chair [and] or chair of the Finance and Administration Committee authorize a proposal submitted to them by the chancellor, or the chancellor's designee, regarding execution of the agreement in advance of approval by the board.

Allowing an 'early start' authorization to come from either the Board chair **OR** the F&A Committee chair (rather than requiring the approval of both) matches the 'either/or' approval process currently in place for emergency approvals of budget adjustments and contracts.

The second change would require that a proposed 'early start' for an over-\$25,000 consulting agreement must come from the Chancellor when it is submitted to the two chairs for approval. A similar requirement is proposed for emergency approvals of both budget adjustments and contracts.

too broad to comply with the new provisions of SB 20.

Current language was

Revisions made for consistency with similar provisions for presidents. (2) Consulting contracts with an initial consideration of \$25,000 or less:

- (a) Board approval is not required, but notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract.
- (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.
- (c) Approval of the board is required prior to execution for any modification to a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.
- (3) For the purposes of Section [07.12.3.d] 07.12.4.e, *Regents' Rules*, a search firm is a service provider and is not deemed to be a consultant.

[e. This contracting policy does not apply to purchasing documents, which shall be processed in accordance with state law and purchasing regulations. State law delegates certain purchasing authority to the respective purchasing agents at the various state agencies in Texas. The purchasing agents are charged with ensuring that these purchases are processed in accordance with state bidding requirements, sole source purchasing restrictions, and statewide or consortium purchasing contracts for certain commodities.]

<u>07.12.5</u> [07.12.4] Chancellor's approval.

a. Approval of the chancellor is required for TTUSA contracts that involve a stated or implied consideration of \$1,000,000 or less <u>per annum</u>. This requirement is applicable to both cash and non-cash considerations. <u>Such TTUSA contracts may be signed</u> by the chancellor or the chancellor's designee. Provisions in the <u>Regents' Rules regarding employment contracts shall govern the</u> approval of those employment contracts.

A conforming change to ! account for a section that was renumbered.

Revisions made for consistency with similar provisions for presidents.

b. [TTUSA contracts may be signed by the chancellor or the chancellor's designee.] Approval of the chancellor is required for all TTUSA contract renewals, extensions or amendments. A list of those renewed, extended or amended contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next regular board meeting.

<u>07.12.6</u> [07.12.5] President's approval.

- a. Approval of the president is required for all component institution contracts that involve a stated or implied consideration of \$1,000,000 or less per annum. This requirement is applicable to both cash and non-cash considerations. <u>Such component institu-</u> tion contracts may be signed by the president or the president's <u>designee</u>. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.
- b. Approval of the president is required for all component institution contract renewals, <u>extensions</u> or amendments. A list of those [renewal] renewed, <u>extended or amended</u> contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next <u>regular</u> board meeting.

[c. Component institution contracts may be signed by the president or by the president's designee.] Due to the extensive conform-

Due to the extensive conforming changes resulting from the renumbering of sections, only the new section numbers are shown in this table.

Contract Terms	<i>Regents' Rules</i> Section Citation	Approval Required
Contracts in excess of \$1,000,000 over the entire term of the contract	<u>07.12.3.a</u>	Board
Contracts in excess of \$1,000,000 total but less than \$1,000,000 per annum	<u>07.12.4.a</u>	Chancellor or Presi- dent, as appropriate
Contracts for real property: sale or purchase; and lease for more than 4 years (<i>unless the contract can be termi-</i> <i>nated without cause with notice of 120 days or less</i>)	<u>07.12.3.d(1)(a)</u>	Board
Contracts in excess of four years (unless the contract can be terminated without cause with notice of 120 days or less)	<u>07.12.3.d(1)(b)</u>	Board
	<u>07.12.3.b</u>	<u>Board</u>
Renewals, extensions or amendments	<u>07.12.4.d; and</u> <u>07.12.5.b or</u> <u>07.12.6.b</u>	<u>Chancellor or</u> <u>President</u>
Contracts for [minor] construction projects	<u>07.12.4.c</u>	Chancellor (for TTUSA projects) or President (for institutional projects)
Consulting contracts in excess of \$25,000, and all modi- fications that increase such contracts	<u>07.12.4.e(1)</u>	Board
Consulting contracts of \$25,000 or less	<u>07.12.4.e(2)</u>	Chancellor or Presi- dent, as appropriate – with prior notice to chairs of Board and F&A Cmte
Contracts with search firms (so long as contract amount does not exceed \$1.0 million per year)	<i>due to <u>07.12.4.e(3)</u></i> <i>and <u>07.12.4.a</u>: <u>07.12.5</u> or <u>07.12.6</u></i>	Chancellor (for TTUSA searches) or President (for institutional searches)
Initial contracts for vending machines	<u>07.12.3.f</u>	Board
Location of vending machines	<u>07.12.3.f</u>	President
TTUSA contracts of \$1,000,000 or less per year	<u>07.12.4.a</u> and <u>07.12.5</u>	Chancellor
Component institution contracts of \$1,000,000 or less per year; amendment or renewal of such component institution contracts	<u>07.12.4.a</u> and <u>07.12.6</u>	President
Sponsored program project contracts	<u>07.12.4.b</u>	President
Employment contracts	[see Appendix A]	varies

BOARD APPROVAL REQUIRED	per Section	BOARD APPROVAL <u>NOT</u> REQUIRED
	07.12. <u>3</u> ↓	
If <u>any</u> of the following provisions apply, the agreement must be approved by the Board:		All of the following provisions must apply for the agreement to be exempt from Board approval:
 Total compensation over the entire term of the contract exceeds \$1.0 million. 	← <u>e</u> (2)(a) →	• Total compensation over the entire term of the con- tract is \$1.0 million or less.
• Term is longer than 4 years.	← <u>e</u> (2)(b) →	• Term is 4 years or less.
• Termination payment exceeds an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract.	← <u>e</u> (2)(c) →	• Termination payment does <u>not</u> exceed an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract.
• Contract allows for development leave inconsistent with <i>Regents' Rules</i> or institutional operating policies.	← <u>e</u> (2)(d) →	• Contract does <u>not</u> allow development leave incon- sistent with <i>Regents' Rules</i> or institutional operating poli- cies.
• Contract awards tenure in any way other than as provided in Board-approved operating policies.		• Contract does <u>not</u> award tenure in any way other than as provided in Board-approved operating policies.
	7	
Chancellor or President contract. [see Sections 02.01.2 and 02.03.1.b(2), respectively]	← <u>e</u> (3)(a)	
Athletic director or head coach contract if: • total compensation over the entire term of the contract exceeds \$2.0 million; OR • term exceeds 5 years.	← <u>e</u> (3)(b)i →	Athletic director or head coach contract if: • total compensation over entire term of the contract is \$2.0 million or less; AND • term is 5 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]
Assistant coach contract if: • total compensation over the entire term of the contract exceeds \$1.0 million; OR • term exceeds 3 years.	← <u>e</u> (3)(b)ii →	Assistant coach contract if: • total compensation over the entire term of the contract is \$1.0 million or less; AND • term is 3 years or less. [<i>President approves</i> , and Chancellor gets prior notice.]
Health-related institution faculty contract if: any of the general thresholds shown above are exceeded but [: • only state-funded compensation is counted; and •] a process for quick approval is provided when needed.	← <u>e</u> (3)(c) →	Health-related institution faculty contract if: none of the general thresholds provided in Sec. 07.12. <u>3.e</u> (2) are exceeded.

APPENDIX A – summary of employment agreement approvals (per Sec. [07.12.2.e] 07.12.3.e, Regents' Rules)

Chapter 03 -- Personnel

Section 03.01, *Regents' Rules*, is proposed to be amended as follows:

03.01 Ethics policy. It is important that the people of Texas have complete confidence in the integrity of public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The principles and guidelines contained in this policy shall apply to all officers and employees regardless of rank or position to ensure that the primary responsibility of the TTU system officers and employees is to accomplish the duties and responsibilities assigned to their <u>position</u>. Each component institution's operating manuals should be referenced L.L.L.å for further information and/or greater specifics not in conflict with the *Regents'* Rules.

> 03.01.1 Conduct. Officers and employees shall not:

- accept or solicit any gift, favor, or service that might reasonaa. bly tend to influence officers or employees in the discharge of official duties or that officers or employees know, or should know, is being offered with the intent to influence the officers' or employees' official conduct;
- b. accept other employment or engage in a business or professional activity that officers or employees might reasonably expect would require or induce them to disclose confidential information acquired by reason of the official position;
- accept other appointments or any employment or compensac. tion that could reasonably be expected to impair officers' or employees' independent judgment in the performance of official duties;

SB 20 added this to §51.9337(c)(2), Texas Education *Code*, and it should be included in our Regents' Rules.

SB 20 added this to §51.9337(c)(3), *Texas Education Code*, and it should be included in our *Reaents' Rules*.

SB 20 added this to §51.9337(c)(6), *Texas Education Code*, and it should be included in our *Regents' Rules*.

03.01.2

SB 20 added this to §51.9337(c)(1), *Texas Education Code*, and it should be included in our *Regents' Rules*.

- d. make personal investments <u>or engage in other activities, in-</u><u>cluding having a direct or indirect financial or other interest,</u> <u>engaging in a business transaction or professional activity, or</u> <u>incurring any obligation</u> that could reasonably be expected to create a substantial conflict [<u>between</u>] with the proper dis-<u>charge of</u> the officers' or employees' [<u>private interest and</u>] <u>du-</u><u>ties related to</u> the public interest; [<u>or</u>]
- e. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed official duties in favor of another<u>; or</u>
- <u>act as an agent for another person or entity in the negotiation</u>
 <u>of the terms of an agreement relating to the provision of</u>
 <u>money, services, or property to the TTU system.</u>

1.2 Ethical behavior. Officers and employees shall:

- a. <u>obey all federal, state, and local laws or be subject to discipli-</u> <u>nary action for a violation of those laws;</u>
- b. put forth honest effort in the performance of their duties;
- c. [b.] not make unauthorized commitments or promises of any kind purporting to bind the TTU system or any of its components;
- <u>d.</u> [e.] not use their public offices for private gain;
- e. [d.] act impartially and not give preferential treatment to any private or public organization or individual;
- <u>f.</u> [e.] protect and conserve public property, including all institutional resources, and shall not use it for anything other than authorized activities;

Conforms to Equal Employment Opportunity provisions in Title IX, Title VII, and U.S. Executive Order 11246.

SB 20 added this to §2261.252(a), *Texas Government Code*, and it should be included in our *Regents' Rules*.

SB 20 added this to §51.9337(c)(8), *Texas Education Code*, and it should be included in our *Regents' Rules*.

. . .

- g. [f.] promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
- <u>h.</u> [g.] adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of [race, color, religion, sex, national origin, age, physical or mental disability, Vietnam era or special disabled veteran status] sex, sexual orientation, gender identity, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other legally protected categories, classes, or characteristics; [and]
- i. [h.] endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system;
- j. if involved in procurement or contract management for the TTU system, disclose to the TTU system in the manner prescribed by the applicable contract management handbook or institutional operating policy any potential conflict of interest that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from the private vendor by the TTU system; and
- <u>k.</u> participate in regular training concerning ethics policies of the TTU system.

03.01.5

SB 20 added this to §51.9337(c)(5), <i>Texas</i> <i>Education Code</i> , and it should be included in our <i>Regents' Rules</i> .
See also existing Sec- tion 03.07, <i>Regents'</i> <i>Rules</i> , for provisions that govern service on outside boards by TTU system employees.

Conflict of commitment. A conflict of commitment refers to a situation where a TTU system employee engages in external activities, <u>including service on an outside entity's board</u>, either compensated or uncompensated, that interfere with the employee's obligation and responsibilities to the TTU system. Employees shall evaluate and arrange their external interests and activities in order to avoid conflicts of commitment that would compromise their ability to carry out their obligations to the TTU system.

- a. Primary responsibility of employees. The primary responsibility of a TTU system employee is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment, and the maintenance of current professional skills.
- b. Outside employment. Outside employment is self-employment or any compensated service or employment by an entity or individual, other than the TTU system, of a TTU system employee.
 - Outside employment must be compatible with the interests of the TTU system and of such a nature that it will not detract from the effectiveness and performance of the employee.
 - (2) Clinical faculty. Full-time clinical faculty at TTUHSC and TTUHSC El Paso who are involved in outside employment must do so under the provisions of the respective school's medical practice income plan.
 - (3) Institutional operating policies shall provide a procedure by which a TTU system employee must disclose the outside employment and obtain authorization from the [TTU system] chancellor, or the chancellor's designee, for such outside employment.
 - (4) If the outside employment is for the chancellor or a president, authorization from the board is required.

The General Counsel and the Board Secretary identified a clarification that's needed regarding the position or entity charged with granting approvals for outside employment.

- c. External activities. External activities shall not detract from primary responsibilities and shall not require such extensive absence so as to cause an employee to neglect the employee's obligations to the TTU system.
- 03.01.8 Discriminatory conduct prohibited.
 - a. The TTU system shall not tolerate discrimination or harassment of employees and applicants based on or related to sex, sexual orientation, gender identity, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other legally protected categories, classes, or characteristics. [While sexual orientation is not a legally protected category under state or federal law, it is the policy of the TTU system to not discriminate in employment decisions on the basis of sexual orientation.] Employment actions (including but not limited to 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 legally protected status.
 - All officers and employees shall comply with statutory requirements in connection with their employment and employment decisions. Officers and employees shall maintain a workplace environment that is free of discriminatory harassment and intimidation.

Conforms to Equal Employment Opportunity provisions in Title IX, Title VII, and U.S. Executive Order 11246.

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Chapter 02 -- Administration

Section 02.04, Regents' Rules, is proposed to be amended as follows:

02.04 Component institution presidents

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- 02.04.2 Presidents' authority. Within the policies and regulations of the board which provide that the component institution president reports to and is responsible to the chancellor, with the component institution president having access to the board and the board having access to the component institution president the president has general authority and responsibility for the administration of the component institution. Specifically, the president is expected, with the appropriate participation of the staff, to:
 - • •
 - n. develop and implement plans and policies to ensure that the component institution remains in compliance with any accreditation requirements appropriate to the institution or its programs, including, for the health components and those academic components with student health services, the accreditation of hospitals, clinics, and patient-care facilities;
 - o. develop and implement programs and policies that promote ethical behavior and ensure compliance with all applicable policies, laws, and rules governing public higher education in Texas, including research and health care to the extent applicable; [and]
 - p. develop and implement a contract management handbook that provides consistent contracting policies and practices, contract review procedures, a risk analysis procedure, and a contract review checklist approved by general counsel describing contract execution processes; and
 - <u>q.</u> carry out all other duties and responsibilities assigned to the president by the board or the chancellor.

SB 20 added this to §51.9337(b)(3) and (d), *Texas Education Code*, and it should be included in our *Regents' Rules*.

Miscellaneous Conforming Changes

Due to the renumbering of sections in Chapter 07 per the amendments proposed herein, various non-substantive, conforming changes are needed for *Regents' Rules* provisions that cite those renumbered sections.

Conforming changes in Chapter 02:

- (1) In Section 02.03.2.c: "[07.12.2.c] <u>07.12.3.e</u>"
- (2) In Section 02.03.3.b ... in two places: "[07.12.2.c] 07.12.3.e"

Conforming changes in Chapter 07:

(1) In Section 07.04.4.d: "[07.12.1] <u>07.12.2</u>"